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EDITORIAL

What are the alternatives to full adoption? 

If full adoption continues to be the most widely followed approach when it comes to placing a child in a new family on a permanent basis, one wonders if this choice is always the one that best safeguards the rights of the various persons involved, and particularly those of the biological parents. Through the few examples presented below, we have intended to open a debate on the place of full adoption in the future.

The evolution of societies worldwide and the reality of new family models raise increasingly

pressing questions about the role and place of full adoption as a response to children deprived of a family or at risk of so being.

These considerations are based upon two fundamental findings: on one hand, in societies of industrialised countries as much as in those of the so-called developing countries, a great number of families experience difficulties in ensuring the welfare and education of their children, most often for reasons of an economic nature. On the other hand, the number of families willing to welcome a child, who is not theirs biologically, is also significant. However, the only possibility usually offered to the latter is family placement, which is in principle a short-term solution, or full adoption, which completely severs ties with the family of origin. Several studies thus underscore the need to set up more flexible solutions, which may, at the same time, relieve the biological family from providing care for its children, while preserving the basic family rights of its members. Without being exhaustive, the following examples amply illustrate this difficult equation.

An innovative Quebec study

The results of the Quebec study presented in this Bulletin (see p. 9), underline, among other things, that in several cases, and particularly in relative adoption, the act of offering child care models other than merely full adoption, would make it possible to respond better to the specificities of the families involved. Indeed, if the situation of a child placed in another country with a member of his/her family requires a legal framework which safeguards his/her protection, full adoption cannot fulfil this function, since it would involve an upheaval of family relations. The study also recalls that in numerous societies, parental functions may be shared by people other than the biological parents, and this for more or less long periods of time. The authors argue, therefore, in favour of "adjustments of the law to the new realities of intercountry adoption."

An Anglo-Saxon experience: Open adoption

Some countries of the Anglo-Saxon legal tradition, like the United Kingdom and New Zealand for example, have introduced in their legislation the so-called open adoption. In brief, it refers to a full adoption which allows for an informal relationship between the child, the adoptive family and the family of origin. The biological parents and the child thus maintain an emotional relationship before and

after adoption, within a framework formally defined by a contract between the parties and supported by the competent social services. The experiences gained in the two aforementioned countries are, to date, encouraging¹. Obviously, this model is not applicable to any situation. It implies, not only a will and a capacity for collaboration between the biological and the adoptive families, but also a political and social acceptance of this model. It is, in fact, intimately linked to the in-depth debate about the secrecy of adoption and the knowledge of origins. It is no less interesting to follow the development of this practice and to be inspired by it when conditions so allow.

When full adoption does not exist

The careful study of national laws sometimes raises legal and ethical questions to which there is currently no answer. Indeed, certain countries of origin do not recognise, in their legislation, full adoption as it exists in receiving countries (for example, in Vietnam). If the care of a child by persons other than the biological parents exists, this kind of placement, be it legal or customary, does not totally sever the original legal ties (in the case of known biological parents, of course). This does not, however, prevent the "conversion" to full adoption when the child is adopted at intercountry level. Even though it is not a matter here of doubting the validity of these adoptions (the rules of international law make it possible to resolve these questions satisfactorily), this case also illustrates the need to envisage solutions for the future, which would take into account the sensitivity of all involved.

In search of new paths?

The current general situation – full adoption, too often, without a real alternative – could be summed up as an unsatisfactory "all or nothing." The study by ATD Fourth World, carried out in 2004², also emphasises the fact that a total breakdown between the child and his/her family does not have to be the only option that can be considered.

Yet, there exist possible models, whether open adoption as mentioned above, simple adoption perhaps too often brushed aside, or, depending upon the circumstances, kafala under Islamic law. As always, a case-by-case approach should make it possible to envisage all possible options and to identify

the one that would best safeguard the interests of the child and his/her family.

The IRC team

¹ For New Zealand, see the article published in Monthly Review 1/2006 (January 2006). For the

United Kingdom, please consult our online database: <http://www.iss-ssi.org/library>.

² ATD Fourth World *How poverty separates parents and children: A challenge to human rights*; www.atd-quartmonde.org.

IRC NEWS

Isabelle Lammerant will leave the IRC on 30 September. Ms Lammerant joined International Social Service in June 2002, as IRC's Deputy Coordinator; she eventually took, mid-2004, the office of Coordinator in succession to Ms Saclier.

