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NEWSLETTER

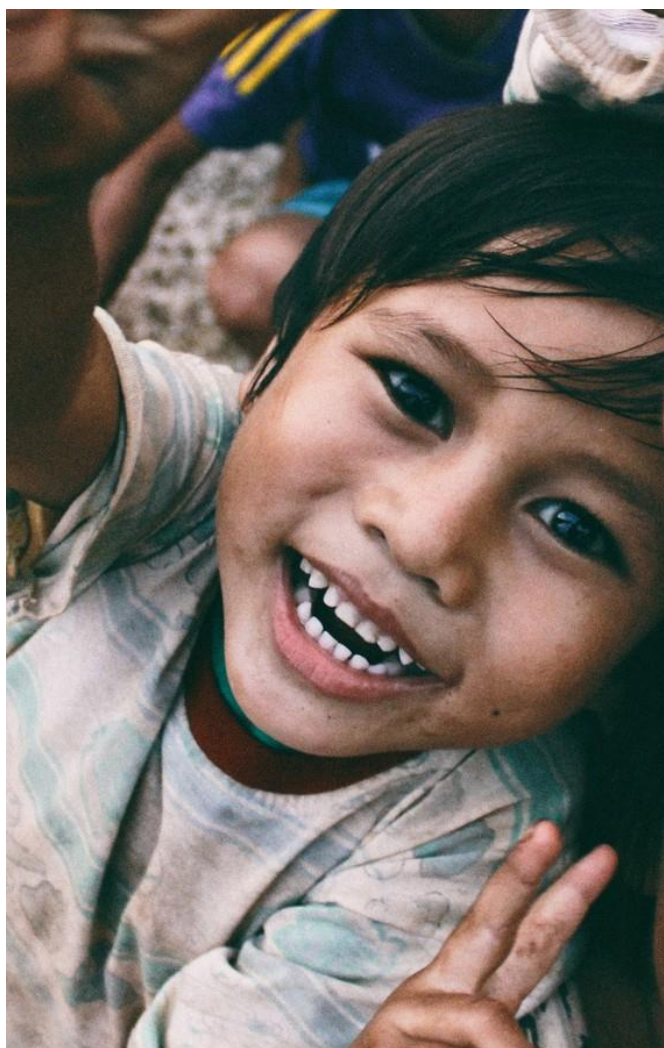


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INTRODUCTION

When designing and implementing laws or policies, how can we ensure the effective participation and contribution of concerned key actors, such as families, caregivers, communities but foremost children themselves?

It most definitely starts by recognising the key role these actors play in the realisation of children's rights, including preventing unnecessary separations of the child from his/her family and providing suitable care for children in need of alternative care. Whether this concerns actors in the community (see article in the next edition of the Newsletter N° 268), kinship or foster carers (see pages 8 and 12), each play a crucial role when it comes to protecting children in and out-of-care and should as such be able to count on the effective support provided by the child protection system in place.

Whether it is in the field of alternative care or adoption, the insights provided by persons with lived experiences – as diverse they might be – are rightfully given increased traction. But how can we go a step ahead in child participation, moving towards working with children rather than for children as still prevalent in many contexts, hence ensuring article 12 CRC is fully implemented in practice? This surely requires constant reflection on our own biases and work methods.

In this Newsletter you will find several promising practices that aim at actively involving children into law or policy design and implementation. Innovative research projects such as *Children's Voices in Surrogacy Law* (see page 15) in the UK show us that gathering children's views on complex issues such as surrogacy is possible and can facilitate valuable and much needed contributions.

IRC team
August 2023

ACTORS IN INTERCOUNTRY ADOPTION AND CROSS-BORDER CHILD PROTECTION

- **Australia, Belgium, Brazil, Canada, Czech Republic, Finland, Estonia, Germany, Hungary, Italy, Mexico, New Zealand, Panama, Thailand, Togo, Venezuela:** these countries have updated the contact details of their Central Authorities, competent authorities and/or accredited adoption bodies designated under the 1993 Hague Convention.
- Various updates are now also available on the State responses to the **Country profiles, Table of Costs and Statistics**.
- **Morocco, Sweden:** these countries have updated the contact details of their Central Authorities designated under the 1996 Hague Convention.
- **Cabo Verde:** the 1996 Hague Convention has entered into force in the country on 1st August 2023.
- **Eighth Meeting of the Special Commission on the Practical Operation of the 1980 Child Abduction Convention and the 1996 Child Protection Convention:** Preliminary documents can be accessed [here](#).

Source: Hague Conference on Private International Law, [Latest updates](#).

ISS/IRC NEWS

ISS calls for a firm and coordinated action to suspend all intercountry adoptions from Haiti

Haiti's current situation is critical and raises many concerns. Many regional and international reports indicate that the country is facing a multidimensional crisis.¹ Considering this context of escalating violence, instability, and extreme hardship, ISS strongly advises against carrying out intercountry adoptions (ICAs) from Haiti. No ICA must take place in an emergency situation, whether in case of (armed) conflict, natural disaster, or human displacement. While some countries seem to still carry out ICAs, more and more receiving States have accordingly stopped ICAs from Haiti, such as [France](#), [Ireland](#), Italy², [The Netherlands](#), the [UK](#), [Scotland](#), [Spain](#)³ and [Switzerland](#). ISS commends the position of these receiving States and urges other States to adopt the same approach. Indeed, as highlighted in previous occasions⁴, a firm and coordinated approach to the suspension of ICAs is of utmost importance to prevent illicit adoption practices as well as exercising undue pressure on a fragile country.

ISS' full statement is available in [English](#), [French](#) and [Spanish](#).

New ISS publication on family reintegration processes in Haiti

In July 2023, ISS published a new technical guidance for Family reintegration in Haiti. It is available in [English](#) and will soon be available in French as well. It is a practical guide for the social workforce from the State, Civil Society Organisations and NGOs working with children separated from their families and being placed in residential care institutions or in other forms of alternative care in Haiti. It promotes the development of a well-connected, regional and national network of child protection professionals, and proposes an eight-step procedure to deliver quality reintegration plans in the specific context of Haiti.

The publication is available [here](#).

ISS undertakes mission to Southeast Asia

From 19 to 29 June 2023, ISS General Secretariat Team (ISS - GS) embarked on a mission to the Philippines, Malaysia, and Singapore with the objective of advancing its strategic priorities outlined in the 2020-2025 Transformation Targets and the network development priorities. The mission aimed to get acquainted with the pressing issues and challenges related to vulnerable children in these countries while identifying opportunities for collaboration and intervention and where ISS experts can add value and address those issues. Led by the ISS Secretary-General & CEO Jean Ayoub and Special Advisor (Asia Affairs) Khadijah Madihi, the field mission involved engagement with a diverse

¹ See i.e. [OAS](#); [UN CRC Committee's Call for action: UNICEF](#) and [Save the Children](#).

² ISS/IRC Communication received from CAI in July 2023.

³ As per the [latest data](#) provided by the Catalan government, ICAs from Haiti are still taking place to Cataluña.

⁴ See for example, [ISS Ukraine factsheet](#), March 2022.

range of stakeholders, including government agencies, non-profit organizations, community representatives, activists and thought leaders. Through in-depth discussions and on-the-ground assessments, these stakeholders provided invaluable inputs, expertise, and perspectives that shed light on the context, challenges, and opportunities surrounding migrating children and those deprived of family in Malaysia, the Philippines, and Singapore.

