

## Opening Statement

[International Social Service](#) (ISS) is an international NGO which was founded in 1924. Today, ISS is a professional and specialised global network of 132 members in 125 States providing cross-border casework services to families, Central Authorities (CAs), as well as competent authorities.

For almost 100 years, ISS has been serving the needs of families and children in the areas of cross-border child protection, custody, and child abduction. ISS' work in these matters has primarily taken the form of individual case-management with families and Child Protection Authorities. Likewise, ISS has contributed to legislative advocacy and policy development in co-operation with national, regional, and international bodies in child protection and cross-border family disputes and has a long history of close co-operation with the Hague Conference on Private International Law (HCCH).

ISS is invited as an observer to the HCCH Special Commissions and has a Consultative Status with the Economic and Social Council of the United Nation. ISS' intercountry casework focuses on the practical operation of international standards such as the Convention of the Rights of the Child (CRC), UN Guidelines for the Alternative Care of Children, and HCCH Conventions dealing with children rights and family matters such as the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (HCCH 1996 Child Protection Convention).

The HCCH 1996 Child Protection Convention is a multilateral treaty defining the duties and obligations in intercountry child protection matters, describing these as tasks to be undertaken by Central Authorities, either directly or through public authorities or other bodies. ISS can rightly claim to be an appropriate *“other body”* to co-operate with the Central Authorities, with several official HCCH's documents (for example the [Lagarde Explanatory Report](#) and the [Practical Handbook on the Operation of the 1996 Child Protection Convention](#)) stating *“Central Authorities would have recourse to bodies of such uncontested competence as that of International Social Service<sup>1</sup>”*.

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 **mediation-based and child-focused methodology**.

ISS is principally a global social work network whose mission is to protect, defend and support the best interests and rights of children and families impacted by cross-border issues. This includes the referral of child protection alerts to the appropriate protection services as well as requests for reports on a child's best interests in child protection cases. It also includes advocating for Child Protection Authorities to explore all placement options that enable a child to remain within their extended family and cultural systems, and the

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<sup>1</sup> 1996 Hague Convention 'Lagarde <https://assets.hcch.net/docs/5a56242c-ff06-42c4-8cf0-00e48da47ef0.pdf> page 591 paragraph 140. Footnotes should be cited in the same way in all our documents. Consider citing it as follows : See, Lagarde, P. *Explanatory Report on the HCCH 1996 Child Protection Convention* (1997), available at: <https://assets.hcch.net/docs/5a56242c-ff06-42c4-8cf0-00e48da47ef0.pdf>.

exploration of any potential family placements overseas when it is deemed in the child's best interests (for further information please see: [ISS Equity in Permanency](#)).

One of ISS' core services is facilitating and conducting effective international kinship care practices. This includes assessment reports with statutory checks, transitions plans and post-placement support, and may also include specialised legal and immigration advice to ensure the child is able to safely travel and legally remain in their prospective new country. Over the last decades, ISS has also developed a mediation-based casework methodology, allowing for robust management of cross-border cases in their multifaceted dimension, e.g., the parental conflict or interruption of personal relations with the children. This holistic methodology complements administrative and judicial procedures, and facilitates amicable agreements between parents, assisting with rebuilding and maintaining contact with a child, and fostering co-parenting when it is safe and in the child's best interests.

## HCCH 1996 Child Protection Convention

The HCCH 1996 Child Protection Convention contains many aspects that are intended to enable a global protection of children:

- The best interests of the child as a founding principle;
- Its co-operation mechanism between administrative and judicial authorities of different countries to avoid conflicts between legal systems;
- Its universal vocation whilst recognising the diversity of legal systems and institutions worldwide;
- Its explicit mention of the use of mediation as a means of solving international family conflicts.

**ISS is strongly convinced of the HCCH 1996 Child Protection Convention's potential as the most important international instrument on cross-border child protection.** However, the current application of the HCCH 1996 Child Protection Convention is limited due to its ratification by only 54 countries, whereas the HCCH 1980 Child Abduction Convention by 103 and the HCCH 1993 Adoption Convention by 105.

