



**Monthly Review n° 1/2006
January 2006**

TABLE OF CONTENTS

Editorial

- p. 1 [«Simple adoption» versus «full adoption»: A national choice with international repercussions](#)

IRC News

- p. 3 [Project on distance training and exchange of experiences: new fact sheets on the ISS/IRC website](#)
p. 3 [Updates of the ISS/IRC website](#)

The 1993 Hague Convention on Intercountry Adoption

- p. 3 [Canada: Quebec: Entry into force of the Law implementing the 1993 Hague Convention](#)

Protagonists in matter of adoption

- p. 4 [Brazil, Germany, Lithuania, Switzerland](#)

Legislation

- p. 4 [Canada: Quebec: Publication of the Orders on the certification of intercountry adoption bodies and the adoption of a child without a certified body](#)

Procedure

- p. 5 [New Zealand: A positive experience with open adoption practice](#)

Children's Rights

- p. 6 [Romania: The Government does not approve pending applications for intercountry adoptions](#)
p. 6 [Ukraine: ISS Assessment of the Adoption System and current situation](#)

Interdisciplinary resources

- p. 8 [New information sources on the protection of marginalised and disadvantaged children](#)
p. 9 [The state of institutionalised children in the former "Eastern Bloc" countries remains a matter of concern](#)

Forthcoming conferences, seminars, symposia and courses

- p. 10 [Belgium, France, Switzerland, UK](#)

EDITORIAL

« Simple adoption » versus « full adoption »: A national choice with international repercussions 

A State giving preference to simple adoption or to full adoption is certainly linked to its cultural concept of the family and thus raises ethical questions when it comes to recognising intercountry adoptions.

Given that domestic and intercountry adoptions have assumed such proportions and are increasingly scrutinised by the international community, legislators and adoption professionals frequently question the legal and social consequences of the two main types of adoption: simple adoption and full adoption. If debates are kept fuelled, it is due, in particular, to

the fact that the distinction between simple and full adoption is characterised by a lack of coherence both, in its defining criteria and when it comes to possible conversions into national law.

Definitions and criteria

The criteria for defining simple and full adoption vary according to cultural origins, the socio-political context and the concept of the

family in each country under review. This diversity frequently gives rise to complications amongst jurisdictions over the effects and the recognition of these adoptions.

Simple adoption and full adoption can be differentiated in accordance with several criteria, of which the two main ones upheld by current doctrine are, either the analysis of the severance or the maintenance of the ties of legal filiation with the family of origin, or the possibility of revocability or irrevocability of the adoption order.

The first criterion (founded upon the ties of legal filiation) is based, on the one hand, on the full integration of the child in the extended adoptive family and the severance of ties with the family of origin in the context of full adoption. On the other hand, simple adoption maintains the legal bond with the family of origin and establishes only a limited adoptive parental relationship between the adopters and the adoptee.

A *second way* of differentiating between the two types of adoption is to envisage the adoption order *from the perspective of its potential revocability*: if it is irrevocable, then the adoption is considered full. Otherwise, if it is revocable, it will be considered simple. This is mainly the approach taken by French law.

The IRC, for its part, gives preference to using the first criterion based on the ties of legal filiation with the family of origin. Indeed, an analysis of comparative law shows the existence of systems in which two types of adoption coexist, the one severing the ties with the family of origin and the other maintaining them, but both being revocable. The criterion of revocability does not, therefore, make it possible in this case to distinguish between full and simple adoption.

National legislation only rarely mentions explicitly if adoption, as conceived in the country, falls under simple or full adoption; thus, the recognition of one type of adoption is often based upon a case-by-case interpretation of the texts in force.

Interests of simple or full adoption

Full adoption has often aroused the interest of national legislators thanks to its *key role in family integration*. Since the child is totally and exclusively integrated in the extended adoptive family, this type of adoption offers greater legal and humane safety. Despite criticisms and worries about the effects of severance, sometimes considered too final, full adoption has become the rule.

Simple adoption, on the other hand, *allows for the coexistence of two parallel lines of filiation*. It establishes a tie of legal filiation between adopters and adoptees while maintaining the existence of legal ties to the family of origin. This possibility may attract those who cannot imagine a total breach between the parents of origin and the child, but it might also keep away those who would prefer to know that the child is fully integrated in a new family environment, and those who would wish to see the adopted child recognised as a biological child. These arguments would explain the growing preference for full adoption as the general rule, with the possibility of limiting simple adoption to more exceptional and complex cases.