ISS and ACACI celebrate first adoption workshop in Ivory Coast

From 26 to 28 July 2023, the first workshop organised by the Central Authority of the Ivory Coast - ACACI - with the support of ISS, was held in Abidjan, within the framework of the technical assistance project being provided by the ISS to the Ivorian Central Authority (2023). The workshop was led by international and regional experts from ISS and ACACI. The aim of the workshop was twofold: firstly, to raise awareness among those involved in adoption about international standards, ethics and good practice from other countries on key aspects of the adoption procedure. Secondly, to gather information on the Ivorian framework and practices to enable ACACI managers and ISS to work on a draft manual of national and intercountry adoption procedures. Presentations, discussions and working groups marked the two and a half days of work, which saw the very active participation of around thirty stakeholders. The draft manual will be presented at a validation workshop scheduled for November 2023.

ISS continues technical assistance to the Flemish Central Adoption Authority

ISS is honored to be able to continue supporting the Flemish government in its [reform efforts](#) in 2023. Already in 2022, ISS had been mandated by the Flemish Central adoption authority, VCA, to conduct assessments on the alternative care and adoption situation in 21 countries based on an assessment framework with pre-identified questions. As a reminder, this project takes place in the context of ongoing reforms in Flanders following the publication of an expert [report](#) on the current intercountry adoption procedures.

ISS participates in the second meeting of the Ukraine Children's Care group in 2023

At the beginning of August 2023, the second meeting of the Ukraine Children's Care group, to which ISS is a member, took place. This meeting was the occasion to keep participants informed about the events regarding Ukraine taking place in the first half of 2023. Firstly, the outcomes of the [Ukrainian recovery conference](#) and [side events](#) that took place in June 2023 in London were presented.

Secondly, the summary [report](#) and recommendations from the learning event on [Social Service Workforce Strengthening as Part of the Recovery Process to Support a Transformed Care and Protection System for Children in Ukraine](#), held in collaboration with the Better Care Network and the Global Social Service Workforce Alliance, was shared. The event recording as well as the presentations are both available in English and Ukrainian.

ISS to participate in [Advisory Board](#) of FAMIMOVE

[FAMIMOVE](#) is an international project co-funded by the European Commission that was launched in January 2023. The project is coordinated by Prof. Marta Pertegás Sender from Maastricht University. It aims to contribute to the effective and coherent application of the EU acquis in the field of international family law, by ensuring awareness of international child protection instruments applicable to migrant children among critical stakeholders. At the interface of family and migration law, one can frequently observe deficits in the protection of children and family relationships. This is due to the fact that these two fields of law exist and operate to a large extent parallel to each other with insufficient institutionalised links and insufficient awareness of the linkages between them. The project will build on a far-reaching research method, implying a large-scale collection of comparative empirical data [through awareness raising seminars](#) in each of the partners' countries. These outputs will be followed by analysis of good practices, research, and implementation of three different transnational pilot projects on *kafalah*, custody decisions and child marriages.

BRIEFS

HCCH: Report of the First Meeting of the Working Group on the Financial Aspects of Intercountry Adoption

The Working Group on the Financial Aspects of Intercountry Adoption met for the first time from 26 to 28 June 2023, following its establishment earlier this year pursuant to the mandate issued by the Council on General Affairs and Policy (CGAP) of the HCCH in March 2023.

The Working Group has been mandated to take stock of current practices, identify possible coordinated, targeted, practical approaches, and to prioritise them with the understanding that the objective would be to raise standards using the HCCH Guides to Good Practice and the Note on the Financial Aspects of Intercountry Adoption as the starting point.

Source: [HCCH Website](#).

Launch of e-Country Profiles project

The Permanent Bureau announced the launch of the e-Country Profiles project, a new EU-funded project coordinated by the Permanent Bureau of the HCCH. The project will result in the development or modernisation of online Country Profiles for a number of key HCCH Conventions, such as the 1980, 1993, 1996 or the 2007 Hague Conventions. The project's aim is to enable the authorities concerned to complete the Country Profiles for these Conventions online, in order to facilitate access to legal and practical information by public authorities, legal practitioners and other interested parties. It is anticipated that a first set of e-Country Profiles will be available towards the end of 2024.

Source: [HCCH News](#).

France: Publication of the decree relating to the authorisation and accreditation procedures for AABs

[Decree no. 2023-779 of 14 August 2023 on the authorisation and accreditation procedures for Adoption Authorised Bodies](#) provided for by [Law no. 2022-219 of 21 February 2022 aimed at reforming adoption](#) was published in the Journal officiel de la République française on 15 August 2023. With the aim of strengthening the work of private intermediary adoption operators, the decree introduces a number of changes that will be detailed in the next edition of the ISS/IRC newsletter in an article written by the MAI.

Spain: approval a new Regulation on Intercountry Adoption

On July 5, 2023, the [new Intercountry Adoption Regulation](#) was published, repealing the previous Regulation ([Royal Decree 165/2019, of March 22nd](#)), regarding which the Constitutional Court ([STC 36/2021, of February 18th](#)) declared the unconstitutionality of the regulation and the nullity of some of its precepts.

The main novelty introduced by this Regulation is with respect to accredited adoption bodies. After the adoption of the new Regulation, the accreditation of the bodies interested in performing intermediation functions in intercountry adoption must be carried out by the procedure established in the current regulations of the autonomous community where the AAB has its registered office. It is the Central Authorities of the Autonomous Communities who have the functions of accreditation and control of the AAB. All matters of coordination between Central Authorities will be carried out in periodic sectoral meetings chaired by the Ministry of Social Rights and with the presence of the Ministry of Foreign Affairs.

As established by the Spanish Constitutional Court in the aforementioned judgment, "both the accreditation of the organizations that carry out intermediation activities in intercountry adoptions, as well as the instrumental or related functions, are manifestations of the autonomic executive competences in the field of intercountry adoptions, as well as the instrumental or related functions, are manifestations of the autonomous communities' executive competencies in the area of social services and protection of minors. Therefore, even though they are obviously susceptible to state coordination limited to the direction of foreign policy, they cannot be removed from the sphere of action of the autonomous communities and attributed to state bodies, without infringing the constitutional and statutory order of distribution of competences". In this way, the Constitutional Court came to establish that the process of accreditation of these bodies is the responsibility of the Autonomous Communities.

Ukraine: amendments to care and adoption procedures

On June 1st, 2023, via the [Resolution of the Cabinet of Ministers of Ukraine No. 576](#), the Ukrainian government approved amendments to the Resolutions of the Cabinet of Ministers of Ukraine on the Implementation of Adoption Activities and Placement of Orphans and Children Deprived of Parental Care in Families of Ukrainian Citizens during Martial Law. An unofficial English translation is available at ISS/IRC on request.

The amendments concern among others:

- Care proceedings of children who are temporarily displaced (evacuated) within Ukraine or outside Ukraine (art. 78)
- Domestic adoption procedures (arts. 114 and following) including suitability and preparation of new adoption candidates (arts. 129 and following)
- Exceptional intercountry adoptions by citizens of Ukraine who are temporarily or permanently residing outside Ukraine or by foreigners during the application of martial law (intrafamily adoptions, adoptions of a sibling of an already adopted child, stepchild adoption) as well as follow-up matters (arts. 135-136).

