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TABLE OF CONTENTS

Editorial

p. 1 [What questions arise from the implementation of a new Central Authority?](#)

IRC News

p. 2 [Project on distance training and exchange of experiences – New Fact Sheets](#)

Actors in matters of adoption

p. 3 [Cuba, Guatemala, Switzerland](#)

International documents on the rights of children deprived of a family

p. 3 [Quality4Children: European bodies welcome this project of standards in out-of-home care for children](#)

Practice

p. 4 [Brazil: An overview of the administrative system and the reality of institutions for children](#)

Interdisciplinary approach

p. 6 [‘Origins are told, are questioned, and always belong to an individual story’](#)

Special series

p. 7 [Unaccompanied minors: Their protection, care and rights upon arrival](#)

Forthcoming conferences, seminars, symposia and courses

p. 10 [France, India, Malta, South Africa](#)

EDITORIAL

What questions arise from the implementation of a new Central Authority? 

In the framework of its activities, the ISS/IRC is often confronted with questions from professionals responsible for setting up a new Central Authority following the ratification of the 1993 Hague Convention on Intercountry Adoption (HC-1993). This editorial seeks to shed some light on the difficulties and the questions, which may be faced by an administration in the implementation stage of the Convention.

Many readers would agree on the following: implementing the HC-1993 is no easy matter! The ISS/IRC team regularly notices it in its talks with the authorities of new Contracting States. This undertaking, often long and tedious, raises an important number of questions amongst the professionals in charge, and it therefore seemed useful to us to address some of these.

Joining the dance...

Today, ratifying the HC-1993 relates every new State to the 73 other States, which are already members. Even though the classification ‘States of origin – receiving State’ reduces the number of potential partners, it is difficult to understand how to best enter this multilateral environment. Whilst a receiving State may progressively establish relations with States of origin, the latter must often, as soon as they are settled, rapidly deal with the pressing demands of the former. It is therefore essential that the

new Central Authority has the time to organise itself before officially informing the Hague Conference of its contact details. On this subject, the latter is currently drafting a Guide to Good Practice under the HC-1993, which is a comprehensive document intended to help States in undertaking these steps¹.

There are many countries (whether receiving countries, or of origin), which have faced the difficult experience of announcing the entry into force of the Convention, whilst the necessary administrative services were not yet ready to manage the procedures. Of course, the Central Authority is not the only body affected by the introduction of new practices; it is therefore all the more important for the whole range of services involved to receive the appropriate training and information. In concrete terms, it is appropriate to train the professionals (staff of institutions, social services, etc) on the principles governing the different stages of an adoption process, in particular in relation to the modalities of declaration of a child's adoptability, to his/her preparation for adoption, to the matching process, to the post-adoption follow-up, and to issues relating to Accredited Adoption Bodies (AABs). In addition to essential technical and procedural training, it is paramount to raise the awareness of these key participants on the importance of a professional and conscientious undertaking of these stages for the success of an adoption.

In general, exchanges with adoption professionals worldwide prove that, although the fundamental theoretical principles enshrined in the Convention on the Rights of the Child and in the HC-1993 are increasingly better known (the child's best interests, the principle of subsidiarity, etc), their concrete implications sometimes still remain vague. In particular, the identification of the number and profile of children in need of intercountry adoption remains a major challenge. Indeed, this approach entails a considerable effort on the part of the responsible authorities, from the introduction of an effective mechanism of birth registration to the promotion of domestic adoption, including that of children with special needs. In the absence of a perfect system, an

assessment of domestic needs should, at least, enable to draw a general picture, with the children's general characteristics, and therefore to take specific measures at the procedural level in order to better protect these children (quotas, reversal of flows, etc).

It is worth remembering that ratifying the HC-1993 does not compel new Contracting States to carry out adoptions with all the other Contracting Parties: each State is free to define the collaboration which best suits its needs. The same is true with regards to the number of adoption intermediaries, which may be accredited².