Recognition and conversion of inter-country adoption

If the distinction between simple and full adoption is already difficult under national law, recognising these when facing intercountry adoptions is all the more complex.

In practice, it is common to convert a simple adoption of the country of origin into a full adoption in the receiving country. The conversion in itself raises no issues, since it is provided for in the 1993 Hague Convention on intercountry adoption (articles 23-27). Nonetheless, *the conditions of conversion and, sometimes, their lack of implementation, are sources of ethical problems*. In fact, the Convention requires that « where an adoption granted in the State of origin does not have the effect of terminating a pre-existing legal parent-child relationship, it may, in the receiving State which recognizes the adoption under the Convention, be converted into an adoption having such an effect if the law of the receiving State so permits and if the consents (...) have been given or are given for the purpose of such an adoption. » (article 27).

That means that the *parents or guardians* who have given their initial consent to a simple adoption *must also give it to a full adoption and its effects*. It would therefore be necessary to consult, once again, the people concerned so as to ensure that they henceforth consent to a complete and permanent severance of the ties of legal filiation between the child and the family of origin. Nonetheless, given the practical difficulties, these conditions of conversion are unfortunately only rarely complied with.

The distinction between simple and full adoption raises questions that go beyond the simple definition of the concept, and which raise important ethical issues that must be taken into account at the time of any conversion of a

foreign adoption. If these conditions are such that they can only be implemented with difficulty, the conversion of simple adoptions into full adoptions should only be limited to some very specific circumstances, for example, when the parents are unable to give their consent or are unknown.



The ISS/IRC team

In the wake of numerous requests received by the ISS/IRC team, the latter has published a comparative table of simple and full adoption in most States. It is available in the chapter reserved for Central

Authorities of the receiving States which financially support the ISS/IRC, Central Authorities of the States of origin, the Permanent Bureau of The Hague Conference on Private International Law, the Committee on the Rights of the Child, as well as the ISS Branches and Affiliated Bureaux: www.iss-ssi.org/Resource_Centre/Resource_Center_EN/Country_Data/country_data.html.

The ISS/IRC team would be grateful for any information that readers of the Review could provide about simple and full adoption in their country.

IRC NEWS

- **Project on distance training and exchange of experiences: new fact sheets on the ISS/IRC website  :**
Two new thematic training fact sheets have been issued. They address the preparation of a permanency plan:
 - N°4 : Getting to know the child and his/her family;
 - N°5 : Getting to know the reality of the child in relation to his/her family of origin.These are available on the ISS/IRC website :
http://www.iss-ssi.org/Resource_Centre/Tronc_DI/body_tronc_di.html#Sheets.
- **Updates of the ISS/IRC website  :**
Two documents have been added to our website under the heading of 'Documents of interest' - 'Regional and national situations', http://www.iss-ssi.org/Resource_Centre/Tronc_DI/body_tronc_di.html#Situang:
 - Indonesia: ISS Report *Supporting the Development of an Alternative Care System at Regional (Aceh) and National Levels in Indonesia*. Available in English only. A commentary on this report will be published in the next ISS/IRC Monthly Review.
 - Ukraine: ISS *Assessment of the Adoption System in Ukraine*. Available in English only. For a commentary on this evaluation, see *Children's Rights* below.

THE HAGUE CONVENTION OF 1993 ON INTERCOUNTRY ADOPTION (THC-1993)

Source: The Permanent Bureau of The Hague Conference: http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=70

CANADA: QUEBEC: Entry into force of the Law implementing the 1993 Hague Convention

The Convention is now in force in all provinces and territories of Canada.

The Law ensuring the implementation of the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (THC-1993) and amending various legislative provisions in respect of adoption of 22 April 2004 (for a comment see Monthly Review 68-69) will enter into force on 1 February 2006 (accession to THC-1993 took place on 28 October 2005), as well as two Orders concerning the accreditation of intercountry adoption bodies and the adoption of a child without an accredited body (see below, Legislation).