Europe News

The Council of the European Union agrees to update EU's anti-trafficking law. Illegal adoption to explicitly feature as a form of exploitation

In April 2023, together with other organisations, ISS submitted a [joint contribution](#) calling for institution-related trafficking to be included in the [Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#). Some amendments were also suggested aimed at strengthening the protection of children (at risk of) being trafficked, namely children deprived of family care and children from institutions. The contribution specifically calls for children deprived of parental care to be represented in data collection, and we recommend that preventive and responsive measures target hard-to-reach people, including children deprived of family care.

In June 2023, the Council of the European Union agreed on its position to amend the Directive to strengthen its provisions and set stricter rules in the fight against human trafficking.

The agreed text, which can be accessed [here](#), introduces two main changes. Firstly, forced marriage and illegal adoption should be explicitly included as forms of exploitation in Directive 2011/36/EU.

Sexual exploitation and labour exploitation are the main purposes of trafficking in human beings. However, other purposes of trafficking like begging or organ removal – already explicitly mentioned in the 2011 directive – and forced marriage and illegal adoption – which are not explicitly mentioned – now represent 11% of all cases of human trafficking in the EU.

The text clarifies and reinforces member states' obligation to criminalise human trafficking for the purpose of forced marriage and illegal adoption. This will better equip member states' law enforcement and judicial authorities to effectively combat trafficking in human beings for the purpose of these two forms of exploitation.

Secondly, the Council agreed that member states must make it a criminal offence if a person intentionally uses the service provided by a trafficking victim with knowledge that the person is a victim of trafficking. In such cases, member states need to ensure that this offence is punishable by effective, proportionate and dissuasive penalties.

Source: [Council of the EU](#)

Join the European Children's Participation Platform!

As part of its [Strategy on the Rights of the Child](#), the European Commission launched the European Children's Participation Platform in early 2023. This ambitious scheme meets several objectives, the main one being to concretely reinforce children's right to participation - one of the strategy's pillars. The platform, which is secure, will enable children and young people to learn, as well as building the capacities of European Commission and Member States' staff in relation to children's rights. Finally, it will encourage the exchange of best practice on children's participation between organizations. To this end, children will be consulted through a variety of formats (meetings, questionnaires, evaluations, etc.) and will also contribute to work by participating in research and drafting documents (such as reports and brochures) in child-friendly language. In addition, workshops, webinars and study visits will be organized. For protection reasons, children can only join the platform through an organization with a formalized participation mechanism. To join the platform, organizations must meet various criteria (e.g. existence of child safeguarding and protection policies; adherence to the platform's policies and to the [EU's values](#), etc.). To take part, see [registration form](#), and for further information, please contact: cpp@icf.com.

ECtHR, *C. v. Italy*, 31 August 2023

In 2018, L.B. and E.A.M., an Italian heterosexual couple, enter a surrogacy contract in Ukraine. An embryo from an egg from an anonymous donor and sperm from L.B. was implanted in the uterus of a surrogate mother. The applicant was born in August 2019. A birth certificate was drawn up in Ukraine. In Italy, the civil status office rejected the request on the ground that such a transcription was contrary to public order. The ECtHR concluded a violation of article 8 of the Convention with regards to the biological father of the surrogacy-born child. The Court recalled that, according to its case-law, Article 8 of the Convention requires domestic law to provide for the possibility of recognition of the link between a child, born as a result of surrogacy practiced abroad, and the intending father when the latter is the biological father. In addition, the Court noted that the absence of recognition of a parent-child relationship has negative consequences on several aspects of the right of the child to respect for private life; it also disadvantages the child in as far as it places him in a form of legal uncertainty as to his identity in society. It is in the interest of the child who is in this situation that the duration of the uncertainty as to the establishment of his filiation be as short as possible.

Around the world

Estonia: Estonia has become the first Baltic country to legalise same-sex marriage, granting same-sex couples adoption rights. The law will come into effect in 2024.

Source: [Reuters](#)

South Korea: On July 17, 2023, the National Assembly's Open Forum on the Management of Adoption Records was held at the National Assembly Library, in Seoul. Some adoptees attending called for an investigation by Korea's Truth and Reconciliation Commission into crimes and abuses of the adoption system.

Source: https://www.koreatimes.co.kr/www/nation/2023/07/113_355439.html.

Cambodia: On 15 March 2023, the Cambodian Minister of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) announced the Action Plan on Improving Alternative Care for Children 2023-2027. This plan aims to strengthen alternative care for children by promoting family preservation, kinship care or foster care and reintegrating children back into their families and communities. It also aims to revise the policy and relevant regulations to improve the quality and management of alternative care services for children.

Source: [UNICEF Cambodia](#).

United Kingdom: Two types of Pilot projects are implemented throughout the country. The two programmes, funded by £45m collectively, are part of the government's children's social care implementation strategy, *Stable Homes, Built on Love*, which responds to recommendations made in the *Independent Review of Children's Social Care*, led by Josh MacAlister: 1) 'Families First for Children' pilot, designed to "test new ways to reform every part of the children's social care system, helping children to stay with their families in safe and loving homes, whilst protecting vulnerable children where needed"; 2) 'Family Network' pilot, designed "to find transformative ways to involve wider family members in supporting parents so that children can stay at home with their families".

Source: <https://www.localgovernmentlawyer.co.uk/child-protection/392-children-protection-news/54677-department-for-education-launches-first-wave-of-families-first-for-children-pilot>.

Family life in the context of foster care: developments of ECtHR jurisprudence

In this article, Prof. Velina Todorova, University of Plovdiv, Bulgaria, UN CRC Committee member, provides a brief analysis on the case law of the ECtHR related to foster care and the recognition of a legal parent-child-relationship hence "family life" under article 8 of the ECHR in presence of certain key criteria.

Foster care in international child rights law

Any placement in foster care as a form of alternative care for a child temporarily or permanently deprived of their family environment (Art. 20 CRC) should comply with the substantive and procedural safeguards as stipulated in CRC including a thorough assessment and determination of the best interests of the child and hearing of the child by a competent authority determined by the national legislation (Articles 3, 9 and 12 CRC). Removal of a child from the care of the family should be seen as a measure of last resort and should, whenever possible, be temporary and for the shortest possible duration. Removal decisions should be regularly reviewed and the child's return to parental care, once the original causes of removal have been resolved or have disappeared, should be in the best interests of the child, in keeping with the assessment for family reintegration when possible.⁵

The Committee on the Rights of the Child considers that the term "family" must be interpreted in a broad sense to include biological, adoptive or foster parents or, where applicable, the members of the extended family or community as provided for by local custom as well as that the right of the child "to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary

to the child's best interests" (Articles 9, § 3 and 18).⁶

Foster care in the ECtHR jurisprudence

The European Court on Human Rights (ECtHR, the Court) develops its jurisprudence regarding the relations between the child placed in foster care and foster parents within the concept of 'family life' under Article 8 of the European Convention on Human Rights and Fundamental Freedoms (ECHR).⁷ It is well known that Court started building its autonomous concept of "family life" in the milestone judgment in the case of *Marckx v. Belgium* (§ 31).⁸ The notion of "family life" is summarised in the recent judgment of the case *Paradiso and Campanelli v. Italy* (§ 140), as follows: 'The existence or non-existence of "family life" is essentially a question of fact depending upon the existence of close personal ties. The notion of "family" in Article 8 concerns marriage-based relationships, and also other de facto "family ties" where the parties are living together outside marriage or where other factors demonstrated that the relationship had sufficient constancy'.⁹ The Court further clarifies that the 'essential ingredient of family life is the right to live together so that family relationships may develop normally and members of the family may enjoy each other's company'.