Cooperation, exchanges and training

Since cooperation is a basic pillar of the HC-1993, each Signatory State must, to the extent of its means and its willingness, support newcomers (of course, without this being linked in any way to the number of adoptions potentially undertaken in the future). The exchange of experiences in informal meetings with an existent Central Authority is also an opportunity for strengthening often privileged contacts amongst States and amongst individuals, and allow for easier future communications. Similarly, the Hague Conference, which acts as a tutor, may support and guide Central Authorities in their first steps.

Finally, let us remember that the ISS/IRC remains available to States or individuals, who wish to address the various aspects of adoption in more depth. It regularly provides specialised training and attends meetings and conferences on these topics.

The ISS/IRC team

¹ The draft is available from the Hague Conference's website:

http://www.hcch.net/index_fr.php?act=publications.de tails&pid=3657&dtid=2.

² On this subject, see 'Non relative intercountry adoption: Does the Hague Convention 1993 make it obligatory to cooperate with every receiving State or body that so requests?', Editorial, *ISS/IRC Monthly Review* N° 5/2005, May 2005.

IRC NEWS

- **Project on distance training and exchange of experiences – New Fact Sheets on the ISS/IRC website** : Three new training Fact Sheets (N° 42, 43 and 44) have been issued. They address issues relating to international adoptability and matching, and are available from the ISS/IRC website: http://www.iss-ssi.org/Resource_Centre/Tronc_DI/tronc_di_fic.html.

ACTORS IN MATTERS OF ADOPTION

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

- **Cuba:** This country has acceded to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in February 2007; it entered into force in this country on 1 June 2007. This country has named its Central Authority, with the following contact details: Ministry of Justice of the Republic of Cuba, Calle O N° 216, entre 23 y 25, Vedado; Plaza de la Revolución ; Ciudad de La Habana, Cuba 10400. The Ministry of Justice is also the competent authority in matters of intercountry adoption.
- **Guatemala:** This country has named its Central Authority: Secretaría de Bienestar Social de la Presidencia de la República [Social Welfare Secretariat of the Presidency of the Republic].
- **Switzerland:** This country has amended the contact details of its Central and Competent Authorities.

INTERNATIONAL DOCUMENTS ON THE RIGHTS OF CHILDREN DEPRIVED OF A FAMILY

Quality4Children: European bodies welcome this project of standards in out-of-home care for children

On 13 June 2007, SOS-Childrens' Villages, FICE and IFCO presented the final version of their Quality4Children project to the European Parliament and the European Commission, which is ready to become actively involved in the implementation of the project.

The project of European standards relating to out-of-home care for children – which was launched in March 2004 (see Monthly Review N° 2/2005) – has reached its final phase. Its authors – SOS-Children's Villages, FICE and IFCO* – have indeed recently presented its final version to the European bodies. The presentation took place upon the invitation of Lissy Gröner, Member of the European Parliament, with the support of Benita Ferrero-Waldner, of the European Commission. About 100 participants from all over Europe were present. At the meeting, Ms Ferrero-Waldner recalled the commitment of the European Commission to promoting the rights of children in general, and in particular, of those deprived of their family. She also confirmed the European Commission's willingness to cooperate in the implementation of these standards. In particular, she mentioned their incorporation into the European Union's strategy for children, which is due to be launched in 2008.

The standards enshrined in the *Quality4Children* project are intended to be a basis for the future development of policies for children in out-of-home care at national and European levels. There are 18 standards, which

are divided into three chapters: the decision-making and admission process; the care-taking process; and the leaving care process. One of the special features of this project has been the active participation in the drafting process of the main stakeholders in care provision, including children and adolescents. Furthermore, these standards are perfectly in continuity with, and complementary to, the Draft United Nations Guidelines for the Appropriate Use and Conditions of Alternative Care for Children; their presentation to the UN General Assembly is due in December 2007. We will address both these projects in greater depth in our forthcoming Reviews.

* International Federation of Educative Communities (FICE); International Foster Care Organisation (IFCO).

