



# Monthly Review

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## EDITORIAL

### Superstar adoptions: Truly super?

*Further to current issues being raised by the adoption of children by superstars, ISS wishes to recall the basic ethical and international standards which should safeguard the rights of the adopted child. ISS would like to ensure that all adoptions are “super” for the child. Superstars are in a unique position to reflect (or not) ethical practices, leading by example.*

#### Truly super according to international standards?

Intercountry adoption is governed by article 21 of the Convention on the Rights of the Child and 1993 Hague Convention. This CRC – which is of a binding nature - has been ratified by all countries in the world, except the USA, and the principles it entails therefore ought to be applied throughout the adoption process. The text emphasises that the best interests of the child shall be the paramount consideration in all adoption procedures. In practice, this means that the child’s interests must take precedence over any other interests - truly super for the particular child.

#### Truly super in practice?

In practical terms, priority must go to allowing children to be raised in their own family, i.e. remain with birth parents or extended family. Only if all measures designed to ensure this have failed, should alternative care be considered. In that case, permanent solutions, such as domestic adoption, are strongly preferred over temporary solutions. Furthermore, within this range of measures, national solutions should be sought in the first place (see article about Netherlands page 4), and intercountry adoption only be considered if all other measures have been properly considered by competent and professional bodies.

One must not forget the controversy surrounding the birth parent’s possible lack of consent to adoption by certain superstars. Regrettably such conflicts of interests, even at times fueled by illicit practices, are widespread as noted in ISS’ Grey Zones of Intercountry Adoption (2012) with often devastating consequences as documented in ISS’ [Responding to Illegal Adoptions – A professional handbook](#) (2016). In many cases adoptions are being undertaken in an environment conducive to illicit

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practices, due to weak child protection frameworks etc. as outlined by the UN Special Rapporteur on the sale of children, child prostitution and child pornography in her [2017 report on illegal adoptions](#) (see article page 7) and/or driven by politics as recently ruled by the European Court of Human Rights in its judgment against Russia (see article page 5). Not at all super for the child.

### Ensuring that adoptions are truly super

In the current context of intercountry adoption, the wish to adopt often hides the real needs of children. The great majority of children living in residential care institutions are not truly orphans. This perception is worsened further as the number of prospective adoptive parents wishing to adopt outbalances significantly the number of children in need of adoption in the countries of origin. Even though the wish to adopt results from a good intention, one must bear in mind that adoption will not always benefit every child and that a child's situation must be assessed comprehensively and on a case-by-case basis. One should keep in mind at all times that adoption is to be seen as a suitable solution to children in need of parental care, before being a way for potential parents to fulfil their desire for children.

States therefore have a responsibility in ensuring that adoption proceedings between two countries respect international standards, in particular that prospective adoptive parents have been found suitable, well prepared, that the matching is in the best interests of the child and that proper follow-up will be carried out. The economic situation of prospective adoptive parents especially that of superstars, should not be the paramount consideration.

**We need to keep the best interests of the child at the centre of our decisions - ensuring that the outcomes for each child are truly super now and into adulthood. This is not only true in adoption matters, but particularly relevant in [international surrogacy arrangements](#) – as we see an increasing number of superstars becoming involved – where the CRC Committee has noted that the lack of regulation results in the sale of children. ISS is committed to working with actors including superstars to ensure that we leave children a legacy to be proud of.**

The ISS/IRC team  
February 2017

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## BRIEF NEWS

### Updates from Ghana

With the 1993 Hague Convention acceded to, the Children's Amendment Act came into force, with new provisions related to adoption and foster care. Whilst in principle there are many improvements in the child protection legislative framework, the great challenge will be its implementation. This includes ensuring the respect of principle of subsidiarity, adequate prevention mechanisms, robust gatekeeping, and comprehensive monitoring etc. Additionally although the Central Authority is formally established, this body will continue to need support to fully meet its responsibilities. In addition, the various actors, judiciary, residential care institutions, social workers will also need to be equipped with resources to properly carry out their functions – especially at a regional and local level. ISS is examining potential avenues for providing support to Ghana as it moves forward in its reforms. For now, ISS strongly recommends that potential Receiving States provide Ghana the time and opportunity to comprehensively implement the new provisions, before embarking on intercountry adoptions and thereby avoid unnecessary pressure. ISS is working on updating its country situation on Ghana which will provide a deeper analysis of the situation and publish this in due course.

