

- 6-22

RELEASED IN PART B6

## Adoption Field investigation in Ethiopia July 18 – July 31, 2010

### Purpose of the field investigation

Due to reported irregularities in the media recently about adoptions out of Ethiopia, a decision was made to undertake a field investigation in Ethiopia to clarify the processes for international adoptions from Ethiopia. A random sample of adoption cases from three areas (Awash, Sodo Zuria and Adama) were selected in order to take a closer look at the documents submitted in support of the adoptions for each of the files in each of the different regions.

### Meeting with the Ministry of Womens' Affairs (MOWA)

#### Mahider Bitelo, Head of Child Rights and Promotion Directorate, Ministry of Women's Affairs (MOWA)

Ms. Bitelo stated that the goal of the Child Rights and Promotion Directorate is to work with the legal frameworks (Constitution, Family Code and CRC Article 21) and international guidelines for adoptions. MOWA also provides working guidelines to adoption agencies and orphanages; however MOWA is not able to release the information about these guidelines. For some reason, when asked for a copy of their *Alternative Care Guidelines for Children being identified for adoption*, she advised that the guidelines only exists in Amharic (this is despite having observed piles of the guidelines' documents in English along the walls of the offices in her section).

When asked how children are identified for adoption, Ms. Bitelo indicated that in Ethiopian culture, usually the extended family care for children in need and it is only in exceptional cases when the children are placed in institutions. Children are primarily placed in institutions for care, not for adoption purposes. Adoptions are only from public or private child care institutions. The adoption agencies contact these orphanages looking for children who are available for international adoption. Then, the local government authorities are contacted and provide the necessary support letters.

In order for a child to be referred for adoption, the local zone administration and the Kebeles issue the necessary paperwork regarding the situation of the child and a letter is also written to the orphanage. A contract of adoption is drafted and provided to the court; the court refers the case to MOWA for their recommendation to approve the adoption. MOWA reviews the documents submitted for the international adoption and then sends their recommendation to the court. If and when the court approves the case and issues an adoption order, MOWA then writes a letter about the adoption to Ethiopian Immigration. The relationship between adoption agencies and orphanages is usually on a project base with the adoption agencies providing financial support to the

**REVIEW AUTHORITY: Robert Strand, Senior Reviewer**

orphanages for capacity building (food, clothes, etc...). The transition homes are run by the adoption agencies. Usually, a child is transferred from the orphanage to the adoption agency/transition home after the court approves the adoption. The responsibility for the child's care is transferred to the adopting parents/adoption agencies after the court order is issued. At times, this transfer occurs before the court approval of the adoption and this is not legal. Adoption in Ethiopia is a simple adoption, not a full adoption as the ties with the biological parents remain as indicated in the Ethiopian Family Code. Most children referred for international adoption came from the south and some from Tigray.

Ms. Bitelo admitted there are issues with records in the regions and there are allegations of cash payments in the adoption process but no hard evidence exists. There are also allegations biological parents are not giving free and informed consent and institutions are giving false promises. MOWA recently conducted a review of 41 adoption agencies and 41 institutions. The report has been submitted to the Minister of State and will be made public after approval.

\*\*\*\*\*

### **Field investigation to Awash, Sodo Zuria and Adama**

#### **AFAR region – city of Awash**

The city of Awash is in the administrative zone 3 of the Afar region with a population about 10 to 15,000. Awash is located 225 KM from Addis.

#### **Meeting with Wudneh Girma, Social Affairs expert, Isse Ahemdin, Head of the Information and People's Organization Coordination Office, Afar National Regional Government Zone 3, Awash Fantale Woreda,**

The Information and people's Organization Coordination Office is in a two room building, with no computers and all of their documents are hand written (although there was a television and VCR in the corner).

An explanation was provided of the local process as to how abandoned children are referred to orphanages. Children who are from 0-6 years old stay 3 to 4 days at DUWAW, a private orphanage supported by the Awash city administration. The DUWAW orphanage is run by Adjebush Ayele. There are also times when the children are sent directly to Addis. If a parent relinquishes a child, verifications are conducted to ensure that the parent is not able to care for their child. The Kebele will hear from 3 witnesses. The case is then referred to the Awash Fantale Woreda 1<sup>st</sup> instance court and the necessary documents issued.