Sources: Quality4Children Standards for Out-of-Home Child Care in Europe, www.quality4children.info (so far: available in English and German); Draft UN Guidelines for the Appropriate Use and Conditions of Alternative Care for Children, <http://www.crin.org/bcn/> (Spanish and French versions are also available from the ISS/IRC).

BRAZIL: An overview of the administrative system and the reality of institutions for children

This article intends to present an overview of the institutions, which care for children and adolescents, and to draw attention to the current amendments to the system.

In Brazil, the social assistance policy is decentralised, and is under the responsibility of the Federal States and Municipalities (Law 8.742, 7 December 1993). Institutions caring for children must be registered at the Municipal level in order to carry out their activities, under the supervision of the National Commission of Social Assistance at the Federal level. The Commission set up the rules applicable by the institutions and Municipal Councils. An ombudsperson (*Ouvidoria*) may receive any complaint and suggestion by interested individuals.

The starting point: A nation-wide study

In 2004, Enid Rocha Andrade da Silva, a Coordinator at the Instituto de Pesquisa Econômica Aplicada (IPEA, Institute of Applied Economic Research) analysed the situation of several institutions, which are part of the Rede SAC - Serviços de Ação Continuada (Network of Continuous Action Services) in Brazil. The research took into account the principles set out in the Statute on Children and Adolescents (Estatuto da Criança e do Adolescente, ECA Law Nº 8.069, July 1990), which emphasizes the right of a child to be raised in his/her family and community environment. The research covered 589 institutions, supported financially by the Federal Government. It is worth mentioning that one third of these institutions is managed by non-governmental organisations and two thirds by organisations linked to religious bodies.

The research showed that 86.7% of children and adolescents living in these institutions had a family, and that 58.2% maintained contact with their relatives. Poverty was the main cause of placement (52% of cases). Amongst the 20,000 children and adolescents living in these institutions, 58.5% were boys and 63% were afro-descendants. They were between seven and 15 years old (61.3%). More than half of them had spent more than two years in institution, while 32.9% had stayed for a period between two and five years, which is the average duration of stay.

Actually, these data conflict with the ECA Law, which states that the placement of children in institutions is a special measure, which should be provisional (art. 101). In practice, 79.8% of the analysed institutions maintain systematic information about the family of these children, 65.9% are encouraging visits to their family and 41.4% allow free visits in the institution. In addition, 14.1% of the institutions promoted the reinforcement of the family, while 22.1% developed activities designed to reinsert the child in other families (for example, foster families).

The research underlines the need for the Government to prevent the stay of the child for a long period and to stimulate contacts with the family, in order to preserve the bonds as much as possible.

According to Isa Maria F. Rosa Guará, institutionalisation is still a widespread option in Brazil, mainly because of weak and inefficient alternative services for child and family protection.

Necessary amendments to the institutionalisation system

In this context, the Federal Government published a National Plan to support family preservation and life in a community environment in December 2006. The main objective of this national program is to encourage the child to maintain contact with his/her family and to avoid isolation, which is still widespread in Brazil.

In order to address this issue, the project identifies the following necessary evolution: (1) changes in the management and funding system, and the elimination of unnecessary stays of children in institutions; (2) the promotion of training in order to provide professionals with qualifications; (3) the implementation of qualitative and quantitative indicators for evaluation programs; (4) the development of a methodology for the work with the families; (5) the emphasis on the prevention of abandonment and support to families, recognising that they are able to care for the child; (6) the improvement of

the physical environment and the development of a system, which could give special and individualised treatment to children in small groups; (7) the follow-up of the children and adolescents, during the period of adaptation in the process of reintegration within the family; (8) the improvement of the available services and awareness-raising of judges specialized in childhood and youth; (9) the promotion of a quality intervention by the Judiciary in preparing the child or the adolescent for adoption and in improving the follow-up during the adaptation period.

Some good new practices arising

Isa Guar and her team are working on a project with 35 institutions in the city of So Paulo, Brazil, covering 650 children and adolescents. The implementation of the guidelines on the Statute on Children and Adolescents is the main objective of the Project *Abrigar*. The project, developed by Isa Guar and sponsored by the Foundation Camargo Correa, provides professionals and managers of institutions with training, and collaborates with local partners in order to try to change the image of the institutions. In addition, the projects launched by Irene Rizzini and her team try to humanise the institutions in Brazil.