During all these years, Ms Lammerant has brought an invaluable sum of expertise and a wealth of experience in adoption matters. Her enthusiasm, her commitment for the rights of children deprived of parental care and her acute knowledge of international judicial systems has enabled Ms Lammerant to contribute decisively to the development of the IRC and to the wide international recognition it has today.


We hope that the cause of children without parental care will keep on benefiting from Isabelle Lammerant's talents and competences, and we wish her great successes in the continuation of her career.

*Vincent Faber
Secretary General
International Social Service*

- **Project on distance training and exchange of experiences – New Fact Sheets on the ISS/IRC website**



Five new Thematic Fact Sheets (Nos 14 - 18) have been issued. These address the principles to be observed during the institutionalisation of a child, foster care and family reintegration. All Fact Sheets are available on the ISS/IRC website: http://www.iss-ssi.org/Resource_Centre/Tronc_DI/tronc_di_fic.html.

- **Suggested links on our website** 


We have updated the list of links, which we offer on our website. These links are classified by country or geographical region and suggest resources considered by the IRC to be of interest. Of course, the list is not intended to be exhaustive.

http://www.iss-ssi.org/Resource_Centre/Reference/Adresses_utiles/adresses_utiles.html.

THE 1993 HAGUE CONVENTION 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=69

Mali  : Mali acceded to the HC-1993 on 2 May 2006 and the Convention will enter into force in this country on 1 September 2006. The country notified, however, that, in accordance with art. 44, para. 3, the Convention will only have effect as regards its relations with those Contracting States which will not have raised any objection against it in the six months following the receipt of the notification from the depositary. For practical reasons, this six-month period will run from 1 June 2006 to 1 December 2006.

OTHER CONVENTIONS AND INTERNATIONAL DOCUMENTS RELATING TO THE RIGHTS OF THE CHILD DEPRIVED OF A FAMILY

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

The 1996 Hague Convention: ALBANIA

Albania acceded to the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children on 18 May 2006. The Convention will enter into force in this State on 1 April 2007. It is currently in force in 12 countries and has been signed by 26 countries.

Albania issued a declaration on article 34 of the Convention to indicate that requests under paragraph 1 of this article shall only be communicated to its authorities via its Central Authority.

The State also issued a reservation concerning articles 55 and 60. It specifies that, in accordance with art. 60, para. 1 of the Convention, Albania reserves the right of jurisdiction of its authorities to take measures aimed at the protection of the property of a child situated on its territory; and reserves the right not to recognise any parental responsibility or measure in so far as it is incompatible with any measure taken by its authorities in relation to that property, as provided in art. 55 of the Convention.

PROTAGONISTS IN MATTER OF ADOPTION

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

- **Albania:** This country has designated its Central Authority for the HC-1996. It is the Ministry of Justice.
- **Quebec – Vietnam:** The Cooperation agreement in matters of intercountry adoption between the Government of Quebec and the Government of The Socialist Republic of Vietnam entered into force on 1 January 2006. In order to enable the resumption of adoptions, adoption bodies must, however, obtain an accreditation from the Vietnamese authorities. TDH pour les enfants inc. (“Terre des hommes”) received its accreditation on 31 March of this year and has started to carry out its activities in Vietnam. TDH must, however, limit applications in order to respect reasonable deadlines. The organisation Société formons une famille inc. has also submitted a request for accreditation with the Vietnamese authorities. Its file is currently under review.

PROCEDURE

VENEZUELA: A positive initiative by the Supreme Court of Justice in regulating multidisciplinary teams

Among the suggestions to improve the protection of the rights of the child in alternative care proceedings, it is worth highlighting Resolution N° 76 of the Supreme Court of Justice of the Bolivarian Republic of Venezuela.

An individual analysis of each case is essential for the subsequent setting of individual life plan for each child whose family situation must be addressed. It is also fundamental for this analysis to be carried out under the responsibility of competent multidisciplinary services. Therefore, Resolution N°76 is considered very important as it regulates and organises the said

process in Venezuela. It establishes the functioning of the multidisciplinary team of the Child and Adolescent Protection Courts.

