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EDITORIAL

Interesting initiatives to channel the flow of adoption requests and to reduce the pressure on countries of origin 

Since 2004, the Netherlands have developed a practice, in which the waiting period for prospective adoptive parents is arranged at the beginning of the procedure for obtaining an authorisation to adopt a first child. The compulsory preparation of prospective adoptive parents constitutes another way to channel the flow of adoption requests.

How to deal with the ever-increasing number of prospective adoptive parents (PAPs)? How to reduce this flow in order to respond to the real needs of adoptable children and to avoid the risks of trafficking and abuses, which the

pressure on countries of origin inevitably entails? These questions are the brain-teasers of every professional working in the intercountry adoption field and wishing to respond to the real needs of adoptable children. In addition, it is becoming urgent to find the responses to these

questions and to develop solutions in order for intercountry adoption to achieve a lasting balance. The point is not to exclude as many applicants as possible, but rather to ensure that their wishes and capacities do correspond to the possibilities of adoption worldwide, and to set up efficient safeguards to prevent misbehaviours.

Mandatory preparation of PAPs: An important tool in influencing the demand for adoption

A mandatory preparation of PAPs is a first tool in reducing the flow of the demand for adoption and the pressure on countries of origin. It is encouraging to note that this is becoming the case in most European countries. Indeed, to our knowledge, some preparation is compulsory in 11 countries and strongly advised in one country. This step is essential in making the PAPs understand the reality of intercountry adoption: what the meaning of adoption is and what the needs of the children are. Such awareness is a necessary way for the PAPs to lower their pressure on the actors in the adoption process. However, even though preparation plays a significant role in reducing the final number of applications, it does not seem to be a sufficient step in raising this awareness widely and in reducing the pressure on countries of origin, which remains very important. However, additional measures should be taken: for instance, it is still necessary for receiving countries to disseminate the right information about intercountry adoption to the general public. Obviously, the idealistic picture of adoption still prevails.

The Dutch example in dealing with the flow of its prospective adoptive parents

In this context, the Netherlands chose an interesting solution in dealing with the flow of its prospective adoptive parents. This country, in which the preparation of PAPs is mandatory, has developed a practice, in which the waiting period for PAPs is arranged at the beginning of the procedure for obtaining an authorisation, in principle, to adopt a first child. This system means that the number of parents flowing into the procedure of pre-adoption counselling is geared, within a certain margin, to the number of children, which is expected in the following year(s). This number is estimated in collaboration with all parties involved in the procedure of adoption in the Netherlands. The latter periodically evaluate the developments with regard to the number of applications versus the number of children who are being adopted each year. Based on these figures, and possible

other developments, an estimate of the number of children who are expected for the forthcoming year is fixed.

This system of regulation of the flow into the procedure was introduced in the Netherlands in 2004 because, like in most receiving countries, the waiting periods were very long. At that time, by the end of the procedure, with the mediating organisation, PAPs could wait from one to four years. The system was also introduced in order to achieve a balance between the “supply and demand” of adoption, and to reduce the pressure on accredited bodies with long waiting lists while the possibility for PAPs to adopt was limited. Indeed, this method avoids an excessive pressure on accredited bodies but, unfortunately, not on the Ministry of Justice which acts as the Dutch Central Authority. PAPs are, of course, complaining about this decision, given that, like in the other receiving countries, they remain very willing to “receive” a child in adoption and do not always understand the reality of the situation of intercountry adoption. However, by regulating the flow of PAPs into the procedure, such an option significantly reduces the pressure on countries of origin and thereby, the risks of abuse and traffic.

The role of countries of origin

Whilst it is the task of receiving countries to reduce the flow of adoption requests towards countries of origin, the latter may help them in doing so by taking measures to channel the number and type of applications they receive. As mentioned several times in our Monthly Review, the reversal of the flow of the demand is probably one of the most useful solutions because it allows countries of origin to match the number of PAP files they receive with the needs of their children. Setting clear and strict adoption procedures and conditions relating to PAPs may also be a valuable option. China is often mentioned as an example in this context, because it has restricted its conditions officially. However, in practice, a number of other countries of origin are becoming more restrictive in relation to the profile and number of PAPs, by giving priority to married and young PAPs, with a sufficient income, etc. Clearly establishing these conditions and communicating them properly to receiving countries should enable countries of origin to receive only the files matching their criteria and to contribute to balancing the “offer and supply” of adoption.

