Framework for a Plan of Action

Implementation of the Convention on the Rights of the Child

Seeking Family-based Alternatives for Children who are Abandoned or at Risk of Abandonment

Regional Seminar for Eastern & Central Europe
Sofia, Bulgaria, 28 September - 2 October 1992

TABLE OF CONTENTS

INTRODUCTION

Chapter 2
CHILDREN AND FAMILY: A DIFFERENT APPROACH

Introduction (2.0)

Promoting another view of the child (2.1)

Promoting another view of the family as the fundamental unit for the development of the child (2.2)
Fighting prejudice against groups at risk (2.3)

Promoting the development of an integrated network of

alternatives in favour of abandoned children and families at risk (2.4)

Promoting better efficiency of government bodies and child welfare professionals (2.5)

Disseminating the Convention on the Rights of the Child (2.6)
Involving the media in order to reach all social levels (2.7)
Conclusion (2.8)

Chapter 3
FOSTER A SENSE OF RESPONSIBILITY AND DEVELOP
THE INVOLVEMENT OF SOCIETY AS A WHOLE
IN THE DEFENCE AND PROMOTION OF CHILDREN'S RIGHTS

Introduction(3.0)

Strenghtening the commitment of political structures - governments, legislative bodies, political

parties - towards social policies for child and family welfare (3.1)
Social policies for child and family welfare: prevention (3.1.1)

Legislation (3.1.2)

Promoting involvement of society at large: individuals, communities,associations, the media, etc.

(3.2)
Individual commitment (3.2.1)

  Examples of individual initiatives submitted   by Seminar participants (3.2.1.1)

Collective commitment: creation of informal action networks (3.2.2)

  Examples of initiatives taken by informal action groups, carried out or suggested by Seminar

participants (3.2.2.1)
Creation of structures within civil society (3.2.3)

  Action taken by NGOs and associations: examples related by participants (3.2.3.1)
Strenghtening the commitment of the international community (3.3)

CONCLUSION

INTRODUCTION

From 28 September to 2 October 1992, a *Regional Seminar for Eastern and Central Europe* was held in Sofia (Bulgaria) on the "Implementation of the Convention on the Rights of the Child: Seeking Family-based Alter-natives for Children who are Abandoned or at Risk of Abandonment". This Seminar was organized by Defence for Children International (DCI), the International Catholic Child Bureau (ICCB), International Social Service (ISS) and UNICEF, in cooperation with the Bulgarian National Committee for UNICEF.

During the Seminar, participants active in government agencies as well as non-governmental bodies - 51 of which came from countries of Central and Eastern Europe (Albania, Belarus, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldavia, Poland, Romania, Russian Federation, the Slovak Republic, Slovenia, Ukraine, former Yugoslavia) and 11 of which were international experts - were able to exchange experiences in matters of child welfare and envisage specific measures for the implementation of the Convention on the Rights of the Child in their own countries.

0.1   Purpose of the Seminar

The purpose of the Seminar was threefold:

Firstly, to contribute to the **implementation of the Convention on the Rights of the Child.** If executive bodies and decision-makers responsible for child welfare are better informed on the Convention on the Rights of the Child, then they will be better able to seek the best interests of the child, especially for abandoned children or children at tisic of abandonment.

Secondly, its aim was to foster prevention by which all possible efforts are made to keep the child within his or her family while providing the appropriate family support measures.

Thirdly, to identify those measures best able to protect abandoned children, so as to provide them, if possible, with an appropriate family environment within their own culture.

The work carried out in the working groups during the Seminar enabled participants to share their experience in various professional fields (law, med icine, psychiatry, psychology, education, social work, etc.), as well as the results of their scientific research. At the end of the Seminar the

various working groups established a number of **guidelines for Eastern and Central Europe** with the view to improving the situation of abandoned children or those at risk of abandonment. These guidelines are included in this publication in the form of a **Framework for a Plan of Action.**

The Framework for a Plan of Action is one of the three documents published at the end of the Seminar. The two other documents contain respectively:

- the collection of the interventions made during the Seminar;

- a synthesis of the information presented on the various national situations, obtained from the presentations, the working groups' reports and the informa-tion collected by means of a questionnaire distributed to the participants.

With its presentation and contents, the Framework for a Plan of Action is not only intended for those who took part in the Seminar, but also all individuals, groups and governmental or non-governmental organizations interested in the implementation of the Convention of the Rights of the Child in Eastern and Central Europe.

Of course, this Plan of Action has to be adapted to national circumstances, as major differences sometimes exist between the countries in the region. These differences are to be found in the economic situations as well as the socio-cultural approaches, in the types of care provided to abandoned children as well as social assistance given to families, etc. However, in spite of these differences, participants agreed on a set of fundamental principles and guidelines.

0.2   The Rights of the Child

Before reviewing the various options available for assistance to children who are abandoned or at risk of abandonment, let us recall here some of the Children's rights, as defined by the Convention on the Rights of the Child.

First of all, one of the most salient aspects of the Convention on the Rights of the Child is that it establishes a framework for decisions to be taken based on **"the best interests"** of the child:

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration" (Art. 3, § 1).

Clearly one cannot seek the best interests of the child without taking into account the rights of the child, and vice versa. More generally, the Convention on the Rights of the Child considers the child as a "subject" and not as an "object" of human rights. The child is no longer viewed simply as the object of protection and care, but as an individual with. the right to express his or her opinion and take an active part in the implementation of his or her rights.

Secondly, every child has the right to a **specific identity**, which necessitates the verification of his or her identity in the case of abandonment (e.g. birth certificate).

> *"The child shall be registered immediately after birth: and shall have the right from birth to name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents" (*Art. 7, §1*);*

> *"States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference"* (Art. 8, §1);

> *"Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide assistance and protection, with a view to speedily re-establishing his or her identity"* (Art. 8, §2).

Thirdly, every child has the right to a **family.** The Convention on the Rights of the Child stresses throughout the utmost importance of the family in the child's development. Consequently, States ratifying the Convention agree to use all possible means for supporting families, so that they can provide adequate care for their children and keep them in their midst:

> *"...The family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community... The child, for the full and harmonious deyelopment of his or her personality, should grow up in a family environment"* (Preamble).

Priority is given above all to the child's biological family. All efforts should be made to help the biological families to cope with their financial,social, emotional and health problems so that the child can stay with his or her family or return to it within a reasonably short period of time.

A long-term plan for each child's future must be drawn up. This involves monitoring the biological family to avoid, whenever possible, separating the child from his or her family, and defining adequate social strategies for those children who cannot be kept with their biological family. The situation must be reviewed regularly. Let us stress that placement in institutions in foster homes or in children's villages cannot be considered, except in a few cases, as a permanent alternative. The alternatives which can be considered as truly permanent are all **family-based**, such as the maintaining or reintegrating of the child in its biological family. If this is impossible, adoption as another family-based alternative may be considered.

Having recalled the fundamental rights of children aimed at protecting them from abandonment, we shall now review the measures to be taken for the implementation of these rights. Such measures were deemed priorities by the participants in the Seminar. They can be categorized under three chapter headings:

I.   Developing an integrated social network of alternatives in favour of abandoned children and families at risk
II.   Children and family: a different approach
III.   Foster a sense of responsibility and develop the involvement of society as a whole in the defence and promotion of children's rights

Chapter 1

DEVELOPING AN INTEGRATED SOCIAL NETWORK OF ALTERNATIVES IN FAVOUR OF ABANDONED CHILDREN AND FAMILIES AT RISK

1.0   Guidelines

In matters of child welfare, priority should be given to keeping the child with his or her family of origin. All possible efforts should be made to enable the family to keep the child and prevent institutional placement or abandonment. If it is impossible for the child to stay with his or her family, priority should be given to placement in a substitute family environment rather than institutional placement. As far as possible, the child should be placed in an environment similar to that of his biological family and one connected with the child's ethnic group, local community and cultural roots.

A social network of alternatives should be created, developed or strengthened in each country, including:
-    keeping of the child with his or her biological family;
-    family reintegration;
-    adoption within the country;
-    inter-country adoption;
-    fostercare;
-    institutional placement.