Definition of the multidisciplinary team

According to article 2 of the Resolution, the multidisciplinary team is an organ which contributes to the exercise of the judicial function as independent and impartial services of support of the Child and

Adolescent Protection Court, so as to prevent and/or remedy violations of the human rights and guarantees of children and adolescents, by means of a specialised, comprehensive, and professional intervention.

It is made up of professionals from the fields of psychiatry, psychology, social work, law, as well as, wherever necessary, cross-cultural experts bilingual in indigenous languages and/or dialects; in order to provide the Child and Adolescent Protection Court with bio-psycho-socio-legal expertise, based on a professional behaviour governed by the principles of independence, impartiality, equality, non-discrimination, gender equality, plurality, shared parenthood, confidentiality and free services. The profile of the members of the multidisciplinary teams focuses as much on ethics and moral values as on their knowledge, capacities and experiences in their field with children under the age of three (these aspects are outlined in article 5 of the Resolution).

The objective of the Supreme Court is to create multidisciplinary teams in accordance with the amount of cases dealt with by the courts (currently seven teams in the Caracas area, whilst only one team has been created in less inhabited states). All the country's multidisciplinary teams fall under the general coordination of a psychologist, a sociologist and a lawyer, responsible for the implementation of Resolution N° 76.

Shared and specific functions of the members of the team

The multidisciplinary team intervenes as independent and impartial experts in the system of justice. It also contributes to conciliation and/or mediation; it gives opinions about the relevance of a family placement and the suitability of substitute family candidates; it provides comprehensive advice to those who are required to give their consent to an adoption (although the teams have no competence to issue reports required for granting adoption); it contributes to hearing and evaluating the opinion of children depending upon their age and maturity; and cooperates in the execution of court orders and conciliatory agreements with executive authority (art. 6).

In each of these functions and in line with their professional competences, the members of the team will have shared duties, as well as other ones, specific to their role. The fact

that the Resolution specifies the duties of each member should enable the multidisciplinary team to guarantee that the the best interests of the child have been considered, fully and extensively, in all situations in which it must intervene in legal proceedings.

Practical tools

Finally, the Resolution also includes practical technical tools designed to facilitate the professional members of the multidisciplinary team's compliance with their mission, on the basis of common criteria, which enable each case to be transferred between tribunals and the file or records to be followed and/or completed without major difficulties. The models of comprehensive technical reports on the child and on the suitability of the parents, representatives or guardians, include the search for information relating to the identification of the child and the family in the bio-psycho-socio-legal evaluations. These reference documents should make it possible to establish a comprehensive evaluation of the child's situation, incorporating ample professional information and ensuring that all bio-psycho-socio-legal aspects have been considered before coming to a decision about the care of the child.

The initiative of the Venezuelan Supreme Court of Justice is an example of progress in matters of protection of the best interests and rights of the child in court proceedings which address his/her family situation. It is positive that the multidisciplinary perspective supports legal decisions and that this is done by means of a legal document, in order to achieve an effective and coherent practice of the multidisciplinary teams in the Child and Adolescent Protection Courts.

It is also expected that this initiative – with major cooperation and coresponsibility amongst entities, an individual attention to the situation of each child and the awareness-raising of all actors in relation to the need to have such teams – could remedy concerns relating to procedural delays, to the omission and absence of technical teams in cases of returning the right of the children to live with their family (of origin, foster or adoptive) and to opposite cases, in which hasty decisions have been made without the necessary

inquiries, thus jeopardising the children's lives, their rights and their interests.

Source: Resolución N° 76 "Resuelve de la organización y funcionamiento de los equipos multidisciplinarios de los Tribunales de Protección

del Niño y Adolescente", Tribunal Supremo de Justicia, Dirección Ejecutiva de la Magistratura, Caracas, 4 October 2004, 194° y 145°; Proadopción, www.proadopcion.org; National experts.

CHILDREN'S RIGHTS

The United Nations and Children's Rights

As the new Human Rights Council was inaugurated last June, the IRC team thought it relevant to present, simply and globally, issues relating to the rights of the child within the United Nations, in order to better understand the international mechanisms which govern human rights in general, and children's rights in particular.

The *Declaration of Geneva*¹, adopted by the League of Nations in 1924, paved the way for the legal protection of the child worldwide. From 1945 on, the United Nations shaped the defence of human rights, whilst also developing a corpus of international documents in favour of children.

