

# ISS Cross-border Services within the HCCH 1996 Child Protection Convention



THE GLOBAL SOCIAL WORK ORGANISATION

International Social Service (ISS) has **100 years expertise** in cross-border case management with families and children, Central Authorities (CAs), as well as other competent authorities. ISS supports and complements CAs in carrying out their duties. Through its vast global network, ISS focuses on the “**need to improve the protection of children in international situations**” (preamble of the HCCH 1996 Child Protection Convention). On the ground, ISS ensures that families and children benefit from coordinated legal and social assistance. This occurs by **facilitating communication among professional stakeholders**, by contributing to determine individualised solutions, and by using a child-centred and mediation-based approach.

## ISS and the Practical Operation of the HCCH 1996 Child Protection Convention

A main pillar of the HCCH 1996 Child Protection Convention is co-operation. To this end, some tasks must be undertaken by the CAs (Art. 30), while others (Arts. 31 and 32) can also be carried out by “**other bodies**”, such as the ISS. Indeed, as stated in the **Explanatory report** of the HCCH 1996 Child Protection Convention ([para. 140](#)) as well as its **practical handbook** ([p. 119](#)): “**Central Authorities will have recourse to bodies of uncontested competence in the field, such as International Social Service**”.

The latter tasks may include:

- **Facilitate communication** between competent authorities and/or other bodies involved in cases where the authority best situated to act in the child’s best interests must be determined (Art. 31 lett. a);
- **Identify potential solutions** for the protection of a child and empower all participants to agree upon said solutions through mediation, conciliation, or other means (Art. 31 lett. b) (for further information, please see: [ISS International Family Mediation factsheet](#));
- **Provide a report** concerning the situation of a child (Art. 32 lett. a);
- At the request of the Central Authority or other competent authority in a Contracting State, **facilitate tracing the location** of a child for whom concerns exist (Art. 31 lett. c);
- **Assess the need to take measures** for the protection of a child (Art. 32 lett. b).

ISS may also play an important role in the **implementation** of the co-operation and communication mechanism foreseen in **Art. 33**. Indeed, when an **international kinship care placement** is being considered, ISS may: provide the necessary referrals; prepare background checks and assessments for the child, the family of origin and the prospective kinship carers; provide specialised legal and immigration advice as well as post-placement tracing and contact services (for further information please see: [ISS Equity in Permanency](#)). Furthermore, ISS engages in the **active promotion** of the application of the provisions foreseen in the HCCH 1996 Child Protection Convention to **cross-border kafalah placements** (for further information, please see: [ISS Kafalah factsheet](#)) and to ensure the care and protection of **unaccompanied and separated children** in different parts of the world (for further information, please see: [ISS Children on the move factsheet](#)).

It is incumbent on States to ensure that **essential services** in cross-border situations are **available within CAs, competent authorities** and also **outsourced** to competent bodies such as the ISS. Clear funding, contractual arrangements, collaboration among networks, and access to information are needed to appropriately and effectively undertake tasks and serve the needs of children.

### ISS in essence:

- Is a professional and specialised **global network** founded in 1924 with 132 members in 125 States;
- Has been serving the needs of children and families **for 100 years**;
- Contributes to **law and policy development and advocacy efforts**;
- Maintains a **long-standing and close co-operation with** the Hague Conference on Private International Law (**HCCH**) and Central Authorities (**CAs**);
- Hosts the [International Reference Centre for the Rights of Children deprived of their family \(ISS/IRC\)](#), a program of the ISS General Secretariat based in Geneva, with a mission **for more than 30 years** to equip child protection, alternative care, and adoption professionals across the world with up-to-date research, publications, training, and technical assistance projects;
- Is always at the forefront of **implementing international standards and raising awareness about children’s rights** through its direct cross-border case management and advocacy efforts.

### ISS Global and Regional Partnerships

ISS is engaged with several important [global and regional partners](#). For instance, ISS has signed a **memorandum of understanding with the Permanent Bureau of the HCCH**. Furthermore, based on its extensive cross-border casework experience, ISS actively contributed to the drafting of the HCCH 1996 Child Protection Convention and ever since strongly advocates for its wider ratification and effective implementation.

## Identified Challenges in Implementing the HCCH 1996 Child Protection Convention

In its daily cross-border case management, ISS has experienced the following challenges:

- The Convention's **limited applicability** as there are only 54 Contracting States to date;
- The **legal application** often takes **precedence over ethical and practical aspects** of social work;
- The **underutilisation of existing social service providers**, such as ISS;
- The **lack of training programs** for professionals to understand the complexities of cross-border child protection casework aimed at improving the practical implementation of the HCCH 1996 Child Protection Convention at a national level with CAs, competent authorities, as well as social service providers;
- The **lack of widespread promising practices and principles** in international social work.

Despite this challenging context, ISS remains **uniquely positioned to provide case management services in Contracting as well as non-Contracting States**.

### ISS services

#### ISS to CAs

ISS supports CAs by providing **complementary cross-border social work services**. In practice, the HCCH 1996 Child Protection Convention CA would focus on the administrative and legal aspects of a case, while an ISS member adopts a social work approach and conducts holistic case management activities. Importantly, ISS also ensures that **CAs are fully informed on ISS' casework activities**.

Additionally, ISS remains at the **disposal of CAs to participate in technical assistance and capacity-building initiatives** for CAs, competent authorities, and the social workforce on the functioning of the HCCH 1996 Child Protection Convention and the benefits of cross-border social work.

ISS also believes in the added value of establishing **an international resource centre dedicated to cross-border child protection**, which equips professionals on the ground by developing resources and highlighting promising practices within the analytical framework of international standards (as per the IRC model).

#### ISS to ISS member

This co-operation form may apply in cases that do not involve any Contracting State of the HCCH 1996 Child Protection Convention or in cases where only one Contracting State is involved. In the latter case, a CA may refer the case to the ISS member or at least reorient it to the ISS member (for further information, please see: [ISS Global Report 2022](#)).

### Added Value of Working with ISS

- Supporting the Best Interests of the Child;
- Local professionals' engagement with appropriate expertise;
- Benefits from multilingual teams for cross-cultural communications;
- Access to a multidisciplinary team composed of, *inter alia*, social workers, lawyers/ jurists, mediators, and psychologists;
- Case management and priority setting according to case urgency.

## ISS co-operation under the HCCH 1996 Child Protection Convention

[For further information, please see: [ISS Unlocking the potential of the HCCH 1996 Child Protection Convention in cross-border casework](#)]

### Institutional co-operation

In several countries, the ISS member has a formalised contract or memorandum of understanding (MOU) with its national CA (e.g. [CFAB/ISS Member in UK](#), [ISS Australia](#), and [ISS Ireland](#)). Such formalised relationships create a strong basis for collaboration that facilitates holistic cross-border interventions for children and families. A MOU may serve to outline the tasks which each entity agrees to perform, referral protocols, and accountability measures (e.g. mandates for casework, training, counselling, and other type of expertise).

### Ad Hoc Collaboration

On a case-by-case basis, an ISS member and a CA in the same or in another country may co-operate.

### ISS members and members ad interim as CAs

Some ISS members or members *ad interim* —such as in the Czech Republic, Dominican Republic, Latvia, and Lithuania — have two functions: as both an ISS member and CA. ISS members can also be part of the National Child Protection and/or Family Authority: such as in Colombia, Estonia, Ireland, Israel, Jamaica, Luxembourg, Malta, New Zealand, and Turkey.