Although preference should be given to keeping the child within his or her family or to family reintegration wherever possible, or to family-based (i.e. adoption, foster care) rather than institutional alternatives, the appropriate individualized solution should be chosen taking into account the best interests of the child. Generally, permanent alternatives (e.g. adoption) are to be preferred over temporary alternatives. However, temporary solutions, such as foster care or institutional placement,

can be part of a preventive strategy aimed at helping biological families overcome a crisis period and keep their child. All the above alternatives are therefore complementary.

1.1 Priority given to prevention: keeping the child with his or her family as the optimal environment for the child's development

1.1.1 The family as the optimal environment for the child's development

It is universally acknowledged that the family provides the best environment for a child's development and security. Education, integration in society, transmission of values and culture are all best achieved throughk the family. The primary responsibility for raising and educating children rests with the parents, who are also responsible for providing for their children's material, psychological, emotion~ and spiritual needs, since the child's ability to shape his or her identity and develop his or her capacity for harmonious relationships are based on the love and affection of his or her parents and, as the case may be, brothers and sisters.

However, the so-called t'transition" period currently occuring in Eastern and Centaal Europe calls for preventive measures, so that economic development may be linked to human development of the people and not to their detriment. Not only should economic decisions support social policies aimed at child and family welfare, but these social policies should also be integrated in the economic development strategies.

1.1.2 Prevention: doing the utmost to keep the child with his or her family

For many international and national organizations, prevention is the priority strategy. At the core of prevention strategies lies the central role of parents, who are both beneficiaries of these strategies and their main agents. The first step, therefore, should be to develop or increase the dissemination of information on the unique role that the family, and especially the mother and father, play in the human development of the child.

Measures to be taken:

a) Concerning families in general:

-   **Public information campaigns** (aimed at families, adolescents, etc.) on the stages of development and the psycho-emotional needs of the child, and on the role of mothers and fathers.

- **Maintenance and/or creation of measures of social, psychological or financial assistance** for all families with children, and creation of an **abandonment prevention system** at all levels. These measures, rooted in local communities, should help families carry out their duties in an optimal way and should make it possible for problems to be detected before they become insoluble.

These measures include:

- maternity leave;
- free medical care;
- creation of job opportunities, increases in the minimum wage and social and unemployment benefits in proportion to the rise in the cost of living;
- family allowances;
- housing;
- creation of day care centres and nursery schools;
- assistance in child-rearing, by helping parents understand the physical, psychological and social needs of their children;
- sick-child leave;
- free meals at school;
- organized holiday and recreational activities for children.

b) *Additional prevention strategies for families at risk:*
- **Family counselling services and parent education programs** to preserve family stability.
- Social or therapeutic support for families with problems.
- Information, legal support and advice to prevent any form of exploitation such as physical or psychological violence or abuse. A social worker should assess the needs of the family and/or the children.
- Education aimed at encouraging and developing the values of **responsible citizenship**, by ensuring equal rights for all and discouraging discrimina-tion.

- **Financial assistance to families with disabled children**, training and counselling aimed at helping families cope with that problem.

- Stepping up of **measures of family protection** and child security. Creation of crisis intervention programs aimed at keeping the child with the family. Worthy of mention is the "Homebuilders"

model, a short-term, intensive social assistance service provided directly to the family, thus reinforcing prevention and avoiding the separation of the children from their family of origin.

Advantages:
- For the child: keeping the child with his or her family is the best alternative.
- For society: for any given country, the economic and social costs of
prevention are substantially lower than the cost of child care services.

1.2   A range of options for the individual future of every abandoned child

In Eastern and Central Europe the number of abandoned children is constantly on the rise. In many cases, abandoned children (whether street children or children in institutions) are not orphans in the proper sense of the word, but rather "social orphans". Generally, they keep in contact or at least keep a tie with their biological family.

When attempting to define the root causes of the current family crisis in Eastern and Central Europe, which in some cases leads to the abandonment of children, the underlying causes must be distinguished from the immediate causes. There is indeed a tendency to consider only the immediate causes of abandonment, such as alcoholism or unemployment, without trying to grasp the structural problems which may be the source of abandonment, such as economic disparity, inadequate social services or the feeling of helplessness brought on by an uncertain future.

1.2.1 Root causes of abandonment

Eastern and Central European countries are currently suffering from an economic and social disparity due to the upheavals of the past few years. As in many other countries, the tendency of governments to give priority to economic development and national security rather than to social solidarity leads to a cycle of poverty from which it seems impossible to escape. Under such circumstances, certain parents may feel that their only alternative is to abandon their children.

The following are some of the factors which may lead to **abandonment**:
- In collectivist systems the idea prevailed that the State could provide an answer to all problems, which has led *inter alia,* to **underestimation of the fundamental role of parents** in child development. Some parents continue to be dependent on the State and to entrust their children to the care of State-run institutions in times of crisis.

- **The economic crisis**, affecting above all the most vulnerable social groups, leads to family breakdown, violence, crime, drug trafficking, alcoholism, etc.

- The development of a market economy has led, in some instances, to the **abolition or the reduction of certain social advantages** inherent to the socialist system, such as family allowances and opportunities for children to take part in social, athletic, cultural and artistic activities.

- Environmental pollution in some countries causes a higher rate of disability among children and a feeling of helplessness in certain parents, which could even lead to child abandonment.

- Situations of **armed conflict** or **civil disturbance** in certain countries result in an increase in the number of orphans, as well as child refugees unaccompanied by either parent or placed in the care of extended family members. In these situations, a number of parents also become incapable of caring for their children.

1.2.2 Immediate causes of abandonment

Certain situations, common to all Eastern and Central European countries, exist which lead to abandonment, or increase the risk of abandonment, including the following:

- Families faced with **serious economic difficulties**, health problems or relational problems; divided or broken families.

- **Alcoholism** as a means of escape from misery and social problems.

- **A tendency to hide abandonment, disabilities and social problems**. By relegating children to institutions, parents avoid facing problems.

- **Rejection of unmarried mothers**.

- Taboos surrounding sexuality.

- **Prejudice against certain ethnic minorities**. For example, in certain institutions there is a high proportion of "gypsy "   children. Instead of admitting that foster or adoptive families are much harder to find for these children, ethnic prejudice is often used as an excuse to condemning members of certain ethnic groups as being more likely to abandon their children than other groups.

- **Professional prejudice** on the part of physicians and social workers: a tendency to encourage unmarried mothers and parents of disabled children to leave them in institutions, thus making them "social orphans".

1.2.3 Conditions for placing a child outside of his or her biological family

The Convention on the Rights of the Child declares that:

"A child temporarily or permanently deprived of his or her family environment, or in whose own best interest cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State." (Art. 20, § 1).

This applies, for example, to cases where:
- the health or development of the child are seriously jeopardized through lack of care or because of other family circumstances, or because of drug abuse or other illegal activities;
  - family assistance measures prove inadequate;
  - if an alternative solution is considered preferable in the best interest of the child.

1.2.4 Choosing the most appropriate protective measure for each child

In order to choose the **best possible protective measure** for the child, an examination of the familial, psychological, emotional, cultural and social circumstances of **each child**, as well as a health examination, must be carried out.

The first alternative to be considered is always **family reintegration**. If such a measure proves absolutely impossible, then the child should be placed as far as possible in a **family-type** environment. Here again, there are several options, the most desirable of which is to place the child with a member of his or her extended family (grand-parents, aunt and uncle, etc.); the next option being to place the child with a family of the same ethnic origin and cultural background.

- For children who cannot be reintegrated into their family, an optimal solution must be found **without delay**.

- **Permanent alternatives** such as adoption should be preferred to temporary alternatives (placement in foster care or in institution).

1.2.5 Network of alternatives to be developed, reinforced or enhanced, based on the rights of the child

The alternatives considered as solutions in the case of abandonment are the following:
- **family reintegration;**
- **adoption** (national and inter-country);
- **foster care**;
- **institutional placement**.

We will review hereafter each of these alternatives while attempting to delineate the best conditions for their implementation.

1.2.5.1   *Family reintegration*

The reintegration of the child in his or her biological family is the best possible alternative in case of abandonment. The effort to reintegrate the child in his or her family is a natural part of a strategy which acknowledges the **fundamental and irreplaceable role of the family** in the optimal development of the child, and which gives priority to prevention. Furthermore, this alternative has the advantage of being the most economical one.

To this effect, family reintegration services should be established and existing services should be reinforced to ensure rapid intervention as soon as a child enters the institutionalization system.