We would like to point out that Canada has signed THC-1993 on 12 April 1994 and ratified it on 19 December 1996. However, as the

Convention deals with adoption, a matter under the jurisdiction of the provinces and territories, they retain jurisdiction regarding the implementation of the texts in their respective legal systems. Thus, it is up to each province and territory to enact enabling legislation. Five provinces did so in 1997 and others followed suit. Now that Quebec has developed its legislation, the Convention is in force in all provinces and territories of Canada.

Sources: Secrétariat à l'adoption internationale du Québec (Central Authority of Quebec), www.adoption.gouv.qc.ca/site/home.phtml; Federal Central Authority of Canada.

PROTAGONISTS IN MATTERS OF ADOPTION

Source : Permanent Bureau of The Hague Conference : http://hcch.e-vision.nl/index_fr.php?act=conventions.authorities&cid=69

- **Brazil:** The list of foreign authorised bodies is available at the following address: www.mj.gov.br/sedh/ct/autcentr/lista%20credenciadas1.htm.
- **Germany:** This country has updated its list of accredited bodies.
- **Lithuania:** This country has renamed its Central Authority: State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour, www.ivaikinimas.lt.
- **Switzerland:** This country has updated the particulars of the contact persons at the Central Authority.

LEGISLATION

CANADA : QUEBEC: Publication of the Orders on the certification of intercountry adoption bodies and the adoption of a child without a certified body

These Orders strengthen the obligation to go through an adoption body, except in some specific cases.

Quebec (Canada) published two Ministerial Orders in the Official Gazette of 11 January 2006: the first concerns the accreditation (certification) of intercountry adoption bodies and the second addresses adoption, without a certified body, of a child domiciled outside Quebec by a person domiciled in Quebec. These orders will come into force on 1 February 2006 (see above, *The Hague Convention of 1993 on Intercountry Adoption, THC-1993*). We recall that *all intercountry adoptions in Quebec are carried out by an accredited body, except in special cases provided for in the second order mentioned.*

Order respecting the Certification of intercountry adoption bodies

The new order on accreditation stipulates the *conditions and qualities required for granting accreditation*, mentioning explicitly the obligation of the certified body to provide information about the persons who carry out the procedure in the State of origin. Furthermore, the order sets out the *obligations of the adoption body* particularly with regard to prospective adoptive parents (for example, receiving adoption proposals, monitoring the process, cooperating in the search for origins). Finally, it sets the *conditions for renewing certification and* defines a list of *offences* which may lead to the suspension or revocation of a body.

Order respecting the Adoption of a child domiciled outside Quebec without a certified body

The Order respecting the adoption without a certified body sets out the circumstances in which a person may adopt without a certified body, in particular: when the adoptee is a relative; when one is a national of the State in

which the adoption is sought; when the adoption is owed to exceptional circumstances and for humanitarian considerations; when the adoption is sought in another province or territory of Canada (if the child has been placed in the care of a competent public child protection or adoption authority).

The procedure of providing the framework and undertaking the checks is carried out by the Central Authority at all stages, particularly at the stage of *adoption proposals (art.21)* which remains the crucial point of the procedure. The Central Authority of Quebec (*Secrétariat à l'adoption internationale, SAI*) emphasises that, although the strict reading of the order may suggest that the adopter will be faced with child proposals on his or her own, the procedures stipulated by the *Secrétariat à l'adoption internationale* were established for this stage to be carried out with the assistance of the Secretariat. From 1 February, the SAI will publish the progress of adoption files, with or without a certified body, on its website.

Better control of independent adoptions

These two new orders amply illustrate the current progress towards better control of independent adoptions (another example, in Belgium, will be commented on in a subsequent Review). It entails a better framing for this type of adoption, and trying to secure as many guarantees as possible, although the intervention of an accredited adoption body in the receiving country and authorised in the country of origin remains preferable.

Source: SAI (Central Authority of Quebec), www.adoption.gouv.qc.ca/site/home.phtml. The texts of the orders are available on this website, as well as a presentation of the issues surrounding accreditation

PROCEDURE

NEW ZEALAND: A positive experience with open adoption practice

Mary Iwanek, ISS New Zealand, has recently produced a paper entitled “Open Adoption In A New Zealand Context”, which provides an insightful glimpse of open adoption practice in the country. Although open adoption may not be an ideal procedure for every child, New Zealand has seen many successes in their application of the open adoption theory.

