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Save the date: 3 – 5 October 2016

ISS is organising – in cooperation with several organisations – a conference on alternative care, which will be held in Geneva from 3 to 5 October, and which will bring together world-wide experts and professionals to debate steps forward in the implementation of the Guidelines for the Alternative Care of Children.

For further information, see:

<http://www.alternativecaregeneva2016.com>

EDITORIAL

Accredited adoption bodies and current challenges: Two-way ethics?

The 2015 Special Commission on the operation of the HC-1993 confirmed it: given the changing landscape of intercountry adoption (ICA), accredited adoption bodies (AABs) face important difficulties in many Contracting States, often linked to their funding sources, and which jeopardise their survival and their activities in accordance with international standards.

In those Contracting States that have chosen a system of AABs, which are being delegated several tasks of the Central Authority in accordance with Arts. 9 and 22 of the HC-1993, some of these bodies have developed, over time, stronger expertise, in particular in terms of preparation and support of prospective adoptive parents as well as of the child during the pre- (see p. 12) and post-adoption (see p. 10) stages. At a time when ICA is increasingly complex, this know-how is, now more than ever, called upon for its quality and offer of specialised services, whilst the financial viability of AABs is at risk. This paradoxical situation jeopardises not only the ethics of AABs, but also the protection of the children and families involved.

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From the ethics of AABs...

The willingness to fight against child trafficking, in particular thanks to transparency in the costs of ICA, has been one of the fundamental pillars of the HC-1993. This is why ICA intermediaries – which have sometimes been involved in fraudulent practices – have been the object of strict regulations with regards to their operational methods. Thus, in many countries, an ethical framework for the activities of AABs has developed in practice, often strongly influenced by civil society, and has, amongst others, resulted in the drafting of legal provisions and sometimes even deontological or ethical codes (see p. 9).

These ICA experiences may also act as examples for more recent developments, such as the resort to surrogate mothers at international level, which has led to the birth of a profitable business, particularly due to the lack of regulations of these practices, which has often been to the detriment of the rights of children – a concern, which has resulted in the ISS/IRC's commitment in this new field (see p. 4). Whilst ethics have developed at domestic and international level in relation to AABs, what about the support offered to the latter in the current context of ICA?

...to an ethical approach towards AABs

Nowadays, the survival of many AABs benefitting from limited public funding strongly depends on the number of adoptions undertaken. The latter having decreased considerably, this situation may have a strong impact on the quality and the ethics of the services provided.

Moreover, in practice, we often witness a lack of concrete cooperation – or even a certain degree of disconnection – between Central Authorities and AABs. Thus, would it not be incumbent upon each Central Authority, which resorts to AABs, to assume its responsibility and to establish clear criteria, not only for the allocation of sufficient public funds, but also through means of close collaboration? In order for this cooperation to be efficient, a dialogue must exist or resume amongst these actors.

What future is possible for AABs?

For the ISS/IRC, a fair balance between establishing an ethical framework for AABs and providing the public support they require must be sought. Furthermore, on the one hand, this should lead certain countries to readjust the number of AABs and other intermediaries to the average number of ICAs undertaken over the last few years; on the other hand, is the expertise of several AABs, gained thanks to their important closeness to adoptable children and prospective adoptive parents in specific fields – such as health, the children's older age, etc – not too valuable to be given in to at these complex times?

Before these challenges, the ISS/IRC suggests that all ICA actors should reflect on concrete solutions in order to ensure that professional AABs continue to offer quality services to adoptive families. In this regard, the ISS/IRC shares several lines of reflection on the solutions already explored or to be explored in this field.

The ISS/IRC team
February 2016

ACTORS

- **Germany and Sweden:** The contact details of the Central Authorities and accredited adoption bodies of these countries have been updated.

Source: The Hague Conference on Private International Law,
http://www.hcch.net/index_en.php?act=conventions.publications&dtid=43&cid=69.

BRIEF NEWS

Child rights in European Law: A new practical guide from the EU Fundamental Rights Agency (FRA) and the Council of Europe

On the occasion of Universal Children's Day, the FRA, the Council of Europe and the European Court of Human Rights (ECtHR), launched the *Handbook on European law relating to the rights of the child*. This handbook is the first comprehensive guide to European law in the area of children's rights, taking into account both the case law of the ECtHR and the Court of Justice of the European Union. It provides information on: the Charter of Fundamental Rights of the EU and relevant Regulations and Directives; the European Social Charter; decisions of the European Committee of Social Rights; other Council of Europe instruments; as well as on the Convention on the Rights of the Child and other international instruments. This handbook is designed to assist lawyers, judges, prosecutors, social workers, non-governmental organisations and other bodies confronted with legal issues relating to rights of the child. It covers issues such as equality, personal identity, family life, alternative care and adoption, migration and asylum, child protection against violence and exploitation, as well as children's rights within criminal justice and alternative proceedings. According to the Council of Europe's Director General for Democracy, Snežana Samardžić-Marković: *'Legislation and policy promoting the rights of the child would have little impact without them being directly implemented through national and international jurisprudence. Professionals working with and for children need to have a full overview and, most importantly, understanding of the case law developed by the international and regional courts in this area. This handbook will be a precious tool to making children's rights a reality in their daily lives'*.

