

INTERCOUNTRY ADOPTION BILATERAL PROGRAM: Ethiopia

1 Scope of Intercountry Adoption from Ethiopia

Program Development

The intercountry adoption program between The Australian States and Territories and Ethiopia developed from a proposal submitted by the Australian-African Children's Aid Support Association (AACASA) in April 1992 to establish a formal program to facilitate adoptive placements for Ethiopian children who require adoptive families in Australia.

The bilateral agreement with Ethiopia was negotiated by the Queensland Department of Families and Aboriginal and Torres Strait Islander Affairs (now Department of Child Safety) on behalf of Australian States and Territories. The agreement was initially signed in Addis Ababa on 11 November 1993 by the Queensland Manager Adoption Services and the Vice Minister for Social Affairs for Ethiopia. It was finalised by signing in Australia in March 1994. The agreement is known as the *Agreement on the Working Arrangements for the Co-ordination of Intercountry Adoption between the Ethiopian Ministry of Labour and Social Affairs and the Council of Social Welfare Ministers, Australia* (the Bilateral Agreement).

This arrangement is unique as other intercountry adoption programs between Ethiopia and overseas countries operate through non-government organisations.

Under the terms of the Bilateral Agreement, Queensland is named as the co-ordinating state for the program, and has responsibility for the program in relation to policy and legal requirements.

Appointment of Representatives to deliver Intercountry Adoption Services in Ethiopia

The Australian States and Territories appointed Ato Lakew Gebeyehu Likelew and his wife Misrak Getahun Zewde (Misrak) to represent them and Australian families in the tasks associated with the completion of the adoption process in Ethiopia.

A Service Agreement for the appointment of Representatives to deliver Intercountry Adoption Services was finalised in May 2004. Copies of the Agreement have been provided to the Ministry of Labour and Social Affairs and the Department of Justice in Ethiopia to support the delivery of accountable and appropriate services which are aligned with the requirements of the Bilateral Agreement.

Operation of the Program

Since the program commenced significant matters of concern have been addressed by Queensland and other States in regular telephone and written communication with Lakew and in meetings held with him and the States in Australia in 1996, 1999, 2000, and 2004.

Visits to Ethiopia have been undertaken by the Queensland Director-General and Manager, Adoption Services in 1998. In 2003, a delegation of Departmental officers from Queensland, South Australian and Victorian intercountry adoption services

visited Ethiopia to review the program with MOLSA and witness the operation of the program within the context of the environment in which it functions. A number of ongoing concerns relating to the integrity of the program were able to be more fully explored with key stakeholders in the country and enhancements made to it's operation which were also incorporated into the Service Agreement referred to above.

The number of adoption placements made each year has gradually increased over the years.

	92/93	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01	01/02	02/03
Adoptions from Ethiopia	N/A	3	N/A	5	16	37	34	46	37	36	39
Total Intercountry Adoptions	227	222	224	274	269	245	244	301	289	294	278
% of Total Adoptions	0	1	0	2	6	15	14	15	13	12	14.0

- Data obtained from Adoptions Australia AIHW reports (Canberra). Figures for 2003/04 are yet to be made available.

2 Overseas Adoption Process from the Ethiopian Perspective

Many of the children requiring adoptive placements overseas, have been abandoned, orphaned or placed into care by family members who are unable to care for them. Due to the extreme circumstances many of the children have experienced from a very young age including malnutrition and illness, it is not uncommon for underlying health problems or special needs to be identified after placement with their adoptive families.

3 Adoption Process and Requirements in Ethiopia

The adoption process in Ethiopia is regulated through MOLSA. Australian applicants must meet the requirements of the Ethiopian adoption laws, policies and procedures as well as the Australian State and Territory in which they reside in order to be eligible to adopt a child from the Ethiopia.

The Ethiopian requirements for adoptive parents are as follows:

3.1 Eligibility for Adopter

Lower age for applicants

The minimum age for intercountry adoption applicants is 25 years.

Upper Age for applicants.

MOLSA advises that there should be no more than a 40 year age gap between the age of the child and the adoptive parents. Persons over 41 years are eligible to apply if they are willing to accept a child over the age of two years or for a child with special needs. Flexibility is possible up to the age of 50 years age difference especially if the older person in the couple is the male person and in which the female person will be the primary carer. Special needs children include older children, sibling groups where one child is under the age of five years and twins.

Marital status and divorce

Preference is given to married couples. If either has a previous marriage, they are required to demonstrate that the current relationship is long term and stable.

Single Applicants

Single applicants are eligible to apply to Ethiopia, with no more than a 40 year age difference between the adoptive parent and the child. Only single female applicants will be accepted.

3.2 Other requirements and notes

All applicants are expected to financially stable. Have clear police checks and be physically and mentally well.

A family with existing children is acceptable. A couple who have biological children and who have also adopted from two other countries would not be eligible.

The number of other children in the family should be such that the individual needs of each child can be met financially, socially, emotionally, developmentally, and educationally. In this context a family of up to four children may be considered acceptable, dependent on the individual needs of the child/ren.

Couples are required to name their religious beliefs and be considered to be living by Christian principles. MOLSA advises that only couples of mainstream religious beliefs will be accepted. Ethiopia will not accept applications from people who are Jehovah's Witnesses.