With regard to foster care arrangements, in spite of the absence of a biological tie and of a parental relationship that was legally

⁵ Guidelines for the Alternative Care of Children, paras 14 and 49.

⁶ General comment No. 14 (2013) of the Committee on the Rights of the Child on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), paras: 59-60.

⁷ Article 8 of the Convention– Right to respect for private and family life "1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others." As for the obligations of the State under Article 8, see *Kopf and Liberta v. Austria*, 2012, no. 1598/06, § 38.

⁸ *Marckx v. Belgium*, 13 June 1979, § 31, Series A no. 31. See more in: Guide on Article 8 ECHR, paras 296, 365.

⁹ *Paradiso and Campanelli v. Italy* [GC], 2017; no.25358/12, § 140-141 and the case law referred to there.

recognised by the State, a *de facto* “family life” could be found to exist ‘between the foster parents who had cared for a child on a temporary basis and the child, on account of the close personal ties between them, the role played by the adults vis-à-vis the child, and the time spent together’.¹⁰

Elements to recognise the existence of “family life” between the foster child and parents

Under the ECtHR jurisprudence the following elements are decisive:

Close personal ties between foster parent/s and foster child

The Court considers as elements that demonstrate the existence of close personal ties: ‘sharing the important stages of child’s life’, or that the ‘child was well integrated in the family and deeply attached to the applicants and to their children, or an ‘emotional bond had developed between the individuals concerned’.¹¹

The role played by the foster parents vis-à-vis the child

With regard to the role of foster parents, the ECtHR refers to the existence of ‘parental projects developed by the foster parents and assuming by them of a role of parents vis-à-vis the child’¹², also if ‘the applicants behaved in every respect as her parents, so that “*de facto*” “family ties” existed between them’, or if ‘applicants had a genuine concern for the child’s well-being and had also provided for the child’s social development’.¹³

The time spent together

According to the ECtHR, it would be inappropriate to define a minimal duration of shared life given that the assessment of any situation must take account of the “quality” of the bond and the circumstances of each case”.¹⁴ For example, in the case of *Wagner and J.M.W.L.*

v. Luxembourg, the Court recognised the existence of family life in the absence of legal recognition of an adoption order granted in Peru taking into consideration that *de facto* family ties had existed for more than ten years between the applicants, here the adoptive mother and the adopted child.¹⁵ In *V.D. and Others v. Russia* the child remained in the applicant’s constant care from the age of eight months for the first nine years of his life.¹⁶

Shorter periods of time could also avail to recognise the existence of a “family life” if the other elements are present: For example, in the *Kopf and Liberda* case the foster family had cared over a period of about forty-six months, for a child who had arrived in their home at the age of two. In the *Valdís Fjöl意思dóttir and Others* case the child has been in the uninterrupted care of the applicants since he was born for over four years: the child’s entire life.¹⁷ In the case *D. and Others v. Belgium*, the Court held that family life, protected by Article 8, had existed for only two months before the temporary separation of a Belgian couple and a child born in Ukraine to a surrogate mother resulting from the Belgian authorities refusal to issue travel documents.¹⁸ On the contrary, in the case of *Paradiso and Campanelli*, the short duration of the relationship with the child – eight months after the child’s birth - has been evaluated in the light of the uncertainty of the legal ties. Consequently, in spite of the existence of a parental project and the quality of the emotional bonds, the Court decided that the conditions of an existing *de facto* family life have not been met.

The balance of rights and interests in foster care

In some of the above cases (e.g. *D. and Others v. Belgium*, *Wagner and J.M.W.L.* and *Valdís Fjöl意思dóttir and Others*) foster care has appeared to be the only possible arrangement (even temporary) for care of a child after an

¹⁰ *Moretti and Benedetti v. Italy*, II, 2010, no. 16318/07, § 48, and *Kopf and Liberda* § 37; *Valdís Fjöl意思dóttir and Others v. Iceland*, III, 2021; no. 71552/17; § 60-61.

¹¹ *Moretti and Benedetti v. Italy*, §§ 48-52.

¹² *Paradiso and Campanelli v. Italy*, § 149, 151.

¹³ *Moretti and Benedetti v. Italy*, §§ 48-52.

¹⁴ *Paradiso and Campanelli v. Italy*, § 153.

¹⁵ *Wagner and J.M.W.L. v. Luxembourg, I*, 2007, no. 76240/01, § 117.

¹⁶ *V.D. and Others v. Russia*, III; 2019; no. 72931/10; 91

¹⁷ *Valdís Fjöl意思dóttir and Others v. Iceland*, § 61.

¹⁸ *D. and Others v. Belgium*, 2014, no. 29176/13, § 49. In that case, however, there was a biological tie with at least one of the parents and cohabitation had subsequently resumed.

illegal surrogacy arrangements or the non-recognition of an inter country adoption. In those cases the unity of the child and foster parents has received protection given that the Court has found already established family life.

In other cases, the Court has been addressed with rights and interests arising from protected family life between foster parents and foster child, such as visitation rights of foster parents as well as the reunification of the child with their birth families.

In *Kopf and Liberda v Austria* an issue was striking the fair balance between the competing interests of the former foster parents who claimed visitation rights in relation to their former foster child, the concerned child and the biological mother. The Court reiterated the important procedural matter that ‘*in cases concerning a person’s relationship with his or her child there is a duty to exercise exceptional diligence in view of the risk that the passage of time may result in a de facto determination of the matter.... This duty is decisive in assessing whether a case concerning access to children had been heard within a reasonable time as required by Article 6 § 1 of the Convention and also forms part of the procedural requirements implicit in Article 8.*’ The Court found that in this case the procedural requirements implicit in Article 8 were not complied with (the proceedings before the Austrian courts lasted more than 3 years and 6 months) that amounted to violation of the rights protected under Article 8. In the case of *V.D. and Others v. Russia*, however, very similar facts were assessed differently by the Court and no violation of Article 8 was found.

In the case of *Roengkasettakorn Eriksson v. Sweden*¹⁹ the birth mother complained that there had been a violation of both her and her child’s right to respect for their family life due to the transfer of custody rights to foster parents.²⁰ The issue there was again the passage of time – more than six years, which was almost the entire

life of the child, that was spent in the foster home. The Court particularly emphasized the general principle that a care order should be regarded as a temporary measure, to be discontinued as soon as circumstances permit, and that any measures implementing temporary care should be consistent with the ultimate aim of reuniting the natural parents and the child if and when appropriate (§ 70).²¹

However, in this case, the Court found no violation of the birth mother’s Article 8 rights due to the following reasons: 1/ the impugned decision to transfer custody to foster parents has not intended to entail a severance of the family ties between the child and her mother; 2/ although limited contact rights were granted, it has been intended to be the beginning of a gradual increase of contact between the applicant and the child (§73); 3/ the decision has been guided by the best interests of the child because a considerable period of time has passed since the child was originally taken into public care and the interest of a child not to have his or her *de facto* family situation changed again overrides the interests of the parents to have their family reunited” (§74).