## Report on the adoption workshop in Ouagadougou (Burkina Faso)

By Alphonsine T. Sawadogo, Administrator of Social Affairs and Consultant in intercountry-adoption matters in Burkina Faso

From 17 to 19 January 2017, the Ministry of Women, National Solidarity and Family in Burkina Faso and the French Central adoption authority (MAI) launched and organised, in collaboration with the Permanent Bureau of the Hague Conference on international private law (HCCH) and the Central authority of the French-speaking part of Belgium, a workshop entitled “*Feedback on the experiences related to the effective implementation of the 1993 Hague Convention*”. This event gathered around 30 experts from Central adoption authorities working in the field of adoption and/or child protection, from judicial authorities of six countries of origins from the French-speaking Sub-saharian (Benin, Burkina Faso, Ivory Coast, Guinea, and Togo) and Caribbean regions (Haiti), all contracting states of the 1993 HC or in the process of becoming contracting states. This workshop took place following the “Declaration on the necessity to establish a common framework in Africa for the adoption of children”, made by representatives during the Special Commission on the on the practical operation of the 1993 HC, in June 2015. The aim of workshop was to promote a better comprehension of the 1993 HC and its implementation in the countries present as well as help ensure that intercountry adoptions comply with the best interests of the child and contribute to the prevention of abduction, sale and trafficking of children for adoption purposes.

Workshop participants unanimously acknowledged the significant achievements made in the different States (contracting and non-contracting States in ratification process) with regard to the implementation of the 1993 HC. They particularly highlighted, *inter alia*, the approbation of legal and regulatory texts, the designation of competent adoption authorities, the establishment of a clear adoption procedure and strengthened systems for the management and monitoring of institutions.

However, it was agreed that several challenges needed to be addressed for a better implementation of the 1993 HC. Therefore, recommendations were issued destined to the present States. These concern in particular involved:

- the strengthening of capacities of the actors involved in the adoption procedure;
- the facilitation of experience exchange at the regional level;
- to guarantee the permanency of technical staff within Central and competent authorities in order to develop promising practices in the field;
- the strengthening and guarantee of multi-disciplinary of matching committees as well as their operationalisation;
- to foster the recourse to accredited adoption bodies;
- to raise awareness among the public about issues related to child protection and the importance for each child to grow up in a stable and permanent family environment;
- to encourage the establishment of databases enabling to better follow each child;
- to take the necessary measures to determine, within a reasonable timeframe, the best suited life project for each child;
- to promote national adoptions in a responsible manner;
- to encourage the regulation of adoption costs;
- to establish centralised systems enabling access to one’s origins in order to face increasing requests by adoptees;
- to encourage the continued work related to a child’s preparation in the view of his/her adoption;
- to regulate adoption demands based on the existing adoption needs as a shared responsibility among receiving countries and countries of origin.

At the end of the meeting, each attending delegation was invited to draw up a roadmap identifying the priorities to be implemented including its communication to the Permanent Bureau of the HCCH.

# International alternative care conference

## 3 to 5 October 2016



### Follow up briefing note

Following on from the [Building on the Momentum](#), international alternative care conference in October 2016 as well as other international and regional initiatives to better implement the UN Guidelines for the Alternative Care of Children, a number of questions have arisen as to next steps. This briefing note provides some guidance as to how the inter-agency group steering group (see partners below) could respond to or assist with such questions.

### Regional conferences

As noted in the TORs for “Building on the Momentum”, the steering group (SG) had foreseen the necessity of subsequent conferences focusing on particular issues shared by countries in the same region. The SG welcomes such initiatives and could be involved when for such regional conferences:

- clear objectives as well as timeframes identified
- at least four countries interested
- government agreement and involvement in planning
- inter-agency initiative
- adequate budget secured

The SG could provide an advisory role if requested on issues such as planning (identifying speakers, themes, agenda etc.) as well as information dissemination among their vast networks. The SG could provide endorsement to use the same branding, indicating a similar quality of conference organisation as the original “Building on the Momentum”.