The fundamental text is clearly the *Universal Declaration of Human Rights*², signed in 1948. In relation to children, the *Declaration on the Rights of the Child*³ was adopted in 1959, declared International Year of the Child. This first non-binding text was followed by the adoption of the *Convention on the Rights of the Child (CRC)*⁴ in 1989. Throughout its 54 articles and two Optional Protocols⁵ adopted in 2000, the text offers a wide protection to the rights of the child. Currently, all States have ratified it – except the United States and Somalia. Articles 20 and 21 specifically focus on the child deprived of a family and on intercountry adoption.

At the end of the special session held in 2002, the General Assembly of the United Nations adopted a Declaration and an Action Plan over several years, entitled *A World Fit For Children*⁶.

The mechanisms of control for the protection of children's rights

The implementation of some U.N. conventions is monitored by an ad hoc "treaty body" specific to each of them; hence the following seven bodies:

- Human Rights Committee;
- Committee on Economic, Social and Cultural Rights;

- Committee on the Elimination of Racial Discrimination;
- Committee on the Elimination of Discrimination Against Women;
- Committee Against Torture;
- Committee on the Rights of the Child;
- Committee on Migrant Workers.

Since 1991, the Committee on the Rights of the Child, composed of 18 experts who meet simultaneously in two separate chambers, has been monitoring the implementation of the Convention on the Rights of the Child (CRC).

When signing this document, States commit themselves to submit a comprehensive report to the Committee every five years. Besides, the Committee receives alternative reports from NGOs operating in the various fields linked to child protection and monitoring progress made in the implementation of the CRC.

Each of the three annual sessions lasts approximately a fortnight, during which the Committee examines the periodic reports prepared by the States, issues recommendations to governments and expresses its opinion on the implementation of the CRC in its Concluding Observations⁷.

At the closing of its 42nd session last June, the Committee on the Rights of the Child issued Concluding Observations in relation to eight countries: Colombia, Lebanon, Latvia, Marshall Islands, Mexico, Turkmenistan, Tanzania, Uzbekistan⁸, as well as for eight others in relation to the implementation of the two Optional Protocols. In general, the Committee raised concern about an often very high number of intercountry adoptions, compared to domestic ones, and about the

number of children placed in institutions rather than with families.

Although these recommendations are not binding, a State gladly does without bad advertising. The obligation is therefore moral, but the practice of submitting reports is the perfect opportunity for States to prepare a comprehensive inventory of the situation of children in their country and to identify the fields which require action.

On the way to a reform of the tools of control

The same mode of functioning applies to the main texts relating to the protection of human rights, but given the number of reports which States must submit, the system has gradually reached its limits. Thus, the number of reports which should have been submitted to date amounts to 4,859⁹ – for all seven committees, including 434 for the Committee on the Rights of the Child! Countries are overwhelmed by the frequency of reports to be submitted (an average of one report every five months, all committees considered).

Committees are at the heart of the internal reform process of the U.N., a path taken by its Secretary-General since 1997. In September 2002, he published a document containing suggestions designed to lighten the burden of reporting to committees. He envisages to merge the existing organs into one single one, more efficient, permanent and also more binding. Thus, each State would only have to submit one single and more in-depth report covering the implementation of every convention.

The process has not been launched yet, as it is passing through intergovernmental negotiations and consultations. However, may we already fear the obstruction of this future body, which would become a unique organ of control?

The new Human Rights Council

The recent first session of the Human Rights Council took place in Geneva between 19 and 30 June 2006. It mainly addressed procedural and practical issues in order to efficiently launch its mission.

This entity, which replaced the former Commission on Human Rights, is a U.N. organ. It has to be distinguished from the Human Rights Committee, which is the monitoring treaty body, established by the International Covenant on Civil and Political Rights.

Although the situation of human rights and the examination of some countries took place, the issue of children's rights was only voiced within more global issues. It was mostly NGOs, which focused on the childhood issue. Save The Children Alliance urged States to curb the violation of children's rights worldwide despite the range of available legal tools, and requested this new body to take a turning point in the treatment of children. UNICEF also reiterated this point.

With one voice, the NGO Group wished the action of the Council regarding children to focus on the following aspects:

- violence and conflict with the law;
- prostitution and sale of children;
- children involved in armed conflicts;
- child labour.

