



Monthly Review

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EDITORIAL

2016 new year resolutions: Time for change?

2015 concluded on a note of hope – hope for greater respect for our planet, hope for a more united world through the adoption of the [SDGs](#), hope for a better protection of children in a vulnerable situation, including children without family care. 2016 has now begun, and with it, time has come for the realisation of these aims.

This year has now started and, with it, the adoption of positive new year resolutions, which will guide us throughout the over 360 days before us. The ISS/IRC would like to invite you to share its positive resolutions for 2016, which are inspired by children's universal rights, and which we commit ourselves to disseminate and implement day after day. We wish this year to be a new contribution to the building of this ideal world, where every child could grow up in a caring family environment that is suitable for the fulfilment of his unique and unlimited potential.

A great deal of courage

What if 2016 became the year, in which we dare to make changes, the year of those long-awaited reforms in many of the world's regions to bring child protection systems closer to the needs of children separated from their families or at risk of so being? Several countries – such as Spain, Benin, Indonesia, to mention just a few – have embarked upon this path. These efforts remain to be pursued, in particular through a political commitment that is immediate and in the long term. Let us encourage law-makers to confirm, in child-related legislation, the developments faced by our societies for a permanent respect for the rights of the child, including those young people having reached the leaving-care age (see p. 4). Let us also encourage the political decision-makers to listen to the voices of children and for each of their decisions to come with adequate financial and human resources (see Monthly Review N° 197 of December 2015). Furthermore, let us pursue relentlessly our advocacy efforts and actions, amongst others, in order for every child to be able to access his origins if he expresses this wish and need (see pp. 5 and 10). Finally, let us enhance the number of conferences on the rights of all children to permanent family care, such as the one that ISS is currently organising within the framework of the seventh anniversary of the Guidelines for the Alternative Care of Children in cooperation with many partners¹, or the national conference announced by China².

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An increased sense of responsibility

Let us also be the actors of change and let us honour, each of us from our positions, our individual and collective responsibilities in relation to this world's children and their families. Let us therefore act to identify the causes that may lead a mother and/or father to abandon his child, and to remedy the latter (see p. 7). Let us contribute to the support needed for the building of families and for the strengthening of their abilities, by drawing our inspiration from the work undertaken in some countries to support the encounter between the adoptive parents and their adopted child and the development of the initial bond (see Monthly Review N° 193 (2015) and the forthcoming issue of the Monthly Review). Let us ensure that we are all – as professionals involved in supporting families, who care for a child – empathic and duly trained and equipped (see p. 8).

Ethics on the agenda

At a time when political strategies become clearer with regards to intercountry adoption and to the care of unaccompanied and separated children, it is reasonable to question the role left to ethics and to the countries' respect for international standards. Whilst clearer limitations may need to be imposed in intercountry adoption in order to ensure that only those children, who would truly benefit from an intercountry adoption are declared adoptable, and that only those families, who are able to care for children, whose profiles are increasingly complex are declared suitable and are therefore supported, this is not true in the case of unaccompanied and separated children. Unlike the number of intercountry adoptions, which has not stopped decreasing, the number of unaccompanied and separated children, on the other hand, has been constantly increasing. Has time not come in this field to lift some of the restrictions and to support, through political will – which remains incomplete to date – some of the concrete solutions that already exist in this field (see p. 11)? A good starting point would be the dissemination and implementation of some key principles that were recently published by a group of international agencies (see p. 3) in order to ensure that every unaccompanied and separated child benefits from the protection that meets his needs.

The ISS/IRC looks forward to putting all its energy, knowledge and skills into these resolutions and, together with you, to respond to each of these through the adoption of concrete measures throughout this year. Let us ensure that 2016 is a year that measures up to our ambitions!

The ISS/IRC team
January 2016

References:

¹ In 2015, the International Institute for the Rights of the Child (IDE) and the Centre for Children's Rights at the University of Geneva (CIDE) offered to host an international conference on alternative care in Geneva from 3 to 5 October 2016, as part of its annual activities. As 2016 marks the seventh anniversary of the Guidelines for the Alternative Care of Children, a number of agencies agreed that this year would be a great opportunity to document and share promising practices and the remaining challenges for its implementation. The steering group members are the Better Care Network, CIDE, CELCIS, IDE, Hope and Homes for Children, the International Federation of Social Workers, ISS, RELAF, Save the Children, SOS Children's Villages International and UNICEF.

² *Achieving permanence through family placement*, First national conference on the family, organised by MOCA, the China Center for Adoption Affairs and Care For Children, 11 – 15 April 2016, Beijing, China. For further information, please contact: Jennifer Ng, jennifer@careforchildren.com.