### Building on the Momentum branding (BOM branding)

The steering group (SG) has been approached by a number of organisations wishing to use the BOM branding for other conferences. As the BOM branding reflects inter-agency buy in (see partner logos below), each request will be dealt with on an individual basis by the SG. The requesting organisation is invited to submit: conference TOR, conference agenda, list of partners and funding sources. The SG will seek to reply within 14 days of the request as to whether approval for use of BOM branding has been granted or not.

We would also request that the alternative care participation list be not used to promote individual initiatives without the SG’s prior approval.

**Further questions, please contact:** [mia.dambach@iss-ssi.org](mailto:mia.dambach@iss-ssi.org).

#### Hosts



#### Partners



### «African Report on Child Wellbeing 2016: Getting It Right: Bridging the gap between policy and practice»

This report from the African Child Policy Forum reminds us that children represent 47% of the African population, half a billion, and that children suffer from multiple deprivations of their fundamental rights. Therefore, in example, 34 million children are out-of-school and 53% of the children living in sub-Saharan Africa live in extreme poverty. The protection of the most vulnerable is weak and the risks of abuse and exploitation remain high.

The report examines concretely the child rights' institutions, implementation, coordination as well as their monitoring and accountability in many African countries. It then defines six priority areas for action to transform the children's structures and improve their effectiveness. The report mentions the need to develop a holistic and shared vision for children that can serve as overarching national frameworks for action, and which benefit from strong political support and sustained commitment for their materialisation. It also explains that cross sectoral and hierarchical mechanisms dedicated to coordinating child rights implementation efforts must be established at national and sub-national levels. It also insists on the necessity to increase budget allocations to structures, sectors and programmes benefiting children, and to ensure that these budgets are used efficiently. It is interesting to note that the report mentions the importance of the children's participation in the implementation of their rights. ISS/IRC welcomes this report which constitutes a very complete research and advocacy on the children's situation in Africa and the implementation of governmental policies regarding children's protection.

Source: The African Child Policy Forum: « *African Report on Child Wellbeing 2016: Getting It Right: Bridging the gap between policy and practice* », an overview available at: <http://www.africanchildforum.org/en/index.php/en/>.

### Statutes for foster families approved by the Autonomous Community of Castilla Leon (Spain)

The ISS/IRC welcomes the approval of the Statutes for foster families\* in *Castilla León* (Spain), becoming thus the first Spanish Autonomous community to take a step further in the commitment to children placed under a protection measure such as temporary or permanent foster care. The Statutes for foster families are the result of the joint work between professionals of social services and entities that collaborate and participate in foster care programs within this same region. This community norm reflects the importance of the figure of the foster carer, may it be within the extended family or in family-external contexts, by recognising their rights and obligations as well as their fundamental role in the child protection system of protection. Among the innovations included in the Statutes is the recognition of foster care associations, support and allowances provided to foster families, the right to be heard, the identification and accreditation of foster families, a permanency phone service 24 hours a day, etc. \*Available in Spanish at

<http://www.observatoriodelainfancia.es/oia/esp/descargar.aspx?id=5070&tipo=documento>.

## LEGISLATION

### European judgment concerning Russia's decision to prohibit the adoption of Russian children by American nationals

*In January 2017, the European Court of Human Rights (ECtHR) declared discriminatory the Russian prohibition faced by American nationals to adopt Russian children.<sup>1</sup>*

In this case, actions were brought by 45 American citizens against Russia in the context of the implementation of the ban on American citizens to adopt Russian children.

This ban entered into force on the January 1st, 2013 was justified by the death, in 2008, of a Russian child adopted by American citizens is articulated in the Federal Law No.272-FZ. This case showcased other



situations of mistreatment of Russian children adopted in the United-States<sup>2</sup>, which lead Russian authorities to suspend any adoption to this country. In addition, the Russian government emphasised that the prohibition of adoption was also intended to promote domestic adoption.

### Context of the case under consideration

American prospective adoptive parents that had not yet filed a motion for adoption in front of the Court saw their adoption proceedings stop even during the final stages. In most cases, the plaintiffs had received the confirmation from the Russian authorities that children had not been able to be placed in Russian families, and they had been declared as suitable. They had also already visited the child and confirmed their commitment to adopt him/her. According to the Court, in the spring 2013, some children were placed in foster care or adopted by other families.