Furthermore, in its daily cross-border case management, **ISS** has experienced the following **challenges**:

- The legal application taking precedence over ethical and practical aspects of social work, and the fundamental need for social, psychological and cultural considerations;
- The lack of co-operation amongst Central Authorities and competent authorities in different countries as well as within the same country;
- A need for ongoing training for professionals to understand the complexities and issues associated with cross-border child protection casework;
- A need to improve the practical implementation of the HCCH 1996 Child Protection Convention at a national level with Child Protection Authorities and social services agencies;
- The lack of widespread promising practices and principles in international social work;
- Existing social service providers such as ISS, are underutilised especially in cases where Central Authorities have limited resources.

As such these challenges can result in decisions being delayed or, in the worst case, potentially made to the detriment of the child when the best interests of the child should always be a primary consideration.

## ISS' contribution to the drafting of the HCCH 1996 Child Protection Convention and its implementation

ISS has always co-operated closely with the Permanent Bureau of the HCCH (PB) to promote cross-border co-operation in family matters and child protection.

ISS actively contributed to the revision of the Convention of 5 October 1961 concerning the powers of authorities and the law applicable in respect of the protection of infants (HCCH 1961 Convention), which led to the development of the HCCH 1996 Child Protection Convention.

The review of the HCCH 1961 Convention, which was only ratified by 10 States<sup>2</sup> was completed under the scope of the 'Special Commission on the Protection of Minors and Incapacitated Adults'. ISS participated in the three HCCH Special Commissions sessions (May/June 1994, February 1995, and September 1995) and presented a paper based on contributions from ISS members demonstrating significant casework experience of cross-border child protection and family conflicts.

For the HCCH Special Commission 6-17 September 1995, ISS submitted a 24-page paper (Working document n°53) with recommendations and 15 casework examples emphasising the need of enhancing cross-border co-operation in child protection matters.

### **Working document n°16 HCCH Special Commission on the protection of minors and incapacitated adults - 6-17 February 1995**

Proposal submitted by International Social Service (ISS) entitled 'Co-operation between different countries for the preparation and implementation of protection measures for children'

*".....if one sets up a system of international co-operation, one should make use of the already existing ISS international network. This could be done by reinforcing the established ISS branches and correspondents and perhaps formalizing their involvement more.*

*If it is decided to develop a system of Central Authorities in the Contracting States, they could use the existing ISS agencies as intermediaries to which many tasks could be delegated.*

*One should keep in mind that in cases of child protection not only legal questions have to be solved. The social, psychological and cultural aspects in the international case are quite important."*

While ISS still holds the views that were presented in this 1995 HCCH Special Commission working document, we would now state "*The social, psychological and cultural aspects in the international case are **of utmost importance***".

Following the 1995 HCCH Special Commission and the development of the HCCH 1996 Child Protection Convention, a circular was sent to all ISS members to inform them about the new child protection convention with a request to advocate for its signature and ratification in their country. Ever since ISS strongly advocates for wider ratification and effective implementation of the HCCH 1996 Child Protection Convention. Subsequently, ISS has participated at every HCCH Special Commission in relation to the HCCH 1996 Child Protection Convention. Furthermore, upon the invitation of some ISS members, the PB has since taken part in events to promote the implementation of the HCCH 1996 Child Protection Convention in their respective States.

<sup>2</sup> Luxembourg (1968), Portugal (1968), Switzerland (1969), The Federal Republic of Germany (1971), The Netherlands (1971), France (1972), Australia (1975), Turkey (1984), Spain (1987) and Poland (1993).

## ISS' advocacy efforts to promote the HCCH 1996 Child Protection Convention

ISS played a key role in the drafting of the [UN Guidelines on Alternative Care](#) (2010) and advocated for including Section 139:

“S.139.To ensure appropriate international cooperation and child protection in such situations, States are encouraged to ratify or accede to the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, of 19 October 1996.”

Additionally in co-operation with the HCCH, ISS organised an important conference in Geneva from 21-23 October 2015. The “Cross-border Child Protection: Legal and social perspectives – Towards a better protection of children worldwide – The 1996 Hague Child Protection Convention in Practice” conference gathered more than 190 experts from around the world, driven by ISS' impetus to promote the strengthening and effective implementation of the HCCH 1996 Child Protection Convention by reuniting all concerned actors (from government, the legal sector, academia and social practice) and facilitating dialogue and exchange on the socio-legal dimensions of child-protection.

Adjunct to the 2015 conference, ISS held workshops with global experts to draft a Charter on International Family Mediation Processes, as a major step towards strengthening and standardising mediation practice in transnational family contexts. The Charter, together with a practical guide and country specific information is available in 8 languages<sup>3</sup>.