ACTORS

- **Ireland:** Information relating to the country's accredited adoption bodies has been updated.
- **Togo:** The contact details of the country's Central Authority 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

Lumos launches report on US Government actions in relation to care in international assistance

In December 2015, Lumos launched its report titled *Dollars and Sense: Supporting Children Outside of Family Care – Opportunities for U.S. Government International Assistance*, aimed at underscoring the role the US Government plays in protecting and improving the quality of life of millions of vulnerable children in the developing world through its international assistance, whilst also highlighting several areas of concern, including the support by some arms of government for orphanages and residential institutions.

In the context of the tenth anniversary of *Public Law 109-95: The Assistance to Orphans and Other Vulnerable Children's Act of 2005*, this report issues a series of recommendations, in particular: a review of legislative mandates relating to international assistance; leadership in ensuring high-level and consistent consideration of children's rights in international assistance and diplomacy; a consistent child protection policy in each US government department participating in international assistance; and strengthened measurement, evaluation and reporting on the impact of programmes.

Thus, the ISS/IRC welcomes this report as a positive effort to further promote the implementation of domestic and international legal instruments, and as an advocacy example focusing on governmental policies relating to care in international assistance.

Source: Lumos USA, *Dollars and Sense: Supporting Children Outside of Family Care – Opportunities for U.S. Government International Assistance*, 2015, <http://www.wearelumos.org/sites/default/files/Lumos%20USG%20Report%20%28002%29.pdf>.

A Multi-Agency Guidance Note on mental health and psychosocial support for refugees, asylum-seekers and migrants

The great majority of migrants coming to Europe have been forced to leave their country of origin due to conflicts, persecution or extreme hardships. During their journey, they often face additional risk and stress factors that could potentially weaken, harm or strongly affect their mental health. However, despite its importance, this issue is rarely addressed. In order to ensure the psychosocial welfare of refugees and migrants, this Note proposes 12 key principles that have commonly been agreed upon by organisations working in the field. Each principle is illustrated and accompanied by specific tools, such as publications or practical handbooks. Among these principles, priority shall be given to protecting and rendering psychosocial support to children; family support shall be strengthened through family reunification efforts in cases of separation; relevant information shall be provided by using appropriate language. Furthermore, each intervention must take cultural specifics and needs into account. The Note also recalls the need for all involved professionals and volunteers to coordinate and cooperate in their actions.

Source: *Mental Health and Psychosocial Support for Refugees, Asylum Seekers and Migrants on the Move in Europe – A Multi-Agency Guidance Note*, December 2015, <http://reliefweb.int/sites/reliefweb.int/files/resources/MHPSSGuidancenoteFINAL122015%5B1%5D.pdf>.

UNICEF Ghana is looking for technical assistance in support of operationalising the Central Authority

UNICEF Ghana, in partnership with the Ministry of Gender, Children and Social Protection, is looking to engage the services of a consultant for a period of six months as full time work to undertake the following: (1) in line with a capacity-building plan, offer basic and advanced training to enhance the overall capacity of the staff of the Central Authority and other relevant stakeholders; (2) provide support to the Ministry to facilitate Ghana's accession to the Hague Convention – this will require working closely with the Technical Working Group, the Attorney General's Department and the Parliamentary Sub-Committee on Gender; (3) provide technical support in the identification and training/orientation of potential foster parents; (4) support the establishment of a national database on adoption and foster care – such database should be established to facilitate tracking and monitoring of cases of adoption and foster care of children, location, gender, age, country of adoption (in case of intercountry adoption); and (5) support the development of public information materials to inform parents, care-givers, Embassies, Government Ministries, departments and agencies and the public at large about the new standards and practices in relation to adoption and foster care of children.

For further information, please contact: irc-cir@iss-ssi.org.

ISS/IRC NEWS

Changes to the team

2015 marked the end of an era as we farewelled the legendary Hervé Boéchat, Director of the ISS/IRC – leaving us all a legacy of ethical adoption practices. As of 1 January 2016, Mia Dambach is the Director of the ISS/IRC, bringing with her over a decade of experience in child protection matters, starting her career as a children’s lawyer in Australia and joining ISS/IRC in 2008 as a Children’s Rights Specialist. Christina Baglietto will continue working as the Regional Adviser in Latin America in an increased capacity, bringing with her many years of legislative, policy and practical experience in multiple countries as well as four different languages. Jeannette Wöllenstein has permanently joined the ISS/IRC team as Children’s Rights Officer, having joined the ISS family in July 2014. Jeannette is a Franco-German national specialising in Comparative Law. Vito Bumbaca has, likewise, joined the ISS/IRC team on a permanent basis as a Legal and Regulatory Affairs Officer, specialising in International and European Law having worked at the European Union in the field of legal and social security.