A reference is required from a priest or minister of religion as a part of the documentation to be forwarded with the file to Ethiopia

Children Requiring Adoptive Families

Children are aged between 6 months – 12 Years. It is preferable for couples to indicate a willingness to be placed with a child of either gender. Couples, who nominate a specific gender, can expect to wait for longer to be placed with a child.

Length of Stay in Country

A minimum of 7 working days is expected.

Post placements supervision

MOLSA requires four post placement reports over the initial twelve months of the placement. Couples are required to formally undertake to provide ongoing yearly reports until the child turns 18 years.

Contact with biological parents or extended family members

MOLSA and Lakew advise that they will keep information about the child on file in Ethiopia, should the child wish to trace their birth family. Often information available about a child at placement is scant. In some instances information provided to the authorities at the time of the child being placed into care has been found to be erroneous at a later date.

Post adoption contact arrangements

There are some opportunities for post placement contact. However, requests for information or contact should be initially made through the Australian State or Territory Department.

Fees and Costs

The fees consist of US\$750 for processing is payable at the time of forwarding the file to Ethiopian and a Power of Attorney Fee of US \$2,000 per child is paid at time of allocation. Both of these fees are paid to the Ethiopian Representative. A Foster Care fee of US\$200 per child per month for AACASA members, and US\$280 per child per month for non AACASA members, is paid at the time that the couple are in Ethiopia, as is the payment of any medical and additional care expenses incurred while the child was in care at Koala House. Koala House is the transition centre where children who are awaiting placement with Australian families are cared for by the Ethiopian Representatives. The fees were reviewed in consultation with representatives of the States and Territories in April 2004. This was the first increase in fees since the commencement of the program.

4 Compliance of program with Hague Convention principles and standards.

The program is compliant with the principles and standards of the Hague Convention.

MOLSA is clear in relation to their position regarding contact occurring at government level and applicants are directed not to contact them. The importance of the Ethiopian – Australian Intercountry Adoption Program was confirmed in the meeting held with the Minister for Labour and Social Affairs during the visit in 2004. There is an expressed desire to review the annexure provisions of the Bilateral Agreement. The purpose of the review is to update it to reflect changes to the Ethiopian Family Law and further align it with the principles of the Hague Convention.

A number of the principles and standards of the Hague Convention and how they are reflected in the program are as follows:

4.1 *Establishing that the child is adoptable.*

In Hong Kong children placed for adoption are under DSW guardianship. DSW provides a pre-adoption service where a mother wants to relinquish her child. When a

child is abandoned, the Director of DSW makes an application to the court to become the child's guardian.

The DSW refer children under guardianship to ISSHK. Any proposal for a child to be placed overseas must be approved by the DSW. The DSW applies to the Court to obtain formal consent for the adoption.

4.2 Intercountry Adoption should only be considered if a suitable family cannot be found in the State of Origin.

As noted above only children for whom no family can be found in Ethiopia are placed for overseas adoption.

4.3 That all the necessary and appropriate consents to the adoption have been obtained and given freely without inducement of any kind. The abduction, sale and trafficking of children must not be permitted.

Adoption is regulated in Ethiopia by the Department of Justice and MOLSA. Agents for intercountry adoption are required to be registered through strict regulation by both Departments. Under the terms and conditions of the Bilateral Agreement, MOLSA is responsible for the administration of the Ethiopian-Australian Adoption Program. All applications for overseas adopters must be approved by DSW. They also approve the matching of all children. The finalisation of the adoption in Ethiopia is made through a legal process in the Court.

There is no evidence that the children being placed for overseas adoption are not legally available in accordance with Ethiopian Law.

4.4 No improper financial gain is to be obtained from Intercountry adoption.

There are fees payable to the Representative for delivery of services to facilitate the intercountry adoption process. The schedule of fees is agreed to by the Australian Central Authorities and made publicly available. A copy of the schedule of fees has been provided to MOLSA. There is no evidence of applicants being asked for additional amounts of money.

4.5 Preserve information on the child's origins and ensure access to that information.

MOLSA provides a brief report on each child being placed for adoption. This includes background and social information and a medical report. MOLSA manages post adoption inquiries as their records and resources allow.

4.6 Ensure adequate information and a background report on the child is provided (in accordance with the terms of Article 16 of the Convention).

MOLSA provides any available information about children at the time a placement is proposed. The reports are as detailed as the circumstances currently allows and may include some medical information, background, social information and more recently photos are being made available by the Representative.

5 Summary

The number of children placed under the Ethiopian adoption program has remained relatively consistent over recent years as is evidenced in the table above.

Issues and concerns about the operation of the program were explored during the visit to Ethiopia in 2003 and strategies to address them included the development and finalisation of the Service Agreement between the Representative in Ethiopia and Australian States and Territories concerns and issues in mid 2004. During that visit MOLSA confirmed that it operates in the interests of children as the paramount consideration. This is evidenced in a number of ways including, recognition that a child should grow up in a family environment, ensuring that all necessary consents are obtained prior to the determination that a child requires an adoptive placement, the requirement for ongoing post placement reports by the adoptive family until the child reaches the age of eighteen years, and the delivery of adoption services by agencies authorised by MOLSA and registered with the Department of Justice. MOLSA has lead agency responsibility for the Ethiopian- Australia program under the existing Bilateral Agreement arrangements.