Open adoption is a full adoption (see Editorial) with informal relation between the child, his/her adoptive family and the family of origin, in countries where simple adoption does not exist. Its intention is to permit the father and mother of origin to continue an emotional relationship with the child both during the adoption process and after an order is granted. Iwanek describes the New Zealand model of open adoption practice to embody a child centred approach, unique to individual situations.

Evolution of open adoption in New Zealand

Since the 1970's, Social Workers in New Zealand began introducing open adoption practice with their clients, which eventually developed into a working model. Official open adoption policy was established within the Department of Social Welfare in 1992. However, the New Zealand Adoption Act of 1955 continues to transfer all rights and responsibilities to the adoptive parents, which implies no legal status for outside parties in the relationship such as parents of origin.

Best practices in the open adoption process

There are several key elements that should be represented within an open adoption practice model. Optimally, a written agreement (contract) would be prepared within an organised meeting between the parents of origin and prospective adoptive parents, following placement of the child. Participatory negotiation should be encouraged throughout the process, since an open dialogue will likely decrease misunderstanding. Acknowledging the potential for circumstantial change, the New Zealand practice model emphasises flexibility and openness within the agreement details such as the frequency of visits, and correspondence.

According to Iwanek, 85% of parents in New Zealand developed written documents in 2005.

Competent professionals are vital to successful outcomes

Skilled and informed practice is central within the multiple roles assumed by social workers throughout the open adoption process in New Zealand. Initially, social workers educate both prospective adoptive parents and parents of origin about the values of open adoption to ensure they understand the appropriate motivations to participate. Also, the “contracting” process is often facilitated by social workers. Both short and long term professional support is available during the ongoing New Zealand open adoption process. Social workers encourage self determination, which can empower participants to make their own informed decisions within the process.

A cultural interpretation that supports the process

The prevalence of open adoption practice within New Zealand can be attributed to a unique interpretation of the best interests of the child. A continued relationship with parents of origin is viewed as an opportunity to preserve identities and family relations, which often causes concern for many cultures. Potential issues that could arise within the arrangement can be a deterrent; however, in New Zealand there is a sense of commitment among all parties to making the open adoption process work for the child.

Sources: Mary Iwanek, *Open Adoption In A New Zealand Context*, 2005 ; Isabelle Lammerant, *L'adoption et les droits de l'homme en droit comparé, Réalités de l'adoption contemporaine*, 2001.

ROMANIA: The Government does not approve pending applications for intercountry adoptions

Permanency planning in Romania would be the solution sought after for these children deprived of family.

The Romanian Central Authority, the Romanian Office for Adoptions (ORA), explained in a note published in November 2005, the situation of the various intercountry adoption applications registered to the Romanian authorities before and after the entry into force of the moratorium (from October 2001 until January 2005).

Two main groups were differentiated. The first one concerns 1,115 intercountry adoption applications for which the Government approved the submission to the Courts, after an assessment by the previous Central Authority (see Monthly Review 8-9/2005), which qualified these cases as exceptional. However, this does not mean that all 1115 adoptions were approved by the Courts of law. ORA is in the process of gathering data for analysing also this situation.

The second one, concerns 1,399 registrations representing applications, letters and files submitted for the adoption of Romanian children, but which the Government did not submit to the Courts during the moratorium because they were not considered as being exceptional cases. These 1,399 registrations corresponded to 1104 families and 1100 children.

National protective measures for 1,100 children

The Romanian government re-evaluated the situation of these 1,100 children. It decided that intercountry adoption cannot be approved for these children on the basis of legislation of June 2004 and in force since January 2005 (see Monthly Review 70). As a reminder this new legislation specifies that intercountry adoption in Romania is restricted to grandparents adopting their grandchildren, recognised as being in need of adoption.

Thus, these 1,100 children will be or are already benefiting from a national measure: 369 have a clarified legal situation (reintegrated into their biological/extended families, adopted nationally, over 18 years, under tutelage, etc). The authorities have reportedly already put in place permanency plans for 281 children. Finally, the authorities are in the process of preparing permanency plans for the remaining 450 children.

