



SYMPOSIUM ON
NEW TOOLS FOR UNDERSTANDING AND ENFORCING THE HUMAN RIGHTS OF ORPHANED AND
ABANDONED CHILDREN
OCTOBER 20-22, 2004 ATLANTA, GEORGIA

CONFERENCE SYNOPSIS

“I like beginnings and I hope this is the beginning of something that is important for orphaned and abandoned children in the world.”

--Jakob Doek, Chairman, United Nations Committee on the Rights of the Child

The symposium launched on Wednesday, October 20, 2004 at 8:50am in Atlanta Georgia USA. This convention was the inaugural event in a series of gatherings of international child welfare policy and decision making professionals aimed at sharing information about the realities of the global orphan welfare landscape today, and learning about potential new tools and solutions for the future. The functional goal of this symposium is to utilize the need for protection and decision-making in the “best interest of the child” as a driving force to outline and design more efficient programs, regulations and tools around children’s rights.

The organizations presenting this symposium were the International Advocates for Children (IAC) and the Center for Adoption Research at the University of Massachusetts Medical School.

The attendees of the symposium included child welfare policymakers, representatives of government officials in charge of child welfare infrastructures, and researchers and experts in the field of child welfare, specifically relating to orphaned and abandoned children. These critical stakeholders represented 17 countries to include the Netherlands, the Philippines, Vietnam, Mexico, Colombia, Belarus, Russia, Uzbekistan, Kazakhstan, Azerbaijan, Italy, Sweden, the Republic of Georgia, Bulgaria, the United States, Bangladesh and Armenia.

The meeting commenced with Lynda Lee Smith, the Executive Director of the IAC welcoming the group with sentiments of thanks to all of the countries attending the meeting and excitement and hope for the potential positive changes that this group can make for the future of the child welfare landscape for orphans and abandoned children.

Don Clarkson, a psycho dramatist, kicked off the symposium with an enactment of the realities that exist for an orphan, trapped in the confines of the current restrictive policy and practice of the child welfare system. The perspectives, viewpoints, identification of needs and opinions of the child and the potential adoptive parents were explored and revealed setting the stage to initiate discussions on how to pave the way for changes to the antiquated systems which are not protecting the world’s orphaned and abandoned children.

Dr. Carlos López Pérez, the General Subdirector of Mexico’s Sistema Nacional para el Desarrollo Integral de la Familia (DIF- National System for the Integral Development of the Family) addressed the group next with an illuminating discussion *Defining the Need for a Unified Child Welfare System*. Dr. Pérez shared information about the path that the country of Mexico has traveled in overhauling their child welfare infrastructure. Highlighted in the presentation was information about the voids and obstacles that exist in the current child welfare system in Mexico and how a unification of data and information from the various areas of the child welfare infrastructure would provide for increased program efficacy, increased permanent placements for children, and betterment of child protective services.



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Dr. Elizabeth Bartholet, Harvard Law School Professor of Law, presented the group with *Defining the Best Interest of the Child*. Ms. Bartholet poignantly reviewed several points about the disconnection between what is in the “Best Interest of the Child” and the reality of global policy and practice. Because of the priority attention being given to the following factors and principles, the best interests of the orphaned child are overlooked. These factors include: (1) The focus of our future policy definition needs to be on the family, and children being in a loving nurturing home from day one of their life, this is their fundamental right. (2) The US and global policymakers are not making this a high priority; instead, they are focused on other things...continuity of culture, religion, over scrutiny of the potential parents, technical links to parents. (3) The proven, researched fact that early nurturing in a home environment is a priority in the world of development psychology is overlooked and not used as a driving factor to override all other factors in policymaking.

Dr. Berenecea Johnson and Dr. Julie Chambliss and next discussed the nuances of a *Decision Model from a Social Perspective*, and the role of the IAC Scientific Council, respectively. Dr. Johnson discussed the importance of cultural differences in decision making and policy building. She stated “Culture is the way of life of the people, composed of their learned, shared, behavior patterns, values, norms and material objects”, “It is my idea that in this dialogue that we are having about child welfare and adoption we have to integrate some way to look at the role culture plays and use it as a positive and not a negative.”

On Thursday, October 21st the meeting resumed with a return from Elizabeth Bartholet, now discussing *Policymaking and the Law*. Bartholet shared with the group her thoughts concerning that “almost all adoption law and policy is focused on the bad things that could happen if you transfer a child from a birth parent to an adoptive parent.” The fact is that overwhelmingly for children, adoption results in good things happening. Because the global community is focused on preventing the negative, we create more and more barriers and children become older and older, and their chance of placement becomes less and less. This is not protecting the rights of the child. In summary, Bartholet stated “You know, we have got to figure out how we make it the law to place children as fast as possible, because harm is going to come to them if they are not getting placed as soon as possible.”

Jacob Doek was the next honored speaker to address the group. Doek, the current Chairman for the United Nations Committee on the Rights of the Child, a lawyer, and an authority, with over two decades of experience, on children’s welfare issues honored this group with his presentation on *Protecting the Human Rights of Orphaned and Abandoned Children*. Doek began the presentation discussing the variation in definition and needs of different populations of children at risk that exist today. This would include orphans, social orphans, abandoned children, street children, AIDS orphans and children without parental care. The needs of these various groups of children are diverse, and there is no one single solution to solve all of their problems, but, there is a global need for a comprehensive, consistent policy addressing these children’s human rights. Doek continued on and highlighted that based upon the Convention on the Rights of Child, it is a first priority for states to support the family’s ability to provide and care for their child. Therefore, “Prevention” of separation and abandonment for the potentially orphaned child is an important component of the protection of children’s rights. The next priority is for “Intervention” in cases where children are at risk. Without parental care, the priority should be given to family type alternative care, and that can be foster care, kafalah, or adoption either domestically or



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internationally. Doek stressed the importance of a need for a policy focused on getting these children out of institutions as quick as possible, institutional care should be a situation of last resort.