The reintegration process foresees :
- **Locating members of the child's biological family of origin**, including the extended family, if necessary by means of a police inquiry.
- **Analyzing the specific problems** of the family and the child.
- **Providing adequate answers to problems** or helping the family to do so through financial, social or psychological support, family therapy (psychotherapy, drug or alcohol rehabilitation cures, etc.), providing housing facilities, etc.
- **Identifying those families where reintegration is possible.**
- **Encouraging relations** between the family and their child.
- If need be, **providing for a transitory period of family therapy** before the child is reintegrated. Reintegration may be progressive in certain cases.
- In any case, the child must be **prepared for the change**, by including him or her as much as possible in the reintegration plan established in consultation with the family.

- **Providing the family and the child with support** before and after reintegration.

1.2.5.2   *Permanent substitute family alternatives*

1.2.5.2.1   Adoption

Adoption, whether national or international, is a measure of protection by which a parent-child relationship is established between a child and an individual, or a couple other than the child's biological father and mother. It is important to stress that **adoption is the process by which a child finds a family, and not the reverse.**

Detailed guidelines should be established to regulate adoption.

- First of all, **an in-depth enquiry must be carried out to establish the child's identity** in order to ascertain whether the child really needs to be adopted and whether he or she is able to be adopted, with a view to preventing abuses and child trafficking.

Furthermore, for a child who is not an orphan, to be **legally** adopted, the biological parents must fulfil certain requirements: declaration of abandonment, consent to adoption or relinquishing of parental rights (with variations according to national legislation). In many Central and Eastern European countries, many children are currently spending their childhood in an institution. The drafting of a **law on abandonment** therefore appears necessary to allow *de facto* abandoned children to be declared as abandoned and legally adoptable, thus providing them with an opportunity to be placed in a substitute family.

1.2.5.2.2   National adoption

National adoption is the adoption of children from a given country by nationals residing permanently in the same country.

Though **it should be given preference over international adoption**, national adoption is still rare in most Eastern and Central European countries. The Convention of the Rights of the Child states (Art. 21, §b):

"Recognize that intercountry adoption may be considered as an alterna-tive means of child care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin."

The existence of waiting lists for national adoptive parents in some countries indicates that there is a potential in Eastern and Central Europe for the development of national adoption as an alternative for children in need of substitute families.

In as much as national adoption prevents the cultural and ethnic uprooting of the child, it is preferable to inter-country adoption. However, there may be a problem of ethnic and cultural uprooting in cases of adoption of children from a different ethnic group or a different socio-cultural background.

1.2.5.2.3   Inter-country adoption

Inter-country adoption is the adoption of children by foreign nationals or by persons of the same nationality as the child but residing in another country.

Before considering the alternative of inter-country adoption, one must **ascertain that no permanent family-based solution can be found within the child's country or origin.**

If no adoptive family can be found within the child's own country, then inter-country adoption should be considered **within a reasonable period of time**. Changes and turmoil occasioned by the child's removal will not affect the child more detrimentably than a long-term placement in an institution, which can sometimes last until adulthood.

When the inter-country adoption alternative has been chosen, all measures should be taken to ensure the respect of the **child as a human person in his or her own right**, an individual who should be considered for **himself** or herself and not only because of the new situation imposed by circumstances or by another's whim. Before being adopted, the child has a name, a birthplace, a mother and a father, a culture and a religion, a physical, intellectual and emotional development, brothers and sisters perhaps, and a specific personal history. The child also has the right to give his opinion once he can express himself. When the time comes and if the adopted child expresses the wish, the adopted child has a right to be informed of his or her past with all due care and attention in order to avoid inflicting a new trauma. It is very important that the adoptive parents be adequately prepared for their future role and especially that they recognize and respect the personal history of the child before adoption.

1.2.5.2.4 Legislation on adoption

In Eastern and Central Europe, legislation on adoption has only recently been passed or is still in the preliminary stages. When drafting national legislations, **the same guarantees and the same standards recommended *for* inter-country adoption must be applied to national adoption**. In particular, the following questions are to be answered:

- Is the child **psychologically and socially ready for adoption?**
- Can the child be adopted from a legal point of view?
- Have the parents and, if applicable, the child **consented to adoption** freely and with full knowledge of the consequences?
- Are the **prospective parents suitable for the child**?
- Has the **receiving country granted permission** for the child's entry?
- Is there a **follow-up structure** to provide support for the child and the adopting family?

There is clearly a need for the training of qualified staff in Eastern and Central Europe to take on responsibility in areas connected to abandonment and adoption (thejudiciary, social work, psychology, child-parents matching, etc.), particularly as pressure has recently increased and demand is currently high.

Adoption professionals will take special care in preparing prospective adoptive parents, particularly by:

- **carefully reviewing the psychological, social, physical and economic circumstances of the prospective adoptive parents** and those living with them.
- **assessing the motivations and potentialities** of the candidates, who must be made aware that the adoption of a child from a different environment, sometimes from a different country, culture or religion, and often of a different race, represents a veritable challenge. In particular, the question must be answered as to whether the adoption plans will fulfil the candidates' wishes and whether their marriage and family situation allows them to embark on such a venture;

- helping the prospective adoptive parents focus much more on **the needs of the child** rather than on their own. All too often adoption is carried out to answer the idealized needs of the adoptive parents and not to provide a child with a family.

In the case of **inter-country adoption**, which has only recently begun to spread in Europe, a number of specific legislative measures are to be taken:

- Even where legislation on adoption and abandonment exists, **obstacles to its implementation**, such as **incompatibilities** between the legislations of either the country of origin or the receiving country, must be eliminated. Ignoring such legal requirements could be dangerous for the child who could find himself or herself in an alarming legal and social void (for example, certain receiving countries who require a waiting period before adoption is legally acknowledged, whereas the law in some countries of origin deems an adoption irrevocable once it has been pronounced).

- Art. 21, §e) of the Convention recognizes the need for arrangements or **bilateral or multilateral agreements** between States to ensure that the placement of children in another country is carried out by the competent authorities or bodies.

- Often the first steps are taken by families or adoption agencies in industrialized countries and not by the social services of the country of origin, which are sometimes still inadequate or underqualified. Bureaucratic hindrances which slow down progress and "dehumanize" the process of adoption should also be removed.

In order to control the adoption procedure and prevent abuses, a **"Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption"** prepared by the **Hague Conference on Private International Law** was opened to signature on 29 May 1993. This Convention provides that the ratifying States create a governmental body or"**Central Authority**" (a

ministry or an inter-ministerial body) to supervise the process of inter-country adoption and to cooperate with its counterparts in the receiving countries. The "Central Authorities" must cooperate together and promote collaboration between the competent authorities of their countries to ensure the protection of the child and achieve the other objectives of the Convention on the Rights of the Child.

Responsibilities of the **"Central Authority"** (see Ch. III of the Hague Convention) include in particular:

- **The collecting, preservation and exchange of information** about the situation of the child and the prospective adoptive parents, so far as is necessary for attaining the objectives of the Convention on the Rights of the Child.
- **Facilitating, following and expediting procedures** with a view to adoption.
- **Defining a statutory time period between the birth of the child and the consent to adoption** given by the biological parents.
- **Granting a period of reflection** to the mother or the biological parents between the moment consent is given to adoption and the actual adoption.
- **Preventing improper financial gain** in connection with the adoption and dete[Ting all improper practices contrary to the objectives of the Convention.
- **Promoting the development of adoption counselling services** in the respective Governments.
- **Providing each other with general evaluation reports** about experiences in inter-country adoption.
- Ensuring that **research is adequately carried out to locate the biological parents of abandoned children.**
- **In case of failure**, ensuring appropriate **alternative measures**.
- **Proposing legislative measures** based on past experience.

It is important that widespread information and promotion campaigns be carried out in Eastern and Central Europe to obtain **ratification of the Hague Convention by every country.**

1.2.5.2.5   Possible risks in the adoption process

a) Doubtful or illegal procedures on the part of adoption agencies, intermediaries and adoptive and/or biological parents. Among procedures to be discouraged:

- **Exchange of children for financial or other gain** in favour of individuals or institutions.
- **False birth certificates** or paternity declarations.
- Court orders granting **"private"** or **"independent" adoptions.**
- **Selection of children for adoption by adoptive parents** during visits to institutions (sometimes with a humanitarian concern). In such cases the idealized wish of the adoptive

parents is emphasized and not the needs of the child. A feeling of rejection also develops in children who are not "chosen" on such occasions, made worse by every new visit.