The need for diligent procedures

It is clear that the passage of time while looking for the best solution for these children involves serious consequences in terms of their development.

The Hague Conference, in its draft *Guide to good practices*, recalls the importance of diligent, that is to say rapid, procedures for the effective implementation and smooth functioning of the 1993 Hague Convention on Intercountry Adoption, in force in Romania since 1995.

The « paradox » of time in the process of selecting the best plan for the child

Moreover, as we pointed out in our editorial in Review 8-9/2005, one of the difficult issues in the adoption process and in any decision relating to permanency planning for a child, consists of striking a balance between two apparently contradictory objectives: on the one hand, the need to take one's time in identifying the best long-term solution for the child; and on the other, the need for the latter not to be left too long in the uncertainty of a temporary solution (institution or foster family).

In the present case, the case-by-case study undertaken by Romania provides important information regarding the real situation of children and parents' applications. These efforts deserve recognition. Among others, they allowed all actors concerned to get a comprehensive picture of abandoned children issues.

However, it is regrettable to note that the Romanian system has not been able to intervene sooner and in a more definitive manner. If the economic and political context has certainly deprived the children concerned and their prospective adoptive parents of the attention and means they would have needed, these four years of waiting have undoubtedly done irreversible harm to a number of them. There remains hope that this painful experience will make it possible to avoid a repetition of it in cases where a suspension of intercountry adoptions may be decided upon in other circumstances in the future.

Sources: Romanian Office for Adoptions, www.adoptiromania.ro; UNICEF Romania, www.unicef.org/romania; Bucharest Daily News, www.daily-news.ro/print_preview.php?idarticle=20104; www.daily-news.ro/print_preview.php?idarticle=20232.

UKRAINE: ISS Assessment of the Adoption System and current situation

Overall, the assessment found that the current child welfare, protection and care systems together actively create an unwarrantedly high number of children available for adoption and that, despite appearances, intercountry adoption is then in reality privileged over domestic adoption. This situation, coupled with inadequate professional involvement in the adoption process and exaggerated attention to the fate of children adopted abroad as opposed to irregularities in adoption-related activities in Ukraine, is a spawning-ground for malpractice and undue financial gain.

As mentioned in our Monthly Review 2005/7, ISS was commissioned by the OSCE to carry out an assessment of the current legislation, mechanisms and practice regarding the adoption of Ukrainian children, against the background, in particular, of international standards and internationally-recognised principles in this sphere. The report is available on ISS/IRC website: www.iss-ssi.org/Resource_Centre/Tronc_DI/documents/Ukraine-AssessmentAdoptionSystem.pdf.

Approach to the assessment

The approach to the assessment was founded on the need to examine adoption as an integral part of overall child and family protection services. Therefore it looked at, in particular:

- why children are, or are deemed to be, unable to live with their biological parents;
- what alternative care services are provided to those children;
- how a child's adoptability is determined;
- how a child's need for intercountry adoption is determined.

Main findings

On the basis of the assessment made, the main findings of the report are that the child welfare system in Ukraine is much less oriented towards family preservation than towards providing out-of-home care for children who are deemed as not being, or who cannot be, looked after appropriately by their biological parents. This means that an unnecessarily large number of children are deprived of parental care and find themselves in alternative care situations. These alternative care situations still overridingly take the form of institutional placements rather than being family- and community-based. Whatever the kind of care provided, it is looked upon more especially as a long-term response, adoption being virtually the only opportunity for leaving the care system since no attempt is made to reunite children with their parents or relatives once they are in care.

At the same time, the primacy of domestic adoption is not ensured and, although it is not

well-accepted in the population, efforts to promote and facilitate it are substantially inadequate. As a result, there is excessive reliance on adoption in its intercountry form, but this is not carried out according to internationally-accepted standards and, in its current state, it is open to widespread abuse spurred by opportunities for undue financial gain at various stages of the process.

The absence of a professional matching process, and the consequent selection of children by foreign prospective adoptive parents, is a major problem in itself as well as a cause of other key problems in this regard. The need to reform the intercountry adoption system is contested in many quarters that have an interest in maintaining the status quo, hence their attempts to divert attention away from in-country problems and towards unfounded allegations of the post-adoption exploitation of Ukrainian children.