At the time of the introductory speeches to the establishment of the Human Rights Council, only the Bulgarian Government mentioned the specific issue of children deprived of their family.

United Nations : Children's rights at the heart of the general human rights framework?

Concerned with the proliferation of resolutions and other documents aimed at protecting the child, the United Nations, as well as the Committee on the Rights of the Child, try to make the implementation of children's rights more uniform, to strengthen their protection, as well as to facilitate everyone's understanding of them, which is not an easy matter given the wide range of existing texts.

The multiplication of tools by the United Nations to protect human rights, including those of children, guarantees them a growing consideration and attention. Yet, it seems necessary to standardise and make the U.N. operational modes more uniform, in order not to lose efficiency, which must remain a priority.

¹ Geneva Declaration of the Rights of the Child : <http://www1.umn.edu/humanrts/instree/childrights.html>.

² Universal Declaration of Human Rights : <http://www.un.org/Overview/rights.html>.

³ Declaration of the Rights of the Child : <http://www.unhchr.ch/html/menu3/b/25.htm>.

⁴ Convention on the Rights of the Child : <http://www.ohchr.org/english/law/crc.htm>.

⁵ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography :

<http://www.ohchr.org/english/law/crc-sale.htm>; Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict : <http://www.ohchr.org/english/law/crc-conflict.htm>.

⁶ « A World Fit for Children », UNGA, 2002 : http://www.unicef.org/specialsession/docs_new/documents/A-RES-S27-2E.pdf.

⁷ Concluding Observations of the Committee on the Rights of the Child : <http://www.unhchr.ch/tbs/doc.nsf>.

⁸ Concluding Observations of the Committee on the Rights of the Child's 42nd session: <http://www.ohchr.org/english/bodies/crc/crcs42.htm>.

⁹ Total number of reports due to the treaty bodies : <http://www.ohchr.org/english/bodies/icm-mc/docs/HRI.MC.2006.2.pdf> (see p. 19).

INTERDISCIPLINARY APPROACH

Three new resources on children without adequate family care are online

The Better Care Network, the Child Welfare Information Gateway and the website launched by the Ugandan government provide useful information and documents for professionals.

The Better Care Network (BCN) brings together organisations and individuals concerned about children without adequate family care. It facilitates information exchange and collaboration on issues related to its main commitments. Among the latter, it works to reduce instances of separation and abandonment of children; to reunite children outside family care with their family wherever possible and appropriate; to increase, strengthen and support family and community-based care options for children who cannot be cared for by their parents; to ensure that residential institutions are used in a very limited manner and only when appropriate. The BCN is also committed, along with ISS and other international organisations, to establishing international and national standards for children deprived of their family.

Its new website¹ presents the various issues related to these topics and offers a variety of documents for each one of them.

Child Welfare Information Gateway

Child Welfare Information Gateway² promotes the safety, permanency, and well-being of children and families. This service of the Children's Bureau, within the Administration for Children and Families (U.S. Department of Health and Human Services) consolidates and builds upon the services formerly provided by the National

Clearinghouse on Child Abuse and Neglect Information and the National Adoption Information Clearinghouse. It provides access to various printed and electronic publications, websites or online databases, conference announcements and calls for papers related to the entire spectrum of child welfare. It covers topics such as adoption, out-of-home care, family-centered practice, permanency, child abuse and neglect.

Orphans and other vulnerable children in Uganda

The Ugandan government has launched a website on Orphans and Other Vulnerable Children (OVC) in the country³. This new resource presents the vision and the missions of the OVC Secretariat. The latter was established in 2003 in the Ministry of Gender, Labour and Social Development (MGLSD) to guide the development and implementation of the National OVC Policy and the National Strategic Programme Plan of Interventions for OVC (NSPPI). The website also gives access to several national and international documents (mainly legal instruments), Ugandan statistics and useful contacts.

¹ <http://www.bettercarenetwork.org>

² <http://www.childwelfare.gov>

³ <http://www.mglsd.go.ug/ovc>

The existence of more open types of adoption alongside full adoption makes it possible to better respond to the various needs of children

The Quebec study entitled “Les ajustements du droit aux nouvelles réalités de l’adoption internationale” (Adjustments of the law to the new realities of intercountry adoption) comes to this conclusion. The paper analyses, particularly from an interdisciplinary perspective, the questions of knowledge of origins and relative adoption.