- Attempts to persuade the competent authorities to grant **exceptions to certain laws**, which can go as far as extremely questionable pressures being exercised in different areas.

- **Intervention of unqualified intermediaries**, some of whom are motivated primarily by financial interests rather than by the ethics of child welfare. Others do not provide all the services recommended within the adoption process (selection of adoptive parents, preparation for adoption, participa-tion in child-parents matching, post-adoption follow-up and support, seeking other solutions for the child in case of failure, obtaining information from the country of origin, etc.).

- **Looking for children directly in their biological families** and no longer in institutions. Adoption in this manner is then no longer aimed at the children who need it, but rather encourages a mother or family to abandon their children. This is generally the result of seeing adoption as a means of satisfying the prospective parents' wish to adopt very young children. In a parallel way, most of the children who do not meet adoptive parents' ideal criteria will remain in institutions, often until adulthood, and will never benefit from national or inter-country adoption.

- **Financial disparities** created by **prospective adopters from rich countries** being prepared to pay for a child, which jeopardize the chances of national candidates who want to adopt a child in their own country.

b) *Pressures on biological parents:*

- **Pressure on mothers** particularly those who are unmarried or alone, usually exercised before birth in maternity wards or in institutions. These pressures sometimes stem from the belief that the child will be better off in a normal family environment or in a more prosperous country, and sometimes also from financial interests.

- **Incorrect information on the consequences of adoption** which sometimes leads biological parents to believe they will be able to remain in contact with their child after the adoption is finalized.

c) *Lack of effort and coordination between adoption agencies and institutions:*

- **Lack of effort to facilitate the adoption of institutionalized children** who are neither orphaned nor legally abandoned.

- Tendency to avoid adopting children from institutions and rather directly taking them from the biological family.

False beliefs in the receiving countries:

- **Adoption conceived as a means for families to satisfy their wish for a child**. The child's welfare is used as an alibi. **The right to have a child overrides the rights of the child.**

- **Deformed images of the situation of children in the countries of origin** as propagated in foreign countries by the media.

- Preconceptions according to which the child would necessarily live a better life in a more prosperous country, with as a consequence, **attention focused primarily on the material needs of the child**.

1.2.5.2.6 Situations of armed conflict

In situations of armed conflict, inter-country adoptions 'or foster placements outside the country are to be avoided unless a **monitoring system** can be set up beforehand to control the departure and follow-up the children, and a number of precautions are taken. Often, the absence of the child's parents or of any members of the extended family who could care for the child can only be ascertained after the conflict has ended.

1.2.5.2.7 Adoption of children "with special needs"

For some children with "special needs", either due to serious illness or disability, or because they are older, socially marginalized or belong to an ethnic minority (e.g. the gypsies), adoption must be carried out and followed through with particular care.

The principle of **priority given to national adoption** applies equally to the adoption of **children "with special needs**". However, this type of adoption remains rare in Eastern and Central Europe; a major effort must be undertaken to improve this situation.

In the absence of prospective adoption candidates in the child's country of origin, **international adoption** can in some cases allow such children to benefit from advanced medical, psycho-pedagogical infrastructures, and also to avoid being exposed to certain negative racial attitudes within the child's country of origin. Certain adoption organizations in several Western countries specialize in the adoption of children "with special needs". Experience shows that such children adapt very well to family life. When accepted as they are, major progress is often noted in the rehabilitation of disabled or sick children.

Some agencies hold the belief that all children can be adopted, no matter how severe their problem, if the adopting family is given adequate support. Other agencies believe that the only answer in some cases is institutional placement. It must be stressed, however, that **inter-country adoption** is not to be viewed as the answer to the problems of Eastern and Central Europe, as real

possibilities for such adoption remain limited. The countries concerned should therefore implement their own national child welfare policies in favour of such children.

To conclude, **heightened awareness and information on all risk factors inherent in the adoption process** is required when drafting legislation and establishing procedures which will make national and inter-country adoption an efficient child welfare measure.

1.2.5.3   *Temporary substitute-family alternatives: foster care*

According to international practice, **foster care** consists of **placing the child, in principle temporarily in the care of an individual or family other than his or her biological father or mother**, with the consent of the latter (voluntary foster placement) or without such consent (forced foster place-ment).

Guarantees required of foster families:
- **Foster families** should be carefully selected by competent professionals.
- **The members of the foster family** should be in **good physical and mental health** and provide sufficient space for a new family member.
- Foster parents must be prepared to **be trained** and counseled, and to reflect on their experience as a foster family. After the placement, foster parents must continue to be followed by child welfare services.
- The foster family must be motivated by feelings of social solidarity and the joy of raising children.
- Foster parents should be prepared to **remain in contact with the biological family** inasmuch as such contacts are not contrary to the best interests of the child.
- Foster parents should **respect the child's right to know his or her origins and identity.**
- They must also agree to **respect the child's right to freedom of thought, conscience and religion.**

Measures aimed at encouraging foster placement:
Currently less than *25%* of children in out-of-home placement in Eastern and Central Europe are placed with foster families, with some exceptions, as in former Yugoslavia where foster placement is well developed in some regions.

Awareness should be enhanced concerning the need to **train foster families in order to decrease institutionalization rates and to develop counselling and follow-up services**. When faced with difficulties, foster parents should be able to turn immediately to competent professionals. Generally speaking, foster families are better suited to the needs of children than institutions and less of a financial burden on the State.

The following measures should also be encouraged:
- **increasing the number** of substitute families trained to care **for disabled children**;

- the development of a **short term foster placement service** to enable families to deal with a crisis. If family reintegration proves impossible, foster placement must lead to a permanent alternative for the child;

- **training programmes** for foster families, funded by government subsidies;

- **a parent-child matching procedure**. Children placed in foster care must conform to the type of child the family is able to care for. Failing this, statistics show that there is a major risk of failure.

- Appropriate **information to families interested in foster care**.

1.2.5.4   *Institutions adapted to the needs and rights of children*

In Eastern and Central Europe as elsewhere, children are often removed from their family before all avenues for keeping the child with the family have been explored. Once the child is placed in an institution, contact with his or her family is rarely encouraged. The consequence is that only very few children return to their families after institutional placement.

In most cases, **institutional placement has very adverse effects on the child's development**, and particularly the child's psyche. Emotional deprivation can provoke various reactions in the child:

- apparent adaptation, where the adverse effects of emotional deprivation influence the child's behaviour only in stressful situations;
- a tendency towards hypoactivity and inhibition leading to apathy and increased interest in things rather than persons;
- a tendency to hyperactivity with flight into great social activity but an inability to create deep emotional ties;
- a tendency to provocative behaviour in society, with constant attempts to attract the attention of adults.

In spite of the serious emotional disturbances that a prolonged institutional placement may cause, it should be stated that **institutions may offer a valid alternative for the short term**, particularly in cases where the child needs special care that only an institution can provide. This is why institutional placement must continue to be considered as an alternative for abandoned children. It must, however, be seen mainly as a temporary alternative followed by a view to the child's return to his or her family or adoption. Institutions also have their role to play by protecting the rights of children entrusted to their care when legally abandoned or when the parents cannot be located.

The Convention on the Rights of the Child provides that:

"States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities,

particularly in the areas of safety, health, in the number and suitability of their staff as well as competent supervision" (Art. 3, §3).

Measures to be taken to improve conditions within institutions:

- Ensure that the institution' s size is humane and assign children to small groups.

- Create a **family-like** social and emotional climate, the institution being organized on a family-type pattern (small groups); educators and children live in autonomous groups with their own budget, their own entrance to the premises, etc.

- Encourage **attention given to the psycho-emotional needs of the child.**

- As in families, **place children of different age groups within the same institution and limit transfers** of children for reasons of age from one institution to another.

- **Keep siblings together** in the same institution.

- **Strengthen the relationships between institutionalized children and their biological parents** (free visiting hours, etc.)

- Develop the children's **social skills** to enable them to acquire the personal autonomy which they will need when they leave the institution.

- **Open up the institution to the surrounding community** in order to facilitate the future integration of the child.