The ECHR does not explicitly provide for the protection of the rights of the child placed in foster care. The observed jurisprudence of the ECtHR, however, demonstrates that applying regional law together with international law, such as the CRC, leads to an enhanced protection of the child in a specific factual situation. The legal recognition of family life in foster care settings introduces indeed important safeguards for concerned children. In particular, the existing family life between foster caregivers and the child ensures continuity and non-separation if in the best interests of the child.

¹⁹ *Roengkasettakorn Eriksson v. Sweden*, I, 2022, no. 21574/16.

²⁰ See Also: Wisso, T., Johansson, H. Transferring Custody From Birth Parents To Foster Parents – An Ambiguous Matter. Journal Of Social Welfare And Family Law, V. 40, 2018, online access here <https://www.tandfonline.com/doi/full/10.1080/09649069.2018.1493653?scroll=top&needAccess=true&role=tab>

²¹ see *Strand Lobben and Others*, cited above, §§ 207-08.

The future of cooperation and intercountry adoption in Latin America: Key conclusions from the regional seminar

The seminar entitled “The future of cooperation and intercountry adoption in Latin America” was held from 19 to 21 July 2023 in Quito, Ecuador. It was organised by the [Ecuadoran Ministry of Economic and Social Inclusion \(MIES\)](#) and the [Italian Commission for Intercountry Adoption \(CAI\)](#) with technical support from the Network of Latin American Adoption Bodies ([RELAC-ADOP](#)). The ISS/IRC was invited to participate and attended the event online.

The aim of this regional seminar was to examine how countries coordinate on adoption and their practices around adoption and the protection of looked after children and adolescents. It was also intended to serve as a forum for the creation of new models for the joint development of strategies and technical standards for the benefit of children and adolescents and their rights. These efforts were focused in particular on children with specific needs (such as children with disabilities and sibling groups) whose adoption is a priority.

Last but not least, the seminar provided an excellent opportunity for the different central authorities and other actors participating to connect with a view to improving cooperation, collaboration and the exchange of information, knowledge and experience between them. To this end, the speakers presented on the different adoption processes and practices in Latin American countries including Peru, Chile, Colombia, Uruguay, Paraguay, Brazil and Ecuador.

Some of the central authorities presented updated statistics on the number of national and intercountry adoptions, the conventions or agreements in force with receiving countries, and the number of children with specific needs, among others. The General Directorate of Adoptions of Peru, for example, shared its most recent statistics, which showed a clear decrease in the number of adoptions. In 2021, 111 national and 31 intercountry adoptions took place; in 2022, there were 83 national and 39 intercountry and in 2023 (up to the date of the seminar) 41 national and 20 intercountry. Meanwhile, the representative of the host ministry – Ecuador’s MIES – highlighted that

from December 2021 to June 2023, there had been 132 adoptions, of which 125 were national and 7 intercountry. Moreover, the MIES is party to 14 agreements with accredited adoption bodies in Belgium, the United States, Spain, France and Italy, which seek families for children and adolescents from priority groups for whom no family has been found in Ecuador.

The CAI, as co-organiser of the event, also shared some of its most recent statistics, highlighting that 27% of intercountry adoptions in Italy were arranged with a country in the Americas. The CAI noted that in recent years the proportion of children with specific needs has increased significantly, and they now account for 41.5% of children adopted from the Americas. The main country of origin in the region is Colombia (57%), followed by Peru (19%), Brazil (7%), Haiti (7%), Chile (2%) and Mexico (2%).

"The CAI strongly desired, in collaboration with the MIES, to organise a seminar in South America that would both enable participating countries to share information about their own adoption systems and allow all the central authorities present to discuss the problems that hinder intercountry adoption procedures and the reasons for the crisis affecting intercountry adoption.

The Vice-President of the CAI reaffirms Italy's commitment to the effective implementation of the principle of subsidiarity and the protection of the rights of children and adolescents everywhere and remains convinced that adoption is an essential and effective tool for safeguarding the rights of children and adolescents who have been abandoned. We therefore urge all the central authorities present to work together to revitalise this instrument and overcome the bureaucratic barriers that can unnecessarily delay the adoption process and extend children's stay in institutional settings."

**Commissione per le Adozioni
Internazionali (CAI)**

In parallel to the various presentations, bilateral meetings, discussions and round tables were held, in which adoption experts from Latin America, Spain and the CAI (Italy) participated alongside representatives of different countries' accredited bodies. They addressed a range of topics related to national and intercountry adoption processes and experiences.

The ISS/IRC celebrates and will continue to promote the organisation of this type of seminar because they offer a unique forum for participants to meet and share their knowledge. Events like this can help generate synergies, find solutions to shared challenges and facilitate the exchange of experiences and good practices in the field of adoption and, more broadly, the protection of the rights of children and adolescents.

The ISS/IRC would once again like to thank the organisers – the MIES and the CAI – for their kind invitation and congratulate them on a successful event.

Kinship Care Practices in Asia: Nurturing Children through Communal Wisdom

In this article, Khadijah Madihi, Child rights, family and alternative care expert, Founder of Asia Family First & ISS Special Advisor on Asia Affairs, briefly elaborates on the importance of kinship care and shares promising practices

In the intricate tapestry of Asian family dynamics, kinship care flourishes as a revered communal approach, wherein extended family members readily assume the role of primary caregivers when biological parents are unable/absent. This enduring tradition traverses diverse cultures, serving as a testament to the unwavering commitment of extended family networks to ensure the well-being and prospects of their younger kin. Amid Asian values, which hold familial bonds in deep reverence, kinship care has matured into a practice that not only safeguards cultural heritage but also cultivates resilience, shared responsibility, and a sense of unity within communities.

At the heart of kinship care lies the profound belief in collaborative decision-making. Collectively, family and community members come together to align a child's care with cultural norms and common values, fostering intergenerational connections. As societies grapple with evolving family structures and child welfare challenges, revisiting kinship care's wisdom offers valuable insights for creating nurturing environments. Rooted in familial ties, kinship care resonates with Asian societies by echoing respect for elders, shared duty, and the interdependence that forms the bedrock of traditional family values.

Resonating Cultural Significance

Asia's social fabric is woven from diverse cultures, languages, and traditions, and finds a common thread in the profound appreciation for kinship care. This practice embodies the intricate interconnectedness of familial ties, transcending the confines of immediate relations. Unlike nuclear families, kinship care fosters a supportive network spanning generations, enhancing a child's upbringing with diverse experiences. Grandparents, aunts, uncles, and cousins collectively nurture a child's development, enriching their journey with meaningful insights that extend beyond their immediate family unit.

Apart from nurturing relationships, kinship care plays a pivotal role in preserving cultural heritage. In an era where globalization can erode cultural identities, kinship care stands as a guardian of continuity. It ensures the transmission of ancestral practices, traditions, and values across generations. Often central to kinship care arrangements, grandparents become custodians of cultural heritage, preserving narratives and wisdom that might otherwise fade away. This dynamic intergenerational exchange equips children not only with a sense of identity and belonging but also with a broader outlook on life that resonates with the diversity of their heritage.

