

**The Fifth International Policy Conference on the African Child
29-30 May 2012
Addis Ababa, Ethiopia**

THE ADDIS ABABA COMMUNIQUÉ ON INTERCOUNTRY ADOPTION

Recalling the African Charter on the Rights and Welfare of the Child (ACRWC) and the Convention on the Rights of the Child (CRC), and all rights guaranteed therein, including the right of the child to be brought up in his/her family wherever possible;

Cognisant of the right of the family to receive any necessary support and the child's right to be granted special assistance if he/she cannot remain in parental care, and in that case preferably to be placed in an alternative family environment;

Conscious of the fact that African societies have for centuries been able to care for their children, including those left without parental care, based on collective values and wisdom;

Aware of the present reality that the very fabric and integrity of the African family is threatened, among others, by poverty, disease, HIV/AIDS, and conflict, leaving children in dire circumstances;

Recognising that intercountry adoption could be resorted to in truly exceptional circumstances for certain children without parental care, and with the best interests of the child as the paramount consideration, in particular as provided for by article 24 of the ACRWC;

Concerned by the trend of Africa being the new global frontier for intercountry adoption at a time when the practice is sharply declining in other continents;

Duly acknowledging that a vast majority of adoptive parents sincerely wish to provide a loving and lasting family environment for children in need of alternative care;

Taking note nonetheless of reports, in some instances, of intercountry adoption resulting in abuse of children in the receiving countries;

Recognising the usefulness of follow up reports regarding the wellbeing of adopted children but with due recognition of the fact they cannot replace proper safeguards within the adoption procedures;

Concerned that sometimes children are being procured for adoption abroad through manipulation, falsification and other illicit means of securing financial gains;

Concerned also that in some instances there are both internal and external pressures put on families and governments to make their children available for intercountry adoption;

Convinced that with a modest degree of economic and social support, African families and communities could provide for children without parental care;

And bearing in mind that the global and African community has agreed on various principles to be respected towards each child, as set out in regional and international instruments and documents, notably; The African Charter on the Rights and Welfare of the Child (1990); The UN Convention on the Rights of the Child (1989); The Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2000); The 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption; the UN Guidelines for the Alternative Care of Children (2009), and the Declaration and Plan of Action for an Africa Fit for Children (2001) and the Call for Accelerated Action (2007);

We, the participants of the Fifth International Policy Conference on the African Child, call upon:

1. African States

To assume and honour their responsibility for ensuring the wellbeing of Africa's children, including children without parental care. African Governments should therefore:

- a. Give absolute priority to enabling all children in Africa to remain with their families and in their communities by among other things:
 - i. Harmonising national legislation with the ACRWC, the CRC and other applicable international human rights instruments;
 - ii. Putting in place a comprehensive child protection system;
 - iii. Establishing credible data-gathering and analysis systems to ensure evidence-based policies and decision-making on needs and appropriate responses in the sphere of alternative care;
 - iv. Allocating adequate financial and human resources to support vulnerable families;
 - v. Strengthening families and providing for the natural and basic needs of children;
 - vi. Promoting and supporting informal and traditional mechanisms of care such as kinship care;
 - vii. Promoting non-institutional forms of alternative care for children, such as foster care, guardianship and domestic adoption;
 - viii. Ensuring strict oversight over the quality, number of residential care facilities, their source of funding, the reasons for and number of admissions of children, and the duration of their stay in these facilities; and
 - ix. Establishing partnerships with CSOs, the media, traditional and religious leaders.
- b. When considering intercountry adoption:
 - i. Put in place appropriate legislative and procedural measures to ensure proper safeguards for children involved in intercountry adoption;
 - ii. Ratify and ensure the implementation of the 1993 Hague Convention on Intercountry Adoption;
 - iii. Establish a central database on children without parental care in need of adoption;

- iv. Establish a mechanism to ensure that the child is adequately prepared for psychological and emotional challenges which they may experience in the course of intercountry adoption;
- v. Prohibit independent and private adoptions; and
- vi. Combat illicit financial gains.

2. Civil Society Organisations

- a. To monitor government compliance with their treaty obligations;
- b. To raise awareness on domestic family-care options;
- c. To carry out research and generate data on the state of children without parental care; and
- d. To advocate for the rights of children without parental care.

3. Treaty Bodies, in particular,

- a. The African Committee of Experts on the Rights and Welfare of the Child should monitor:
 - i. Developments in African countries regarding intercountry adoption, and the observance of internationally recognised safeguards and the UN Guidelines on Alternative Care; and
 - ii. Measures taken by States to address family poverty and breakdown and to improve domestic alternative care provision.
- b. The UN Committee on the Rights of the Child should pay special attention to:
 - i. The compliance of both “receiving countries” and “countries of origin” with intercountry adoption standards; and
 - ii. The commitment of “countries of origin” to developing appropriate and effective domestic responses to children without parental care or at risk of being so.

THEREFORE, WE, THE PARTICIPANTS OF THE FIFTH INTERNATIONAL POLICY CONFERENCE ON THE AFRICAN CHILD, CALL FOR A REVERSAL OF THE CURRENT TREND OF RESORTING TO INTERCOUNTRY ADOPTION AS AN EASY AND CONVENIENT OPTION FOR ALTERNATIVE CARE IN AFRICA, AND FOR GIVING ABSOLUTE PRIORITY TO ENABLING ALL CHILDREN IN AFRICA TO REMAIN WITH THEIR FAMILIES AND THEIR COMMUNITIES.

WE TAKE UPON OURSELVES THE DUTY OF ENSURING THAT INTERCOUNTRY ADOPTION IS GUIDED BY THE BEST INTERESTS OF THE CHILD, APPLIED ONLY WHEN AN ALTERNATIVE FAMILY ENVIRONMENT CANNOT BE FOUND IN THE HOME COUNTRY, AND, IN LINE WITH THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD, IS USED AS A LAST RESORT.

ADOPTED ON 30 MAY 2012 AT THE FIFTH INTERNATIONAL POLICY CONFERENCE ON THE AFRICAN CHILD (IPC), ORGANISED BY THE AFRICAN CHILD POLICY FORUM (ACPF)

www.africanchildforum.org/ipc