ISS also participated in the “International Seminar on the Protection of Children Across-borders: the 1996 HCCH Convention on the Protection of Children organised by the Ministry of Justice of Morocco”<sup>4</sup> in November 2019. This Seminar allowed representatives from Maghreb, West Africa, and Europe to discuss how the HCCH 1996 Child Protection Convention helps to protect children on the move.

### **ISS' added value for the HCCH 1996 Child Protection Convention:**

- 100 years of significant cross-border child protection and family conflict expertise and experience;
- Well-established global network with social work expertise, with capacity to conduct casework activities beyond the HCCH 1996 Child Protection Convention Contracting States;
- Offers formal mediation and a mediation-based approach in cross-border casework;
- Applies a child-focused approach to support children, families and professionals;
- Serves as a neutral body, when judicial decisions have already taken place;
- Has multiple language capacities and local knowledge of the social, political and cultural context of children and their families.

<sup>3</sup> [IFM \(ifm-mfi.org\)](http://ifm-ifm.org).

<sup>4</sup> <https://www.hcch.net/en/news-archive/details/?varevent=708>.

## ISS cross-border casework service delivery

Since 1924, ISS cross-border casework model operates similar to the HCCH 1996 Child Protection Convention processes, in which it works on the principle that communication and co-operation between stakeholders in two countries to support the safety, wellbeing and permanency of a child.

Admittedly, ISS has always paved the way for international co-operation between stakeholders through our global network of members in 125 States and by utilising local expertise. ISS has always worked from the assumption that the best ethical practice approach is to use a local social worker or paraprofessional to conduct casework services, assessments and advise on local support structures.

As an international NGO, ISS has unrivalled global expertise in cross-border child protection matters including matters involving countries who have not signed the HCCH 1996 Child Protection Convention.

### There are two main service delivery options:

- ISS to Central Authority: ISS supports 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. Importantly, ISS also ensure that **CAs are fully informed on the ISS casework activities**.
- ISS member to ISS member – these are for cases not involving HCCH 1996 Child Protection Convention Contracting States and cases that involve HCCH 1996 Child Protection Convention Contracting States that may require rapid casework action (i.e., urgent child protection checks or locating a family member to inform them of court proceeding of a child and conducting a viability assessment).

## ISS and HCCH 1996 Child Protection Convention Contracting States Central Authorities co-operation

Individual ISS members co-operate with their local competent authorities and HCCH 1996 Child Protection Convention Central Authority through a variety of arrangements. 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). Some examples include:

### Formalised contracts:

- [CFAB](#) (our ISS member in the UK) has a [contract](#) with the Welsh Government to manage some requests made under the HCCH 1996 Child Protection Convention in Wales.
- [The Child and Family Agency \(Tusla\)](#) (our ISS member in Ireland, please see below).

### Formal arrangements:

- [ISS Australia](#) receives funding from the NSW Government to assist with all intercountry child welfare cases, including HCCH 1996 Child Protection Convention matters.
- [ISS Germany \(ISD\)](#) has been entrusted by the German Government with sole responsibility for acting as both the Central Contact Point for cross-border family conflicts and [the Central Contact Point for mediation](#), providing specialist information and expert advice to individuals and professionals.

### Close co-operation:

- [ISS Switzerland](#) is formally invited to intervene in the annual national meetings of the Federal and Cantonal Central Authorities, in order to present its services and co-operation to support to HCCH 1996 Child Protection Convention cases and the possibilities of direct intervention to a non-Contracting State.

Some ISS members are also the designated HCCH 1996 Child Protection Convention Central Authority, these members have two functions (an ISS role and Central Authority role). This applies to our ISS members/ad interim members in the Czech Republic, Dominica Republic, Latvia and Lithuania ISS members can also be part of the National Child Protection or Family Authority, this applies to our ISS members in Colombia, Estonia, Ireland, Israel, Jamaica, Luxembourg, Malta, New Zealand, and Turkey.

#### **ISS Ireland**

[The Child and Family Agency \(Tusla\)](#) is the dedicated Irish Child Protection Authority. ISS Ireland operates within Tusla.

The Irish Department of Justice and Equality is the Central Authority for the HCCH 1980 Child Abduction Convention, the HCCH 1996 Child Protection Convention, and the Brussels II a/b Regulations.