A wind of change

It is important to mention that, in Brazil, values are changing with regards to institutions, thanks to the growing number of researches, the development of national and international programmes of information (such as the Rede Interamericana de Informao sobre Infncia e Adolescncia – RIIN [Interamerican Network of Information on Childhood and Youth]), and the development of alternative childcare programmes, such as foster care. The creation of the National Commission for the Prevention and Protection of Children and Adolescents should contribute to maintaining children in their families and community environment. It issued guidelines for the various organisations in charge of social assistance in Brazil, such as on the principle of integral protection of the child, and the right to receive individual attendance.

The model of institutions, which care for children in Brazil, is not perfect, but this long walk to transform the institutions into something more human is becoming a reality. The influence of the 1990 Statute on Children and Adolescents and the UN Convention on the Rights of the Child contribute to this change of mentality. Children and adolescents in Brazil are becoming subjects of rights, thus treated in accordance with the principles of the CRC and the ECA Law. The National Programme, which encourages family life, and other projects developed by non-governmental organisations with qualified professionals are examples for the Government to act upon in order to improve the institutions, and to mainly place the child and adolescent as a priority.

Readings suggestions:

- ▶ Irene Rizzini, Irma Rizzini, Luciene Naif et al. *Acolhendo crianas e adolescentes*, 1st ed., Cortez, 2007.
- ▶ Isa Maria F. Rosa Guar *Dilemas e avanos da poltica de abrigamento no Brasil*. Article presented at the International Conference, University of Oslo, Norway, July 2005.
- ▶ *Poltica de Abrigo para Crianas e Adolescentes no Municipio do Rio de Janeiro*. Conselho Municipal dos Direitos da Criana e do Adolescente, November 2004.

Sources: Secretaria Especial dos Direitos Humanos *O direito  convivncia familiar e comunitria: Os abrigos para crianas e adolescentes no Brasil* [The right to family and community life: the homes for children and adolescents in Brazil], December 2004 (http://www.ipea.gov.br/Destaques/abrigos/Rosto_%E2%80%9Eapresent.pdf) and (<http://www.ipea.gov.br/Destaques/abrigos/criancas.htm>); Conselho Nacional de Assistncia Social [National Council of Social Assistance] (<http://www.mds.gov.br/cnas/>); Presidncia da Repblica *Plano Nacional de Promoo, Proteo e Defesa do Direito de Crianas e Adolescentes  Convivncia Familiar e Comunitria* [National Plan of Promotion, Protection and Defence of the Rights of Children and Adolescents to a Family and Community Life], December 2006 (http://www.presidencia.gov.br/estrutura_presidencia/sedh/arquivos/pncfcdoc); Centro Internacional de Estudos e Pesquisas sobre a Infncia [International Centre for Childhood Studies and Research] (www.ciespi.org.br).

'Origins are told, are questioned, and always belong to an individual story'

At a symposium on the search for origins, which was held in Switzerland at the end of May 2007, Sophie Marinopoulos gave a detailed presentation on how everyone is anchored to his/her own life and tied to his/her past.

Origins must not be defined, but merely told. They must not be informative, but rather narrative. This subject, which never closes up, which possesses the endless space of words to come and the variations of life, is marvellous.' This was the essence of the message that the French Psychoanalyst Sophie Marinopoulos conveyed on 31 May, during her presentation within the framework of the National Seminar on the search for origins, organised in Bern by the Swiss branch of ISS (www.ssiss.ch), the Schweizerische Fachstelle für Adoption (www.adoption.ch), Terre des Hommes (www.tdh.ch) and Espace Adoption (www.espace-adoption.ch).

The Clinician has developed two aspects of origins: *original origins*, which relate to the way in which each individual is anchored to his/her own life and belongs to our human community; and *personal origins*, which affect the manner in which each individual is linked to his/her own past, the position he/she takes in that past and the way in which he/she does so.