Access was provided to a copy of a project agreement between an adoption agency, the African Orphan Children Village Association and the Information and People's Organization Coordination Office in Awash. The project agreement indicates that financial support would be provided to children in Awash (150

BIRR = \$9.40 CDN) per child for a total of 120 children). The funding (216,000 BIRR = \$13,500 CDN) would be provided on a quarterly basis for 4 years. The agreement is to run from 01SEP2009 to 20AUG2013. After the initial instalment as per the project agreement, no more funding has been forthcoming, even though it was promised. The Information and People's Organization Coordination Office was seeking redress for the broken agreement. The office in Awash apparently receives no government funding.

The African Orphan Children Village Association is not located in Adama, but in Addis and was established one year ago. The representative is Solomon Getachew. They apparently have a license to work in area. It is not clear why children from the Awash area are being referred to the African Orphan Children Village Association in Addis.

According to Mr. Girma and Mr. Ahemdin, 2 years ago, Solomon Getachew from the African Orphan Children Village Association contacted them stating he was looking for children as he had an orphanage in Addis. He stated he wanted to help children in the area working together with the local city administration. One month later, representatives from adoption agencies for Canada and Spain came to the city of Awash asking about abandoned children and children who could not be supported by their parents. They were referred to the DUWAW orphanage.

Currently, if an abandoned child is found, the necessary forms are completed. As they have the contact details for the representatives for the Canadian and Spanish adoption agencies, they contact them and let them know that the children are available for adoption. The children are apparently not referred to the DUWAW orphanage as DUWAW has no space/ability to care for children.

#### **Site visit to DUWAW orphanage**

The DUWAW orphanage (DUWAW means "Doing Good" in the Afar language) is really a school. They feed the children 3 times a day. Adebush Ayele who runs DUWAW has worked with a total of 800 children, most of them living with their parents. She is currently working with 50 children. Some of the children come from HIV+ families. The school has 5 teachers and 4 classrooms, a kitchen on site and an eating area. Ms. Ayele apparently also gets funding from USAID. She also stated that the Japanese government committed to build her a school. It appears that she is maximizing benefits derived from Aid dollars. Apparently over 50 children have been put into the adoption stream from the Awash area.

#### **Meeting with Fatuma Suleiman, judge for Awash Woreda**

Fatuma Suleiman is the judge for the Awash area. This is the first time her court is issuing adoption related papers. Twenty five files (adoption cases) were brought to her from Addis and she was asked to issue the necessary court

papers. For these cases, she issued the documents as requested, but since then has instituted the following processes.

Ms. Suleiman clarified the process in the area with respect to relinquishment of children. Checks are conducted to ensure that the parents are the actual biological parents. To do this, the parents appear at the Kebele office with 4 witnesses. All swear on the Bible or the Koran that they are telling the truth. If the parents cannot care for their children, they write a letter/statement confirming their circumstances. If the child has no parents, the child's circumstances are verified in the Kebele with 4 witnesses. If child has no mother, a similar verification process takes place in the Kebele with 4 witnesses. If the child is abandoned, the child is referred to the police who will call up witnesses from the community. The police make efforts to look for the child's parents. While this is going on, usually a volunteer in the community will care for child.

When asked what birth records exist in the area, Ms. Suleiman indicated that church records exist and some exist in the municipality, however there are problems with the integrity of the records. She indicated the adoption agency can be asked to obtain birth certificates/records from the city administration and have them certified by the local court. Ms. Suleiman indicated she does not provide any counselling to the parents who are relinquishing their children as she does not consider this to be the responsibility of her court.

