

**Special Commission on the practical operation
of the Hague Convention of 29 May 1993 on
Protection of Children and Co-operation
in Respect of Intercountry Adoption
(8-12 June 2015)**



WORK. DOC. No 6 E

Distribution: 12 June 2015

Proposal of the Delegations of Africa

**DECLARATION ON THE NEED TO DEVELOP A HARMONISED FRAMEWORK
FOR THE ADOPTION OF CHILDREN IN AFRICA**

The African countries at the Fourth meeting of the Special Commission on the Hague Convention wish to express their sincere and deep appreciation to the Secretary General of the Hague Conference on Private International Law and all members of the Permanent Bureau, as well as to those who organized the meeting, for the invitation and, above all, for their marked interest in fostering the sharing of experiences between States of Origin and Receiving States with regard to the practical operation of the Convention.

The preparatory training for new States wishing to sign and ratify, or accede to, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption was indeed very productive and led to increased awareness of what is at stake in intercountry adoption, as well as of the challenges relating to the implementation of the Convention on the African continent, always keeping in mind the best interest of the child.

West African countries at the Fourth meeting of the Special Commission on the practical operation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption took the opportunity to inform other States about important aspects of adoption on the continent in general, and about the difficulties they face with regard to intercountry adoption of children in particular. Africa is currently becoming the continent with the highest demand, with more and more intercountry adoptions taking place: in 2013, 27.9% of all intercountry adoptions undertaken globally were from Africa against 5.4% in 2003 (*cf.* statistics provided by Professor Peter Selman), while the various child protection systems still remain precarious.

Several deviations that pose a risk to the principle of the best interest of the child were reported. Examples of these deviations include:

- pressure on the child protection systems by actors from the same country or from abroad;
- bypassing the adoption process, even States Party to the Convention;
- abuse cases in the context of adoptions in certain countries;
- delays in the process, including in the determination of adoptability of the child;
- Co-operation issues between States of origin and receiving States.

In light of these concerns, African countries face challenges, including:

1. strengthening co-operation and communication between States of Origin and Receiving States to foster co-responsibility with regard to tackling the obstacles which prevent swift implementation of adoption procedures;

2. strengthening controls and follow-up activities of child care institutions with a view to expedite the search for permanency solutions for children drawn into institutional care, and to gradually eliminate this practice;
3. obtaining genuine support from Receiving States in order to reinforce their child protection systems, especially in light of the principle of subsidiarity and the primary consideration for the best interest of the child;
4. finding prospective adoptive parents that are eligible and suited to the adoptable children;
5. obtaining support for the implementation of a mechanism that will allow for the determination of the child's adoptability in a medical sense, especially in special needs cases.

In light of these challenges, and in our capacity as representatives of the African countries taking part in this meeting, we affirm the need for a harmonized framework for brainstorming, concerting actions, sharing experiences and conducting follow-up work on the adoption process in Africa.

We commit ourselves to pursuing the exploratory work relating to this innovative project, for it to be approved and included in the Conclusions & Recommendations of the Fourth meeting of the Special Commission on the Hague Convention.

We benefit from the support of States Parties to the Convention, whose interventions at the Fourth meeting have greatly contributed to convince us of the urgency of developing an African structure to ensure the proper case management of adoptions, keeping in mind the best interest of the child and taking into account the particular aspects of the region.

We take this opportunity to once again express our gratitude to all technical and financial partners, in particular, UNICEF and its country offices, Central Authorities of Receiving States, and all supporting partners, for the assistance they provided to the initiatives of our Governments to promote and protect the rights of the child in African countries.