### Grounds for review and argumentation of the ECtHR

The plaintiff considered that, in the present case, they had been victims of:

- A discrimination based on their nationality in contradiction with article 14 (non-discrimination) of the European Convention of Human Rights<sup>3</sup> in conjunction with article 8 (respect of family and private life) of this same Convention;
- A violation of article 3 (right to respect for private and family life) of the Convention due to the severe disabilities of most children.

After having analysed the Russian government's justifications for the implementation of the ban, the ECtHR concluded at the violation by Russia of article 14 taken in conjunction with article 8 of the Convention on the grounds that the Russian Law, bases itself solely on the nationality of the prospective adoptive parents, and is also

disproportionate with respect to the target objectives, because it applies retroactively and regardless of the stage of the proceedings or of the specific circumstances of the situations. However, the Court did not judge the request admissible regarding article 3 of the Convention given that children received appropriate medical treatment in Russia. The Court sentenced Russia to pay 3.000€ for moral damages to each couple of plaintiffs. The latter has expressed its intention to lodge an appeal against this judgement.

### Moratorium and best interests of the child in pending cases

The ISS/IRC takes this opportunity to recall that countries of origin, as well as receiving countries, can impose a moratorium for clear and precise reasons. It is worth remembering that, in conformity with the Guide to good practices n°1 of the HCCH, countries of origins can impose moratoria and are not obliged to collaborate with all receiving countries<sup>4</sup>, the best interests of the child being the primary consideration. However, this decision must be accompanied by a specific attention to pending cases (see Monthly Reviews ISS/IRC n°202 and n°203 of 2016).

Adoptions at the final stages of the proceeding should have the opportunity to be completed in conformity with the best interests of the child, after an individual in-depth review of cases. This review should take into account various criteria such as the respect of the fundamental safeguards of adoption laid down in the 1993 HC, existence of matching, presence of a mechanism of post-adoption support of quality etc. In addition, a management plan related to adoption should be established by the country of origin. In cases of systemic abuses, an individual case should only be examined if a proof that those abuses have not occurred.

This judgement is, in the opinion of the ISS/IRC, the opportunity to recall the right of countries of origin, as much as of receiving countries, to establish moratoria with countries of their choice, a right that must however be supported by measures taking into account the best interests of children concerned by pending cases at the time of the suspension. Essentially, the best interests of the child should be the one guiding such decisions, beyond political interest.

#### References:

<sup>1</sup> Judgement A.H and others v Russia, 17 January 2017, [http://hudoc.echr.coe.int/fre#{\"itemid\":\[\"001-170390\"\]}](http://hudoc.echr.coe.int/fre#{\)

<sup>2</sup> At least 19 cases have been reported in the press.

<sup>3</sup> See Cantwell, N (2014). *The Best Interests of the Child in Intercountry Adoption*. Innocenti Insight, Florence: UNICEF Office of Research, pp 38-39.

## PRATICE

### Netherlands considers bold reforms to its ICA practices

*IRC welcomes the independent advisory report<sup>1</sup> presented to the Dutch government late 2016 to address among others, better safeguard the interests of all actors, particularly children but also its own nationals – including preventing unethical adoption practices.*

The council for the Administration of Criminal Justice and Protection of Juveniles commissioned Andersson Elffers Felix to simulate a number of scenarios, for the future of ICA in 2016. The advisory report ‘Reflection on Intercountry Adoption’ was submitted in November 2016 to the State Secretary of Security and Justice of the Netherlands, with a response to be delivered by the latter early 2017.

#### Preliminary findings

One of the preliminary considerations of the report was how to ensure that children are able to grow up in their own families, according to principle of subsidiarity embedded in the 1993 Hague Convention. After neutrally listing a number of ICA advantages and challenges, the report states that *“despite the benefits it provides to the individual child (micro level), the Council believes that the adoption system is not the ideal solution to protect the target group of children at large (macro level).”*



#### Overall recommendations

The advisory report strongly encouraged the Government to shift its focus on providing technical assistance to countries of origin, to improve their own child protection system so that children would be able to grow up in their families of origin and own culture. In addition, the report *“recommends to, terminate immediately the collaboration with countries with specific problems. This concerns China (supervision by Central Authority and accredited bodies not possible), the US (violates the intention of the Convention’s provisions with respect to the principle of subsidiarity and freely given consent) and countries of origin that are EU Member States (principle of subsidiarity).”* Should the Dutch government accept such recommendations, this would result in a significant decrease of ICA for the country – which politically may not be popular but may be for the best interests of the child upon the condition that countries of origin are truly supported to provide national family based options.