- **Upgrade the institution's premises** to give it warmer and more welcoming atmosphere. Personalize each room and allow the child to own a few personal objects and enjoy his or her own private space, however small.

- Develop **private family houses** or **children's villages**, where several individuals or a family care for the children (the difference between such houses and family placement is that there is always a trained staff member to carry out such work within a team).

- Set up **specialized institutions for children with special needs as required**. Sometimes disabled children require special care that only an institution can provide.

- Develop **staff training** in institutions so that further professional skills may be acquired.

- **Provide staff with alternative training** so that they may find another job if the institution closes.

1.3 **Conclusion**

Criteria based on the national situation must be defined in each country with a view to selecting the alternative or alternatives best suited to the needs of each child.

As a general rule, in matters of child welfare:

a) **family-based alternatives** (reintegration into the biological family and, if such an alternative is not possible, adoption and foster placement) are to be preferred over placement in institutions. Family-based alternatives, like all other alternatives, must be backed by a support system to

ensure their proper functioning (training, etc.). It may be desirable not to differentiate too strictly between the various categories of family-based alternatives, as several may apply to the same child as his or her personal and family situation develops and evolves.

b) **permanent alternatives** (family reintegration, adoption) must be preferred to temporary solutions (institutional placement, foster care). Where a family-based alternative is not available, institutionalization may be considered as to be in the best interest of a child provided that the placement is temporary and primarily aimed at reintegrating the child within his or her family and that significant efforts are made to improve the child's relationship with his or her family.

c) **national alternatives** (family reintegration, national adoption) should be preferred to international alternatives (international adoption).

Adoption and **foster care** must also be viewed **according to the context of the original family**, since the child's well-being must not be sought in an isolated way, but rather with regard to the child's personal history and those closest to him or her. For this reason, adoption and foster care are not considered ideal solutions, but as alternatives to be considered when family reintegration has failed. Furthermore, such solutions demand a clear definition of their requirements and that consideration be given to each individual case.

It should be noted that these various approaches are **complementary** and should be considered in terms of priorities rather than from a hierarchical standpoint. With one exception however: **prevention**, i.e. keeping the child with his or her family, **should always be the preferred alternative**. The fundamental idea is that the optimal decision should be taken for **each** child, with due regard to his or her needs, rights and best interests.

When selecting an alternative, **the child's need for continuity and permanence** must be respected. The alternative selected should also provide the child with a family environment as close as possible to his or her original ethnic, religious, cultural and linguistic environment. **Temporary measures** should lead to permanent solutions, and among temporary measures, **family-based alternatives** should be preferred to **institutional alternatives**. (See Convention, Art. 20, §3).

In order to achieve this, **national and international networks should be reinforced and legislation** should be drafted which provides concrete measures of family protection and child welfare.

An **evaluation system** should also be set up to keep the public informed on how funds are being used in the service of children.

Finally, in spite of difficulties and tensions, we all have' a lot to learn from each other and there is much to be gained by uniting forces.

After identifying the root causes of abandonment and defining an integrated network of alternatives to be implemented in favour of abandoned children and families at risk, we must now describe the main requirements for the implementation of such alternatives. These conditions come within the general framework of the implementation of the Convention on the Rights of the Child.

First of all, **a fresh approach to the family and the child** should be encouraged worldwide, with a view to serving the best interests of the child in all circumstances.

At the same time, **a sense of responsibility** should be fostered at all levels, by encouraging society as a whole to defend and promote children's rights.

Chapter 2

CHILDREN AND FAMILY: A DIFFERENT APPROACH

2.0   Introduction

In this chapter, we will present a synthesis of the recommendations expressed by the participants in the Seminar with a view to fostering a new concept of child welfare within the family and social environment. Our principal aims are to:
- promote **another approach of the child**;
- promote **another approach of the family**, as the fundamental unit for the development of the child;
- **fight prejudice** against groups at risk;
- **promote the development of an integrated network** of alternatives in favour of abandoned children and families at risk;
- **promote cooperation** between government bodies and child welfare professionals.

Under communist ideology, the State tended to take over the family's role in the education of the child. Today, during the so-called "transition" period, economic concerns tend to prevail over social policies and family issues are not main governmental priorities. **Investments in favour of the child and the family, however, do in the long term guarantee the State's economic and social development.** The child and the family must therefore be given priority within social policies which : recognize, in particular, **the fundamental importance of parents** in education, provide unprejudiced support for groups at risk, **prevent abandonment** and focus efforts on **family reintegration** of abandoned or institutionalized children, judiciously implement alternatives for abandoned children, and strive for **professionalism in child and family welfare services.**
These new priorities represent a long term process requiring patience and perseverance.

2.1   Promoting another view of the child

In some countries of Eastern and Central Europe, children often appear nowhere in official statistics and are given no real status, either as subjects of law or even as research subjects. What status is the child therefore granted? When attempting to answer such a question one meets with contradictions, discrepancies and a great legal void in most countries of the region. **Methods should therefore be**

developed so that children and families are informed of their rights and become the natural focus of social policies.

As stated stated in Art. 12 of the Convention :
> *"... the child who is capable of forming his or her own views [has] the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child'1.*

This means that **the child who is old enough to express himself or herself has a right to express an opinion** when a choice concerning his or her future is being made: keeping the child with the family, family reintegration, adoption, foster or institutional placement.

The human factor, with its emotional, psychological, relational and spiritual implications, should be an important aspect of the services provided in the best interest of the child. Such services should in no case be limited to providing only for the child's material needs. The Preamble to the Convention clearly states in this respect:
> *"Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding".*

Whether implicit or clearly expressed, the child's needs call for more than material satisfaction. Children have **relational needs** which must be viewed in the family and social context. It is necessary to develop and diffuse at all levels of society a better knowledge of the human beings in the first years of their life, and particularly of his or her **psycho-emotional needs**, the importance of which seems to be underestimated or unacknowledged in a number ofcountries in the region. **Moral and spiritual values** should also be given due regard.

In the area of professional child welfare, it is very important, in the long term, for the prevention of problems that investments be made in favour of children. To this end, the following measures should be taken:

- improve social recognition for those who work professionally with children;
- encourage them to acquire professional qualifications and skills.

2.2   Promoting another view of the family as the fundamental unit for the development of the child

It is urgent that the countries of Eastern and Central Europe develop an awareness of the **crucial and irreplaceable role of the family** in the harmonious development of the child.

To this end, the following policies are needed:
- **disseminate** throughout society **a better understanding of the family's role** (mother, father, siblings as the case may be, extended family, adults as role models) in the harmonious development of the child, and in particular in relationships, emotional ties, role models, and the socialization process of the child;
- **promote recognition of the mother's role** in education and **help fathers become aware of their great responsibility** within the family;
- do not neglect **the promotion of human values**, taking account of the specific features of each country and ethnic group. In these times of destabilization, a deep moral crisis is affecting the countries of the region and this is having adverse effects on families and children.

2.3 Fighting prejudice against groups at risk

Where groups at risk are concerned there is a **general tendency to condemn all too hastily the victims** of an unfavourable social situation **instead of addressing the causes of such a situation**. One should seek rather to eradicate **prejudice and social exclusion of groups at risk,** who include:
- first and foremost, unmarried mothers;
- ethnic minorities;
- problem families;
- addicts (alcohol, drugs);
- young people displaying anti-social behaviour;
- the disabled; etc.

Furthermore, the **structural causes** which give rise to such family problems should be identified, and society's awareness of these causes should be developed. We must fight against poverty and ignorance and not condemn those who are victims of such ills, particularly unmarried mothers.

With a view to facilitating the **social reintegration** of such marginalized groups, action must be taken at governmental, regional and local levels, with particular emphasis on:
- developing, with a view to prevention, **policies and strategies** for action which address **the structural causes of abandonment.**
- encouraging and implementing **support programs**, social assistance programs, therapeutic treatments, basic education, etc. for groups at risk, in an effort to break the recurring pattern of the problem;
- encouraging **a change of attitude from "paternalism" to an authentic understanding of the objectives of the Convention;**
- launching campaigns of **information as well as campaigns** aimed at heightening the awareness of society in general.

2.4. Promoting the development of an integrated network of alternatives in favour of abandoned children and families at risk

For the integrated network of alternatives for abandoned children and families at risk presented under Chapter 1 to be applicable and efficient in each country, problems and their solutions should be viewed in a new light.