In regard to “*applications for social reports and consent to the placement of children in care with a cross-border dimension*”, a procedure protocol was signed between the Department of Justice and Equality, the Department of Children and Youth Affairs and Tusla.<sup>5</sup>

In general, the aim of the protocol is to state what the Department of Justice, the Department of Children, and Tusla have agreed to do to expedite applications for social reports and the placement of children in care with a cross-border dimension.

The protocol controls specific types of applications for social reports and the placement of children in care with a cross-border dimension and the relevant procedures for each of these applications. The procedures handle incoming and outgoing applications under the HCCH 1980 Child Abduction Convention, HCCH 1996 Child Protection Convention, and Brussels II b Regulations.

Tusla is the central point of contact for all applications, supported through their Legal Service office. Through the Irish Central Authority, Tusla receives requests for social reports and for the placement of children in care both in Ireland and abroad.

For incoming HCCH 1996 Child Protection Convention applications, the Irish Central Authority transmits the new applications to ISS Ireland within 72 hours of receipt from a Central Authority abroad. The Irish Central Authority acknowledge to the requesting Central Authority new applications within 48 hours of transmission to ISS Ireland. Then ISS Ireland actions these applications within 72 hours, for example the applications are sent to the relevant local office within Tusla with follow up responses sent to Irish Central Authority. A similar sequence occurs for outgoing HCCH 1996 Child Protection Convention applications to ensure timely placement decisions can be made for children in care in both Ireland and abroad.

#### **ISS Spain**

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<sup>5</sup> Procedures protocol in relation to applications for social reports and consent to the placement of children in care with a cross border dimension between the Department of Justice and Equality & Department of Children and Youth Affairs & The Child and Family Agency (Tusla).



Spain ratified the HCCH 1996 Child Protection Convention on 1 April 2003 and it came into force on 1 January 2011. The Ministry of Justice (*Subdirección General de Cooperación Jurídica Internacional*) acts as the Spanish Central Authority.

ISS Spain is based within the Spanish Red Cross since 2002 and manages a specialised service of legal co-operation and mediation in the field of protection of children and families across borders, when two or more countries are involved.

ISS Spain has a strong collaborative relationship with the Spanish Central Authority, and while it is not a formalised agreement there is an *ad hoc* collaboration agreement.

ISS Spain supports the Spanish Central Authority in the processing of cross-border cases and providing support to Public Authorities in the field of protection, dependent on the Autonomous Communities.

In accordance with the HCCH 1996 Child Protection Convention, ISS Spain channels requests made by the Spanish Protection Services to other Contracting States, through the Spanish Central Authority and, after validation of the request, legal counsel, and social workers, to the Children's Technical Teams. These teams oversee the subsequent follow-up, until the file can be closed. Due to a subsidy received by ISS Spain, the requests and reports are translated into the language of the receiving country, thereby reducing the public administration processing times, as communication is direct with the Central Authority. In this informal co-operation agreement, the Spanish Central Authority sends requests received from another country to ISS Spain, when it considers that ISS network's capacity to channel cases to be quicker and provide greater dimension to the requested activities.

Furthermore, the co-operation between the Spanish Central Authority and ISS Spain goes beyond casework, as they have also presented in ISS conferences and events.

Lastly, the Spanish Central Authority refers public administration to ISS Spain when they need casework support with a country that is not a Contracting State of the HCCH 1996 Child Protection Convention.

### **ISS Germany: Central Contact Point for Cross-Border Family Conflicts and Mediation**

In November 2011, ISS Germany was entrusted by the Federal Government with sole responsibility for the function of the Central Contact Point for Cross-Border Family Conflicts and the Central Contact Point for Mediation. It is a mandate of the various German ministries, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the Federal Foreign Office, the Federal Ministry of Justice, the Federal Ministry of the Interior and the Conference of Interior Ministers. In the capacity of Central Contact Point, ISS Germany actively supports the practical implementation of the HCCH 1996 Child Protection Convention and closely co-operates with the German Central Authority.

Since then, whether disputes about cross-border custody and access rights or the abduction of a child from or to Germany, ISS Germany provides advice both online and by telephone and helps to find individual solutions. The service is aimed at parents seeking advice, the children concerned and their caregivers, as well as lawyers and professionals in social services, especially child and youth welfare. In 2022, the advisory work included 2242 consultations on 139 countries.