LEGISLATION

New legislation in Scotland increases the age that young people, who leave care, may receive ongoing support

World-recognised care experts, [CELCIS](#) describes the new protections available for care leavers potentially up to 26 years of age in accordance with the principles of the *Guidelines for the Alternative Care of Children*.

The Children and Young People (Scotland) Act

The *Children and Young People (Scotland) Act 2014* became law on 27 March 2014. The Act is an integral element of the Scottish Government’s strategy for making Scotland the best place in the world to grow up. An important aspect of the Act is the extended age, at which looked-after young people have both, a right to remain in their current care settings and to receive ongoing support once they cease to be looked after.

‘Staying Put’ and extending the age of support provided to care leavers?

We know from research that care leavers¹, in comparison to the general population, are disproportionately over-represented amongst those experiencing negative outcomes, for instance, in education, employment and health. We also know that improving outcomes for care leavers is built on the solid foundations of effective child-centred care planning, high quality, stable care experiences and graduated and extended transitions from care to independence.

As is noted within the *Guidelines for the Alternative Care of Children*², organisations with responsibility to care leavers should have clear policies and practices that ensure appropriate preparation for their leaving care and ongoing support during and after any transition to

independent living. As with such objectives, the 2014 Act places a duty on local authorities to support young people who are transitioning from care to independent living.

The 2014 Act provides for ‘continuing care’³ to be available to young people who have reached their 16th birthday and are living in alternative care outside of their own family. ‘Continuing care’ can be requested by a young person once they cease to be ‘looked after’ and until they become 21 years old. This includes ongoing assistance and the opportunity to ‘stay put’⁴ in their current care setting should they so choose. If the accommodation ceases to be available, other appropriate living arrangements should be offered. It is, in this way, that young people are ‘encouraged, enabled and empowered to remain in stable and secure care settings until they are ready to move on into adulthood’⁵, if and they so choose.

Once a young person voluntarily relinquishes their ‘continuing care’ status, they become eligible for ‘aftercare’. The 2014 Act has extended the upper age limit from 21 to 26 years of age when care leavers have the right to ‘aftercare’, which includes eligibility to request and receive ongoing advice, guidance and assistance from their local authority.

Closing the gap

The legislation for ‘continuing care’ and ‘aftercare’ particularly acknowledges that for many young people, who have been in care, ongoing positive support in a safe and caring environment is vital and necessary to ensure they have opportunities to make positive sustained

transitions into adulthood. Extending the age, by which they can receive support and policies is contributing to such goals, and implementing these changes in a consistent manner is vital to ensuring that we are able to close the ‘outcomes’ gap and improve the life chances of all of our looked-after young people and care leavers.

The ISS/IRC welcomes this courageous initiative by the Scottish Government to invest in this vulnerable group of the population, which can only bring much reward, not only for the individual but for society at large. Furthermore, to mark National Care Leavers Week 2015, an Alliance of organisations in Scotland launched the *Scottish Care Leavers Covenant*⁶. The Covenant asks corporate parents and others with a role to play in the lives of care leavers to take a bold step and sign up to improve the lives and opportunities of young people leaving care. The Covenant is in essence a ‘promise to act’ and incorporates an ‘Agenda for Change’, which, if implemented fully and consistently, will transform the way care leavers are supported as they transition into adulthood across Scotland. It offers clear guidance to corporate parents on how best to meet the needs of young people, who are often further disadvantaged as a result of their care experiences.

References:

¹ Stein, M. (2012). *Young People Leaving Care*, London: Jessica Kingsley.

² See: http://www.iss-ssi.org/images/advocacy/Alternative_care_Guidelines-English.pdf.

³ See: http://www.celcis.org/media/resources/publications/Inform__Children_Young_People_Act_Part_10-11.pdf.

⁴ See: <http://www.scotland.gov.uk/Resource/0043/00435935.pdf>.

⁵ *Ibid.*

⁶ See: <http://www.scottishcareleaverscovenant.org/>.

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.

READERS’ FORUM

Tell me where I come from and I will tell you who I am...

Géraldine Mathieu, Project Leader for Defence for Children International – Belgium (DCI-Belgium) and Lecturer at Namur University, reminds us of the fundamental right of each child to know their history and introduces us to the work carried out by DCI-Belgium in order to ensure this is implemented.

Adopted, conceived through anonymous medically-assisted reproduction, born to anonymous mothers (in France ‘nés sous X’) or to a surrogate mother, there are many children, who suffer from being deprived of part of their story. DCI-Belgium is concerned about the fate of these children and the suffering that could be created by this situation. The organisation already developed an educational tool on this issue and launched, at the beginning of 2016, a wide-ranging information campaign aimed at, not only involved professionals, but also parliamentarians and the population in general, in order to raise awareness as to the importance of not deliberately confiscating from children a part of their background.