Original origins

The first fundamental rooting in becoming a full human being occurs in the meeting and sight of others: a child cannot be born to life, if he does not meet anyone else than him/herself. Without the recognition of the other, he/she is dehumanised. Thus, Sophie Marinopoulos cites the story of a father who experienced concentration camps, and who calls his children by numbers, unable to name them, and therefore deprives them of an indispensable rooting. Similarly, children who were bought as victims of trafficking, lose their human dimension at the expense of a fixed price. These children will never be anything other than a purchased good; they are the object of transactions, thereby losing their status as a subject.

The recognition of these original humanising origins often constitutes the first – and sometimes sole – objective of the search for origins. Indeed, this quest often includes the need to have an image of oneself, a very

legitimate need for recognition and belonging to the human community.

Personal origins

Once the child is defined by his/her status as a human being, the question of personal origins arises. Who are the people who surround him/her? What are their roles in his/her story? Do they love him/her? These existential questions have been given media coverage, as a result of the demands of adults, who were adopted in their childhood. These adults tell their intimate experiences and their development within the context of their situation as adopted children who have become adults. Let us remind ourselves that the search for origins is active on their life path, it does not belong to them and the questioning about one self, remains something, which can be witnessed by everyone.

Furthermore, well before becoming an adult, the child is at grips with his/her childhood and grows up to the rhythms of questions about what he/she is. With this aim in mind, he/she will have to travel through his/her mind and imagination in order to develop him/herself. In addition, his/her questioning about his/her origins does not necessarily call for rational responses. It is more important to support him/her in his/her questioning, to reassure him/her about what he/she hears, and what disturbs or frightens him/her. The child must be able to progress, based on the fact that he/she is "rooting well" in this story, not because he/she was born from his/her parents, but because he/she was born from their wish. According to Sophie Marinopoulos, before anything else, the child needs to speak of his/her birth: his/her birth to life, which originates from a wish, and which places him/her between his/her mum and dad; and his/her biological birth, which only has meaning in the chronological sense. Moreover, as the child grows up, the share of his/her personal origins is constantly questioned, in accordance with different parameters, including the child's growth, the events he/she experiences, and the life and commitment of his/her parents, who must themselves have

“originated” as parents within their own story of family bonding. Here goes a family line with its transmission implications.

How does a parent “originate”?

The project to have a child, the birth, and the parent-child ties rely on the wish and its conscious and unconscious subdivisions. In cases of adoptive family developments, many parents have spent a lengthy period living with an imaginary child and meet a child who has a different story: abuse, neglect, abandonment... This discrepancy may create relational difficulties, which must not be denied, nor neglected.

Given that this part of adoptive parenthood is unforeseeable and complex, an accreditation procedure has been created to support this process. The procedure must intend to set in motion everything which is at stake when a couple wishes to become parents. According to the French Psychoanalyst, it is not a matter of assessing the wishes of the adoptive candidates, but to support a narrative process which places them in a family history, which develops and evolves as the generations pass. The scrutiny of the parent’s own filiation development must arise and provide a sense to this initiative. Being born and becoming the son or daughter of someone; being an adult and becoming a parent to one’s child, are complex psychological processes.

The accreditation should therefore not be a mere administrative step. It must be a real psychological process, in which prospective parents must be able to access information on the realities of adoption and, building upon this, to question themselves on their own motives and to set in psychological motion the children they are carrying inside them (mythical, fantastical, imaginary). Thus, the accreditation questions what the child will question later.

This parents’ psychological process, as much as that of the children described above, is indispensable for everyone to be able to integrate him/herself into a common history, to transform the alien part in the other into something familiar, and thereby to go beyond what is biological. This mechanism, although extremely complex, is essential for the parents and the child to mutually recognise each other in their respective places.