Source: Available in English and French at: <http://fra.europa.eu/en/publication/2015/handbook-european-law-child-rights> (other versions will follow in 2016); FRA Press Release, 20 November 2015, <http://fra.europa.eu/en/press-release/2015/child-rights-european-law-new-practical-guide-eu-fundamental-rights-agency-and>.

Latest news from Africa: Regional and domestic initiatives

In recent months, there have been many regional and domestic initiatives in the field of child protection in Africa. The ISS/IRC offers a brief overview of the latter:

Regional initiatives:

- The Better Care Network recently launched an online collaborative community called *Care to Practice: Supporting children's care practitioners in Eastern and Southern Africa*. This online platform offers access to a series of regional and global resources, and intends to act as a forum, which recognises the expertise of professionals in the region and promotes wider sharing on the challenges faced, innovations as well as lessons learnt and knowledge in the region. To join this community, see: <http://bettercarenetwork.org/news-updates/news/bcn-launches-care-to-practice-a-new-online-community-of-practice-for-eastern-and-southern-africa>.
- The West Africa Network for the Protection of Children (WAN) – launched by ISS Switzerland in 2005 – has been recognised as a mechanism of cross-border protection and care for children in Western Africa. *'It is a great success and a recognition for all members of the WAN Network and for all agencies (...), who all worked hard to advocate that the issue of children on the move becomes a theme for ECOWAS. (...) This is (...) encouraging signs that in the future, States and regional authorities will take additional protection and support measures to ensure that every child moving in the West African region benefits from individual protection, quality care and prospects for his/her future'*. For further information, see: ISS Switzerland, http://www.ssiss.ch/en/wan_recognized_as_a_transnational_mechanism_of_protection_and_care_for_children_in_west_africa.

Domestic progress:

- **Kenya:** The Kenyan government has set up a new committee of experts in charge of dealing with those adoption cases pending since the 2014 moratorium. In practice, the members and the tasks of the new committee are almost the same as before. Some pending cases are still in the courts, and, to date, nothing reveals a potential end to the moratorium. For further information, see: Kenya Gazette, Vol. CXVII, N° 133, 4 December 2015, http://kenyalaw.org/kenya_gazette/gazette/volume/MTI0Nw--/Vol.CXVII-No.133.
- **Uganda:** The Children Act was amended in 2015, thereby reflecting the willingness of the government to improve the protection of Ugandan children. The amendments clearly provide for the double principle of subsidiarity of intercountry adoption, and add new provisions on the supervision of children's homes and informal placements, the prohibition of the death penalty in relation to children under the age of 18 years and of corporal punishment in schools. For further information, the amended legislation is available at the ISS/IRC.
- **Democratic Republic of Congo:** The government of the DRC, through its Council of Ministers, has approved

the bill on intercountry adoption, whose objective is for the adoption of Congolese children abroad to become stricter. Amongst others, this bill enshrines the principle of subsidiarity of intercountry adoption. It should be submitted to the Parliament soon (March 2016), and allow for the release of new adoptions that are pending, for example, in relation to France and Italy. See: 'RDC: le gouvernement entérine un projet de loi sur l'adoption internationale', 16 February 2016, <http://www.voaafrique.com/content/rdc-le-gouvernement-enterine-un-projet-de-loi-sur-l-adoption-internationale/3153254.html>; Mission de l'Adoption Internationale (France), <http://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/actualites-de-l-adoption-internationale/>; Commissione per le Adozioni Internazionali (Italy), <http://www.commissioneadozioni.it/it/notizie/2016/adozioni-in-rdc---approvato-dal-cdm-della-rdc-lo-schema-di-legge-sulle-nuove-procedure-adottive.aspx>.

ISS NEWS

ISS Call for Action 2016: Urgent need for regulation of International surrogacy and artificial reproductive technologies

In 2016, ISS calls for urgent regulation of international surrogacy and other artificial reproductive technology practices in cross-border contexts. This builds on ISS's call for action for 'Preserving the best interests of children' in these arrangements in 2013 and work undertaken during this interval. Estimates are now of at least 20,000 children being born each year with numbers growing. Lack of regulation has resulted in vast lucrative business opportunities as well as potentially dangerous activities of intermediary agencies, specialised clinics as well as candidates for parenthood creating a pressing need for immediate action.