How can we know who we are when we do not know where we come from?

The search for origins is inseparable from the reflection of every human being on their personal identity. Furthermore, questions about one’s origins trigger a spontaneous psycho-social process: each human being, at some stage and with varying degrees of intensity, feels the need to better understand their origins, in order to define their own identity. In this respect, psychology has highlighted the considerable role that the knowledge of one’s origins plays in personality development. Secrets about the child’s origins can generate significant psychological suffering and lead to a fundamental undermining of their self-esteem. Children have a

special antenna to ‘hear’ what is unsaid even though they do not ask questions in the way an adult would. This means that it is crucial never to hide from children secrets relating to their origins.

The adopted child, but not only...

It is adopted children, who have become adolescents or adults who are, somehow, at ‘the origin of questions about origins’. These questions are appearing in the public arena through the discussions raised by adoptees, who feel the need to talk about their personal experiences, their development, and their

difficulties in respect of their situation as adopted children. Several generations of these children have become adults since the rapid growth of intercountry adoption and they now call upon the stakeholders in the field of adoption, particularly in relation to the issue of their origins. Aware of the specific suffering of adoptees in search of their background, numerous States – including Belgium – have explicitly recognised the right of these children to have access to details about their origins and for as much information as possible to be collected for this purpose.

However, today, a new profile of children see themselves being deliberately deprived of part of their origins: children born to surrogate mothers and/or from an anonymous donor within the framework of medically assisted reproduction. In Belgium, the law provides for the donor to remain anonymous (unless otherwise agreed between the donor and the recipient(s)). The child therefore has no right to obtain any information on the donor. The children concerned have come together and founded the organisation *Donorkinderen*¹. They campaign for their voices to be heard and they advocate for the recognition of the right of every child to know their origins.

Truth exists; only lies are invented.

Georges Braque

The work of DCI-Belgium

Defence for Children – Belgium is the Belgian section of an international non-governmental organisation founded in 1979 with presence in over 50 countries worldwide. Its objective is to ensure a continuous, systematic and concerted international action aimed at raising awareness about and protecting the rights of the child. Furthermore, since 2010, DCI-Belgium has been approved by the Wallonia-Brussels Federation as an Association of Ongoing Education. As such, it develops educational tools, provides training and education on the rights of the child and carries out awareness-raising campaigns.

Even though all children confronted with secrets about their origins do not systematically encounter specific psychological suffering, the

fact remains that, for some of them, difficulties stemming from the inability to know their personal story deserve recognition. Based on the testimony of the children concerned, DCI-Belgium created an educational tool on the right of the child to know their origins². This tool includes a theoretical section, which addresses the various issues at stake in a multidisciplinary and cross-cutting manner, together with a teaching programme aimed at training professionals, who, in their work, face either directly or indirectly the issue of access to origins: *i.e.* accredited adoption agencies, fertility centres, doctors, lawyers, psychologists, social workers, etc. Insofar as questioning one’s origins is universal, the proposed workshop is also aimed at a wider audience: parents, young people, schools, students, etc.

Alongside *Donorkinderen*, DCI-Belgium now wishes to encourage our politicians to undertake a broader debate, including, in particular, the issue of surrogacy in the hope that legislative proposals, which respect the fundamental right of each human being to know their origins, will be put into place. A campaign on this subject will therefore be undertaken in 2016 in order to raise awareness, not only amongst the professionals concerned, but also amongst parliamentarians and the population in general.

The emergence of new methods of assisted medical reproduction underlines the urgency of addressing the fate of children conceived through these methods – otherwise, the right to a child, even a ‘perfect’ child, may supersede the right of the child, especially the right to know their origins. Even though the legislative response is insufficient, we firmly believe that it is nevertheless necessary to protect the rights of the most vulnerable, in this case, those of the child given the latter’s helplessness with regards to the choices of the adults involved.

References:

¹ See: <http://www.donorkinderen.com>.

² DCI-Belgium, *Le droit de l’enfant de connaître ses origines, 2014*, available in French at: <http://www.defensedesenfants.be>.

For further information, see: <http://www.defensedesenfants.be> and/or contact geraldine.mathieu@defensedesenfants.be.

INTERDISCIPLINARY RESOURCES

ISS publishes report *Qualitative research into the root causes of child abandonment and child relinquishment in Viet Nam*

This article describes ISS’s latest publication¹, which seeks to identify factors that contribute to child abandonment and child relinquishment in Viet Nam – as well as how this situation can be prevented.