Whatever action is envisaged, **the needs of the child and the respect of his or her rights** should always be the starting point when selecting alternatives to abandonment. This means that the child's rights must be given as much consideration as those of adults. Such a change in perspective will not be achieved without educating society in general, and particularly foster and adoptive families as well as the various professionals in the field.

The following measures should be taken in each country:
- Determine the **steps to be taken to develop an integrated social network of alternatives** for abandoned children and families at risk.

- Establish **criteria at the national level** which help determine the appropriate options.
- Where **shortcomings** are found in the network of alternatives, examine what measures are to be taken to overcome these.

To this end, **promote cooperation** between the various organizations related to child welfare: medical services, institutions, schools, families, police, etc.

The judicious implementation of the alternatives listed in Chapter 1 calls for a fresh look at children, their environment and the problems they face.

Increased awareness of the importance of **preventive strategies** against abandonment will stem from a vision of society in which **the family occupies a central place**. This entails the creation of social assistance structures for families beyond the mere implementation of solutions for abandoned children.Efforts made to help families and to keep children with their biological families will only bear fruit **if social policies are re-oriented towards prevention**.

While a tendency to remove children too quickly from a problematic family environment has been observed until now, all efforts should be focused on **family reintegration**. To this end, the root causes of abandonment (such as poverty, marginalization, etc.) must be addressed, and family reunification must be encouraged.

Where **adoption** is concerned, in the countries of Eastern and Central Europe, as in all othercountries, **certain categories of children are "rejected"** for adoption (children beyond a certain age, disabled children, etc.) To prevent these children from being condemned to remain in institutions, we must help society become aware that the range of children who may be adopted is much wider than is generally believed.

Prejudice against national adoption of disabled children, of siblings, of ethnic minority children must be opposed by publicizing positive experiences of national and international placement of such children.

Within the framework of permanent substitute-family alternatives, the Convention on the Rights of the Child recommends **giving priority to national adoption**. Priority to national adoption over inter-country adoption benefits the child's best interests, as it may prevent ethnic and cultural uprooting and does not base the child's development on the sole satisfaction of his or her material needs. **The choice of national adoption as an option** should be preferred **wherever possible** to inter-country adoption. To this end, the child's well-being should not be related only to the better material conditions which it may perhaps find in another country.

A **change of perspective** must be encouraged in the **so-called "receiving"** countries so that adoption no longer caters primarily for the interests of the adoptive family, but indeed for those of the child.

In order to promote inter-country adoption, which truly meets the needs of the child, the following measures should be taken:
- developing **professional and legal regulation of inter-country adoption** according to the guidelines of the Hague Convention and of other international instruments;
- **informing society at large in each country and internationally**, and particularly the organisms and professionals concerned, of the needs and rights of children.

Foster care as a temporary alternative is to be encouraged. The promotion of a positive attitude towards such an option and its implementation calls for:

- **Emphasizing the importance of foster families** by publishing articles on the subject or by using the media and forming groups of professionals to support and prepare foster families for the performance of their task.
- Setting up **training programmes for foster families** and supporting them financially.
- Organizing **the training of specialized child welfare workers.**

Institutional placement should also be viewed in a different light, mainly as a **temporary** alternative. It should provide **as far as possible a family atmosphere and environment**. This change of perspective entails a number of practical consequences:

- By stressing the temporary nature of an institutional placement, it becomes clear that such placement does not simply mean caring for a child, but also preparing **his or her family for another permanent option**, such as adoption. If the child is placed for too long in an institution, he or she will experience great difficulties when reintegrating into a family later on.
- Institutions may have an important part to play in certain cases. However, they should be considered not as a substitute for a family but as **a measure of support** for families facing difficulties.
- Within the perspective of family reintegration, **contacts between the abandoned or orphaned child and his or her biological or extended family** should be encouraged. To facilitate such contacts, the child should not be placed too far from his or her original place of residence.
- The attitudes and awareness of the management and staff of institutions, as well as the surrounding community, **towards the children placed in institutionnal care and their families**, should be improved. All too often, institution directors have too much power over the child, hence the need to keep both roles clear and to be careful not to over-exbrcise authority over a child.
- **Children in institutions should be better prepared for future independence** in the outside world.
- Create a **positive attitude towards the child's leaving the institution**. To this end, provide **alternative training for institutional staff**, in order to avoid staff resistance to children leaving the institution.
- **Improve living conditions** in existing institutions along the lines defined in Chapter 1.

Exchanges of experience will be useful to initiate new alternatives and help build networks.

2.5 Promoting better efficiency of government bodies and child welfare professionals

For an efficient **plan of prevention and action** against child abandonment to be devised, implementation of the proposed guidelines and policies should be promoted at individual as well as professional and governmental levels. Problems connected with abandonment or risk of abandonment are so complex that they require a **pluridisciplinary approach** and **responsible cooperation** at all levels. In Eastern and Central Europe, the **struggle against bureaucracy** takes on crucial significance in the transformation process.

- Incite the various government structures to make **child and family welfare a priority** for action.
- Bring governmental authorities and politicians to view social welfare as a more **dynamic** sector.
- Instate **better collaboration between governmental and non-governmental organizations** to promote cooperation instead of competition and mistrust.
- **Combat bureaucracy** in the treatment of children's problems, particularly in the treatment of individual cases. **Combat the delays when choosing and implementing alternatives** for children. As an example, a child is sometimes placed in an institution while a legal solution is sought. However, no legal decision is ever reached, as no one assumes the responsibility of taking an initiative, and the child remains in institutional placement.
- **Fight corruption** and prevent abuses in the area of child welfare.

b) At the professional level:

- Combat **a purely administrative concept** of social work with children and families. Promote a more humane approach to relationships based on the child's needs.
- Encourage **professional training** initiatives for social workers and the setting up of competent social services in the various areas of child and family welfare (social assistance to families, adoption, foster placement, involvement of psychologists, family therapists, judges, etc.).
- Develop or re-orient social services to **work in the families' homes** rather than wait for families to come to their offices.
- Foster **inter-institutional coordination** at local, regional and national levels, as well as social work in **pluridisciplinary teams**.
- Favour the **de-institutionalization process** by providing training or alter-native options to institution staff and by developing plans to convert institutions for other purposes. (As an example, a former Hungarian institution now offers a temporary home to young unmarried mothers and their children and provides the mothers with professional training). Within such a process, funds formerly allocated to institutions should be reinvested elsewhere, in assistance to families for example. In any case, before closing down the institutions an adequate system of social welfare must be established.

2.6 Disseminating the Convention on the Rights of the Child

The text of the Convention on the Rights of the Child is an excellent instrument for the advancement of new attitudes and perspectives in child welfare:

The Convention restates **the child's right to information**. It is not enough to inform adults. Children should also be made aware of their rights. The teaching profession and the educational system are best suited for this task. To this aim, **information campaigns should be launched** intended for teachers and students alike, together with the appropriate teaching materials (films, videos, educational comic strips, etc.).

To make the Convention known, work should be undertaken at all levels, individual, community and government. To this effect, the following steps should be taken:

- **translate and publish the Convention** in all national languages, including the languages spoken and read by ethnic minorities;
- **distribute** the Convention to political, economic and religious authorities, to the media, to the national and local governmental bodies, to all child welfare workers (caseworkers, doctors, teachers, educators, psychologists, judges, academics, etc.);
- produce **publicity material** which popularizes the Convention (publica-tions for adults and children, audio-visual material);
- disseminate **leaflets/pamphlets** on certain specific aspects selected by field of interest or priority or with a view to targetting a specific social group.
- organize informal **talks, lectures**, training sessions, workshops on the subject;
- **circulate related documentation** on the subject, etc.

2.7 Involving the media in order to reach all social levels

The **media** can play a **crucial** role in information, awareness and **education**. It should present a wide range of topics and not only address major issues (such as the Convention in general). It should provide information that families can use in their everyday lives (child care advice, family budget counselling, etc.). It is important that the media work together with skilled professionals so that the contents of the message can be appropriately oriented.

The **media can be approached**, for example, to:
- promote new attitudes towards children and families;
- **support, reinforce and amplify campaigns** organized by social groups or by non-governmental or governmental bodies;
- **publicize local initiatives** by groups or associations with a view to encouraging action within the society;
- **promote projects** proved to be efficient;
- **make known the situation of families in difficulty**, taking care, however, not to sensationalize such information and produce a distorted image of the country concerned.

