**THE WAY FORWARD:**
ISS ideas, vision and ambition

As a network present in more than 120 countries, ISS understands the importance of effective collaboration which enables approximately 75,000 families to be served each year. In addition to its individual casework and existing services, ISS believes that it can do more in order to contribute tackle some of the existing challenges, particularly those identified during the last 2 days.

Strongly convinced of the 1996 Hague Convention’s (1996 HC hereafter) potential, ISS aspires to contributing to:

1) **strengthened collaboration, cooperation and communication mechanisms across-borders,**
2) **building capacity and targeted training and**
3) **better compliance through advocacy & research activities**

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**Aspiration 1: Strengthened collaboration, cooperation and communication among all stakeholders (Central Authorities, ISS and other professionals)**

**Identified challenges:** Limited application (42 State signatories), inadequate collaboration/communication within a country and among different countries (including ISS and competent authorities), absence of multidisciplinary approach, lengthy decision making, costs of processing a case are unclear (social report and certification of reports etc.), different definitions of best interests between various departments (e.g.: social services and immigration) and where the Central Authority should sit in terms of department etc.

**What can ISS do?**

1) **Address time delays by enhancing and consolidating existing collaborations**
   - Strengthened cooperation on ISS individual casework through formal and sustainable agreements with Central authorities or other competent bodies (e.g.: use of standardised format for social work reports as per ISS casework manual which can be adapted to country contexts)
   - Expedite cases through the network, especially when examining international family placement options
   - Encourage concurrent case planning that investigate both national and intercountry options for children
   - Add to existing global database of over 5000 actors in various countries enabling an information referral system in a time effective manner

2) **Creation of cooperation opportunities and promotion of wider ratification/accession of 1996 HC**
   - Intensified lobbying efforts of 1996 ratification/accession through the ISS network at a national, regional and international level. For example the West Africa Network already encourages partnerships within 15 governments
   - Build interdisciplinary partnerships such as ISS/PB MOU
   - System review through ISS network during field missions

3) **Promote strategic partnerships with a global impact**
   - Creation of an expert platform¹ for discussions (arts. 29 to 35) enabling harmonized implementation, an ongoing peer review, identification of grey zones or of complementarities with Brussels II A Regulation and/or other legal instruments. An expert platform already exists within ISS for adoption and alternative care matters.

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**ISS mandate for more than 90 years: protection and welfare of children and families in cross-border contexts**

**ISS’ added value:** Provision of easy accessible services for individuals and/or other entities based on an established social work and legal expertise in complex transnational situations throughout a multidisciplinary and mediation (-based approach)

**ISS existing services on 1996 HC matters:**

1) **Individual casework** based on strong partnerships with Central Authorities, other competent bodies and professionals:
   - sustainable case plans (BID-model & ISS casework manual)
   - both national and international options (e.g.: international family kinship care)

2) **Information referral services** for professionals/individuals to competent authorities/service providers domestically and internationally

3) **Provision of substitutive services** (e.g. home studies, socio-economic evaluations, mediations) and **national advocacy efforts** in Non-Hague Countries through expansive network

4) **Targeted training** for professionals (e.g.: judges, social workers)

**Legal basis for ISS involvement on 1996 HC matters:**

- Arts. 31 and 32: Facilitation of communication, agreed solutions and the child’s tracing can occur “either directly or through public authorities or other bodies”.
- The **Practical Handbook on the 1996 HC:** “Central Authorities will have recourse to uncontested competence in the field, such as the International Social Service”.

(NB: Legal bases for ISS activities are numerous, for more details see [http://www.iss-ssi.org/index.php/en/home/governance](http://www.iss-ssi.org/index.php/en/home/governance))
Aspiration 2: Contributing to capacity building and targeted training on 1996 HC matters

**Identified challenges:** Low enforcement and recognition of judgments in other countries, inadequately resourced Central Authorities, language barriers, limited understanding and respect of foreign legal systems, partial recourse to international family mediation, inadequately informed and trained professionals etc.

**What can ISS do?**

**Capacity building of national actors**

- **Information and training** (issues could cover how standards work together such as Brussels II A, habitual residence, substantial connection and transfer of jurisdiction etc.)
  - Central Authorities and other authorities (e.g.: ISS already undertakes this adoption)
  - Judiciary and other administrative bodies (e.g.: ISS USA)
  - Social workers (e.g.: ISS Australia and ISS Switzerland)
- Affected population of families and children (e.g. IFM Guide)
- Development of practical tools such as a Guide for concerned parents and children or 101 Training on 1996 Convention issues (art. 3: international family mediation, kafala, unaccompanied and separated children, cross-border visitation rights, etc.)
  - Customized workshops/webinars on specific issues (e.g. Islamic legal systems, habitual residence definition, non-return issues, child’s right to participate etc.)
  - As part of the information enquiry services, provide technical assistance to professional requests concerning laws, practices and policies in a specific country (already undertaken through various ISS members)
  - Work with Governments and central authorities on path of ratification/accession by developing roadmaps and relevant cabinet memos (ISS has already undertaken this work in the past)

**Capacity building of international and regional actors**

- Dedicated International Family Mediation website (ongoing) providing access to reliable information and qualified professionals in legal and psycho-social fields (basic information per country), as well as to laws, policies and practices accessible as multi-disciplinary resources for conflict resolution
  - Training/information sessions of international and regional bodies, such as UN treaty bodies, ACERWC etc. This has occurred for the Guidelines for the Alternative Care of Children and is an ongoing opportunity for IS.

Aspiration 3: Improved compliance through advocacy and research on 1996 HC matters in order to better secure the best interests of the child

**Identified challenges:** partial knowledge about the breadth and applicability of the 1996 HC, lack of understanding of specific national legal systems and how they operate with respect to other national contexts, funding of services and recognition of mediation as a resolution mechanism etc.

**What can ISS do?**

**Awareness raising activities and referral service**

- Identification and promotion of promising laws, policies and practices through the publications of articles in ISS Monthly Review showcasing for example:

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2 See for example, Thematic Factsheets on Alternative Care and Adoption
3 Simplified version of http://www.hcch.net/upload/handbook34en.pdf
4 See Monthly Review
Many of these aspirations are based on existing services currently provided. Other aspirations involve developing new initiatives – based on our dream to improve the lives of the children that we serve. We look forward to working with you all as we have one overarching and common aspiration in our daily work that unites us – protecting children in cross border conflict.

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5 E.g. Comparative legal study on kafala in different countries of origin (Islamic legal systems) and its reception/recognition in other countries.
6 Through Side-events (e.g. HRC Side-event on the protection and care of UASC).
7 Through thematic briefing documents submitted to the UN treaty bodies (see treaty body mainstreaming efforts) or an introduction to the 1996 HC itself and other recourses such as the “Practical Handbook of the 1996 Hague Convention” – e.g.: Committee on the Rights of the Child and Committee on Migrant Workers (currently working on a joint General Comment on Children on Move).
8 See treaty body mainstreaming efforts.