The interests of countries of origin and receiving countries, those of the biological families and adoptive families, as well as those of the adoptees, are not always easy to reconcile, even in countries which apply the principles and regulations of the HC-1993. But this convergence is even more difficult to achieve for countries which only offer full adoption, so concludes a recent Quebec study carried out by Françoise-Romaine Ouellette, Chantal Collard and Carmen Lavallée, and led in partnership with the Secrétariat à l’adoption internationale and the Association des centres jeunesse du Québec.

Entitled *Les ajustements du droit aux nouvelles réalités de l’adoption internationale* (Adjustments of the law to the new realities of intercountry adoption), this research paper is based on the legislative provisions and Quebec practices in matters of intercountry adoption (but which can also be found in other States), from a comparative and interdisciplinary perspective, which is essentially legal and anthropological. This approach allows for the analysis, in particular, of the issue of knowledge of origins, that of relative adoption, as well as adoption by individuals in a homosexual couple.

The way information about origins circulates depends upon many factors

As regards knowledge of origins, the analysis shows an evolution which enables the adoptee to receive increasingly more complete and transparent information about the items that are recorded on his/her file. The way in which information about origins is provided, whether formally or not, is highly varied and depends upon the practices of the country of origin, the behaviour of the biological parents and of the adopters, the means of data conservation used by the intermediaries and the regulation of the information carried out by the institutions and governed by national and international legal norms.

However, the transmission of the information also clashes with different conceptions of the adoptive ties. The Quebec researchers believe that relations with the

family of origin and reunions are only accepted as long as they preserve the preponderant role in the adoptive relationship.

This perspective stems from the cultural conception of parenthood in the West. This conception implies that the child has only one father and one mother, or, at least, only one parental couple, and that these are, somehow, the bearers of exclusive rights. On the other hand, in numerous other societies, parental functions may be shared amongst several persons and not be exercised by the biological parents for long periods of time without the latter losing their status of parent.

Relative adoption oscillates between several phenomena

The practice of relative adoption is also influenced by these different conceptions of parenthood. Thus, the study notes that relationships of kinship between the child and his adoptive parents are, without being false, often classificatory, in other words founded on social tie criteria, thus neutralising the distinction between immediate parents and collateral relatives (uncles, aunts...). One of the difficulties of understanding relative adoptions revolves around the fact that they are marginalised from several phenomena: between immigration and adoption, between informal movement of children amongst the extended kinship and adoption, between a humanitarian act and the wish to become parents.

These different approaches reflect nonetheless a permanent feature: prior social kinship and close relations between the biological and adoptive parents are always at the basis of requests. From this point of view, relative adoption encourages some continuity in the child’s life. Nonetheless, it is a continuity which risks being shaken by making these adoptions full. Indeed, a good number of biological kinship ties find themselves dismantled and rebuilt at the legal level. As the Quebec report brings out, the child’s aunt, his/her mother’s cousin or his/her step sister can therefore become his/her mother. From that point onwards, how may other members of the kinship fit within this

shaken genealogy? Moreover, a contradiction appears in cases where the importance of pre-existing family relations is recognised to the extent of granting a privileged procedural treatment to relative adoptions and where, in parallel, the rule of confidentiality in the handling of files and full adoption are applied.

An exclusive parenthood but one which is not necessarily biological

If Western societies have long known exclusive parenthood, they are gradually starting to believe that the latter may not only be biological. The West thus acknowledges a family model based on affection, love and the capacity to provide a child with a favourable environment for his/her upbringing. Out of concern for equality, this parenthood becomes accessible to every adult, whatever his/her matrimonial situation or his/her sexual orientation may be. This conception implies that every child, whose parents do not take

child care, education and maintenance upon themselves, may benefit from full adoption .

Adoptable children therefore have paths in life – and therefore needs – that are very different from each other. Therefore, countries that offer, alongside full adoption, other forms of adoption such as simple adoption, may certainly better respond to this diversity.