ISS understands all arguments that call for regulation of international surrogacy and other artificial reproductive technology practices in cross-border contexts. Notwithstanding, as a network, ISS most naturally aligns itself with reasoning linked to children's rights and, particularly, the Convention on the Rights of the Child and its Optional Protocol on the sale of children. Therefore, for ISS, the need for regulation of international surrogacy and other artificial reproductive technology practices in cross-border contexts is most convincingly embedded in the rights of children to be protected from being sold.

To this end, ISS with a group of experts is in the process of developing "***Principles for a better protection of children's rights in cross-border reproductive arrangements, in particular international surrogacy***". Whilst ISS believes that this initiative would certainly support the development of a potential international instrument on cross-border surrogacy (at the Hague Conference on Private International Law), as well as the development of recommendations or opinions in this regard (such as a General Comment by the Committee on the Rights of the Child or the work undertaken at the European Parliament), its priority action is to set the basic principles now that could support any of these initiatives.

For further information, see: <http://www.iss-ssi.org/index.php/en/what-we-do-en/surrogacy>.

Call for applications to develop a MOOC on alternative care to close on 17 March 2016

As part of the activities of the Geneva and New York Working Groups on Children Without Parental Care, ISS, in collaboration with international agencies, seeks to build on resources to implement the Guidelines, such as the *Moving Forward* handbook (<http://www.alternativecareguidelines.org>) and the Tracking Progress Initiative, by developing an International Training Tool by way of a Massive Open Online Course (MOOC) that will focus on alternative care. For those interested in consulting the Terms of Reference for a competent team to develop this MOOC, please contact: mia.dambach@iss-ssi.org. Applications close on 17 March 2016 at midnight.

LEGISLATION

Putting the needs of looked after children and care leavers at the heart of practice in Scotland

The ISS/IRC welcomes this legislative initiative of ‘corporate parenting’ in Scotland as a promising practice to ensure that children are provided secure nurturing, a positive childhood, and access to a range of services – as described by the experts within the leading care group in Scotland, [CELCIS](#).

Looked after children in Scotland

In Scotland, ‘looked after children’ are those in the care of a local authority. The majority of looked after children live with their parents or other family members. The remaining 40% are ‘looked after’ away from their normal place of residence, by foster or kinship carers, prospective adopters, in small residential care homes, residential schools or secure units. As of July 2014, there were 15,580 looked after children in Scotland¹. As of June 2014, the total population of children and young people in Scotland under the age of 18 years was 1,035,394².

Changes introduced by the *Children and Young People (Scotland) Act 2014*

The *Children and Young People (Scotland) Act 2014* – presented in Monthly Review N^o 198, January 2016) – aims to place the rights of children and young people at the heart of practice. It introduced a number of important changes for looked after children and care leavers in Scotland, including the introduction of ‘Corporate Parenting’ duties.

What is Corporate Parenting?

Corporate Parenting is the obligation of certain organisations to perform all necessary actions that **‘uphold the rights and safeguard the wellbeing of a looked after child or care leaver, and through which physical, emotional, spiritual, social and educational development is promoted’**³.

Why was Corporate Parenting introduced?

The aims of Corporate Parenting closely reflect the UN Guidelines for the Alternative Care of Children, in that secure nurturing, a positive childhood, and access to a range of services, should help both looked after children and those leaving care realise their full potential, become successful learners and confident individuals.

Who are Corporate Parents?

We know that tackling issues important to looked after children and young people, such as poverty, early school leaving, poor health and exclusion, requires a combined effort. We also know that addressing these issues decisively requires joined-up thinking and clever resourcing. This is why the organisations listed as Corporate Parents represent the key areas of a child and young person’s world.

The *Children and Young People (Scotland) Act 2014* appoints 24 Scottish publicly-funded organisations, representing over 100 individual agencies, as ‘Corporate Parents’. As reflected in the UN Guidelines for the Alternative Care of Children, responding effectively to the needs of these children and young people requires a range of organisations to work together. Hence Corporate Parents range from healthcare and education providers to those offering sports, creative arts, transport, housing and youth justice services.

What are the responsibilities of a Corporate Parent?

Looked after children and care leavers must be a priority group for Corporate Parents. This means being especially alert to the needs of looked after children and care leavers and the unique barriers they face, in relation to the services they plan and deliver. Corporate Parents should continuously, rigorously and explicitly ask ‘are we doing everything we possibly can to improve the lives of looked after children and care leavers?’ whilst continuing to assess their needs and promote their best interests. It is important that Corporate Parents offer these children and young people relevant opportunities and that all their services are easily accessible. Furthermore, Corporate Parents are required to publish plans on how they intend to fulfil their responsibilities, and are held to account through

a combination of inspection and reporting processes.