Main recommendations

In response to these findings, the main recommendations are therefore directed towards:

- Promoting family support programmes that will help to prevent family breakdown, abandonment and relinquishment.
- Establishing a planned and effective de-institutionalisation programme that emphasises the role of family-based and family-type forms of out-of-home care.
- In that framework, ensuring the provision of short- and medium-term care solutions for children and families in difficulty, combined with concerted efforts to enable children to return to the care of the birth family wherever possible.
- Creating the conditions required for the development of domestic adoption.
- Re-thinking the intercountry adoption system to bring it into line with international standards and good practice, notably by ensuring its professionalisation, making it more responsive to the needs of children requiring adoption abroad, and precluding opportunities for undue

financial gain and the abuses that this can engender.

- Supporting Ukraine's efforts to accede to the 1993 Hague Convention, in part by combating false information concerning the potential ramifications of this initiative and unjustified moves to focus attention on what might happen to children once they are adopted abroad rather than on how they come to be adopted abroad in the first place.

Current situation in the country

As we noted in Monthly Review 7/2005, *the Decree on Urgent Measures to Protect Children's Rights* approved in July 2005 established that the responsibility for adoption issues would be transferred from the National Adoption Centre under the Ministry of Education (NAC) to a structure within the Ministry of Family, Youth and Sports. On 22 December 2005, a new law confirmed this move. The new Authority, to be called the State Department for Adoption and Protection of Children (SDAPC), is due to be operational by 1 May 2006.

In practice, this meant that the former Central Authority (NAC) no longer had jurisdiction over adoptions as of 22 December. However, as the new Central Authority (SDAPC) was not yet established, there remained no Ukrainian authority to handle adoptions.

In order to resolve this situation, on 12 January 2006 Ukraine's Parliament approved a *new law giving interim authority over adoptions to the NAC* until 1 May 2006; it was approved by President Yushchenko on 31 January, and will come into effect within a few days, following its publication in the Parliament's official newspaper.

At the moment and according to the USA Embassy in Kiev, the NAC has not provided official information as to it is going to work in this interim period. The understanding is the NAC would be processing applications by prospective adopters already registered. The suspension of the registration of new applications by prospective adopters resident in some countries would continue (see Monthly Review 10/2005). Priority will, in principle, be given in all cases for the adoption of children from specific categories (siblings of previously adopted children, older children and children with serious health problems).

Sources: US Embassy in Kiev, http://kiev.usembassy.gov/amcit_adoptions_notice_0201_eng.html; US Department of State, www.travel.state.gov/family/adoption/notices/notices_2781.html, www.travel.state.gov/family/adoption/notices/notices_2782.html; Secrétariat à l'Adoption Internationale du Québec (Canada) www.adoption.gouv.qc.ca/site/3.141.0.0.1.0.phtml, in French.

INTERDISCIPLINARY APPROACH

New information sources on the protection of marginalised and disadvantaged children

UNICEF has put on-line a series of documents on the Central and Eastern Europe/Commonwealth of Independent States (CEE/CIS) region. The organisation has also published its report on The State of the World's Children 2006, devoted this year to excluded and invisible children.

Internet users have recently acquired a new source of information on the protection of marginalised and disadvantaged children of the Central and Eastern Europe/Commonwealth of Independent States (CEE/CIS) region. The UNICEF Regional Office's new Internet page (http://ceecis.org/child_protection) offers a rich set of documents - essentially of its own making - on the subject. Numerous reports, studies, statistics, press releases, videos, photos and other publications describe the situation of the rights of the child in the region. These

documents cover the CEE/CIS in general, its member States, and address various issues relating to the protection of children's rights in the regional context (providing care for children deprived of a family, juvenile justice, violence, exploitation and abuse, creating a protective environment for the child). UNICEF's activities in these various countries are also spelt out.

Annual report on the excluded and invisible children

In addition, UNICEF has just published its annual report on The State of the World's

Children. This 2006 edition is available in English, French and Spanish and is devoted to excluded and invisible children. Behind this euphemism hide the millions of children who fall between the gaps of state systems: whether it entails those who stem from ethnic communities that are discriminated against (the Roma for example); children whose disability or disease (AIDS orphans) hinders social integration; street children; children in detention; or simply children born in extreme poverty. They all run the risk of being deprived of an environment which protects them from violence, from mistreatment and from exploitation, find themselves without access to services and essential goods and end up unable

to participate in society. Children deprived of a family also fall into these high-risk categories.