Les ajustements du droit aux nouvelles réalités de l'adoption internationale (Adjustments of the law to the new realities of intercountry adoption), carried out by Françoise-Romaine Ouellette, Chantal Collard and Carmen Lavallée, in partnership with the Secrétariat à l'adoption internationale and the Association des centres jeunesse du Québec, published by the Institut national de la recherche scientifique Urbanisation, Culture et Société. For more information: <http://www.inrs-ucs.quebec.ca/pdf/AjustementsDuDroit.pdf>.

READERS' FORUM

Interview with Sara Oviedo Fiero from Ecuador

Our new section – Readers' Forum – allows us at last to build a bridge between IRC and its readers. In the form of an interview, this section gives us a practical glance at the activities of our readers in the field of the rights of children deprived of their family environment. Sara Oviedo Fiero, Executive Secretary of the Consejo Nacional de la Niñez y Adolescencia in Quito, granted us this first interview. All the IRC team hopes that our readers will enjoy this new section and will want to share their activities and experience in matters of adoption in their country.

Name, Surname: Sara Oviedo Fiero

Place of residence and work: Quito – Ecuador

Professional duties/ responsibilities: Executive Secretary of the Consejo Nacional de la Niñez y Adolescencia (CNNA, National Council for Children and Adolescents)

Your country has ratified The Hague Convention of 1993 on the protection of children and co-operation in matters of intercountry adoption: Yes

Kind of adoptions carried out in the country: Domestic and intercountry adoptions

1. What are the needs in your country as far as adoption is concerned?

Ecuador has experienced major changes in institutionalising adoption since the entry into

force of the Code for Children and Adolescents (3 July 2003). This new instrument clearly identifies the bodies responsible for guaranteeing children, who find themselves socially and legally qualified for adoption, a suitable permanent family according to their needs, characteristics and conditions. However, in the development of the functions of these bodies, complications have emerged due to the lack of regulation. There is therefore an urgent need for Ecuador to have regulations in relation to the Code for Children and Adolescents.

2. What are the main difficulties in matters of adoption in your country?

Within this new institutional framework, courts for children and adolescents, and responsible for the legal phase of the adoption process, have been created. The problem lies in the

fact that the quantity and the infrastructure of these courts is insufficient in relation to the amount of procedures that each of these courts needs to be familiar with in hearing the diverse situations which affect children and adolescents.

3. What are the most important successes and/or failures in your country in the field of adoption?

The greatest success has been to be able to rely on a legal instrument – the Code for Children and Adolescents – which guarantees the fulfilment of the principles of integral protection and the rights of children and adolescents deprived of their family environment; the creation of the Sistema Nacional Descentralizado de Protección Integral de la Niñez y Adolescencia (Decentralized national system for the integral protection of children and adolescents) – which is an articulate and coordinated cluster of public and private bodies, entities and services, that define and execute, supervise and evaluate the policies, plans, programmes and actions, with the purpose of guaranteeing the integral protection of children and adolescents; and which elaborates measures, procedures, sanctions and recourses, in all fields, so as to ensure the validity, exercise, demand and restitution of the rights of children and adolescents, set out in the Code, the Political Constitution and international legal instruments ; and the creation of a governing body, the CNNA.

Having a national plan for adoptions approved by the CNNA, as part of this body's public policy for the protection of the rights of children and adolescents deprived of a family environment, is another important success. This plan is currently being implemented, with some restrictions, due largely to the lack of financial resources which would ensure the fulfilment of the time-frames envisaged in it.

On the other hand the small number of Ecuadorian families who apply for adoption is a serious problem. It is, therefore, necessary that Ecuador designs and implements campaigns aimed at actively promoting the adoption of Ecuadorian children by Ecuadorian families.

4. In your opinion, what are the prospects for adoption in your country?

The institutions responsible for the adoption process have taken firm steps aimed at fulfilling the rights of children and adolescents deprived of family ties. We believe that in future, with the regulation of the Code, and with the training of professionals, as well as appropriate dissemination of the topic among society, this process will be developing positively.

5. Is there, in your country, any experience, innovative project or good practices in matters of adoption, which could be shared with other countries? If so, what are they?

The CNNA is undertaking research on the situation of children and adolescents deprived of their family environment, as well as the work carried out by bodies entrusted with the care of children. The result of this research will make it possible to develop actions leading to safeguarding and restoring the right of children and adolescents to a family life.