The UN Guidelines for the Alternative Care of Children

Scotland recognises its responsibility to develop and implement comprehensive child welfare and protection policies as reflected within the UN Guidelines for the Alternative Care of Children. As part of this responsibility, and in recognition that looked after children and young people may require additional support, Corporate Parenting now requires specifically identified organisations to work together to ensure this population has

the best possible access to the services they require. Through these new regulations, these organisations are now mandated to work together in a strategic, child-centred approach to service delivery for looked after children, and are required to adopt policies and procedures, which provide looked after children and young people with the most effective care, aftercare and protection. In this manner, we are working together to achieve the best possible outcomes for some of the most vulnerable children and young people in Scotland.

References:

¹ Scottish Government (2015). Children's Social Work Statistics 2013-14, Edinburgh; available at: <http://www.gov.scot/Publications/2015/03/4375>.

² Parenting Across Scotland, <http://www.parentingacrossscotland.org/policy--research/facts-about-families-in-scotland.aspx>.

³ *Children and Young People (Scotland) Act 2014*, Statutory Guidance on Part 9: Corporate Parenting; available at: <http://www.gov.scot/Publications/2014/12/2912/2>.

For further information at CELCIS: Chrissie Gale, International Lead, chrissie.gale@strath.ac.uk and Kenny McGhee, Throughcare and Aftercare Lead, kenny.mcghee@strath.ac.uk.

European Union: Intercountry adoption and cross-border child protection

This article intends to provide a brief overview of the current state of debates on intercountry adoption and cross-border child protection issues in the European Union, as well as the outcomes of a workshop organised on the latter in December 2015.

The European Union promotes an active child-rights implementation strategy, aimed at their best interests, ensuring their utmost well-being and safety, in accordance with the Treaty of Lisbon and the EU Charter of Fundamental Rights. Indeed, the EU is strongly committed to the implementation of the UNCRC and its Optional Protocols. Moreover, an *EU Agenda for the Rights of the Child* has been adopted by the European Commission, aimed at reinforcing the promotion, protection and fulfilment of children's rights within the EU framework. Concrete tools have also been developed by the EU Agency for Fundamental Rights (FRA) as well as by the Council of Europe and the European Court of Human Rights (see pp. 3 and 7).

EU legal framework on Private International Law, civil matters and family law

The EU promotes a judicial cooperation system, in particular with regard to transnational civil matters and the recognition of judicial decisions, as well as the adoption of measures in the area of Private International Law. The Committee on Legal Affairs, which is part of the wider range of the European Parliament's Committees, is responsible for the right interpretation and implementation of European Law and the Member States' compliance with relevant EU instruments (regulations and directives) and policies. The Committee is also competent for the adoption of measures concerning judicial and administrative cooperation in civil matters.

The EU Member States apply relevant Family Law instruments, such as the Brussels IIA, Rome I, Rome II and Rome III Regulations. Moreover, the HC-1993 and HC-1996, which focus on child

protection measures, are implemented in the territory of the EU Member States.

However, with regards to the specific issues of adoption, the EU has not yet provided harmonised and systematic legislation. Furthermore, the EU – through the Committees on Legal Affairs and on Petitions – may adopt measures in the field of Family Law with cross-border implications. To this end, a workshop was organised in order to identify concrete solutions.

Challenges for the recognition of transnational measures

Although the EU's institutions are trying to create a harmonised legislative and administrative framework in the field of Family Law and specific issues, such as family status, maintenance obligations, assisted reproductive technologies and child protection measures, the diversity of domestic laws and cooperation between Courts/Tribunals, Central Authorities and other competent bodies, such as social services, with regards to the exchange of information and the implementation of multilateral agreements, does not yet allow for a consistent transnational recognition of measures. Moreover, children's fundamental rights remain at risk of being denied or jeopardised.

Concrete solutions

In this regard, the European Parliament – represented by the European Committees on Legal Affairs and on Petitions – decided to organise a workshop in order to discuss the steps forward. During the debate, concrete and practical solutions were envisaged as follows¹:

- A Memorandum of Understanding between Authorities was suggested in order to strengthen cooperation and accelerate procedures related to transnational cases affecting children;

- (In an Ombudsperson's opinion), first of all, the judge must interpret the adoption through a case-by-case approach on the best interests of the child (child's opinion and child's consent); secondly, a domestic adoptive family or, subsequently, a foreign family, should be sought through the accredited adoption bodies that wish to cooperate with Central Authorities. These accredited bodies are listed in public documents compiled by relevant public authorities and relevant Ministries;

- Mutual recognition of marital status by all Member States is proposed. Moreover, a shared decision process and EU legislation that may be binding upon all Member States are envisaged;

- The benefits of the HC-1993 should be reminded in the field of intercountry adoption and its automatic recognition in all Contracting States, following the peremptory principles of the UNCRC;

- Mandatory recognition by all Member States of domestic adoption through a judicial process aimed at providing certainty on the adopted child's status;

- Concerning the prohibition of adoption under Islamic Law, a careful analysis of the different Muslim jurisdictions, in particular regarding alternative care measures or short-term protection processes (Iraqi Damm, Iranian Sarparasti, Moroccan and Tunisian Kafalah, Algerian Kafalah), showed how the legal structures, as a basis for potential adoption legislation, are taken into consideration in these countries. Moreover, awareness-raising through seminars and trainings, aimed at involving Muslim jurisdictions in Western mechanisms, has been recalled for the recognition of foreign adoptions and the potential adherence to relevant international agreements, such as the Hague Conventions, and for reformulating and widening the definition of adoption.