Sophie Marinopoulos has worked in Nantes’ maternity ward (France) since 1985; she is responsible for the reception and follow-up of vulnerable maternity cases. She has already published *Moïse, Œdipe, Superman... de l’abandon à l’adoption* [Moses, Oedipus, Superman ... from abandonment to adoption] (with Catherine Sellenet and Françoise Vallée), *Dans l’intime des mères* [In the intimacy of mothers], and *Le corps bavard* [The talkative body] (Ed. Fayard, 2003, 2005 and 2007).

The ISS/IRC team wishes to thank her for her kind contribution to this article.

SPECIAL SERIES

Unaccompanied minors: Their protection, care and rights upon arrival

In order to ensure that unaccompanied minors are adequately protected and cared for in their country of arrival, a series of essential initial steps must be taken by the relevant authorities and professionals, including a comprehensive assessment of their situation, background and needs, and ensuring their access to representation, care and services.

Unaccompanied minors arrive in a country due to a wide range of grounds and causes, often with a difficult past and with additional distress suffered since their departure from their home and country. They are therefore often a traumatised and very vulnerable group of children, who are at increased risk of negative experiences. Thus, this cumulative effect is central when addressing their protection and care upon arrival, and it is the duty of the receiving State to provide them with individualised and specific protection and assistance as soon as they are known to the country’s authorities.

Assessment of the child’s situation, background and needs upon arrival

In order to identify the unaccompanied minor’s best interests – which shall guide care and protection, it is necessary to carry out a clear and comprehensive assessment of the child’s identity and situation. Such an assessment should be designed to identify a child as an unaccompanied minor as soon as he/she enters the country at ports of arrival, or when he/she is referred, or his/her presence is notified, to the authorities. In parallel, the authorities should register the child and provide him/her with own

personal identity documentation, which will enable him/her, amongst others, to subsequently access all required services.

An assessment of the child's identity should seek to identify his/her name, age, nationality, most recent known address, upbringing, family and social situation and relations, ethnic, cultural and linguistic background, the circumstances of departure from the home and country of origin and of entry into the receiving country, the grounds for family separation, and any other experiences and wishes relating to his/her displacement. It is important to keep in mind that replies to such questions may be strongly affected by the emotional distress and other

communication issues experienced by these children (fear, isolation, loss, family pressure, linguistic issues, etc). Such an assessment should also identify any particular vulnerabilities or protection needs, which shall be addressed at the earliest stage, as well as internationally-agreed causes for special protection – such as persecution or armed conflict. In relation to the often controversial issue of the child's age, the latter should be used to determine the child's best interests and his/her most adequate care. Where it is contested, the benefit of the doubt should be given to the child and his/her age presumed in order not to negatively affect his/her entitlement to specific protection and status.

The assessment should be carried out in a child-friendly approach, a safe environment, and by qualified and trained staff, with specialist knowledge of issues relating to children in such situations (age-specific approach, identification of traumatic experiences, understanding of situations in countries of origin, etc). Thus, it is essential that immigration officials receive such training, in order to best respond to the needs of

these children. In addition, the assessment will need to be reviewed periodically, in order to identify any additional information or emerging needs.

Representation of the unaccompanied minor throughout the process

In order to provide the unaccompanied minor with key safeguards throughout the initial identification and assessment process, the appointment of a competent guardian is fundamental. Given that this should take place at the earliest stage, and before any particular proceedings are initiated, the legal framework should provide for the appropriate

representation of the child. A comparative research carried out by ISS-USA highlights that the role of this guardian may vary from one country to another, but generally, he/she is appointed to ensure that all the decisions are in the child's best interests, and that the latter is fully represented throughout the process. For example, the guardian may be present at interviews, or supervise, control and intervene in the process. In order to advocate for the child, the guardian must therefore be duly informed and consulted on any issue affecting the child's situation, wellbeing and needs. This should enable the appropriate protection of every

unaccompanied minor, taking account of his/her unique background and secure a better access to basic services (education, health, social services).