The report assesses efforts made world-wide to achieve the Millennium Development Goals (MDGs) and outlines the important consequences that their fulfilment would have for the lives of children.

For more information about the CEE/CIS Web page, contact: Anna Nordenmark Severinsson, Palais des Nations, CH 1211 Geneva 10, Switzerland; tel: + 4122 909 5427; fax: + 4122 909 5909; e-mail:

anordenmark@unicef.org; Web page:

www.unicef.org/ceecis.

The State of the World's Children 2006 is available at the following address:

www.unicef.org/sowc06/pdfs/sowc06_fullreport.pdf.

The state of institutionalised children in the former “Eastern Bloc” countries remains a matter of concern

In a recent report, the British NGO EveryChild advocates giving priority to solutions that focus on the family and addressing the causes of institutionalisation so as to eradicate the phenomenon.

More than 15 years after the fall of communism, the situation of children in institutions in Central and Eastern Europe and in the former Soviet Union remains a cause for concern. The British NGO, *EveryChild*, strongly argues this in its report published last month and which is available in English and Ukrainian¹. It thus tallies with earlier reports on the subject².

The first statement of fact: *the proportion of institutionalised children in the region has increased by approximately 3% since the collapse of communism. EveryChild* considers, moreover, that the official figures greatly underestimate the reality. The institutions of the different countries of the region do not accommodate 715,000 children as reported in the official figures, but rather at least 1.3 million.

Poor living conditions for children in institutions

The living conditions of children in these institutions remain extremely precarious in most of the countries reviewed. The NGO describes buildings in a pitiful state, failing equipment, unbalanced food diets, and low financial resources. Staff, and their professional training, are often insufficient to take adequate care of the hundreds of children that each institution receives. The latter are, moreover, frequently subjected to abuse, physical and verbal brutality and humiliation at the hands of the staff, members of their family or other minors. It follows that institutionalised children are often in poor health, suffer from problems of physical

and motor development, and have their cognitive and social abilities reduced.

It is, therefore, a matter of urgency to eradicate the phenomenon, and with that in mind, *EveryChild* suggests for example that NGOs and donors no longer finance the renovation or the construction of institutions, but rather help governments in establishing other solutions, more focused on the family.

To address the root of the problem

In this framework, *EveryChild* - like the ISS/IRC - advocates, as a priority, the reintegration of the child in his/her family. Experience shows that such reintegration is possible in numerous cases, if it is well prepared, supported and followed up. *If this solution continues to be difficult to achieve, domestic solutions must be explored:* placement in the extended family, in a foster family (essentially as a temporary measure), or domestic adoption. As for *inter-country adoption*, *it should only be a measure of last resort.*

The massive institutionalisation of children, however, is only the symptom of a more global problem. *The phenomenon is linked to poverty, as well as to social factors* (single mothers, broken families...). To combat it, therefore, it is essential to also act at that level, through preventive measures. Psychological, practical, material, or sometimes, in limited circumstances, financial support can also prove very useful. These types of actions, added to solutions focused on the family when necessary, benefits children much more and proves to involve less

costs for States than overly systematic institutionalisation.

¹ *Family Matters: a Study of Institutional childcare in Central and Eastern Europe and the Former Soviet Union*, EveryChild, 4 Bath Place, Rivington St., London EC2A 3DR. Tel: 020 7749 2490. Fax: 020 7749 8339. The document is available in English at www.everychild.org.uk/media/docs/file8d43ba87f77c2fc5c7e504de56ec27d3.pdf. A Ukrainian version is also available and versions in Russian, Romanian and Georgian are in preparation.

² See for example Tobis David, *Moving from Residential Institutions to Community-Based Social Services in Central and Eastern Europe and the Former Soviet Union*, The World Bank, Washington D.C., 2000, pp. 62. See too the series in three volumes *Changing Minds, policies and lives*, published in 2003 by UNICEF and the World Bank. More detailed references as well as additional resources in the on-line database of ISS/IRC (www.iss-ssi.org/library) and on UNICEF's new page focused on the CEE/CIS, mentioned above (http://ceecis.org/child_protection).

