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EDITORIAL

Religion and protection measures: More tolerance, less dogmatism

This Monthly Review dedicates its content to the various ways, in which religions – for good or for ill – influence the concept of child protection, and in particular adoption.

When one searches for a common denominator amongst great religions worldwide, it is often the precept ‘you shall love your neighbour as yourself’ that is quoted as a form of ‘universal reference’. Thus, how can one be surprised by the fact that religion has played – and still plays – a significant role in the manner in which societies address those issues linked to the protection of some of its most vulnerable members, the children? Whether he is the subject of compassion or good action, or the starting point of the development of a new family, the ‘orphan’ has had an important place in the religious speech.

From a historical perspective, issues relating to charity and support to others have remained the prerogative of members of religious orders, who have defined its scope and promoted its practice, on the basis of the reading of the sacred texts of each one. These same sources have also set the grounds for the various ways in which a family may be provided to those without it. Whilst the secularism of laws has gradually taken back its responsibility for the regulation of legal provisions relating to the family, at least in some countries, the influence of religious morals remains very present in many debates relating to family and

childhood in general, and to adoption in particular.

Law and religion

The various articles in the present Monthly Review clearly show that the fields of adoption and child protection have maintained some important links with religious concepts: whether Christians (see pp. 7 and 9), Muslims (see p. 3) or Hindus (see p. 5), they have each codified, in their own way, the care of a child by a non-biological family, on the basis of religious precepts that are their very own. However, it is worth mentioning that, in general, these provisions consider situations, in which the child and the parents have the same religion, given that they are aimed at being applied within the same community. The difficulty that results from this is, of course, linked to the important migratory displacements that our societies have experienced since, and which cause a simultaneous confrontation amongst different religious values, but also amongst legal systems that address recognition in a different manner. Intercultural mediation therefore takes its full meaning here.



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The 'religious motivation'

For many prospective adopters, faith may be a driving force in a process aimed at 'saving a child', a rescue that may be material, but also proselytist. Staying within the religious imagery, let us remember, however, that the road to hell is paved with good intentions, and that there are many examples of actions based mainly on religious grounds that have led to disastrous, and even illegal, outcomes (for example, one will remember the regrettable initiatives of religious movements following the earthquake in Haiti).

'... the child's ethnic, religious, cultural and linguistic background'

As emphasised in Article 20 of the UNCRC, the child's religious background must be taken into account when deciding an alternative care measure for a child. Similarly, the Guidelines remind us that '[a]ttention must be paid to promoting and safeguarding all other rights of special pertinence to the situation of children without parental care, including (...) freedom of religion or belief' (Para. 16). In practice, it should be noted that this principle is only applied to a limited extent, mainly to promote the child's integration in his new social environment. However, this practice deserves to be questioned, at a time when adopted children are, on average, older and when they may, at some point during their childhood, have gained some life habits, which they may suddenly be asked to get rid of. For example, children may have grown up in a

religious setting and may subsequently be placed in an atheist family environment, in which they are no longer allowed to comply with some religious rituals, such as Ramadan or Christmas. Yet, whether in relation to praying, but also to diet, or to some taboos or prohibitions, the child, in accordance with his age, must have the opportunity to choose and be supported in this process. Of course, as highlighted by the Guidelines, the child's best interests must also be assessed in the framework of these various elements. This is also true for prospective adopters: do receiving countries nowadays offer an adoption procedure that takes into account the prospective adopters' religion? Is 'international *kafalah*', which has been possible thanks to the ratification of the 1996 Hague Convention¹, developing? Is it only known amongst professionals?

Whilst religious tensions continue to bring into opposition many communities worldwide, a mutual understanding and a constructive dialogue remain necessary in order to create the conditions that may ensure a better protection of children and the respect for their rights.

The ISS/IRC team,
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