Some NGOs recommend that a 'person of reference' or trust for the child be identified, although this should be secondary to the appointment of a guardian. Such a person will allow for a closer relationship to be built with the child and to enhance knowledge and understanding of the child's individual situation

The importance of the initial assessment and care in subsequent approaches and proceedings
<p>Given that ISS-Italy is often requested to carry out an assessment – via its local branch, affiliated bureau, or correspondent – of the situation of the family of unaccompanied minors in the country of origin, the information collected during the child's initial assessment and care upon arrival Italy is essential. This information may be central in reestablishing contact with the family and in understanding the wishes of the child and his/her family.</p> <p>For example, Aleksander* left his country after both his parents died. He came illegally to Italy, convinced that his uncles would offer their support. However, the uncle – whose circumstances were different to what Aleksander believed – placed Aleksander in a reception centre for unaccompanied minors. During the initial placement, it became evident that the child had psychological problems linked to his family background and difficulties to communicate. He felt particularly isolated. Given the identification of these issues, he was offered talks with a psychologist, during which he explicitly expressed the wish not to remain at the centre and to return to his country of origin. Based on the information provided during these assessments, ISS-Italy proceeded to assess the family's situation, which raised important issues explaining the child's psychological state and feeling of rejection, and subsequently explored other solutions strongly based on Aleksander's wishes, including continuity in the child's psychological treatment, placement in a reception centre, registration at a school, and vocational training.</p> <p>* Fictive name.</p>

and background. In addition, where asylum and/or other legal proceedings are initiated, the child also has a right to specific legal representation in the process (see below).

Alternative care of unaccompanied minors upon arrival

Unaccompanied minors, like any other child under the State's jurisdiction, are the beneficiaries of the State's obligations to protect children. This includes the right to be offered alternative care, where the child is temporarily or permanently deprived of parental care (art. 20 United Nations Convention on the Rights of the Child). Similarly to other children in these situations, the best interests and needs of the individual child shall be at the heart of the decision-making process regarding his/her care. However, given the traumatic past and the diversity in their experiences and cultural, linguistic and religious backgrounds, it is essential to take account of their vulnerabilities as an unaccompanied child, of their difficulties due to being outside their country of origin, of their age and gender, and of their need for continuity. In this respect, ISS-Ireland values the placement of these children with individuals of their same nationality, the participation of the child in the process – in particular in relation to issues such as language, values, spirituality, food, etc – and the identification of families through local networking and community links.

In this context, it is essential here to reiterate that the child shall not be detained based on his/her status as an unaccompanied child or on immigration grounds. This has recently been strongly stated and reiterated by the European Court of Human Rights in the case of *Mubilanzila Mayeka and Kaniki Mitunga v Belgium*. The latter was declared in violation of articles 3, 5.4 and 8 of the European Convention on Human Rights, as a result of the detention and *refoulement* of a child; these were considered degrading and inhuman treatments. Other temporary care options, such as reception centres and residential units, may be more child-friendly and adapted to the wellbeing and interests of unaccompanied minors. One example is the Reception and Counselling Service for isolated foreign minors, established by Enfants du Monde – Droits de l'Homme (see Monthly Review N° 6-7/2007). This service, through the work of its multidisciplinary team, meets their primary needs and evaluates the global situation of the child, and provides him/her with administrative and legal support and assistance (communication with other

entities resulting in the reduction of cultural differences, also known elsewhere as the role of 'cultural mediators'). This service offers some solutions to problematic issues also raised by ISS-Ireland, in particular the limited access to clinical psychology due to linguistic and cultural difficulties, and the social workers' limited understanding of stress situations and the asylum process. It also allows for a better understanding of the differences between issues of protection and care of the child, and issues of status determination.

Subsequent but prompt provision of other services

Upon arrival, unaccompanied minors are also entitled to access to basic services as well as, depending on their situation, to asylum procedures. In particular, and in addition to their care, unaccompanied minors must be provided with access to education, health care and social services. These will play a fundamental role in their wellbeing and protection in the receiving country, and should therefore be offered as early as possible after their arrival and assessment. With adequate support, early enrolment in school may play a positive role in enhancing the child's socialization in the community; appropriate health care may identify additional needs that may have to be addressed promptly, and social services will have a fundamental role to play in responding to the child's situation and background, including issues of family and sibling tracing.

