



# Monthly Review

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## EDITORIAL

### Dogmatic positions: A threat for the rights of children and their protection?

*Adoption and the protection of children without a family or at risk of so being are, sometimes, very controversial fields, given the personal and collective values at stake. The ideological positions and various interests in the backdrop make it complex – sometimes even jeopardise – what should be the ‘child’s best interests’.*

For or against the absolute preservation of blood bonds? For or against institutional placement, whatever form it takes? For or against intercountry adoption? For or against access to one’s origins? These examples of recurring debates in the protection of children deprived of a family determine, divide, call upon and remain, finally, without an answer. The reply may, most probably, be found far beyond the limits set by the debates themselves. Finally, are they beneficial to the search for concrete solutions to the needs of each child or, on the contrary, do they hinder the progress of their rights?

#### Evolution of societies versus strengthening of dogmas

Whereas the world moves forward with frantic speed, given, in particular, the daily development of new technologies – as addressed in our previous issue of the Monthly Review, the multiplication of family diversities, or the acceleration of medically assisted reproduction methods, questionings and tensions also multiply themselves when faced with the imponderable limits of ‘progress’ and the loss of some traditional schemes. As for borders, even though they are disappearing in the virtual world, they face, in reality, important migration movements.

In child protection, the difficulty of understanding these developments is, sometimes, translated into dogmatic stances. Thus, whilst the harm caused by the institutionalisation of children on their

developments, and the setbacks of practices, such as volunteering, are increasingly known by society (see Monthly Review No. 216, of October-November 2017), voices are being raised to forbid all forms of institutions, including small family-types homes. Furthermore, given the growth of new forms of family building, the debate on a potential right to a child is intensely emerging again. Whereas there should certainly be room for these debates in society, the question arises as to know if they offer space to the child.

#### Evolution of societies versus the position of the child

These family and social developments affect the life of those children, who may become separated from their families, for example, during migration, and are at risk of abuse and exploitation (see p. 6). Other children, born through surrogacy, are sometimes the victims of statelessness or unable to access data relating to the circumstances of their birth (identity of the surrogate, of the potential donor(s), etc.). Nonetheless, children are often omitted in the political, legal and social debates that divert us from their experience and from our main objective as professionals, State or citizen – that of searching for the solutions that may respond to their needs on the short, medium and long term.

Thus, let us not allow these debates to stand in the way of caring, professional and humane care programmes, developed in the field, for example,

for unaccompanied foreign children (see p. 6). Let us not allow them to hinder the search for solutions to protect the right to identity of those children born through surrogacy, as recommended in the latest report of the Special Rapporteur on the sale of children and sexual exploitation (see p. 11). Beyond any stance taken, reality is here: that of thousands of children deprived of their fundamental rights and for whom a continuum of protection measures must be available (see p. 8). This is the spirit of the Guidelines for the Alternative Care of Children; let us ensure that these are applied by taking into account the uniqueness, by respecting the characteristics, and by listening to the children and their families.

### **Evolution of societies versus listening to and participation of children**

Listening to the children and young people placed in care (see p. 9), to the adoptees, answering their questions, and hearing their needs, would make it possible to avoid failed actions (see p. 4). Measures, such as the availability of lawyers through the government of New South Wales, in Australia, who represent

free-of-charge and give a voice to children in care, must be welcomed and promoted (see p. 2).

Furthermore, in terms of access to one's origins, which has been considered for many years as not being very important, or even detrimental, to the child, adopted children or those born from donation, who are now adults, tell us how important this is, indeed, to them (see p. 15). ISS, which has been involved in this field since its creation, provides these persons with the support and listening needed in these overwhelming procedures of great emotional weight (see p. 13).

**Faced with these stances, one must apply pragmatism, together with a respect for the spirit of the laws and a needed flexibility. Let us place the child, or place him or her again, at the heart of the debates, and let us never forget the human implications at stake: to respond, to the best of our abilities, to the needs of children and young people, starting with taking the time to listen to them and for them to participate effectively.**

The ISS/IRC team  
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