At the same time, the CNNA has resolved to carry out an assessment of the intermediary bodies involved in intercountry adoptions in Ecuador, with a view to identifying how many and which bodies offer the best guarantees at professional and ethical levels, and the conditions for responding to the needs of Ecuadorian children in matters of intercountry adoption.

6. ¿Does the ISS/IRC Review meet your needs? Do you have any suggestions for change?

The ISS Review fully meets our needs.

7. Do you have any message for our readers? Any comments or suggestions?

The Executive Secretary of the CNNA takes this opportunity to congratulate ISS on its activities to promote respect for the best interests and rights of children, and thanks it for the support and assistance provided to our organisation by the International Social Service's experts of the highest level.

If, after reading this interview, some of our readers would also like to share their experiences, please do not hesitate to reply to the above seven questions, and to send us your answers at irc-cir@iss-ssi.org

FORTHCOMING CONFERENCES, SEMINARS, SYMPOSIA AND COURSES

- **Chile:** 7° *Encuentro Internacional de Adopción: "Adopción: Reparando el Abandono"* (7th International Meeting on Adoption: "Adoption: Making up for abandonment"), Santiago, 4 October 2006. The objective of this seminar is to enhance knowledge related to adoption, as a restorative process of the negative consequences raised by the rejection and subsequent severance of the maternal bond. For further information: Fundación San José para la Adopción, Antonio de Pastrana 2888; Vitacura, Santiago; Tel: +56 2 3999600; Fax: +56 2 3999660; E-mail: seminario@fundacionsanjose.cl; www.fundacionsanjose.cl.
- **France:** *Adoption de très jeunes enfants. Conditions préalables* (Adoption of very young children. Preliminary conditions), Paris, 6-8 November and 27-29 November 2006 (2 modules). In partnership with the DGAS, this COPEs course is led by Martine Duboc, a Clinician Psychologist, member of the Conseil Supérieur de l'Adoption. The following topics will be addressed: the specificity of early adoption, the interview with the candidates, the approval procedure, clinical psychology related to adoption consent, secret birth, the bonding with the baby, the role of professionals, and legal and psychological aspects in relation to the new laws. For further information: Copés (Centre d'ouverture psychologique et social), 20 rue de Dantzig, 75015 Paris; Tel: +33 (0)1 53 68 93 40; Fax: +33 (0)1 53 68 93 45; E-mail : copés-formation@wanadoo.fr; www.lecopes.com.
- **United Kingdom:** *Back to the future: Impact of early trauma and loss on long term outcomes for children looked after*, organised by the British Association for Adoption and Fostering (BAAF) in Hilton Hotel London Gatwick Airport, 16-17 October 2006. The aims of the conference are the following: to understand how early trauma affects attachment and child development, to identify the links between trauma, development and challenging behaviour, to understand how trauma theory can facilitate comprehensive assessment and appropriate therapeutic support, to examine what interventions can assist traumatised children, to explore ways to train and support foster carers to offer healthy and therapeutic environments, to enhance practitioner skills in advisory and advocacy roles. Contact: Conference Team; Tel: +44 (0)20 7421 2637; Fax: +44 (0)20 7421 2601; E-mail: conferenceteam@baaf.org.uk
- **Switzerland – World:** *Master of Advanced Studies in Children's Rights* (MCR), organised by the Law School and the Institute for family research and counselling of the University of Fribourg and the Institut Universitaire Kurt Bösch (IUKB), associated with the International Institute on Children's Rights (IDE), both in Sion. The MCR is an interdisciplinary and international programme designed for professionals worldwide who work with children's rights issues. The programme takes place over a two-year period and requires participants to attend four week-long residential modules per year in Fribourg or Sion and to achieve exercises and examinations based on the required course reading materials. Students are also expected to define an individual training programme. The 2007-2008 cycle of this programme will begin on 12 February 2007 and the deadline for applications is 15 September 2006. For further information: www.iukb.ch/mcr; Institut Universitaire Kurt Bösch (IUKB), MAS in Children's Rights, P.O. Box 4176, CH – 1950 Sion 4; Tel. +41 (27) 205 73 00; Fax +41 (27) 205 73 01; e-mail: mcr@iukb.ch.

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www.iss-ssi.org/Resource_Centre/Resource_Center_EN/About_ISS-IRC/about_iss-irc.html.
See Activities.

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