Finally, every unaccompanied minor has a right to access the asylum system, irrespective of his/her age. The latter should provide unaccompanied minors with child-appropriate procedures, in which they are offered legal representation and minimum procedural guarantees. In this context, it is also essential for the involved professionals to have received specialist and appropriate training on specific issues relating to the status determination of unaccompanied minors, including child-friendly and culturally-sensitive approaches, and children's rights.

Once these initial measures have been completed and the child's temporary care and protection have been addressed, the relevant authorities must proceed to identifying and determining the child's long-term best interests and care. This process should not be delayed unreasonably and all efforts shall be made to explore both, the opportunities to reintegrate the child into his/her family and country of origin,

and to permanently integrate him/her in the receiving country. A comprehensive assessment of the child's current and future situation in the country of origin and in the receiving country, as

well as an assessment of his/her family's situation and wishes in the country of origin must be undertaken and must identify the child's best interests and needs.

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Sources : *General Comment N°6 : Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, United Nations Committee on the Rights of the Child ([http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2005.6.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2005.6.En?OpenDocument)); *Enfants du Monde – Droits de l'Homme, Service d'accueil et d'orientation des mineurs isolés étrangers* (<http://www.emdh.org/website/emdhwebsite/mineurs/index.html>); *Terre des Hommes Foundation* (<http://www.tdh.ch>); *International Social Service – United Kingdom* (<http://www.issuk.org.uk/>); *Mubilanzila Mayeka and Kaniki Mitunga v Belgium*, European Court of Human Rights, 12 October 2006 (http://www.coe.int/t/transversalprojects/children/Source/caselawCourt/MubilanzilaMayeka_en.doc); *BAAF Caring for unaccompanied asylum-seeking children and young people*, 2007 (<http://www.baaf.org.uk>); 'Les mineurs étrangers isolés en Europe', *Accueillir*, Issue N° 240, December 2006 (<http://www.ssaе.net>).

FORTHCOMING CONFERENCES, SEMINARS, SYMPOSIA AND COURSES

- **France** : *La migration des mineurs non-accompagnés en Europe : Les contextes d'origine, les routes migratoires, les systèmes d'accueil* [The migration of unaccompanied minors in Europe : The contexts of origin, the migration routes, the reception systems], Migrinter, Centre Jacques Berque and the International Juvenile Justice Observatory, 10-11 October 2007, Poitiers, France. This symposium aims at establishing a dialogue between researchers and specialist professionals, in order to suggest a coherent social and legal treatment, respectful of children's rights, and at uniting research efforts in the development of a methodological reflection designed to increase knowledge of these minors' social contexts of origin and to understand the diversity in dimensions of these children's departure. For further information: Migrinter, University of Poitiers Poitiers, <http://www.mshs.univ-poitiers.fr/migrinter/>.
- **India** : *2nd International Conference on Adoption*, Central Adoption Resource Authority, 8-10 October 2007, New Delhi, India. The conference will focus on a number of issues related to intercountry adoptions and experts both from India and abroad will contribute to the debates. For further information: Central Adoption Resource Authority, http://www.adoptionindia.nic.in/International_Conference.doc.
- **Malta** : *Developing foster care for children and families in the European Union, CEE, CIS and North Africa – New challenges, quality standards and solutions*, International Foster Care Organisation (IFCO) – European Regional Training Seminar, 18-21 November 2007, Golden Bay, Malta. This seminar is aimed at linking together all those involved in the development of family-based care in the countries of the EU, CEE, CIS and nearby North Africa. For further information: IFCO2007MALTA, <http://malta2007.ifco.info/>.
- **South Africa** : *Merging theory and practice*, SOS Children's Villages 1st Biennial Conference, 18-19 October 2007, Johannesburg, South Africa. The theme of this year's conference is to seek to create a dialogue between those that create the theory of childcare (academics) and those that practice (child care workers) and experience childcare (the children themselves). For further information: SOS Children's Villages South Africa, <http://www.sosvillages.org.za/events-calendar/events/1st-biennial-conference/>.

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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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