The ISS/IRC acknowledges the importance of the joint meeting organised within the European Parliament, and recalls the step forwards identified within the meeting, towards the harmonisation of EU Member States' legislations in the field of adoption and cross-border child protection. The ISS/IRC is convinced that this event and related challenges will certainly support and inspire other initiatives, promoted by worldwide actors and facing the same issues at international level and in non-EU countries.

References:

¹ Committee on Legal Affairs and Committee on Petitions, 1 December 2015, <http://www.europarl.europa.eu/ep-live/en/committees/video?event=20151201-1500-COMMITTEE-JURI-PET1>; and Compilation of briefing notes, *Adoptions: Cross-border legal issues workshop*, 1 December 2015,

Mapping child protection systems in the European Union: An introduction to FRA's online resource

The European Union Agency for Fundamental Rights (FRA) has made available online – in English, French and German – some data from its mapping of national child protection systems in the 28 EU Member States.

The project¹ has resulted from a European Commission's request, upon which FRA conducted research aimed at understanding how national child protection systems operate, and to identify common challenges and promising practices.

Legal and political context

The mapping responds to changes in recent years, which have included many new laws to better protect children and promote their rights at the EU level. The *EU Agenda for the rights of the child* was adopted in 2010 to step up efforts in protecting and promoting children's rights (see p. 6). It contains actions to protect children when they are vulnerable, and are subject to, or at risk of, having their rights violated. In 2012, the *EU strategy towards the eradication of trafficking in human beings 2012-2016* called on Member States to strengthen child protection and move towards integrated child protection systems. In December 2013, at the European Forum for the Rights of the Child, the Commission announced that they would develop guidance for child protection systems in 2014.

Data collected in the mapping

The data, collected between December 2013 and March 2014, cover the key components of national child protection systems. This includes information on national laws and policies, as well as the structures, actors, resources, functions and monitoring of national child protection systems (see the example of online resources attached).

Emphasis was placed on how national child protection systems respond to the needs of

children with multiple vulnerabilities, such as immigrant and refugee children or children with disabilities, and on issues of cooperation and coordination when developing and implementing child protection policies and laws.

The online resource is composed of maps and tables showing the scope, structures, actors and functions of the EU Member States' child protection systems, and how they aim to meet the diverse needs of different groups of children. A summary of key findings for each area is provided under the maps and tables. The five broad areas of the mapping are:

1. What national child protection laws and policies currently exist?
2. Which national authorities are responsible for child protection and who are the service providers?
3. What human and financial resources are available, with a particular focus on qualifications, training and vetting of personnel?
4. What are the procedures for identifying and reporting

children in need of protection, and for placing them in alternative care? Is the child's right to be heard taken into consideration by the relevant authorities?

5. How are child protection systems monitored? Are children being consulted when developing national laws and policies that affect them?

Key findings

The initial analysis of the data collected has identified key issues, including the fragmentation of the national legislative and policy framework on child protection; additional challenges experienced by some groups of children due to



inequalities and discriminatory practices; decentralisation of responsibilities, which can lead to different standards, budget allocations, and discrepancy between regions; the increased role played by civil society organisations and the private sector; a variety of practices in accreditation, licensing and vetting procedures for professionals and volunteers; weaknesses in child participation and in the complaints and monitoring system.

With regards, in particular, to child participation, the mapping project found that all Member States have provisions requiring that the views of the child should be taken into consideration in the decision-making process pertaining to alternative care placements. However, such provisions are not always mandatory and, in many instances, age limits are introduced. In practice, therefore, the child's

right to be heard remains at the discretion of professionals and authorities. Furthermore, only one third of all Member States have specific provisions on the right of the children in alternative care to submit complaints. At the same time, in most Member States, there are no legal provisions requiring the establishment of complaint procedures within residential care facilities. In almost half of all Member States, practices were identified where children are directly consulted as service users,

along with their parents, within the process of evaluation of services or the development of policy and legislation. However, in most cases such practices were not systematic.

The ISS/IRC welcomes this excellent database, which promotes the exchange of knowledge and practices that are very useful to all professionals involved in child protection, and constitutes an considerable basis to tackle the challenges met by numbers of child protection systems in Europe.