ISS, with the support of UNICEF Vietnam and the Ministry of Labour – Invalids and Social Affairs (MOLISA), undertook research into child abandonment and relinquishment in 2011 and 2012, as part of its follow-up technical support to Viet Nam in overhauling its adoption system. Field assessments were carried out in five provinces and qualitative information was collected during interviews with 146 respondents with strong connections to issues of child abandonment and relinquishment. Importantly, information was collected in carefully-organised face-to-face semi-structured interviews with 35 mothers/fathers or family members, who had relinquished a child. While the research findings may have been anticipated, particularly given the international experience, they are, nevertheless, deeply alarming.

Serious implications for children, parents and all affected

When a child is separated from their, there are often serious implications for all involved. For the children, who is abandoned or relinquished, they are deprived of knowing and being cared for by their parents – creating, in many cases, an impossibility to know one’s origins. For mothers, fathers and other family members, who abandon or relinquish a child, there is frequently a

perpetual sense of loss, guilt and shame. For Vietnamese society, there is a breakdown in the family, which is considered the fundamental unit of society. For receiving countries and prospective adoptive parents, it is important that the origins of children are genuinely recorded and that these children are truly in need of adoption as a child protection measure.

Multiple root causes with a ‘tipping point’

With regards to why children are relinquished in Viet Nam, multiple root causes were identified, noting that the interdependency of one or more of such factors – whether internal or external – often compounds the parents (sometimes grandparents) felt necessity to relinquish the child. Despite, for example, poverty being self-cited as the main reason, the research in fact showed that it was only when one or more negative events impact a family that is already struggling to get by, that the family decided to relinquish their children. These negative events included, *inter alia*, the loss of income, poor health or a death in the family. The research insightfully found that it was these negative events that were the tipping point for the decision, one explanation as to why all people living in poverty do not relinquish their children.

Prevention and joint efforts are needed

In order to prevent the abandonment or relinquishment of children, joint efforts are needed. The accompanying recommendations in the report seek to build on existing structures already present in Viet Nam, that are either little known in the community or require revisions to better address the needs of families at risk. To be

truly effective, these must be accompanied by newer solutions.

ISS remains committed to working with stakeholders to ensure that preventative measures are implemented as well as adequate support is provided to parents in their caregiving role, convinced that 'as far as possible, every child has the right to know and be cared for by his or her parent' (Article 7(1) UNCRC).

Reference:

¹ ISS, *Qualitative research into the root causes of child abandonment and child relinquishment in Viet Nam*, 2015, http://www.iss-ssi.org/images/PDF/final_report_2015.pdf. For further information, please contact: irc-cir@iss-ssi.org.

Three new publications by RELAF aimed at supporting the prevention of family separation and the process of deinstitutionalisation, in particular of younger children

RELAF, with the ongoing support of UNICEF, has been drafting a series of handbooks and reports as materials and key guidelines to support countries in their efforts to implement international principles and standards in this regard, in particular the Guidelines for the Alternative Care of Children.

In the framework of its efforts to continue strengthening policies and professional practice relating to child protection and alternative care, in particular in Latin America and the Caribbean, the *Red Latinoamericana de Acogimiento Familiar* (RELAF), with the support of UNICEF, has published three new materials that contribute to these actions. These three handbooks are based on the practice of the organisation as well as on that of specific countries, and they therefore provide a very concrete perspective of the implications of these actions and programmes.

Early childhood in a family

The guide of good practices for the preservation of early bonds¹ focuses on the importance of growing up and developing in a family environment, in particular for younger children. It is worth highlighting that this handbook intends to strengthen the care offered within biological families through the promotion of public policies on family strengthening and the prevention of family separation (Chapter 1) as well as in alternative family environments whenever necessary, in particular through foster care (Chapter 2) and deinstitutionalisation processes (Chapter 3). As mentioned above, the guide intends to share and disseminate some promising

practices in the promotion and preservation of early bonds and in foster care for younger children from Argentina, Brazil, Chile, Colombia, Cuba, Italy, Paraguay, Peru and Romania.

Furthermore, the model for the prevention of abandonment and institutionalisation² is supplementary to the above-mentioned guide, insofar as it also focuses on the necessary efforts, actions, programmes and services to avoid younger children from being separated from their families and from entering care, always from a multidisciplinary perspective. The objectives of this model are to promote early care, prevent family separation and the entry into unnecessary alternative care, and to end the institutionalisation of children, in particular younger children. Thus, it focuses on the shared responsibility and the opportunities available to those with functions in the children's early care. It is worth highlighting that this model mentions adoption as a permanent protection measure when actions aimed at the prevention of separation have not been efficient, as well as in those cases, in which it has been determined that reintegration is no longer possible. It also emphasises the persistent stigmatisation of the mothers and fathers, who relinquish their child

for adoption, as well as the importance of offering support in the process of separation and mourning of the family of origin and of the child.