Practice Example: Hong Kong - Child Care Training for Grandparents

The Social Welfare Department (SWD) initiated a ground-breaking two-year pilot project, the "Child Care Training for Grandparents" in 2016-2017 exemplifies intergenerational caregiving. This initiative not only strengthens familial bonds but also empowers grandparents and key caregivers with essential child-rearing skills, acknowledging their pivotal role in child well-being. Targeting both current and soon-to-be grandparents of children aged from birth to under 6 years highlights the crucial role grandparents play in nurturing children and strengthening familial ties. Encouragingly, the programme's success prompted an expansion, providing a substantial 840 training openings for the 2020-2021 period.²²

Embracing Flexibility and Collaboration within Cultural Nuances

The strength of kinship care lies in its inherent flexibility. Unlike rigid standardized systems, kinship care seamlessly adapts to the unique circumstances of each family. Recognizing that parenthood's journey is far from uniform, kinship care embraces this reality by permitting families to adapt caregiving arrangements to the specific needs of the child and the family unit. This underscores the belief that parenting is a dynamic process nurtured by the collective wisdom of the community.

Collaboration stands as a cornerstone of kinship care. Family members, community leaders, and social workers come together to determine the life course of a child ensuring that the care arrangement aligns with cultural norms, familial values, and, most importantly, the child's best interests. This approach goes beyond providing stability for children; it encapsulates the essence of community, bridging generations through shared obligations

Glimpses of Practice in South East Asia Context

In Indonesia, kinship care thrives as an unregulated yet widely embraced alternative for vulnerable children. The diverse manifestations of kinship care in Indonesia reflect its rich tapestry of ethnic communities, where the practice has seamlessly woven itself into various tribal dialects and cultural practices. For instance, within the Sundanese community, the tradition of "ngukut anak" (care of child) entails entrusting a child to the care of immediate family members. Meanwhile, the Javanese community practices "mupon/ngenjer," whereby a relative child is embraced, embodying the belief in the potential for bearing one's own child. The Maluku society follows "mata rumah," a tradition where family members from the same ancestral lineage collaboratively decide on care arrangements (as depicted in the image below). Meanwhile, in Minang-West Sumatra, the indigenous people embrace "anak dimbing kepakanan," which translates to taking ownership of care and supervision, particularly for nieces and

²² "Highlights of the Year 2020-21 - Child Welfare Services". Social Welfare Department.

https://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_familyah/id_ahcws/id_cwsaharc_2020-2021/

nephews.²³ These varied approaches underscore the cultural nuances and adaptations within care provisions, firmly anchored in local customs. Importantly, they reaffirm the cultural norm of nurturing children within extended family and community contexts, emphasizing familiarity and attachment, crucial for children's well-being and adjustment.



Similarly, both Myanmar and Vietnam embrace kinship care without regulatory oversight from local or government child welfare agencies. In the case of Vietnam, kinship care has long been a deeply ingrained traditional option, with children placed under the care of extended family members. This choice is preferred over foster care due to the perception that the latter involves children from challenging backgrounds.²⁴ In Myanmar, where extended family households are common, kinship care is practised widely. This arrangement allows children to remain within their familiar environments when parents are absent, with relatives moving in to provide support within the children's own homes. This kinship caregiving, often facilitated by paternal relatives, embodies a communal approach that encompasses siblings, aunts, uncles, cousins, grandparents, and even close-knit community members.²⁵ This communal approach stands in contrast to the court's mandated or assigned system, emphasizing a more organic and culturally rooted approach to caregiving.

Navigating Challenges and Crafting Solutions
While legal frameworks often recognize its potential alongside the inherent challenge of

providing accessible support for both children in kinship care and caregivers, fully integrating kinship care into established welfare systems can unfold as a gradual and region-specific process. Yet, within the complex web of child welfare systems, kinship care has emerged as a flexible and resilient approach in the region. Its true essence shines during times of crisis. During critical junctures, kinship care's intrinsic value serves as a stabilizing force to safeguard the well-being of children facing adversity, hence prompting government initiatives to come to the fore, shedding light on the indispensable role played by extended family networks in ensuring the welfare and future of children facing challenging circumstances.

Practice Example: Japan – Care during times of Emergencies

The legal foundation of Japan, anchored in the Civil Code established in 1896, initially recognized the potential of kinship care. Article 730 of this code mandates family members to offer mutual support during times of need. However, its implementation as formal care placement has been debated and remains underutilized as an alternative care option. A pivotal shift occurred in the wake of the 2011 Tohoku earthquake and tsunami disaster that led to a surge in kinship care arrangements - a transformative catalyst, particularly in rural regions characterized by close-knit extended family connections. The disaster prompted both the local communities and the government to endorse kinship care, with dedicated programmes launched immediately.²⁶ Once again, underlines the paramount significance of extended family networks in providing solace and stability to children grappling with the aftermath.

In the grand narrative of Asia's family dynamics, kinship care unfolds as a profound chapter, interwoven with communal wisdom, resilience,

²³ Madihi, Khadijah and Brubeck, Sahra. *Indonesia Alternative Care Case Study*, 2018. Pg 40-41

<https://bettercarenetwork.org/library/social-welfare-systems/child-care-and-protection-policies/indonesia-alternative-care-case-study>.

²⁴ Madihi, Khadijah and Brubeck, Sahra, *Vietnam Alternative Care Case Study*, 2018. Pg 38

<https://bettercarenetwork.org/library/social-welfare-systems/child-care-and-protection-policies/vietnam-alternative-care-case-study>.

²⁵ Madihi, Khadijah and Brubeck, Sahra, *Myanmar Alternative Care Case Study*, 2018. Pg 31

<https://bettercarenetwork.org/library/social-welfare-systems/child-care-and-protection-policies/myanmar-alternative-care-case-study>.

²⁶ Kadonaga, Tomoko. "Child maltreatment in Japan." *Journal of Social Work (JSW)*, 2014, 14-15. <http://journals.sagepub.com/doi/abs/10.1177/1468017314537424>.

and unity. As our world changes, these practices stand as a testament to the enduring values that bridge generations and protect our children's future. Kinship care remains a reliable example of maintaining continuity and nurturing resilience within Asia's family dynamics – of shared values and communal responsibility. As we navigate the complexities of modernity, kinship care serves as a timeless reminder of the enduring power of family unity, creating a

protective sheath where children are nurtured, guided, and cherished. Through the interplay of cultural reverence, familial solidarity, and unwavering resilience—echoing the harmonious blend of values that define Asian societies and serving as a steadfast guide that continues to illuminate the path toward a stronger, more cohesive future for generations to come.

CHILDREN'S RIGHTS IN SURROGACY

Children's voices in surrogacy law: an innovative UK research project aimed at putting children's views at the forefront

In this interview, Dr. Katherine Wade, Professor. Kirsty Horsey, and Dr. Zaina Mahmoud, collectively [the team](#) of the project [Children's Voices in Surrogacy Law](#), provide insights on the project's aim and activities. The project took place in a regulated surrogacy context currently undergoing reform.

1. How did Children's Voices in Surrogacy Law come about and why does it focus on children as opposed to other parties involved in surrogacy?

Children's Voices in Surrogacy Law aims to fill a gap in research on surrogacy law in the UK. While over the past years research has been conducted to gather other parties' opinions on domestic surrogacy arrangements (SAs), such as surrogates, intended parents (IPs) and involved professionals, little was known about children's views on the law. This project asked children their views on the current law and the extent to which law reform is required. In the UK, SAs are [legal](#) as long as there is no commercial third party involvement, and surrogates are able to claim their reasonable expenses (i.e. there is an altruistic surrogacy model)."