Reference:

¹ For further information, please consult: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection>.



PRACTICE

Searching for systems for accredited adoption bodies adapted to the realities of intercountry adoption

Given the financial difficulties faced by many AABs, the ISS/IRC published, in December 2015, a comparative analysis of the different funding methods adopted by AABs, based on a survey within its network to which 36 Central Authorities and other bodies replied¹. The ISS/IRC therefore wishes to present some promising practices that have been identified in this survey.

If a Central Authority decides to implement a system of AABs, it is crucial to allocate adequate public support, including financial assistance and follow-up support, at all levels: ethical, professional and practical.

Searching for adequate funding means

Except for some countries² that responded to the ISS/IRC survey, in the majority of countries, AABs have several sources of income, such as the fees paid by adoption applicants – often their main source of income, membership fees and donations from private or public bodies. In

numerous countries, public funding support constitutes less than 10 % of an AAB's annual budget. Yet, the decision to delegate functions to AABs shall be accompanied by adequate public support, such as regular financial contributions that do not depend on the number of completed adoptions and are based on the needs in intercountry adoption. Hence, there are exclusively publicly-financed models (France, Luxemburg, Poland, etc) or mainly publicly-financed models (French Community of Belgium, Iceland, etc) that are worth mentioning as they

imply certain financial independence, on the one hand, and greater governmental supervision and accountability, on the other hand.

Qualitative and quantitative follow-up

Needless to say that such public subsidies shall be granted based on clear eligibility criteria and shall be accompanied by precise supervision, at qualitative and quantitative level (New Zealand). Thus, training and counseling models are equally necessary in order to ensure the delivery of professional services by an AAB (Italy). In this respect, the pooling of human and financial resources among AABs and other joint initiatives, such as associations or networks³, should be encouraged. Likewise, joint advocacy efforts amongst AABs, as undertaken in Finland, need to be further promoted. According to the survey's

The ISS/IRC encourages concrete solutions that have already been adopted in several countries in order to ensure a sustainable and reliable funding system that is not dependent on the number of adoptions. Thus, the ISS/IRC commends those countries that have introduced an efficient supervision system of the activities of AABs into their legal framework and that have developed enhanced cooperation mechanisms in practice.

References:

¹ Circular: *The financing of adoption accredited bodies and challenges faced: Searching for promising practices*, December 2015; available upon request at the ISS/IRC.

² In Germany, Canada, Spain, the Netherlands, Andorra, Philippines, New Zealand and Switzerland, AABs are exclusively self-financed.

³ For example, the Nordic Adoption Council, Euradopt.

Time for love: Unpacking the luggage in order to start a new journey (II)

In this article, Victoria Guerra – a Child Psychotherapist, Psychologist and Coordinator of the Children's Unit of the Adoption Programme at Fundación Mi Casa, in Santiago in Chile – shares the second part of her article (see Monthly Review Nº 193, July-August 2015) relating to post-adoption support for foreign adopters in Chile. This is an intense process of support of approximately two months, which facilitates that the new adoptive parents develop a loving relationship with their children, through unconditional support, stability, predictability, amongst other aspects.

Prior to the parents' meeting with the child, both will already have initiated a progressive encounter, with the physical meeting being only the corollary of a series of previous encounters through letters, audiovisual materials, gifts, pictures, etc, which have been smoothing the path for the child to be on a 'good footing' to slowly build *an attachment to mum and dad*.

Post-adoption family support

Post-adoption support as offered by the Adoption Programme at *Fundación Mi Casa* starts once the new family is created. It is a process of

participants, such exchange and discussion platforms on future collaboration and working synergies contribute to the development of joint means of action, such as advocacy activities or identifying alternative funding channels.

The importance of strengthened cooperation

Enhanced cooperation based on shared responsibility and strong collaboration models between Central Authorities and AABs is essential and intrinsically linked to the spirit and letter of the HC-1993. This shall be reflected in regular contact between all actors at each stage of the adoption procedure, especially regarding the matching procedure, and also through joint missions in countries of origin, as regularly undertaken in Luxembourg, the French Community of Belgium or France.

family support, with a psychosocial dimension, which is short and intense (two months), and which entails high demands on the time and emotional availability of the professionals. It is a space aimed at – jointly with the family – raising issues relating to the challenges, fears and requirements of adoptive parenthood, as well as at finding the best strategies that may allow to solve the risks and crises that arise during this probationary period. Above all, this requires to be aware of any relationship (and communication) impasses, as the availability for

love ... a time for love ... will be fundamental during this period.

Another important element to take into account is to establish – from the beginning – a *working partnership* with the couple, in order for the latter to consider this accompaniment as support and a space of containment, and not as an evaluation; this period is aimed at facilitating the bond with the adoptive child, at coming together in a healthy manner, and also at recognising that the parents may have – more negative – feelings that may arise during this period; as well as welcoming and recognising any feeling of uncertainty, confusion and/or fear.