The purpose of the advisory service is to:

- Enable individuals and organizations to find relevant information on what to take into consideration in a specific situation;
- Raise awareness of the specific characteristics of cross-border family conflicts;

- Offer guidance to those in need of advice – with regard both to the relevant (international) legal provisions and to socio-psychological aspects;
- Establish contacts with support structures locally and abroad.

It helps to identify ways of dealing with conflict and weighing up which procedure will serve the interests of the affected child in the current situation. Another purpose of the advice service is to increase knowledge and provide access to networking and collaboration at an international level for professionals who, for example, are confronted with cases with a cross-border element in child and youth welfare or in family courts. Depending on the need, ISS Germany refers to local services, to the Central Authority and, as a member of the ISS network refers to the ISS member in the respective country.

## ISS and HCCH 1996 Child Protection Convention Promising Practices

### **Case Study England and Ecuador – Complementing an Article 34 (1) Request**

CFAB (the ISS member for the UK) arranged two kinship assessments in Ecuador on the request of an English Competent Authority for a child who was subject to an Interim Care Order. The English Competent Authority wanted to determine if the child could be cared for by family members who permanently resided in Ecuador.

The English Competent Authority applied a dual channelling approach, seeking an assessment from both the English Central Authority (ICACU) and CFAB on each set of family members identified in Ecuador. The assessment sought via CFAB was a comprehensive assessment to complement the initial report received via ICACU, in order to meet the legal requirements of English domestic law.

CFAB shared the report completed by the assessing ISS Ecuador social worker with the Competent Authority. The comprehensive report contained a genogram, photographs of the home, evidence of income, medical certificates, police checks, academic certifications, and finance documents in evidence of the suitability of the applicant family members to care for the child. The report's content allowed the English Court to make a decision on whether the placement options in Ecuador were viable. All further case management in this matter was to be arranged via the English Central Authority, including the request for Article 33 consent and any post placement visits.

The case example evidences ISS' ability to receive comprehensive International Kinship Care Assessment reports that allow Courts to make long-term placement decisions for children in care.

### **Case Study Australia and Ireland - Article 33 'Contemplating and negotiating a transnational placement'**

The NSW Child Protection Authority sought ISS Australia's assistance to conduct rapid permanency planning for a child in care and determine the suitability of her uncle and aunt in Ireland to provide long-term care to their niece.

A referral was sent to ISS Ireland, based within Tusla (the Irish Child Protection Authority) who assisted in locating a local foster care agency to conduct the urgent assessment. ISS Australia also requested the NSW Child Protection Authority to seek Article 33 consent under the HCCH 1996 Child Protection



Convention, as well as seek procedural information on how legal orders could be transferred and registered in the Irish jurisdiction.

Following a positive assessment outcome, consent being obtained by Irish Central Authority and transfer of legal orders, ISS assisted in the development of a comprehensive transition plan with post placement support. The child transitioned to her new life in Ireland with her uncle and aunt, with ISS remaining involved as an intermediary and administrative support while the NSW Child Protection Authority continued to fund high level post placement support which is critical during this initial transitional phase.

This case exemplifies ISS' expertise and efficiency in facilitating this international kinship care process, including the urgent assessment, legal channels and transfer of order, and intermediary support post placement. Having an experienced NGO manage the entire cross-border process was invaluable for both the NSW and Irish Child Protection Authorities, especially when local Child Protection Authorities need to prioritise children at risk of harm in their own jurisdiction and have limited knowledge of the issues and process of international kinship placements.

### **Case Study Switzerland and Portugal – Article 32b ‘Request the competent authority consider the need to take measures for the protection of the person or property of the child’.**

The Office for Child Protection in a Swiss canton and the Swiss Central Authority for the HCCH 1996 Child Protection Convention sought ISS Switzerland's assistance to support them in the repatriation of a 17-year-old girl to Portugal.

An altercation between the mother and her 17-year-old occurred, in which resulted in the child going into care in Portugal. While the child's placement in a shelter was agreed by her mother, the child subsequently absconded to join her mother who had moved to Switzerland. However, her mother refused to care for her daughter, despite the injunctions made by Swiss canton. The mother's view was that her child should be placed in an institution in Portugal because she no longer has a residency permit or legal domicile to remain in Switzerland.

Her return could not be managed via the respective Central Authorities and given the urgency of the child's situation and her imminent return, ISS Switzerland, in collaboration with ISS Portugal, was mandated to coordinate the child's repatriation to Portugal as well as her transition needs including identifying a foster care placement to meet her needs.