2.8 Conclusion

In conclusion, the **change in perspective** which is called for **concerns society as a whole:** not only those governmental bodies and individuals working in the area of child welfare, but **each and every person**.

A constructive social policy cannot be implemented without acknowledging first and foremost the **central place of the family** in society in general and in the development of the child in particular.

Chapter 3

FOSTER A SENSE OF RESPONSIBILITY AND DEVELOP THE INVOLVEMENT OF SOCIETY AS A WHOLE IN THE DEFENCE AND PROMOTION OF CHILDREN'S RIGHTS

3.0   Introduction

The defence of the rights of individuals including the most vulnerable must be ensured by **society as a whole**. Such defence involves political and economic structures, economic decision-makers, religious institutions as well as society as a whole. Each individual, as part of society, must become aware that **the enjoyment of rights also implies the performance of duties.**

In the medium and long term, the extent to which the problems of the child and the family are taken into account will influence social peace and equilibrium. It is therefore indispensable to **focus efforts on the protection of the child and the family**, **by giving priority to prevention**.

The guidelines contained in this chapter aim at **promoting a sense of responsibility at all levels**: political structures, civil society and the interna-tional community. Governments, communities, associations and individuals all have a part to play in the defence and respect of children's rights.

3.1   Strengthening the commitment of political structures - governments, legislative bodies, political parties - towards social policies for child and family welfare

Government's main responsibility is to grant a central place to child and family welfare matters in political and economic policies.

3.1.1 Social policies for child and family welfare: prevention

Any social policy in the service of the family must be effective both in the areas of prevention and implementation of alternatives for families with difficulties.

Policies for child and family welfare are to be reformulated according to the principles defined under Chapters 1 and 2 of the present document and based on prior analysis of the national circumstances.

Below are a number of proposals for action suggested at different levels by Seminar participants:

a) Political, economic and social

- When designing political and economic programmes, reserve an important place for the development or maintenance of **social policies for child and family welfare**. Define such social policies in terms of strategy, within the wider framework of the global strategies of political and economic pro-grammes.
- At governmental level, re-allot funds allocated primarily to institutions to **prevention, family reintegration or family-based alternatives**. Governments should consider the fact that prevention is less costly than institutionalization.

- Organize **national, regional and local coordination** of the various ministries and services active in the field of child welfare.
- Undertake **research**, if possible comparative research, **on children living in different environments** and disseminate the results widely.
- Develop or maintain a **social policy** guaranteeing **minimum standards of living** for all.
- Initiate **measures aimed at improving living conditions** so that families may take better care of their children.
- Give **priority to decentralized prevention policies** and to working together with families.
- Among those **social measures** already in force for family welfare, safeguard as far as possible those which concur with the new approach: financial support for families and groups at risk, maternity leave, sick or disabled child leave for parents, day care centres, weekly child care centres, medical care, pregnancy and maternity care, mamage and divorce counselling services, etc.
- Instate **complementary social measures for families at risk**: social and financial aid to unmarried mothers and families facing difficulties (unemployment, illness, etc.).
- Implement **job creation policies** (particularly for women, as they are the hardest hit in difficult times, which seriously upsets the family budget) to combat poverty and its consequences for families and children.
- Implement **social housing programmes** for families with a view to minimizing risks of family breakup and child abandonme nt.
- Create or reinforce **social and therapeutic support services** for families.
- Lay down the **fundamental principles** -- laws and related structures -- **of adoption and foster placement** and disseminate these widely.

b) *Professiona1 training*

- Create or develop **schools or training centres** for social workers, family therapists, child psychologists, juvenile judges, street/community educators.
- Develop **professional services for adoption**, including post-adoption follow-up.
- Develop **foster placement services**.
- **Convert the institutional system** so that it may be better adapted to children's needs, including their psycho-emotional and social needs.
- Create or develop **a national network of social workers** available to support families and children.
- Improve **training of government services personnel** concerned with matters of child and family welfare.
- Upgrade **the training of instructors**.

c) *Education*

- Encourage production and promotion of **educational and information prograrnmes** on child development, the role of the family and the rights of the child, intended for government services, hospitals, maternity wards, children's institutions, the media (television), etc.
- Include such programmes in the **curricula and manuals** of schools and universities.
- **Translate** such programmes into the various national languages, including those spoken and read by the ethnic minorities.
- Implement **sexual education and family planning policies**.
- **Increase awareness among decision makers** (parliamentarians, government authorities) **about children's rights** and incite them to seek the counsel of competent professionals.

- Carry out **feasability studies for each alternative to abandonment** proposed within the network of alternatives (see Chapter 1), and undertake comparative analyses of the costs of the various options.

3.2.1. Legislation

The Convention on the Rights of the Child lays the groundwork for the revision of national legislations.
In view of the implementation of the Convention in Eastern and Central Europe, a number of **legislative measures** are required. In certain countries of the region some of the legislative measures listed hereunder have already been taken, others still remain to be taken. The following measures are recommended:
- **ratify the Convention** on the Rights of the Child and take initiatives for its implementation;
- **revise national legislations** so that they abide by the Convention;
- **revise legislation on the various options of the network of alternatives** for abandoned children and families at risk;
- where inter-country adoption is concerned, ensure that **laws are internationally compatible**;
- **ratify the forthcoming Hague Convention** on inter-country adoption;
- revise or establish **legislation on inter-country adoption** with a view to implementing that Convention;
- enact legislation on abandonment;
- revise legislation on national adoption;
- set up the **administrative and professional bodies** required for the implementation of such legislation;
- set up **information programmes and provide training opportunities** for judges and other professionals or institutions responsible for law enforcement;
- establish **legislation facilitating the creation and functioning of voluntary associations and NGOs;**
- **inform the public and professionals in the field about already existing laws**. All too often, even those in charge of enforcing such laws have but a fragmentary knowledge of them or are hindered by misinterpretations;
- carry out regular controls **to ensure that the various legislations are enforced** without bureaucratic obstruction.

3.2   Promoting involvement of society at large: individuals, communities, associations, the media, etc.

3.2.1   Individual commitment

The burden of change cannot be borne by the State alone. **Every citizen is individually and collectively responsible** not only for the change of mentalities **but also for the implementation of social policies for child and family welfare**.
Everyone must be made aware of the importance of personal initiative at all levels. Each person has a contribution to make towards enhanced protec-tion of the child and the family.
Individual action may be taken by:

- professionals (pediatricians, doctors in hospitals, maternity hospitals and community clinics, nurses,judges, lawyers, legal counsellors, guardians, teachers, social workers, police officers, institution directors and staff, etc.);
- the staff of the various child welfare institutions who are in direct contact with children (assistant-nurses, educators, etc.);
- foster families;
- families in general;
- families at risk;
- (future) unmarried mothers;
- fathers;
    - grand-parents;
- children in institutions, in hospitals, etc.; children within the community, children of families at risk; children in schools, etc.;
- young people.

In the beginning, **the scope of action should be limited**. Small steps should be taken and progress accomplished gradually. One should acknowledge the fact that nothing can be done in a day.

3.2.1.1 *Examples of individual initiatives submitted by Seminar participants*

- **Remain alert to one's own attitudes**, prejudices, professional commitment, relationships with children and families, individual responsibilities, etc.
- Uphold the belief that **every individual has a share in the responsibility**
of protecting and providing aid and support to families and children at risk.
- **Promote volunteer work** at all levels (daycare, assistance to families at risk, school tutoring, etc.)
- **Promote and publicize** the contents of **the present Frame work for a Plan of Action**, adapting it where needed.
- Seek **to implement** in one's own professional environment **some aspects of the Framework for a Plan of Action**: display imagination, initiative, make gradual progress, begin working with what is available.

3.2.2 Collective commitment: creation of informal action networks

Individual involvement is indeed important, but so is uniting forces within **groups, associations and organizations** with a view to achieving better results. In any initiative, it is essential to always strive for **cooperation** with others (individuals, professionals, institutions, etc.).

Individual initiative should indeed be supported and society's responsibility be promoted, as should those of the family, including extended families. Because of the current economic situation, few families are in a position to adopt or take a child in foster placement. Ways of **supporting the family of origin and the foster family** should be sought (sponsoring campaigns, etc.).