### IRC observations

IRC would like to recall that acting, in principle, on such recommendations would not be a first for any receiving States – including the Netherlands. For example, a number of States provide technical co-operation by supporting the work of the HCCH, ISS and UNICEF to further reforms in countries of origin, mostly recently in Benin, Cambodia and Guinea. Likewise receiving States have imposed moratorium, where they believe that international standards cannot be adequately complied with, such as Ethiopia, Democratic Republic of Congo, Guatemala, Haiti, Viet Nam etc.

However with such moratoria, one important question arises, will all receiving States adopt

a common approach with respect to the same country of origin? If no, IRC is concerned about the mixed messages sent to the country of origin – either it has a system that functions according to 1993 Hague Convention, which is why ICA continues or it does not. When the answer is affirmative as was the case in Viet Nam, we have observed a great opportunity for reforms without pressure to continue in a system characterised by serious challenges. We encourage not only the Dutch government but all receiving States to adopt a common ICA approach in accordance with international standards, for the best interests of each individual child.

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### References:

<sup>1</sup> The complete report (in Dutch) is published on [www.rsj.nl](http://www.rsj.nl); a summary is available in English by request to the IRC.

## Report of the UN Special Rapporteur (SR) on the sale of children, child prostitution and child pornography related to illegal adoptions<sup>1</sup>

*This article reviews the report of the SR with respect to illegal adoptions which aim is to highlight the wide variety of illegal acts and illicit practices that have been and continue to be committed in the context of domestic and intercountry adoption processes. This report will be presented for the first time on March, 8 during a panel discussion attended by the ISS/IRC.*

The recent report of the SR underscores several forms and methods of illegal adoptions linked to the sale of children. It identifies multiple push and pull factors as well as measures to prevent and combat illegal adoptions. In addition, a number of recommendations are brought to the attention of the different actors involved in the process of adoption. The ISS/IRC welcomes this report which will be presented and heard by the 192 governments attending the Human Right Council in March 2017. It is therefore an international recognition of the existence of those practices and of the necessity to implement actions to end it. Such recognition in front of an international assembly offers to victims of sale of children another form of reparation.

### Push and pull factors

The factors related to the phenomenon of illegal adoptions are multidimensional and linked to the political, legal, socioeconomic, cultural and environmental context. Even if the weakness of the child protection system is a major factor in the apparition of illegal adoptions in a country, the pressure from receiving countries on countries of origin - due to the significant discrepancy between the number of prospective parents seeking to adopt and the number of children who are truly adoptable – must also be taken into account. Furthermore, the lack of transparency of financial flows leads to great fluctuations in the amount of money paid by and to the different actors of the processes.



## Recommendations of the SR

Following her study, the SR states several recommendations already advocated by the HCCH, ISS and UNICEF for some time including: the prohibition of private and independent adoptions; the establishment of a unique and holistic procedure regarding domestic and intercountry adoption; a transnational cooperation between countries of origin and receiving countries that have a common responsibility in various areas (the

prevention and response to systemic illicit practices; the rights to truth, justice, reparation and guarantees). Furthermore, the importance of monitoring adoption agencies as well as their numbers is emphasised as a factor enabling the diminution in risk of irregularities in the process of adoption. Finally, a particular attention is given to the role of the HCCH and the ratification of 1993 HC in the prevention and fight against illegal adoptions.

**This recent report highlights the complexity surrounding the phenomenon of illegal adoptions as well as the preventive and reactive responses that have to be taken by the multiple actors. The ISS/IRC underscores more specifically the concerns of the SR regarding the conversion of a *kafalah* into a domestic adoption along with adoptions by expats which elude the guarantees prescribed in the 1993 HC (§ 49), two themes that are currently being examined by the ISS/IRC and will result in further information in the coming monthly reviews. In addition, the ISS/IRC is pleased to continue its collaboration with the SR who is considering dedicating her next report to the issue of international surrogacy arrangements.**

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## References:

<sup>1</sup> A/HRC/34/55, Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (22/12/2016). Available at [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/34/55](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/55).