Both guides are connected to the ongoing efforts and actions aimed at implementing, in practice, the regional initiative to put an end to the placement of children under three in residential care institutions in Latin America and the Caribbean³.

Standards for foster care

In addition to the above-mentioned publications, RELAF has also published an important handbook for the development and strengthening of foster care programmes⁴ in the region, as an alternative provisional care measure when actions aimed at the prevention of separation have not been successful. Indeed, the

These new materials are useful and necessary tools for all the countries in the region, as well as, possibly, for other regions in the world, in any process of reform or strengthening, whether of the prevention of family separation or the improvement of alternative care options and the deinstitutionalisation process. These are supplementary to the series of handbooks and reports that RELAF has published over the past few years in this same way⁵, and will undoubtedly prove useful to all the professionals involved, at all levels, in the practical implementation of laws and policies in this regard.

References:

¹ RELAF, *Primera infancia en familia - Guía de experiencias de referencia para la preservación de los vínculos tempranos*, with the support of UNICEF, February 2015, <http://www.relaf.org/materiales/GuiaExperiencias.pdf>.

² RELAF and UNICEF, *Cuidado de niños pequeños – Modelo para la prevención del abandono y la institucionalización*, July 2015, <http://relaf.org/materiales/ModeloPrevencion.pdf>.

³ Inter-American Commission on Human Rights, Movement for Children – Latin America and Caribbean, RELAF, SRSG on Violence against Children and UNICEF, *#speakupforme – We are putting an end to the placement of children under the age of 3 in residential care institutions in Latin America and the Caribbean*, <http://www.speakupforme.org>.

⁴ RELAF, *Acogimiento familiar – Guía de estándares para las prácticas*, with the support of UNICEF, <http://relaf.org/materiales/Acogimiento%20Familiar.pdf>.

⁵ See: RELAF, Materials, http://relaf.org/material_eng.html.

creation of foster care programmes contributes to the countries' processes and policies of deinstitutionalisation, and this handbook therefore intends to support these actions when family separation cannot be avoided. This guide describes the various actors involved and affected by a foster care measure – such as the children themselves, their family of origin, the foster family and the technical team in charge of the programme – as well as the procedure – which ranges from the recruitment of families to leaving care. This guide even briefly focuses on some specific and complex circumstances, such as permanency, the link to adoption and the care of siblings. In this case, the guide also includes examples of promising practices in this field, such as in Argentina, Paraguay, Peru, amongst others.

Fiom/ISS Netherlands: A DNA database model for donors and donor children – Protecting the rights to one's identity

Hans van Hooff, Director of [Fiom/ISS Netherlands](#)¹ describes the development of the DNA database as one means of protecting the rights of children to know their origins.

In the context of search actions to find relatives and international standards, Fiom became acquainted with donor-conceived children, who were trying to find their donors. Following a request from donor children (united under [Stichting Donorkind](#)), Fiom set up a contact register in 2010, on which both donors and donor-conceived children could register on a voluntary basis.

It was soon made clear that 'matching' based on physical characteristics and written documentation that was incomplete, incorrect or even completely deficient was impossible. Towards the end of 2010, therefore, Fiom, in collaboration with the Canisius-Wilhelmina Hospital (CWZ) in Nijmegen, established a DNA database for donors and donor-conceived children for that purpose.

As of 2004, donors in the Netherlands can no longer be anonymous and children have the right to know the identity of their donors once they are 16 years old. This is supervised by an agency, the [Stichting Donorgegevens Kunstmatige Bevruchting](#), established especially for this purpose. Thus, the Fiom DNA database is focused on relevant persons dating back to before 2004.

Division of tasks between Fiom and CWZ

Fiom will conduct the registration, by sending the newly-registered person a blood sample form containing a unique code. This document is then presented at one of the 19 Dutch hospitals that are in a partnership with CWZ. Here, blood is taken and then sent to CWZ, carrying only the unique personal identification number. CWZ will

use the blood sample to establish a DNA profile and the profile with its unique code is stored in the DNA database developed for this specific purpose and compared with the profiles included earlier.

Matching and counselling

As soon as a match is found, CWZ will notify Fiom accordingly. Fiom is able to link the unique code to the person involved. A social worker of Fiom will invite both, the donor and the donor child, for individual meetings in order to gauge and coordinate their expectations. Next, both will meet in the presence of the social worker.

In addition, Fiom offers aftercare to both parties, as far as it is needed or desired. As the DNA database also makes it possible to find matches between (half-)siblings, Fiom will prepare them for their first meeting in a similar way. This counselling is provided by experienced social workers, who have

often acquired broad experience in handling adoption cases or by offering guidance to the 107 matches that have been produced by the DNA database thus far. Of the latter, 25 matches are between a donor and one or more children, the other matches are between two donor-conceived children.