This post-adoption support is provided by our organisation's social worker, jointly with the psychotherapist, who undertook the child's preparation for the adoption. The latter is a considerable facilitator, given that we know the child, in general, his background, character and means of attachment; we are therefore always available to offer suitable suggestions in the face of the diverse situations that may arise during the time of family integration in Chile.

A space for the joint construction of knowledge from an intersubjective approach

The approach in this intervention is based on elements of intersubjective and relationship psychotherapy, as well as on constructivist theories. It also requires that cultural factors are always considered, given that there is a *clash of cultures* in intercountry adoption – a variable that must be managed as well as possible. Thus, the fact that the adoptive parents speak Spanish is a key element to promote clear communication and avoid misunderstandings between the parents and the child (see the guide published in Chile aimed at foreign prospective parents, presented in Monthly Review Nº 11-12/2010).

The focus of the intervention is on the family group. The child loses some of his prominence and it is necessary to consider him within the new family context. It is an intermediate, intersubjective and transitional environment, designed for the joint construction of unique and particular knowledge relating to attachment, upbringing, family integration, etc. The sessions are not intended to provide precise recipes, but to offer an environment, in which to raise issues

relating to adoptive parenthood and to what may occur to the parents – in particular – in their exercise of their parental role 'here and now'.

Furthermore, the sessions are not previously structured with regards to their content; the needs, concerns and requests of the new group that is being built are compiled session after session. Likewise, the sessions seek to ensure the participants' active role, in order to adapt each session to the needs of the new family group (as a system) and to those of each of its members (as individuals).

A special workshop for a more complex family integration

Over the last few years, the profile of children has become more complex. On the other hand, the profile of adoptive families selected for Chile has been *suitable to respond to attachment challenges*. However, in the case of the most emotionally-affected children, a workshop is offered to the adoptive parents in Chile prior to their meeting with the child and/or a form of special preparation is requested from the foreign agency prior to their journey. The workshop in Chile lasts for two hours, during which the adoptive parents have the opportunity to become aware of the therapeutic process of reparation and preparation for the adoption that has been undertaken with the child, his painful background, his emotional breakdowns, etc. A dialogue is established with the parents in relation to the potential situations that may arise during the probationary period, and precise guidelines are provided as to how to act in a moment of crisis. The adoptive parents have the opportunity to raise all their doubts, and to address their fears as to the meeting with their prospective child.

How does one love an adopted child? Emotional safety and mental awareness as the fundamental basis

Whilst this support does not provide advice as to the child's upbringing, we may however talk about some basic issues that must arise and must be consolidated during this initial period of adjustment and family integration. We do always strengthen the couple of parents in order for them to be, from the beginning, a ***strong source of emotional support*** for the child, and from

there on, to put into practice their upbringing abilities in the development of a new attachment in relation to their child and that is always changing.

Basically, this is about the adoptive parents developing a **mental/emotional attitude** to 'have the child's mind in mind', *i.e.* to be able to be aware of their child and to ask themselves questions, such as 'what does my child feel, why is he angry, why does he react like this?'. A *sensitive response* by the parents entails sensing the child's signals, interpreting them adequately, responding in a suitable manner and rapidly. On the other hand, a lack of sensitivity occurs when these adults fail to read the mental states of their child or fail to support him in reaching his more positive states, thereby conveying to him that his

signals of requests for care are ineffective or not very fruitful.

A child, in particular one, who is being adopted, requires, above all, emotional safety, *i.e.* the feeling that he can control the environment, which should be, for some time, stable, constant, specific and predictable; in other words, this requires that the child has the feeling that he may self-organise himself in a flexible and coherent manner. Another fundamental element is for **expressions of stress in the child to be accepted and understood, rather than controlled**. These stressful situations transform themselves, at this specific time, to teach the child, through respect for his subjectivity, healthy strategies to regulate his affection.

What we have described here will not erase, from one moment to another, the painful experiences born by children in adoption processes, and which, in general, become those obstacles that initially decrease the spontaneity in the parent-child encounter. Furthermore, a great deal of water may flow under the bridge before this child manages to fully trust, to no longer feel fear, and to be able to take his parents' hand without being afraid of being hurt. What we may not forget is that the adult, who adopts a child, must become, above all, a powerful and indestructible source of support, who is able to bear and metabolise his child's misfortunes.

READERS' FORUM

Period between the matching process and the acceptance/rejection by the prospective adoptive parents: A diversity of practices

Through this interview, the ISS/IRC addresses an aspect of the adoption process only explored to a limited extent, despite the significant impact on the well-being of the child and his prospective family.