Doek poignantly raised other important issues that plague positive outcomes for orphaned and abandoned children, and these issues include how long should a child stay in a foster care situation, and when should it be an adoptive family? These are the kinds of questions where consistent guidelines can provide benefit for these children around the world. Doek also highlighted the growing requests for post placement information for the countries sending children in international adoption situations, and the concern that many of the child welfare institutions around the world are giving natural parents too many chances at the expense of the child's development and that is another critical element of the consistent policy that needs to be created. Doek closed his presentation with some "CNN Breaking News" information about the United Nations (UN) that he wanted to share with the group. Doek explained that the UN has established a working group that will develop guidelines and standards for children without parental care, such as abandoned and orphaned children. This group will convene one to two times each year, and will include the 54 state members of the Commission on Human Rights. NGOs will have the opportunity to participate as observers, and to make submissions on how various issues should be addressed. Doek shared that the visions and ideas of the IAC run parallel with the goals of this new UN working group, and that over the next four to five years it is an excellent opportunity to set comprehensive guidelines and policies.

Following Doek's speech, he and Bartholet together addressed questions from the attendees, in a panel format. The issues confronted consistencies and inconsistencies between the Hague Treaty, and the Convention on the Rights of the Child.

Following this panel, Lawrence P. Adams and Terri Taylor, IAC Orphan Ambassadors addressed the group. Both of these individuals shared the stories of their paths as orphans. Adams discussed his experience with the United States foster care system and how various policies failed to support his adoption over 14 years. Taylor shared the events of her adoption from Korea, and stressed the successes of the international adoption system from her perspective.

Michael Skeen, Dr. Tom Whalen and Dr. Harvey Brightman were the three speakers to follow.

Skeen, an attorney specializing in technology in the child welfare field, discussed *Information Technology as a tool for Understanding and Enforcement of Children's Rights*. This presentation stressed how data and technology tools can help us understand how decisions and policies are affecting human rights of children, and therefore give us an ability to better enforce those rights. Without quality data, the real outcomes from implementation of policy cannot be identified. This is the current state of child welfare around the globe; there are no real trendsetters or nations that have further development on this issue than another. Further, the banks of information about available children and available parents are fragmented and disconnected- because of this, the likelihood of a child being able to find a parent in a timely way decreases. Skeen stressed that the consolidation of these pools, and the delegation of critical decision elements to computer scripts will create improved quality decision-making, increased number of placements and will eliminate the likelihood of corruption. Harnessing the power of technology to assist with the quantitative elements of the matching process for adoption allows the child welfare workers to



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focus their efforts on the qualitative aspects of the process. In addition, as historical data aggregates, trends, predictors and analysis can pave the way towards future policymaking.

Dr. Harvey Brightman, a specialist in managerial problem solving and decision making and previous past President of the Decision Sciences Institute and Dr. Tom Whalen, a specialist in Dedication Analysis, Expert Systems, Fuzzy Logic and Fuzzy Sets addressed the potential impact that the application of decision science can have on the child welfare industry. These two specialists in this field defined the term “multi-criteria decision making” and described how relative values can be assigned to various criteria deemed important in the decision making process. The relative values can be scored to determine the best options available. The utilization of a simultaneous decision making environment, where multiple attributes are considered concurrently will provide for conclusions that take into consideration all available options, and weigh those options by number of successful attributes, and therefore, result in most beneficial choice.

Dr. Whalen presented some observations on the potential for cheap and readily available technology to streamline the process of choosing among a group of prospective adopting families. The goal is to use a database of potential domestic and international adoptive families to quickly find a good overall set of matches for a group of eligible children. It is easy to give whatever preferences are desired (for example for in-country adoption) by a weighting scheme using “soft numbers” rather than through waiting times. Any place where there is an Internet cafe, there will be people who could learn the technology in a few days.

Dr. Whalen summarized his position with a quote from Voltaire ‘the best is the enemy of the good.’ ‘We have a dream placement for every child. The problem is that the child stays in an institution falling farther and farther behind while we wait for the dream placement. Let’s find a good placement.’

On Friday October 22, 2004 the symposium began with presentations from Zaur Zamanov, a representative of the Ombudsman’s Office in Azerbaijan, and Ma. Lyra del Castillo, representative of the Central Authority in the Philippines, focused on the state of the prominent issues and problems in the child welfare/international adoption arena for their countries.

Following these brief presentations, the group broke up into two sets of roundtable discussions.

The first set focused on the following topics: (1) Obstacles to the true protection of children’s rights (2) The definition of “Street Children” and potential solutions to the problems they face, (3) Despite the policy guidelines that exist (i.e.: The Hague Treaty, The Convention on the Rights of Child), the problems still remain, how do we solve the problems that plague orphaned and abandoned children today? (4) How do we protect the children of refugees?

The second set focused two specific topics: (1) How can Decision Science and Technology play a role in our changing child welfare environment? (2) What are the next steps for the IAC?



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These two roundtable sessions provided an opportunity for attendees of the symposium to interact, network, share their ideas and give examples of success and failure from practice and policy in their particular country.

Maarten Brekelmans a political official from the Netherlands, and the European Delegate for the IAC addressed the group about the idea of *Creation of an International Council*. Brekelmans discussed the next steps for the IAC which include the creation of a Science Council, an expert panel and an International Council. The combination of these new bodies will provide for subjects, information and research that will influence governments and influence big international institutions to change their law and their policies.

IAC would like to thank all participants and speakers who attended the Symposium. If you have any questions or comments, please email IAC Executive Director Lynda Lee Smith at lynda@iachildren.org or write to us at:

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