Both, Fiom and *Stichting Donorkind*, have a Facebook page where personal experiences as well as the latest developments in the two organisations and the DNA database can be shared or exchanged.

The activities performed by Fiom, including support at registration and counselling in case of

UN Convention on the Rights of the Child (1989)

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference.

a match, are free of charge, *i.e.* they are covered by a state subsidy granted to Fiom for these types of activities. The costs involved in taking a blood sample and transporting it, establishing the DNA profile and its storing and processing in the DNA database are passed on by CWZ to Fiom, who will debit the donors (€ 150) or donor children (€ 250) directly. Occasionally, the profile of a third party (usually a mother) is required, which will cost another € 150.

The ISS/IRC welcomes the development of such databases with the professional support to ensure that that the fundamental rights of children to know their origins can be protected. Despite the many challenges of implementation and potential costs, we trust that such databases will also become widespread in other national contexts as well as in international surrogacy cases, again for use only with professional support.

Reference:

¹ Fiom is a Dutch social work organisation that was established 85 years ago, and whose main activities are focused on the decision-making process concerning undesired pregnancies as well as inquiries about origins, both domestically and abroad. Internationally, Fiom has a partnership with the ISS, and in the Netherlands, ISS is part of Fiom.

CROSS-BORDER CHILD PROTECTION IN THE FRAMEWORK OF THE HC-1996

Unaccompanied and separated children: Towards concrete legal, political and practical solutions?

As a follow-up to Monthly Review N° 196 of November 2015, the ISS/IRC offers, in its first article in this new section, a brief overview of the recent legal, practical and political developments linked to the care of unaccompanied and separated children (UASCs), which it will illustrate throughout this coming year through concrete examples.

Since the ISS/IRC's special series on the protection and care of UASCs, important developments have taken place, given, in particular, the increasing number of these children deprived of their family and in an extremely vulnerable situation, in several of the world's regions¹. This article recalls the fundamental principles that are applicable, at legal level, to UASCs, and shows how practice develops through collective and individual initiatives, as well as the development of tools.

Incorporation of the fundamental principles into regional and domestic legal instruments

Internationally, the provisions of the UNCRC, General Comment N° 6 of the Committee on the Rights of the Child as well as Parts VIII and IX of the Guidelines for the Alternative Care of Children set the fundamental principles for the

Pros and cons of the procedure

An important advantage of the procedure is that the expertise available in both organisations has been combined. Each of them has its own field of expertise and knowledge. Another major advantage, obviously, is that many people can still find answers to their questions. The procedure has the disadvantage that, for some, the costs involved are a (fundamental) barrier that keeps them from registering.

protection of UASCs, such as non discrimination (Art. 2 UNCRC), the fundamental consideration – at any time – of the child's best interests (Art. 3 UNCRC, General Comment N° 14) and the right of the child to be heard (Art. 12 UNCRC). The HC-1996 adds, in its Article 6, the principle of the responsibility of the State, in which the child is present, and thereby sets up the legal basis for a system of cooperation, communication and coherence amongst all the actors and legal systems involved.

These principles have been reiterated by a number of regional instruments, such as those of the European Union², and domestic instruments, of which a non-exhaustive analysis will be offered in a forthcoming issue of the Monthly Review. Even though this stage is fundamental, it is not sufficient to ensure that these international standards are respected in practice.

Proliferation of collective and individual efforts in the face of existing challenges

An increasing number of research projects, comparative studies, as well as international conferences – such as the conference [Children and young people on the move : Towards a more precise definition of their best interests](#), which ISS was present at in 2015 – bringing together actors from the academic sector, from civil society and practitioners, have informed about the various challenges linked to the implementation of the above-mentioned principles, such as the care of UASCs in detention centres or the unequal distribution of financial and human resources³. In order to respond to the latter, it appears that genuine changes have been introduced in practice (social workers, lawyers, judges, NGOs, etc) through the proliferation of efforts of dialogue and cooperation. Thus, many campaigns and inter-sectoral initiatives⁴ have been generated, and have often resulted in the development of practical handbooks or reference documents that offer tools and promising practices⁵. Furthermore, individual initiatives have also been launched⁶. Some countries – which remain limited in their numbers – have developed specific care programmes for UASCs⁷, which include, for example, the appointment of a specific guardian together with the child's legal

representative, in order to ensure their wellbeing, identify sustainable solutions, in accordance with their best interests, and which allows them to have a reference person in charge of establishing a link with other involved authorities and services⁸.

Discrepancy between theory and practice : A lack of political will?