A balance in intercountry adoption will only be achieved through a set of measures by receiving countries and countries of origin. In this context, the various initiatives described above are encouraging. They should be multiplied, duplicated and integrated in numerous countries

in order to improve the global adoption situation and to better respond to the real needs of children worldwide.


The ISS/IRC team

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.

- **Australia:** This country updated the contact details of its Commonwealth Central Authority.
- **Armenia:** This country named its Central Authority: Ministry of Justice of the Republic of Armenia. Contact persons: Hamlet Navasardyan and Argam Stepanyan; Tel: 582827 and 581754 E-mail: argam_stepanyan@mail.ru.
- **Brazil:** This country updated its list of Central Authorities.
- **Germany and New Zealand:** These countries updated the contact details of their accredited bodies.

IN BRIEF

Zambia and Togo: Suspension of intercountry adoption  : According to the U.S. Department of State, the Ministry of Social Welfare of the Government of the Republic of Zambia suspended the adoption of Zambian children by foreigners, effective 22 December 2007. The suspension applies to all adoptions in process unless a final court order has been issued. According to the same source, even with the issuance of a final court order, adoptive parents will likely encounter difficulties in getting the adoption registered and paperwork in the child's new name issued. It appears that the Government of Zambia has yet to issue an official announcement regarding the cause for this suspension or how long it will last.

Adoptions have also been suspended in Togo, according to the General Secretariat of the French Central Authority for Intercountry Adoption. The Togolese government decided to suspend adoption because dysfunctions in the adoption system were noted. Adoptions were issued by the tribunals on the basis of 'abandonment judgments without any social inquiry', a government official communiqué has explained.

Zambia and Togo are the third and fourth African countries to suspend adoption since the *Arche de Zoé* case. We will come back on this issue in more details in a forthcoming Monthly Review.

Source: U.S. Department of State *Suspension of intercountry adoption in Zambia*, January 2008 (http://travel.state.gov/family/adoption/intercountry/intercountry_3944.html); Secrétariat général de l'Autorité centrale française pour l'adoption internationale (http://www.diplomatie.gouv.fr/fr/les-francais-etranger_1296/conseils-aux-familles_3104/adoption-internationale_2605/actualites_3230/togo-11-02-2008_59379.html); Portail officiel de la République du Togo (<http://www.republicoftogo.com/central.php?o=9&s=0&d=3&i=1601>).

Terre des hommes pleads for an ethical responsibility of receiving countries in intercountry adoption

The Swiss Foundation published a report, which sets out principles and recommendations aimed at guiding receiving countries throughout intercountry adoption procedures. It also provides a comparative analysis of the systems of six European countries in this field.

Trafficking and abuse in intercountry adoption are not merely the results of the vulnerabilities and possible failings of countries of origin. Far from it! As has often been reiterated in our publications, intercountry adoption depends upon the shared responsibility between receiving countries and those of origin. This fundamental principle of the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (HC-1993) has also guided the initiative of Terre des Hommes – Child relief (Tdh), of which a department is accredited as an adoption agency in Switzerland. Believing that countries of origin are too often designated solely responsible for trafficking and abuses associated with intercountry adoption, the Foundation has taken an active interest in the receiving countries' share of responsibility in this problematic issue. The results of its study, entitled *Adoption: at what cost? For an ethical responsibility of receiving countries in intercountry adoption*¹, were presented and discussed in the presence of numerous European Central Authorities, as well as professionals, experts and European Members of Parliament at a conference and roundtable in Brussels on 26 February 2008.

Principles and recommendations for receiving countries for a more ethical intercountry adoption

In its opening section, the report sets out the principles, which should guide legislation and practices in receiving countries throughout the intercountry adoption procedure. For each chapter, which it addresses, the study offers a series of recommendations aimed at supporting those responsible in the receiving countries in the development of good practices. A total of 41 recommendations have been issued.

How should receiving countries cooperate with countries of origin? With what objectives? What should be the attitude to adopt with regard to countries of origin that are not parties to the HC-1993? How should accredited adoption bodies be supervised qualitatively and quantitatively? These are some of the questions that the publication addresses and for which it provides practical recommendations. Furthermore, the

publication denounces, amongst other issues, private adoptions and the lack of financial transparency of some adoptions as major sources of abuse.