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## INTERDISCIPLINARY RESOURCES

### Handbook for educational care of pupils in foster care, adoption and residential care

*Many children in child protection face considerable difficulties of adjustment, attention, self-esteem, performance, and require specific care. This recent handbook<sup>1</sup> offers responses to these needs and support for teaching and educational staff.*

The first objective of this handbook, published by the *Observatorio de la Infancia de Andalucía* (Spain), and drafted by the Department of Evolutionary Psychology and Education, is to raise awareness among the educational community about children's reality in the child protection system, by helping to understand their needs and abilities. The second objective is to contribute to their positive



integration and facilitate educational work with them.

#### The profiles and needs of the children

Through real cases of children with different stories but common characteristics, the handbook offers in-depth information about their ability to adjust and to recover physically and emotionally – the latter being slower – and their wish to succeed, to have friends, to play and to have fun.

They like going to primary or secondary school, even though these places often become an environment of tension and frustration in terms of academic competences. One cannot generalise, as it

will depend on each child, on the level of adversities experienced, on their age when entering the protection system, on their ability of resilience...

Difficulties to remain focused, lack of control of impulses, and, sometimes, some cognitive limitation as well as difficulties at emotional level, are the most common problems – these can result in many cases, from attachment problems.

### **A necessary response from the educational sector**

Thus, it is necessary to avoid negative labels, such as ‘children with problems’, ‘with hyperactivity’, ‘problematic children’, ‘from institutions’... considering each child in their uniqueness, with their potential and their difficulties. The educator’s main task is to prepare an appropriate placement, to be active in attending any discrimination against the child, as well as taking actions to get closer to the child by praising small steps forward and demonstrating a positive attitude towards the child.

**The ISS/IRC considers this handbook to be a very useful tool, of great educational value for schools, teachers, educators and professionals, who are in contact with children that are – or were – placed in the child protection system. To understand the weakness, in which some of these children find themselves when facing their schooling and learning, are key aspects to achieve school integration and academic success.**

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### **References:**

<sup>1</sup> Palacios, J, Jiménez, JM, Espert, M and Fuchs, N (Department of Evolutionary Psychology and Education, University of Seville) (2014). *“Entiéndeme, enséñame – Guía para la atención educativa al alumnado en situaciones de acogimiento familiar, adopción y acogimiento residencial”*. Coordination of the publication: Observatorio de la Infancia en Andalucía; available in Spanish at: [http://www.juntadeandalucia.es/export/drupaljda/entiendeme\\_ensename\\_0.pdf](http://www.juntadeandalucia.es/export/drupaljda/entiendeme_ensename_0.pdf).

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## **ISS ACTION WORLDWIDE**

### **Analysis of nature and extent of institutionalization of children in Guyana**

*A report entitled “An Analysis of the Nature and Extent of Institutionalization of Children in Guyana”<sup>1</sup> was published in May 2016, to bring responses to the lack of empirical data in the country. This information is especially useful for the development of adequate public policies and resource allocation and for policy*

### **Essential guidance**

Before the child starts at school, s/he will have to be assessed whether or not a psychological assessment is necessary. Another consideration will be whether the resources to respond to the child’s needs are available at the school, by offering guidelines, tools and information to the family or guardian, with a view to working in a coordinated manner based on the plan prepared for the child.

### **The family or residential facility and the school: Communication between the parents or the guardian and the school**

All the relevant information about the child must be shared and open communication must be established. It is important to provide support and respect to the adoptive parents, carers or residential guardians in facing the difficulties that may arise in raising and educating the child, share educational strategies, as well as adjust expectations relating to academic results and be realistic in terms of the child’s abilities to achieve.

**A** study analysing institutional care in Guyana was conducted by ChildLink, an NGO working to protect Guyanan children against violence and abuse, and its local partners with support from Family for Every Child and the European Union. This study provides an assessment of institutional care from the perspective of concerned children, their parents and caregivers as well as governmental and civil society agencies.

### **Factors leading to children being placed in institutions**

At the time of the study, approximately 829 children were placed in the 23 residential care facilities throughout the country. Children spend between two weeks and 15 years in care, with an average of four years – a very long time for a child. At present, the country is lacking an effective system to determine a child's placement. As such, children may be placed without regard to their age, sex, psychosocial needs or geographic proximity to their families.