## **Casework co-operation between a HCCH 1996 Child Protection Convention Contracting State and non-Contracting State**

When there are cross-border cases concerning a HCCH 1996 Child Protection Convention Contracting State and a non-Contracting State occur, the HCCH 1996 Child Protection Convention Central Authorities are often unable to assist. In these situations, the ISS global network can often provide assistance. For example, ISS can assist with passing on child protection concerns to Canada, a country that has signed the HCCH 1996 Child Protection Convention but where the latter hasn't come into force. ISS Canada has secured working contracts with the provincial Child Protection Authorities in British Columbia, Alberta, Ontario, and Québec. Through these formal arrangements, they seek ISS Canada's assistance to conduct cross-border casework activities. For the provinces and territories that do not have a formal contract with ISS Canada, they can still seek cross-border casework support on a case-by-case basis.

**Case Study England and Pakistan – Article 36 (1) ‘in any case where the child is exposed to a serious danger, the competent authorities of the Contracting State where measures for the protection of the child have been taken or are under consideration, if they are informed that the child’s residence has changed to, or that the child is present in another State, shall inform the authorities of that other State about the danger involved and the measures taken or under consideration.’**

Three children were known to an English Competent Authority due to their mother’s mental health issues. As her mental health deteriorated, the father took the two older children to Pakistan, leaving the youngest child in the care of mother. Whilst the initial concerns related to the mother’s mental health, British Police shared reports that related to the father’s unusual behaviour in public places including concerns that he may have been radicalised.

On sight of the police reports, the English Competent Authority sought assistance from CFAB to arrange a welfare visit to the two children in Pakistan. CFAB made an urgent referral to ISS Pakistan to arrange the visit. ISS Pakistan’s social worker contacted the father and completed a visit within the week of receiving the referral.

The report produced by ISS Pakistan was comprehensive and considered the current living arrangements, household roles, home conditions and current daily routine. It further provided a local community profile as well as the views and wishes of the father and the children. All family members were interviewed as well as other professionals involved, including the Head Teacher of the school that the children were attending. ISS Pakistan assessed that the children were safe and well in the care of the father and his family in Pakistan.

### **Case Study France and Peru**

In Peru the girl had been exposed to domestic violence perpetrated by her father against her mother and had also been a victim of direct violence, therefore she went to live with her grandmother. After some time, the grandmother considered the girl was ‘too difficult’ and the family decided to send her to France under the care of an aunt. After a year in France, the French local child protection service received risk of harm reports pertaining to the girl under the care of her aunt.

Child protection support was initiated and during a Court Hearing the girl expressed to the Judge her desire to go back to Peru to live with her grandmother. The local child protection service contacted ISS France to obtain an assessment of the grandmother in Peru.

Through the ISS member in Peru, ISS France obtained a comprehensive social assessment of the father and the grandmother. However, the assessment was negative concluding that the family does not want the teenage girl to return as it would expose her to more danger.

ISS France submitted the report to the local child protection service and collaborated on how to inform the teenage girl about the content of the assessment report. ISS France and the local child protection service were both viewed that these assessments contained a lot of information about the history of the family that could help the teenage girl to understand her history and the reasons behind her placement in France. ISS France informed the local child protection service that should the teenage girl still want to go to Peru, ISS could liaise with local authority to see what option outside of the family (i.e., foster care or small group home) could be envisaged for the girl.

Ultimately, the assessment helped the teenage girl to understand her life story and she decided that she wanted to stay in France. This eventually allowed her to settle and form attachments with the foster family who was now taking care of her in France.

### **Case Study Switzerland and Togo**

The Office for Child Protection in a Swiss canton and the Swiss Central Authority for the HCCH 1996 Child Protection Convention sought ISS Switzerland's assistance to assess the situation of a young child living in Togo. Togo is a non-Contracting State of the HCCH 1996 Child Protection Convention.

The child's mother became seriously ill, so the child moved in with her maternal aunt. When the child's mother died, her aunt became her legal guardian. However, when the aunt's husband died, the family's financial and psychosocial situation deteriorated greatly.