Once people begin to commit themselves individually, then **action groups** start to form whether professional groups (of the same profession or pluridisciplinary), community groups, volunteer groups, groups sharing the same concerns. Children and young people could take part in such groups or be encouraged.to get together and set up their own, thus becoming active and efficient partners in programmes intended for other children and young people.

The objective of such groups can be **action, counselling or research**. Members of these groups should agree beforehand on their targets (which problems to tackle, who will benefit)and on the guiding principles for their action. They should assign responsibilities and carry out regular evaluations.

Lack of financial means, though it limits the scope of action, is not however an insurmountable obstacle. Bringing together ideas and skills can lead to significant change, as experiences carried out in many countries demonstrate.

In all the countries of Eastern and Central Europe volunteers are active in many areas (family reintegration, recreational activities for children, which keeps them off the streets, etc.). The students in the new schools of social work could be involved in volunteer activities and thus contribute such knowledge and skills as they have already acquired.

3.2.2.1 *Examples of initiatives taken by informal action groups, carried out or suggested by Seminar participants*

- **Analyze the law** and draft **amendment proposals** to ensure that the law conforms to the Convention. Submit such proposals to the political and legislative authorities, to Parliamentarians, to parties, etc.
- Organize **lectures, training sessions**; **publish articles and documents** aimed at changing perspective and therefore improving the quality of social work with children, families and groups at risk. Participate in the implementing of aspects of the Framework for a Plan of Action.
- **Detect problems** in families at an early stage so that **preventive measures** may be taken.
- Organize **volunteer networks** to help families with specific problems (illness or other) which may place a child at risk.
- Convene **neighbourhood or house meetings** to help people get organized and find answers to problems such as daycare for working parents; organize grouped purchases of food and other necessities to cut costs and save time; encourage exchanges between neighbours to break isolation; budget counselling for families to help them adjust to prevailing conditions.
- Set up community **volunteer groups** to organize games for children, tutoring for children with school difficulties, etc.
- Ensure that **families are adequately supported and monitored through a coordinated network** composed of a specially trained teacher from the local school, community and association volunteers, and a local official.
- **Coordinate individuals working** within the same area **in the various child and family welfare institutions**: psychologists, caseworkers, teachers and educators, members of the police force, etc. Promote better knowledge of the other fields of action and ensure coordination. Set up training programmes for them. Prepare and implement together training program-mes for the general public.
- **Organize volunteer groups in institutions** where children are placed (orphanages, hospitals, schools) to contribute to awakening activities, child care, maintenance and upgrading of premises (decoration, gardening, etc.).

3.2.3   Creation of structures within civil society

Even in those countries where adequate legislation is in force and the Convention is widely disseminated, **associations and NGOs are needed** to guarantee an effective implementation. Much work is being done by volunteers, but means are sorely lacking due to the absence of structures and

support. Individuals already at work need support; joining a network of national and international organizations could be one way of achieving this.

Such structures are essential for the participation of individuals in civil society and the advancement of democracy. These entities may be:
- associations;
- non-governmental organizations;
- movements (of adults or children).
    They may select any of the following patterns:
- a light structure involving a few individuals;
- a federation of affiliate, local or regional sections;
- a national branch of an international organization or association.

Such entities should acquire legal existence, should be structured formally as to their functioning and decision-making processes, may manage funds and take legally binding commitments.

A number of suggestions were made during the Seminar concerning the characteristics of such structures:
- become **self-supporting financially** to avoid being totally dependent on outside aid or government subsidies;
- be **socially and legally independent**: they may cooperate with governmental authorities, but a clear distinction should be made between the legal structures and responsibilities of either party;
- be **user-friendly in terms of easy access** to premises, attitude, availability. A network of affiliates throughout the country is to be preferred to a centralized bureau, so that the organization remains available to all;
- **inspire confidence**, publish financial and activity reports, maintain clarity in management and activities;
- be **competent**, work expeditiously, combat bureaucracy in their midst, be close to the people they are serving;
- be **flexible, innovative and creative** so as to be capable of adapting to new conditions and providing innovative answers; remain in touch with what is being accomplished in other countries with a view to updating professional skills.

    Other components of civil society such as the **Church** and the **trade unions** can play an important part in the implementing of the present Framework for a Plan of Action.
    The difference between informal networks and the formalized institutions of civil society lies less within the actual tasks they perform, which are often identical, than within their scope of action, the number of people they are serving, access to potential funding and the way work is organized. Nevertheless, every type of group or movement is needed, since working together creates a synergy that will benefit society as a whole.

    New NGOs are therefore needed in the countries of the region **and the functioning of existing NGOs should be reexamined with a view to implementing new and more effective procedures.**

All participants acknowledged the importance of disseminating the Framework for a Plan of Action as widely as possible and at all levels, including NGOs and Parliaments.

Initiatives in this respect should aim, for example, at:
- **creating local networks** and **coordination groups** at local community level to analyze the needs of children and suggest areas of intervention;
- create or extend international networks to step up efforts and exchange experiences;
- **foster cooperation between NGOs and government ministries** to obtain funds for the financing of pilot projects for prevention, family reintegration, assistance to families, etc.;
- request representatives of international and non-governmental organizations to **support the activities of local NGOs** as well as **the training of their staff.**

3.2.3.1 *Action taken by NGOs and associations: examples related by participants*

- Launch **human rights campaigns** : against racism, campaigns for increased understanding of and respect for ethnic minorities, etc.
- Form **pressure groups** in such areas to work with parliamentary groups, etc.
- Develop **research and data analysis** on child and family welfare matters. Provide politicians with specific information on national realities.
- Set up **pilot projects** aimed at implementing the Framework for an Plan of Action, to be used as experimental demonstrations intended for further development by municipal authorities, governments, etc. To this effect, identify human resources locally and regionally and use the information gathered as a foundation for action.
- Launch **fund raising campaigns** .
- Develop **professional training and job creation projects** for unmarried mothers or mothers who are alone, and for problem families.
- Facilitate regrouping, self-training and support of families with **disabled children** in order to avoid permanent institutional placement of the child.
- **Support the work of professional, community and volunteer groups.**
- Encourage **consultation and coordination with and among associations and NGOs** committed to child and family welfare in order to gain more information on realities and needs and to define and implement complementary policies.
- Encourage **exchanges of experience** with other countries perhaps by organizing personal encounters.

3.3   Strengthening the commitment of the international community

It is important that initiatives launched locally and internationally be supported by the international community, whether by international NGOs, United Nations agencies, etc. In this area, priority should be given to:
- **awareness campaigns aimed at the IMF and the World Bank** to incite those institutions to include the social costs factor in their recommendations or requirements and to increase respect for children's rights. Promote the "**adjustment with a human face**" process. Economic development cannot be carried out to the detriment of the social sector. Social protection for groups at risk represents a long term investment for the economic sector as well;
- reinforce the **Convention's implementation monitoring processes in the States Parties;**

- **develop information** and awareness of the public at large in the "receiving" countries **on the principles of the Convention in the area of inter-country adoption;**
- support the countries of the region in the **enforcement of new legislation** in the field;
- **publicize pilot projects**, legal and pedagogical instruments, ideas, etc., implemented, used or developed in other countries;
- **facilitate exchanges of experience** between countries;
- provide **guidelines** to facilitate organization of activities, creation and functioning of networks and associations, methodologies, drafting and formulation of projects, management of resources;
- **encourage the establishment of local NGOs** by helping them get organized, train their staff and update their skills;
- support **programmes for the training of social workers** in the countries of the region: training curricula, technical assistance, funding;
- **organize** together with government authorities and national NGOs **training seminars** for the various categories of professionals and for trainers;
- **support financially** the programmes of NGOs, associations and movements as well as the government strategies of social policies for child and family welfare.

CONCLUSION

The Seminar participants have committed themselves to **actively publicize and disseminate the present Framework for a Plan of Action** at all levels of society. The Framework may serve as a starting block for the launching of initiatives of all types aimed at the implementation of the Convention on the Rights of the Child. Its intention is not to dictate rules but rather to **guide thinking about priorities in defence of children's rights**, as well as provide examples of specific action which can be taken to combat abandonment, by **fostering prevention** and **seeking family-based alternatives.**

It is up to each individual and organization working in the field of child and family welfare to adapt the guidelines contained in these pages to the many specific national, local and individual circumstances.