Germany, Spain, France, Italy, Norway and Switzerland under the scrutiny of Tdh

In its second section, the Tdh report presents a comparative study of intercountry adoption systems in six European countries: Germany, Spain, France, Italy, Norway and Switzerland. Following a presentation of the state of intercountry adoption in these six countries (including statistics), the publication analyses their practice in each of the stages examined in the first section.

Thus, the study draws up a rather detailed table of policies, procedures, strengths and weaknesses of each country in intercountry adoption. This exercise enables a better understanding of the legislative and practical differences between the systems of these countries, all of which are nonetheless parties to the HC-1993. It also highlights the risks that some of these European practices raise, and underlines the responsibility of receiving countries in the existence of trafficking in children. It particularly emphasises the risks raised by private adoptions and strongly encourages proceeding through accredited bodies.

Tdh thereby appeals to the concerned countries and to the European Union to undertake political, national and regional initiatives, allowing for a more effective fight against trafficking and abuses in intercountry adoption; for a better guarantee of the best interests of the child; and for the respect of countries and families of origin in this context.

¹*Adoption: at what cost? For an ethical responsibility of receiving countries in intercountry adoption*, Isabelle Lammerant and Marlène Hofstetter, Terre des Hommes – Child relief, representing Terre des Hommes International Federation, 2007, Switzerland, 47 pp. Available in French and English. Contact: info@tdh.ch.

Modalities for potential contacts between an adopted child and his parents of origin, when the latter have already been identified and located

The ISS/IRC has undertaken a survey relating to this issue and presents its main results in this article.

It is increasingly agreed that an adopted child should have the opportunity to know his origins if he wants to, even in the framework of a full adoption. The challenge is now to specify the modalities of these potential contacts. In this context, the ISS/IRC has recently undertaken a survey on this issue among its network, has tried to draw the main principles which should guide these contacts, and has received 16 responses.

The main results show that before any other step forward, it is important to consider the wish of the child and to evaluate if these contacts are in his best interest, in particular in relation to his current psychosocial situation. Specifying a precise age at which contact should be considered is difficult, but it is assumed that the adoptee should be mature enough to understand the complexity of the adoption triangle and its circumstances.

Individualised process

In each case, an individualised approach should be proposed. Furthermore, the process prior to the first physical meeting between the parents and the child should be progressive. The first step may be a contact through letters and photos, followed by telephone calls and, finally, a meeting. The frequency of the meetings should be decided in accordance with the needs of all parties, and may be set out in a post-adoption agreement.

Consent of adoptive parents desired

If the adoptee is under 18 years old, most professionals agree that the adoptive parents shall be informed, and that over 18 years, it is highly desirable but not compulsory. The adoptive parents should also be strongly involved during the tracing process and the contacts. It should not be forgotten that they often fear that the search disturbs their relationship with the adopted child and they worry that their child could become psychologically affected.

Important role of professionals

Contact should always be accompanied by a professional social worker in order for all parties to be better prepared (also adoptive parents sometimes need support). Supervision is especially important during the preparation and

the first contacts. Unrealistic expectations are often an important problem during and after reunions, but such wrong expectations may be changed through intensive work with professionals. The complexity of adoption reunions should not be underestimated and contact between adoptees and biological parents should not be seen as a solution for every personality problem of the adoptee. In addition, children who are looking for their biological parents should be prepared for the possibility that the latter do not wish to see them (e.g. when the family of the biological mother/father has no knowledge of the adoptee or if the adoption was not voluntary). An interdisciplinary team is to be preferred for the required work. Besides, direct contact with a social worker, as well as access to literature and to group meetings, may help involved persons to cope with possible disappointments.

Defining clear roles

It is suggested to define very clearly the roles of all involved parties. For example, it should be clear for everyone what biological parents are allowed to do and what not. In this context, a post-adoption agreement may be a good approach. However, this may not always regulate everything in advance.

Finally, the biological brothers and sisters of the adopted child should not be forgotten: in the case of a meeting, they should also have the possibility to express their opinion and should be properly prepared to meet with a new brother or sister.