1. Could you provide us with some examples of time limits for the acceptance/rejection of a matching proposal in various countries of origin? Based on your experience, what period would you recommend?

The time limits set by countries of origin for the period between the matching proposal of a child and the acceptance or refusal of this proposal by the prospective adoptive parents varies considerably from one country to another and may range from seven days (Peru) to six months (Madagascar). These timelines are aimed at children, who do not have any specific needs.

Name: Sandrine PEPIT

Profession: Head of the Latin American Unit of the *Agence Française de l'Adoption*

Place: France

Between these two extremes, Latvia, Haiti, the Philippines and China provide for a time limit of two weeks, Colombia and Burkina Faso for a month and Bulgaria allows families up to two months to travel and give their response.

However, it is difficult to specify a time limit for a file without any special circumstances; 15 to 20 days seems to be the minimum effective period from when the family receives the proposal. Additional time may be necessary given the complexity of some children's reports. Thus, the deadline should be adjusted – within a

reasonable limit – according to the quality of the file and the language, together with the child’s medical or psychological issues.

2. To what extent is this time limit important for prospective adoptive parents?

This period of reflection is very useful for families insofar as, on one hand, it helps them to acquaint themselves with all aspects of the child’s file and proceed with a translation, if necessary. On the other hand, it also allows families to meet with professionals (doctors, psychologists, social workers, etc) to discuss some of the elements in the file in order to make an informed decision.

3. What are the procedures for communicating the matching proposal and for supporting the prospective adoptive parents in their choice/decision?

Upon receipt of the matching proposal of a child – and if the time frame envisaged by the country of origin makes it possible – the *Agence Française de l’Adoption* (AFA) suggests that prospective adoptive families come to the AFA headquarters so that the file of the child or children is given to them personally during an interview with the professional, who prepared the file and who is responsible for the country of origin together with, if possible, a psychologist and doctor. The file is submitted to the prospective family during this interview together with potential pictures if these are available. It should be noted, however, that the pictures are shown to prospective families afterwards to ensure that the reading of the file is as objective as possible.

After a period to review the file, AFA professionals respond to the questions raised by

The period granted to prospective adoptive parents between the matching proposal and its acceptance/refusal is a key element in the process of adoption, and constitutes an important aspect in the prevention of any failure or early rejection of the child by the prospective adoptive parents. As underlined by Sandrine Petit, this period must be sufficient for the prospective adoptive parents to be able to benefit from the necessary professional support and to gain all essential information in order to make an informed decision.

the prospective families (procedures, the care of children depending on their profile, etc).

When travelling to AFA’s headquarters is not possible, the matching proposal is communicated by phone and the file is then sent electronically or by post. In all cases, AFA professionals and local Councils are enlisted to support the family in their decision making. These families are referred to adoption counselling and guidance consultations (COCA), as necessary.

4. When some aspects of the child’s file require additional information, can additional details be requested from the country of origin? Is an extension of the deadline possible?

Some countries accept that additional information may be requested. Most of this additional information relates to medical or psychological examinations and the costs are borne by the prospective adoptive family, even if they subsequently reject the matching proposal. Countries such as Colombia, Chile, Latvia and the Philippines provide for a suspension of the deadline following a request for additional information. It should be noted that, in some countries, requests for additional information are only possible after the acceptance of the matching proposal or once the family is in the country of origin (for example, in Peru or Burkina Faso).

5. Are you aware of any tools/publications that would support readers in this stage of the adoption process?

To date, it is difficult to find tools or publications aimed at professionals in relation to the support to be provided to families in their decision-making process.

FORTHCOMING CONFERENCES AND TRAININGS

- **Australia:** *Children & Families Across Borders, Challenges and Opportunities for Action*, ISS Australia and the University of Melbourne, 4 – 5 April 2016. For further information, see: <http://www.iss2016melbourne.net/>.
- **Chine:** *Achieving permanence through family placement*, First National Conference on Family, MOCA, China Centre for Adoption Affairs and Care For Children, Beijing, 11 – 15 April 2016. For further information, please contact: Jennifer Ng, jennifer@careforchildren.com.
- **France:** **a)** *Accueillir un enfant handicapé, en structure d'accueil collective*, Association Pikler-Lóczy, Paris, 13-15 April 2016; **b)** *Enfant accueilli en collectivité*, Association Pikler-Lóczy, Lyon, 7 April 2016; **c)** *Diriger et accompagner une équipe de multi-accueil*, Association Pikler-Lóczy, Paris, 14 – 17 April 2016. For further information, see: http://pikler.fr/Formation/Formation_en_inter/Agenda.
- **The Netherlands:** *Master of Laws in Advanced Studies in International Children's Rights*, University of Leiden, Leiden; deadline for registration: 1 April 2016. For further information, see: <http://en.mastersinleiden.nl/programmes/international-childrens-rights/en/introduction>.

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