The research showed a slow judicial system as key factor contributing to children remaining in care for extended periods while accused abusers are not necessarily being persecuted. Pervasive extreme poverty was also cited as factor leading to the institutionalisation of a great number of children.

According to the study, there are a number of other reasons for children being placed in residential care: child abuse, family violence, weakening family systems, natural disasters, disability of the child or a parent; and a child's lack of discipline.

### **Improving information provided to children and caregivers**

The study underlines the need to improve information sharing to children in institutions concerning their rights and the reason of their placement and to ensure that their best interests are met. Moreover, caregivers are not informed about the reasons of a child

being placed in care, which makes adequate responses based on the child's needs very difficult.

### **Improving the quality of care and promoting the child's participation**

Officially the residential care system in Guyana meets the government's minimum operating standards. The general perception throughout the country is that concerned children benefit from the access to education and quality food, which they may otherwise not have access to. However, according to children's testimonies, preference is given to privately run institutions over state facilities. Therefore, more attention is required to improve hygiene and security in these state run institutions and to ensure that children's psychosocial needs are met through recreation and sport activities, and the development of a more joyful and harmonious living environment.

Numerous children participating in the study expressed a yearning for their families and homes despite the prevailing difficulties in their home environments. A great number of parents believe that the often restrictive and bureaucratic visitation policy adopted by state run institutions has hampered their ability to see their children. This in turn has consequences on the concerned children as they feel abandoned by the persons they long to see, particularly since many remain in care for numerous years.

### **Lack of comprehensive re-integration processes and leaving care support**

While some procedures are in place to support the re-integration of children into their families and communities, several gaps remain regarding the services provisions in a comprehensive re-integration process guided by policy and implementation means. Support is provided through counseling for children and their parent(s) and family visits to help children transition out of institutional care. In addition, strengthened follow-up and

continuous support to families are also needed once a child leaves the institution. Additionally, a structured approach to provide life skills and vocational trainings to children who are “aging out” of the system is still lacking to avoid their social and economic vulnerability.

### Achievements and remaining challenges

Although the residential care system is meeting children’s basic needs in Guyana, systemic challenges remain. Therefore, concerted and coordinated efforts among all stakeholders, including legislators and relevant government agencies, are needed.

**By addressing some of the key challenges and barriers identified in this study, the Guyanan residential care system can reduce the length of time children spend in care and improve the quality of care provided to children.**

Capacity building of government officials should focus on gathering of disaggregated data - currently lacking - in order to assist an effective policy making and program planning.

Though the ratios caregivers - children have improved significantly from about 1:25 to 1:6 over the past 10 years, there is still an urgent need for further trained and qualified counselors in order to provide psychosocial support to children and their families as well as life skill training for young adults leaving the child protection system.

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### Reference

<sup>1</sup> For further information, please contact ChildLink: [admin@childlinkgy.org](mailto:admin@childlinkgy.org); <http://childlinkgy.org>.

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## CONFERENCES, SEMINAIRES, COLLOQUES ET COURS A VENIR

- **France :** **a)** *Diriger et accompagner un équipe de multi-accueil*, PiklerLóczy, Paris, 20-21 April and 17-18 May 2017, ; **b)** *Connaître et comprendre le développement psychologique du jeune enfant*, PiklerLóczy, Paris, 26-27 April, 6-7 and 26-27 June 2017. For further information, see: [http://pikler.fr/Formation/Formation en inter/Agenda](http://pikler.fr/Formation/Formation%20en%20inter/Agenda).
- **Switzerland :** «*Regard pédiatrique avant et après l’arrivée de l’enfant*», Dresse Martine Bideau, pediatrician, Espace A, Geneva, 15 April 2017. For further information, see: <http://www.espace-a.org/>.
- **World :** **a)** *Child Rights Based Approaches* (Advanced e-learning cours), Human Rights Education Associates (HREA), 26 April – 11 July 2017, early bird registration : 1 March 2017 ; **b)** *Child Rights Governance*, HREA, e-learning course, 31 May – 11 July 2017, early bird registration: 1 March 2017. For further information, see: <http://www.hrea.org/learn/elearning/child-rights-programming/>.

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