"When conducting research on children's lived experiences, it is essential to do so while they actually are children, hence avoiding gathering their recollection of childhood, through an adult lens."

Dr. Katherine Wade

In recent years, two Law Commissions (of England & Wales and of Scotland) were tasked to make recommendations for reform on surrogacy law. Regarding children, legal rules were often based on mere assumptions about how they might impact children and were not founded on any concrete evidence. In line with the topics under discussion in the reform process, the Children's Voices project aimed to gather children and young people's views

on three main areas: parenthood, "contributions to surrogates", and origin information and contact. Throughout the research process a fourth topic emerged, namely the impact of surrogacy in children's lives ("navigating surrogacy in their social worlds").

2. Which activities did you undertake?

The project was divided into two research phases. In Phase One, 25 children aged 8-17 years who had experience of surrogacy were involved (seven were born through surrogacy, 17 were children of surrogates and one had a cousin born through surrogacy in their extended family). In Phase Two, 24 children between 8-18 years were involved, who had not experienced surrogacy in any form. By comparing contributions from both groups, the researchers could determine whether children's surrogacy experience had impacted on their views.

3. How did you get children and adolescents to express their views? Which method did you use and why?

Surrogacy is legal in the UK, and therefore, finding participants for the project was not particularly challenging. The team collaborated with five organisations in the UK (Brilliant Beginnings, COTS, Donor Conception Network, My Surrogacy Journey and SurrogacyUK) to recruit participants and calls for participants were also disseminated on Twitter).

During the research phase, data were collected in two forms: a) focus groups and b) artwork on the theme what surrogacy means to me (Phase One) and what I learned about surrogacy today (Phase Two). These contributions were [digitalised](#), and the Digital Art Wall was first showcased at a conference held in November 2022, called **Future Directions in Surrogacy Law**.

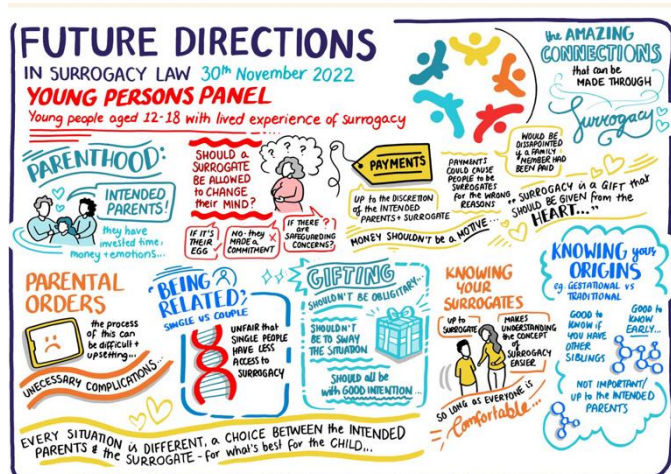


"To become a parent, you need a sperm and an egg. A parent is someone who has a child or has had a child for someone else via IVF." (Oliver, 11, child of surrogate)

To engage with participants during focus groups, the team of Children's Voices in Surrogacy Law, together with the help of illustrators, developed a child-friendly deck of [playing cards](#), composed of explanation cards (cards with pictures and definitions), illustration cards (cards with pictures only) and question cards. Questions concerned parenthood (such as who should be considered a parent), contributions (such as whether surrogates should be able to receive money/gifts), and the origins of the child (such as whether the child should know or have the possibility to contact the surrogate or donor/s). The card games included voting and sorting activities, which meant that children gave their own answer without hearing the other participants' responses, to avoid the risk of copying answers. The research team avoided directly addressing children's personal experience, with the focus being on gathering their views on specific aspects of current surrogacy laws and reforms in the UK.

This innovative method sought to ensure child-friendly participation and contributed to making the participants feel part of an important project.

4. Which were the main results collected so far?



Panel: Young Persons' Panel

The following are [some of the project's notable results](#):

- Parenthood: as per the current law, the surrogate is the legal mother at birth, as is her spouse or civil partner. By court order, legal parentage can then be transferred to the IPs based on a set of criteria ([parental order](#)). Many children considered that IPs should be recognised as legal parents at birth of the child in a SA. Therefore, the current system should be amended. Children did not consider the genetic link requirement as particularly important.
- Contributions: there was no common view among participants of Phase One and Two on the acceptability of money as a potential contribution to the surrogate. Indeed, for some children, money was an acceptable potential contribution, but for others it was not.
- Origin information and contact: many participants were in favour of children knowing they were born through surrogacy and meeting the surrogate. Also, some were in favour of children being told information at a young age.

"They could all make a group decision, if they want to do it. And if they agree they all want to be the parents, then they could go to court and get it changed. I don't know if that is possible, that three people can be the parents."

Scarlett, 11 y. born through surrogacy.

5. To what extent were the project's results considered by the Law Commissions in the UK?

For the first time, children's voices in relation to surrogacy were seriously considered in a law reform process. The preliminary reports of the project were shared with the Law Commissions of England and Wales and the Scottish Law Commission. Phase One was cited in their [joint report Building Families through Surrogacy: a New Law](#). In [March 2023](#), the latter was shared with the UK Government, which has now six months to give a preliminary response and one year for a final response to the two Law Commissions.

6. Way forward

The project's findings are currently being disseminated domestically in the UK, as well as internationally. The research team intends to start Phase Three of the project, which will focus on children's voices in international surrogacy arrangements (ISAs).

If you are interested in further exchanging on the project and its methodology, please contact the research team:

- Dr. Katherine Wade; Lecturer in Family Law, University of Bristol: katherine.wade@bristol.ac.uk
- Professor Kirsty Horsey, University of Kent: k.horsey@kent.ac.uk
- Dr. Zaina Mahmoud, Lecturer in Law, University of Liverpool (from September 2023): Z.Mahmoud@liverpool.ac.uk

FURTHER READINGS AND MATERIAL

Recent resources on specific topics related to child protection, alternative care, and adoption

Barton, W. (2023). [But What Are You?](#)

Cuong was born during the Vietnamese war and was transported in a cardboard box, by soldiers, to Australia where he was adopted. Other children objected to his exotic appearance, so different from that of his curly-haired, blue-eyed family, but his adopted family always reassured him and his brother stuck up for him against bullies. Through Cuong's eyes, children can learn about the pain of being different and the joy of being loved, by people who adopt, adore and stand up for him. Beautifully illustrated, this is a lesson to children about 'difference' and what is really important.

Branco, S.F., Stella, S., & Langkusch, A. (2023) [Liberating Our Ancestors. Finding Ourselves: Colombian Transnational Adoptee First Family Reunion Experiences.](#) *Adoption Quarterly*, 1st Feb 2023.

Information about transnational adoptee search and reunions with first families is limited. Less is known about how adult Colombian transnational adoptees engage in and experience search and reunion. To address this gap in research the current explanatory study explored the first family reunion experiences of 17 adult Colombian transnational adoptees within a liberation psychology framework.

Changing the Way We Care (2023), [The Standard Operating Procedures \(SOPs\) for Alternative Family-based and Community-based Care of Children in Kenya.](#) August 2023.

The Standard Operating Procedures (SOPs) for the Alternative Family-based and Community-based Care of Children in Kenya provide guidance for the comprehensive implementation of the Guidelines for Alternative Family Care for Children in Kenya (2014).