Since the child in Togo had never known her father and reports in Togo indicated that her paternal family did not want to engage or support the child, the case plan was to explore a placement with her maternal grandmother in Switzerland. In order to assess whether the child's placement with her grandmother was in her child's best interests, the Swiss Central Authority asked ISS Switzerland to obtain information on the child's situation and family in Togo. In collaboration with ISS West Africa through the West African Network (WAN), ISS Switzerland was able to facilitate the assessment of the child's situation in Togo which helped the Swiss cantons decide whether the child should be transitioned into her maternal grandmother's care in Switzerland.

## **Co-operation between non-Contracting States of the HCCH 1996 Child Protection Convention**

In the African Continent there are only 3 countries that have signed the HCCH 1996 Child Protection Convention: Cabo Verde <sup>6</sup>, Lesotho<sup>7</sup> and Morocco<sup>8</sup>.

ISS continues to actively contribute to advocacy efforts for the ratification of the HCCH 1996 Child Protection Convention worldwide, including in Africa. Through utilising our vast global network and strong presence in the West Africa region, ISS is meeting some of the cross-border casework needs within Africa, and between Africa and other continents (especially Europe and America).

### **Spotlight on the ISS West Africa's (ISS-WA) West African Network (WAN)**

West Africa sees a lot of movement across borders; especially minors who are often trying to escape poverty or to access basic services such as education or health. For many of these children and young people it can lead to precarious and hazardous situations, including falling into sway of traffickers and other people who seek to exploit them.

ISS-WA has established the West African Network (WAN) with the goal to identify, protect, support and reintegrate children who find themselves in vulnerable situations, or displaced in and within the West Africa region. By strengthening the capacities of West African countries, who are all non-Contracting States of the

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<sup>6</sup> Accession on 4 October 2022. The Convention will enter into force on 1 August 2023.

<sup>7</sup> Accession on 18 June 2012. The Convention entered into force on 1 June 2013.

<sup>8</sup> Ratification on 19 October 1996 (first country). The convention entered into force on 1 December 2012.

HCCH 1996 Child Protection Convention (except Cabo Verde), over 16,000 children and youths have been supported by ISS-WA through the WAN. Moreover, despite these West African countries being non-Contracting States of the HCCH 1996 Child Protection Convention, the WAN promotes HCCH 1996 Child Protection Convention mechanisms and safeguards to ensure the quality care of children, and co-operation and direct communication to be established between the coordinating NGOs and the states involved. Professional child protection NGOs are responsible for the coordination, mobilisation and facilitating the care of the child, and as such transnational co-operation is ensured by NGOs who act as a focal point of the WAN network. As a result, there has been an increased bilateral agreement with the aim to successfully return children to their countries, and the approach has been built based on synergies and strengthening of existing resources within the governments and NGOs.

Once every year, the 16 Ministries in charge of child protection in West Africa meet to strengthen collaboration and partnership to evaluate the activities of the WAN, recognising the key role that ISS-WA acts as a facilitator for inter-sectoral and cross-border co-operation to ensure a harmonised approach to complex situations of children in West Africa. Therefore, ISS-WA and WAN are perfectly placed to further strengthen the co-operation mechanisms and the safeguards, foreseen by the HCCH 1996 Child Protection Convention at a national, transnational, and West African regional level.

The WAN covers non-Contracting States like *Benin, Burkina Faso, Ivory Coast, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, and Togo*. All member states of the network rely on a method of concerted action based on common standards. In line with the HCCH 1996 Child Protection Convention and other international standards, all these actions are conducted in the best interests of the child as they form the basis and guiding principles on which minimum rules are to be always observed for the safe return and during emergency situations.

### **Case Study Mali and Ivory Coast - the Story of Famata**

Famata, a 16-year-old Malian girl and a school drop-out who was lured by a man from her village to Ivory Coast under the pretext of finding her a high-salaried baby-sitting job. Famata's parents gave their consent for her departure as they saw this as an opportunity to relieve them of their burden.

On arrival to Ivory Coast, the man attempted to engage Famata in prostitution; she was lucky to escape. She found herself running in the streets of Abidjan begging to survive. As fate would have it, the police went on a swooping exercise where poor Famata was picked by the police and sent to the station for interrogation. It was during the interrogation exercise that the police found Famata to be of Malian origin.

The WAN acts as a regional mechanism for the protection of identified vulnerable children on the move, so when the police called a local WAN partner the casework began. Before the conception of WAN, a victim like Famata would have been in police detention for some days and ultimately deported under difficult circumstances to her country.