FORTHCOMING CONFERENCES, SEMINARS, COLLOQUIA AND COURSES

- **Belgium – Université Catholique de Louvain (UCL) :**
Journée d'étude sur la réforme de l'adoption (Study day on the adoption reform), 17 February 2006. Contact : Centre de droit de la personne, de la famille et de son patrimoine, Faculté de Droit, Place Montesquieu 2, 1348 Louvain-la-Neuve, Belgium ; tel : +32 (0)10 47 47 30/31 ; fax : +32 (0)10 47 29 01 / 47 23 93 ; e-mail : christiane.stordeur@cfap.ucl.ac.be or therese.vandenevnde@cfap.ucl.ac.be; www.drj.ucl.ac.be/Events/170206.pdf.
- **France - COPEs:**
Médecins et psychologues intervenant en adoption: Cliniques et Rôles (Doctors and psychologists involved in adoption: Clinics and Roles), 30-31 March, 11-12 May and 8-9 June 2006 (6 days: 3 sessions of 2 days). Contact : COPEs, Centre de Formation Continue d'Enseignement et de Recherche, 20 rue de Dantzig, 75015 Paris, France; tel : +33 (0)1 53 68 93 40 ; fax : +33 (0)1 53 68 93 45 ; e-mail: copese-formation@wanadoo.fr; Web Page: www.lecopes.com.
- **Switzerland / International - Institut International des Droits de l'Enfant / Institut Universitaire Kurt Bösch:**
 - (a) *Master of Advanced Studies in Children's Rights (MCR)* – For Latin America, the Master (based on distance learning) will begin in March 2006 in Buenos Aires; Contact: Prof. Atilio Alvarez. A Master course in Arabic, under the direction of Prof. Hatena Kotrane and in cooperation with the IDE, began in Beirut in November 2005.
 - (b) *Diplôme de Protection de l'Enfant (DPE)* (Diploma in Child Protection) 2006-2007 (in partnership with the Institut Universitaire Kurt Bösch) – Specialised training designed for staff of child protection services.
 - (c) *Diplôme d'Expertises Psycho-Judiciaires pour Enfants et Adolescents* (Diploma in psycho-judiciary expertise for children and adolescents), in partnership with the Institut Universitaire Kurt Bösch – Training intended exclusively for psychologists; this professional training will also be launched in German in 2006.For more information : Institut International des Droits de l'Enfant, CP 4176, 1950 Sion, Switzerland; tel : +41 (0)27 205 7303 ; fax : +41 (0)27 205 7306 ; e-mail : info@childsrightrights.org or the Institut Universitaire Kurt Bösch, CP 4176, 1950 Sion, Switzerland; tel : + 41 (0)27 205 73 00 ; fax : +41 (0)27 205 73 01 ; e-mail : maria-josefina.barreiro@iukb.ch; www.iukb.ch.
- **United Kingdom - British Association for Adoption and Fostering (BAAF) :**
Every Child matters: Supporting foster carers to achieve improved outcomes, London, 27 February 2006. Contact: Kay Mirza, BAAF, Skyline House, 200 Union Street, London SE1 0LX, United Kingdom; tel: +44 (0)20 7593 2074, fax: +44 (0)20 7593 2001; e-mail: kay.mirza@baaf.org.uk.
- **United Kingdom - Family Futures :**
Focus on Adoption: A six-module training course for social workers and therapists, Spring 2006. For further information: www.familyfutures.co.uk.

As a reminder, this Monthly Review is distributed to a selected network of Authorities and professionals. It is not aimed at being posted on an internet website without the authorisation of ISS/IRC.

Table of contents of the Bulletins 1997 - 2005:
www.iss-ssi.org/Resource_Centre/Resource_Center_EN/About_ISS-IRC/about_iss-irc.html. See publications.

The ISS/IRC would like to express its gratitude to the governments (including certain Federated States) of the following countries for their financial support in the realisation of this Monthly review: Australia, Belgium, Canada, Cyprus, Denmark, France, Germany, Iceland, Italy, Luxembourg, Monaco, New Zealand, the Netherlands, Norway, Spain, Sweden and Switzerland. The ISS/IRC also thanks the Canton of Geneva for its specific contribution.