DeBetta, L. (2023). [Adult Adoptees and Writing to Heal. Migrating toward Wholeness.](#) *Series: Arts, Creativities, and Learning Environments in Global Perspectives*, Volume: 9.

Adult Adoptees and Writing to Heal shares the framework and method of using writing as a practice for adult adoptees, therapists, teachers, and researchers interested in learning how to migrate and heal embodied trauma. It analyzes lived experience and the author's own writing to develop a methodology for moving toward wholeness by writing and speaking the truth of internal adoptee experiences.

Family for Every Child, [The Role of Kinship Carers in Supporting Kinship Care.](#) Webinar, June 2023

This 5th webinar of the Family for Every Child Kinship Care learning series looked at the different ways in which kinship carers themselves support kinship care.

Family for Every Child, [A Toolkit for Participatory Evaluation of Practice.](#) March 2023

Toolkit places the knowledge and experience of local Civil Society Organisations (CSOs) at its centre. It offers an alternative to traditional evaluation dynamics, by drawing on the strength of local solutions. Also available in Spanish.

Fuentes-Peláez N., Montserrat C., Sitjes-Figueras R., Crous G. (2023), [Differences in the Evaluation and Satisfaction with Foster Care between Kinship and Non-Kin Foster Carers.](#)

This study aims to develop an understanding of the distinctive features of kinship and non-kin foster care based on information obtained from fostered children and child care professionals in Spain.

Horsey, K. and others (2022), [UK surrogates' characteristics, experiences, and views on surrogacy law reform.](#) *International Journal of Law, Policy and the Family*, Volume 36, Issue 1, 2022.

What are surrogates' views on their experience with surrogacy, their understanding of the law, and views on legal reform? Researchers conducted an online retrospective survey of women who underwent treatment as gestational surrogates in two UK-regulated IVF centres between March 2014 and October 2021. Forty-seven surrogates responded outlining their experiences with surrogacy in the England/Wales legal context, their understandings of the law, and thoughts on potential law reform.

ICAV (2023). [La Réunion et au-delà webinar.](#) part 2 of this series in searching and reunion in intercountry adoption.

Institutionalised Children Explorations and Beyond (2023), [The Evolution of Alternative Care in South Asia over the Last Decade and Way Forward.](#) *Special Issue, Volume 10 Issue 2, September 2023*

This Special edition examines the past 10 years of child protection system reform in Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka.

[Interview with Nigel Cantwell \(YouTube video\)](#), one of the drafters of the 1989 Convention on the Rights of the Child, by children from the International Academy of Children's Rights (AIDDE).

Melissourgos, S., MSc, Leerkes, A., & Klaassen, M. (2023). [Stuck in Greece? Unaccompanied Minors' Stratified Access to Family Reunification on the Way to Other EU Member States](#). *European Journal of Migration and Law*, 25(3), 301-327.

The article analyses the family reunification troubles of a largely overlooked category of unaccompanied minors in Europe. Using extensive desk research, legal analysis, and semi-structured interviews, it documents a considerable 'family reunification gap': followers arriving in Greece often see the realisation of their reunification aspirations prevented, or much delayed, because they lack clear family reunification rights or have difficulty accessing their rights, while the – tempting – path to continued irregular family reunification is similarly full of obstacles. It also shows how the interplay of legislation, implementation practices, and opportunities for irregular reunification results in family reunification hierarchy, in which the best interests of the child are unequally fulfilled.

Ruff, S., Linville, D., Vasquez N., (2023), ["Resilience" ad Defined by Foster Youth and Key Stakeholders](#).

Research on foster youth often focuses on risk, rather than adaptation, strengths, and assets. Some researchers have shifted the narrative by examining resiliency, but there is limited understanding on how to define and measure resilience specifically among current and former foster youth.

Schamroth Abrams, S., Schaefer, M.B., and Ness, D. (2020). [Child-Parent Research Reimagined](#). Brill-Sense.

Child-Parent Research Reimagined challenges the eld to explore the meaning making experiences and the methodological and ethical challenges that come to the fore when researchers engage in research with their child, grandchild, or other relative. This edited volume offers insights into nuanced learning that is highly contextualized and textured while also (re)initiating important methodological and epistemological conversations about research that seeks to atten traditional hierarchies, honor youth voices, and co-investigate facets of youth meaning making.

Transforming Children's Care Collaborative, [Foster Care for Children on the Move: The Gambia Experience](#), Webinar, June 21, 2023

The objective of this webinar was to present the best practices learnt in the implementation of the foster care system as an alternative to limited childcare institutions for children on the move in The Gambia.

UNICEF Tunisia (2018), [Evaluation of the alternative care system for children without parental support](#). [Report](#), [action plans](#) and [policy brief](#)

FORTHCOMING CONFERENCES AND TRAINING

- **Asia:** The [5th Biennial International Conference on Alternative Care for Children in Asia](#) (BICON), 6-7 September 2023, Katmandou, Népal. Online participation also possible.
- **Argentina:** [Las preguntas de las niñas, niños y adolescentes sobre la adopción](#), Ministry of Justice and Human Rights, 5 September 2023
- **Belgium:** Atelier: La recherche des origines à l'heure des réseaux sociaux, ABSL Octoscope, 14 October 2023 in Brussels
- **France:**
 - [Trajectoires d'adoption, santé, développement, apprentissages, familles, socialisation et perspectives de l'enfant de cinq ans...et des poussières!](#), Dr Chicoine avec EFA 64/40, 30 September 2023, Pau.
 - [Colloque: Enfants Disparus: Pour une meilleur coopération entre pays européens](#), Droit d'Enfance-Fondation Méquignon, 30 November 2023
- **Latin America** [Ciclo de Webinars, Recomendaciones del comité de los derechos del niño sobre cuidado alternativo: Experiencias En La Región](#), RELAF, 28 September and 27 November 2023.
- **The Netherlands:** [ICFS 2023: 17. International Conference on Family Studies](#), 11 and 12 September 2023 in Amsterdam.
- **Switzerland:**
 - [Les traumatismes psychologies – Mieux les connaitre, les détecter pour mieux intervenir](#), Formation donnée par Johanne Lemieux, 8-9th Sept 2023, Neuchâtel.
 - Laure Mi Hyun Croset: "Made in Korea", 12 September 2023, Payot Rive gauche

- **United Kingdom**

- [*Learning from Research: What matters to children living in kinship care*](#), CoramBAAF, 7 September 2023.
- [*Members' Week: Challenges and complexities in kinship care planning*](#), CoramBAAF, 26 September 2023
- [*Members' Week: Care experienced people as a protected characteristic*](#), CoramBAAF, 27 September 2023
- [*Equity, and Social Justice in Child, Youth and Family Welfare*](#), 12-15th Sept 2023, The European Scientific Association on Residential and Family Care for Children and Adolescents
- [*2023 ISPCAN Congress*](#), 24-27 September 2023.
- [*Learning from Research: RCT Model of creative life story work for children in care*](#), 28th Sept 2023.

- **United States of America:** [*BIPOC Adoptees VOICES Community Event*](#), BIPOC Adoptees, 24 September 2023

- **World:** [*A closer look at the phenomena of voluntourism*](#), 10th Oct 2023, ECPAT, PACT, and the UN Special Rapporteur on Sale and Exploitation of Children

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