The Ivorian WAN partner provided emergency care for Famata and immediately notified the WAN partner in Mali for family tracing. Arrangements were made for the safe and secured return of Famata back to Mali through WAN. Famata was reunited and reintegrated into her family by the Malian member of WAN, who also worked with the local Ministries of Social Welfare and Ministry of Education so Famata could go back to school. She is now in the final year of her secondary education.

The situation of Famata is common for many other young children in West Africa who often are exploited when they find themselves in vulnerable situations. The WAN casework intervention follows a common

procedure known as the ECOWAS Support Procedures and Standards for the Protection and Reintegration of Vulnerable Children on the Move and Young migrants.

The [eight-step intervention](#) identified for the care of vulnerable children on the move and young migrants are:

1. The child's identification;
2. Emergency care for the child;
3. The study of the child's personal situation;
4. Family Tracing and Assessment including his/her family and environment;
5. Consideration of alternative placement for child outside family;
6. Social, educational, or professional reintegration of the child;
7. Monitoring of the child after their return (a minimum of 2 years);
8. Supporting the development of parental and community capacities.

These steps are underpinned by direct communication and co-operation mechanisms with competent governmental authorities and implementing bodies, which the WAN promotes through effective coordination and collaboration, existing working relationships as well as its practical implementation through well-established and best practices.

In conclusion, the WAN is connecting the child protection systems in the West Africa region by providing a framework that facilitates cross-border casework and promotes collaboration between concerned states.

### **Case Study Canada and Cameroon - the Importance of Kinship...**

A baby born to a young woman in Ontario, Canada but it was not a planned pregnancy. The baby's mother was a full-time student with some mental health issues. She recognised that she would not be able to provide full-time care for her baby without support and wanted her baby to join her family overseas.

The baby was placed in foster care by the Canadian Child Protection Authority. Once the maternal grandmother came to visit, the baby was allowed to join the mother in her home. With the grandmother in the home, the baby was safe, and mother was able to resume school and much needed respite time for her mental health.

The main concerns were related to the mother's struggles in managing her mental health and educational responsibilities and the demanding full-time care of a child. The mother acknowledged that the best place for her child would be with her grandparents in Cameroon until she is in a more stable place in her life.

The grandparents in Cameroon understood the need for an assessment in order to determine if this placement was going to be in the child's best interests.

ISS Canada requested support from ISS Cameroon to visit with the family (the maternal grandfather and maternal uncle) in their home and conduct an International Kinship Care Assessment. The assessment also required criminal record checks and a child protection background check.

The grandparents and uncle had recently obtained their criminal record checks and the Canadian Child Protection Authority wanted the documents to be validated. ISS Cameroon provided a timely service which included a visit and report received within a month, and the Canadian Child Protection Authority commented: *"This is such a beautifully written and very positive report for this kin family. Thank you so very much for facilitating this assessment and arranging for this to happen in a relatively short amount of time."*

*ISS Cameroon have covered everything we've requested and more. I am truly grateful for your support through this process".*

The grandmother was able to travel back home with her grandchild to live with family in Cameroon, until the mother finished her studies or for as long as she needed the support of her family.

## **Conclusion: ISS' Priorities to Protect the Best Interests of the Child**

- Continue to contribute to advocacy efforts for wider ratification of the HCCH 1996 Child Protection Convention;
- Continue to provide practical cross-border casework services for HCCH 1996 Child Protection Convention cases, in consultation and parallel with the administrative and legal aspects handled through the HCCH 1996 Child Protection Convention Central Authorities;
- Continue to provide practical cross-border casework services for non-Contracting States of the HCCH 1996 Child Protection Convention;
- In countries ratifying the convention where there is not a strong social service workforce, the ISS member could be cross-border casework facilitator and service provider as defined in the WAN example;
- Enhance the participation and best interests of children in cross-border placement decisions, especially in countries that have not signed the HCCH 1996 Child Protection Convention;
- Continue to protect the children across-borders in an emergency situation in the shortest possible time by engaging diverse multidisciplinary stakeholders and developing good practices for cross-border mediation;
- Provide cross-border casework training to new HCCH 1996 Child Protection Convention Central Authorities and the local social service workforce;
- Developing a dedicated resource centre on cross-border child protection, replicating the very successful model of the [International Reference Centre for the rights of children deprived of their family](#) (ISS/IRC), a programme of the ISS General Secretariat, with more than 30 years' experience, which is highly regarded by the HCCH 1993 Adoption Convention Central Authorities worldwide.