A regional policy that would allow for the implementation of the relevant principles is also essential, and must be reflected in a harmonisation of the standards and procedures relating to the care of UASCs in the various countries in the region. However, this situation is currently only respected to a limited extent, even though some efforts are being undertaken in this direction⁹. Let us mention the example of the European Union's legal framework, which does indeed offer guidelines for the protection of UASCs, but which also faces obstacles in its implementation, linked, in particular, to the fact that these instruments are not binding and therefore call upon the good will of the Member States. Locally, this is reflected in a lack of harmonisation and a very unequal protection of UASCs from one country to another. Thus, civil society is called upon to strengthen its advocacy efforts with governments – an action, which ISS is fully committed to and intends to pursue through its network.

In addition to the need for a legal framework at international, regional and domestic level, in accordance with the principles provided for in international standards, the protection of UASCs relies on cooperation amongst all the actors involved, whether at interdisciplinary or at inter-sectoral level, to which the HC-1996 may offer solutions.

References:

¹ In relation to Europe, see: http://www.iom.int/sites/default/files/press_release/file/IOM-UNICEF-Data-Brief-Refugee-and-Migrant-Crisis-in-Europe-30.11.15.pdf; with regards to Latin America, see Monthly Review N° 197 (December 2015).

² See Article 24(2) of the Charter of Fundamental Rights of the European Union; Directive 2013/33/UE of the European Parliament and of the Council of 26 June 2013; Directive 2011/36/UE.

³ See: MinAs Project, <http://minasproject.eu/>; CONNECT Project, <http://www.connectproject.eu/index.html>.

⁴ See, for example: Separated Children in Europe Programme, <http://www.separated-children-europe-programme.org/>; Destination Unknown, <http://destination-unknown.org/about/what-we-want/>; Missing Unaccompanied Migrant Children, Missing Children Europe, <http://missingchildreneurope.eu/Missingunaccompaniedmigrantchildren>.

⁵ See: UNHCR, *Field Handbook for the Implementation of UNHCR BID Guidelines*, 2011, <http://www.unhcr.org/50f6d27f9.html>; CONNECT, *Reference Document on Unaccompanied Children – A compilation of relevant EU laws and policies*, 2014, http://www.connectproject.eu/PDF/CONNECT-EU_Reference.pdf.

⁶ See, for example, the activities of the NGO Santé Sud, <http://www.santesud.org/>; the BIC-model in asylum and

immigration procedures, developed by the University of Groningen, <http://www.rug.nl/research/study-centre-for-children-migration-and-law/scientific-research/legal-research>.

⁷ See: European Union Agency for Fundamental Rights, *Guardianship systems for children deprived of parental care in the European Union*, 2015, http://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-guardianship-systems-in-the-eu_en.pdf.

⁸ See: Scottish Guardianship Service and the Independent Child Trafficking Advocates in Wales, http://www.childrensociety.org.uk/sites/default/files/protecting_children_through_guardianship_summary.pdf.

⁹ See the actions undertaken by ISS-Switzerland's West Africa Network, http://www.ssis.ch/en/west_africa_network.

FORTHCOMING CONFERENCES AND TRAININGS

- **France:** **a)** *L'accueil familial des enfants à temps complet, Rôle et dynamique du placement familial*, COPEs, Paris, 9 – 11 March 2016 and 25 – 27 March 2016 (2 modules); **b)** *Placement en accueil familial: approfondissement clinique, L'enfant, sa famille et la dynamique institutionnelle*, COPEs, Paris, 18 March 2016; **c)** *Protection de l'enfance et diversité culturelle, Formation en pratique transculturelle*, COPEs, Paris, 22 March and 7 – 8 April 2016 (2 modules). For further information, see: <http://www.copes.fr/>; **d)** *Accueillir un enfant en pouponnière*, Association PiklerLóczy, Paris, 23-25 March 2016. For further information, see: <http://pikler.fr/Formation>.
- **India:** *Improving Standards of Care for Alternative Child and Youth Care Systems, Policies and Practices*, 2nd Biennial International Conference, focused on South-Asian countries, Udayan Care, Noida, 18 – 19 March 2016. For further information, see: <http://udayancare.org/ucon2016/index.html>.
- **Switzerland:** *Il ne veut pas ou il ne peut pas ? Quand les enfants adoptés ont des difficultés à l'école*, Espace A, Lausanne, 16 March 2016. For further information, see: <http://www.espace-a.org/programme/>.
- **World:** Call for submissions on the Joint General Comment on the Human Rights of Children in the Context of International Migration of the Committee on the Rights of the Child and the Committee on Migrant Workers, deadline: 29 February 2016. For further information, see: <http://www.ohchr.org/EN/HRBodies/CMW/Pages/JointGeneralCommentonChildren.aspx>.

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