READING SUGGESTION

Adoption d'enfants nés ailleurs [The adoption of children born elsewhere], Fanny Cohen Herlem, Editions Pascal, 2008
This publication, richly illustrated by the Photographer Sebastiao Salgado, offers to accompany adoption applicants throughout their adoption process. By speaking directly to the reader, the author addresses the numerous questions that may (and should) be raised by anyone wishing to adopt. What is the meaning of the wish to adopt, where does the child come from, how should his arrival be prepared, what may be the difficulties faced? All these questions are addressed in a manner which is both, straightforward and pedagogical. The French, Belgian and Swiss procedures also illustrate the author's statement and guide the reader in his reflection. It is an excellent tool of presentation of adoption in its contemporary context.

An introductory briefing on its background, core principles and scope

In the months leading to their possible adoption by the United Nations General Assembly, a new Special Series of the Monthly Review will address and explore the principles and recommendations enshrined in the Guidelines, as well as their concrete implications for the protection of children in alternative care.

With a view to ensuring the understanding and dissemination of the Guidelines amongst professionals worldwide, the ISS/IRC offers to dedicate a special series of articles to the Draft United Nations Guidelines for the Appropriate Use and Conditions of Alternative Care for Children. These are reaching the final stages of their drafting and possible adoption by the United Nations General Assembly before the end of 2008. The Guidelines undoubtedly offer a comprehensive framework within which to develop, decide, and implement child protection measures, which respond to the best interests of the child.

Historical background

The process was initiated three years ago, in 2005, as the United Nations Committee on the Rights of the Child held a discussion day on children without parental care. Amongst the many recommendations set out in its final report, the Committee recommended the establishment of an expert meeting to prepare a set of international standards for the protection and alternative care of children without parental care for the UN General Assembly.

Following the discussion day and its final recommendations, and following up on a previous joint UNICEF-ISS project also calling for such guidelines, both organisations initiated a process of drafting and consultation. Indeed, a NGO working group began to meet in order to draft an initial version of the guidelines. This comprehensive initial version was then submitted to the Committee, which reviewed the document, and provided additional comments and recommendations. The subsequent consultation stage, designed to ensure the involvement of States and Governments in the process, took place in Brasilia in August 2006. An important number of these showed great interest in the guidelines, and provided additional inputs. As a result of this intergovernmental meeting, a 'Group of Friends'

– which is led by the Government of Brazil and represents most regions of the world – was established to finalise the draft.

It is expected that the Guidelines will now be submitted to, and adopted by, the General Assembly during this year. Thus, a strong advocacy process is currently taking place and, as part of this, the current Special Series is intended to contribute and pursue it by exploring its main themes, principles, and recommendations, and by incorporating practical example and inputs.

Principles and objectives of the Guidelines

The Guidelines are intended to enhance the implementation of the Convention on the Rights of the Child, and of other relevant provisions of international and regional human rights law, in matters of protection and well-being of children who are in need of alternative care, or who are at risk of so being. It therefore focuses on two main aspects: (1) to ensure that children do not find themselves placed in alternative care unnecessarily; and (2) that, where out-of-home care is provided, it is provided in appropriate conditions and of a type that responds to the child's best interests.

The Guidelines reflect, to a large extent, the principles and perspectives widely recognised in matters of child protection. Indeed, they reiterate that efforts should primarily be directed at enabling children to remain in, or return to the care of their parents, or where necessary, of other close family members – i.e. the removal of a child from his family should be considered an option of last resort and for the shortest possible duration. Only where the family is unable, even with appropriate support, to provide adequate care for the child, the State is responsible, for ensuring appropriate alternative care. Any alternative care placement should therefore be decided and provided on a case-by-case basis, by qualified professionals, and should respond to the best interests of the child concerned, in consultation with the child.

Any decision on the child's alternative care therefore ought to take account of the following factors:

- the desirability of maintaining the child as close as possible to his usual place of residence in order to facilitate contact and possible reintegration into his family, and to minimise disruption in his educational, cultural and social life – i.e. community and domestic solutions, rather than international options;
- the stability of the home and other attachments to relatives and caregivers, including the prohibition of separating siblings – i.e. permanency as a key objective, rather than temporary measures;
- the need for care to be provided in family-type settings, rather than in residential institutions,

except where this is specifically appropriate, necessary and constructive for the individual child – i.e. the institutionalisation of children should be an option of last resort.

These provisions should guide the social services in deciding the alternative care of individual children, but should also provide the ethical basis and the fundamental principles for the development of governmental policies and strategies, designed to provide children with appropriate alternative care. As a result, States should, to the maximum extent possible, allocate sufficient human and financial resources to ensure the implementation of these principles and Guidelines.

Scope of implementation of the Guidelines

The Guidelines are applicable 'to the appropriate use and conditions of alternative care for all persons under the age of 18 years, regardless of the care setting, of its formal or informal nature, and of the public or private status of the care provider'. They are also applicable, 'as appropriate, to young persons already in alternative care, and who need

continuing care or support for a transitional period after reaching the age of 18'. It is, however, also essential to emphasize that the scope of alternative care, as foreseen in these Guidelines, does not extend to care by adoptive parents from the moment the child is placed in their care (as of which moment the child is considered to be in parental care); to persons under the age of 18 who are deprived of their liberty by decision of a judicial or administrative authority as a result of being alleged as, accused of, or recognised as having infringed the law; and to informal arrangements whereby a child voluntarily stays with relatives or friends for a limited period and for reasons not connected with the parents' inability to care for him.

Initiatives advocating for and supporting the Guidelines
<ul style="list-style-type: none"> ▪ The UN General Assembly Resolution A/C.3/62/L.24/Rev.1 on the Rights of the child and the Human Rights Council have encouraged States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers, as well as the advancement of the UN guidelines for the appropriate use and conditions of alternative care for children. ▪ SOS Children's Villages, the International Foster Care Organisation and the International Federation of Educative Communities have issued the Quality4Children Standards in Out-Of-Home Child Care in Europe (http://www.quality4children.info). ▪ The International Social Service has published a series of thematic training and information fact sheets on the protection and care of children deprived of parental care (http://www.iss-ssi.org/Resource_Centre/Tronc_DI/tronc_di_fic.html). ▪ The NGO Subgroup on Children without Parental Care is pursuing its advocacy activities and intends to ensure the wide dissemination of the Guidelines and to support initiatives at country level.

The specific chapters of the Guidelines, which will be explored in the forthcoming articles of this Series, are dedicated to the establishment of clear policies and agreed procedures for authorities and professionals. It is therefore hoped that this Special Series, which will put a strong emphasis on practical initiatives designed to implement the Guidelines, will contribute to the understanding and use of the Guidelines, and to the development of strategies, required to integrate the principles into domestic legislation and practices.

The most recent version of the Draft United Nations Guidelines for the Appropriate Use and Conditions of Alternative Care for Children are available from the Better Care Network webpage: <http://www.crin.org/bcn/initiatives.asp>.

FORTHCOMING CONFERENCES, SEMINARS, SYMPOSIA AND COURSES

- **Belgium:** *Protecting Undocumented Children*, Platform for International Cooperation on Undocumented Migrants, 4 April 2008, Brussels. This conference will be developed through workshops. The focus will be the discrimination against undocumented children and their access to basic social rights, particularly education and housing. The event will be an opportunity to investigate the specific needs and problems that undocumented children face in Europe when they try to access their basic social rights. For further information: Tel: +32 22741439; E-mail: administration@picum.org.
- **Canada:** *Third National Biennial Conference on Adolescents and Adults with Foetal Alcohol Spectrum Disorder*, University of British Columbia, 9 - 12 April 2008, British Columbia. This conference will highlight ways to be most effective in the diagnosis and treatment of mental health issues in individuals with Foetal Alcohol Spectrum Disorder, and treatment and support for their families and service providers. For further information: www.interprofessional.ubc.ca.
- **Ethiopia:** *Third International Policy conference on the African Child on the theme Towards Action against Child Poverty in Africa*, African Child Policy Forum, 12 - 13 May 2008, Ethiopia. The conference will be an opportunity to engage leading African statesmen, world authorities on child rights and child poverty researchers, government officials, opinion makers, child rights activists and officials from regional and international agencies. The event aims to investigate the dimension and magnitude of child poverty and analyse what is being done in this field. For further information: <http://www.africanchildforum.org>.
- **France:** *Adoption d'Enfants venant de l'Étranger*, COPEs, 19-23 May 2008, Paris. This training addresses topics, such as the current risks, conditions and causes relating to the adoption of a foreign child, the legal instruments involved in this process, the preparation of the parents and the child, the counselling in cases of search of origins and analysis of the work developed by social workers before and after the adoption of a foreign child with a focus on the actors involved in the process of intercountry adoption. For further information: COPEs; Tel: +33 1 53 68 93 40; E-mail: copes-formation@wanadoo.fr; <http://www.lecopes.org>.

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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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