\* \* \* \* \*

#### **SNNPS State, City of Sodo Zuria**

**Pawlos Werku, Support/Rehab officer, Wolayta Zone Administrator's office, Sodo Zuria SNNPS Southern Nations Nationalities and People's State.**

Pawlos Werku is the Support/Rehab officer for the Wolayta Zone Administrator's office in Sodo Zuria Wereda Council. He has worked in this position for the last year. [REDACTED]. Pawlos Werku and Woldetsadik Djatana are the only two people authorized to sign documents in the Wolayta Zone Administrator's Office in Sodo.

B6

The Wolayta Zone Administrator's office deals with the following issues: social welfare, handicapped, unemployed, children, families, women, elderly, social hazards – prostitutes, beggars and street kids and addicts.

Within the last 3 years, there were a lot of problems in the Sodo area as the local administration employees dealing with adoption issues did not have the necessary qualifications to work in this field. There were also allegations that local orphanages were bribing families to relinquish their children. Parents were given empty promises and did not know where their kids were going. The local administration went through a BPR – Business Process Reengineering process

in the last year. This has improved the situation and involves more monitoring by MOWA. More research is also being done on the orphanages.

The process for children being referred for adoptions falls into two categories:

- 1) Abandoned children are referred to the police
- 2) Parents unable to care for their children are referred to the local court

The parents relinquishing a child are referred to the Kebele. The Kebele verifies that the parents are unable to care for their child. A letter is then issued by the Kebele and the case is referred to the Kebele Social Court. Three witnesses are brought by the parents to the Kebele Social Court. If the case is approved, the required documentation is issued. The original documentation from the Kebele Social Court is provided to the local court in the area and one copy is provided to the Wolayta Zone Administrator's office. The local court (woreda court) will issue the necessary local court order. At that point, the children are referred to the orphanages and the Zone Administrator's office is also advised. If a child is abandoned, the police refer the child temporarily to an orphanage. If the orphanage cannot care for the child, the police contact the Zone Administrator's office who in turn contacts MOWA. The Wolayta Zone Administrator's Office has dealt with more than 200 cases a year.

Parents used to estimate the age of their children; now, birth certificates are issued by the Kebele using hospital documents or a statement from 3 witnesses.

There following orphanages operate in the Sodo Zuria area and are regulated by the Zone Administrator's office about 3 times a year.

- Children Cross Connection
- Moses Children's Home
- Kingdom Vision International
- Foundation for Children's Hope
- HIDOTA for Children's Hope
- BETHZATA Children's Home Association
- Special Mission Community Based Development.

Children can sometime remain in the orphanages up to the age of 18 years. The adoption program exists where no institutional care is available. The Wolayta Zone Administrator's Office provides no counselling to parents giving up their children to clarify that ties to their children may be severed. The orphanages apparently do provide some counselling to the parents.

**Visit to the local Kebele – Alemu Dadebo, Kebele Chairman for next 2 years (5 year term) and Daniel Dawana, Kebele manager (permanent position)**

A visit was conducted to one of the Kebeles in the area. The Kebele covers an area of about 3 km. There are 31 Kebeles in Sodo Zuria.

The Kebele Chairman was asked to clarify the role of the Kebele with respect to children being relinquished by parents. The Chairman stated that if a person indicates they are unable to support their child, a visit is made to the person's home to check their claim. The Kebele will also talk to 3 witnesses from the neighbourhood to support the parents' claim. At that point, a Kebele statement is issued about the situation and the matter is referred to the Kebele social court. The Kebele social court consists of people elected by the community in the area.

**Site visit to Kingdom Vision International (KVI), Sodo Zuria; Manager – Solomon Soal**

As the manager was not available, a meeting was held with Andu Alem Godana, the project officer for KVI. KVI in Sodo has been open since August 2009. KVI has been operating in Addis, in Adama/Nazareth and in Woleyta for 2 years. A new KVI orphanage will open in Dowro Zone, Tercha town, 127km away.

There are 18 people working at KVI (6 nannies, 2 cooks, 1 cleaner, 2 guards, 3 social workers, 1 project officer, 1 nurse and 1 accountant). There are currently 13 children in KVI who are orphans from the Woleyta zone in the process of being adopted. KVI has dealt with 93 adoption cases since they opened. KVI works with the local Kebele doing social work projects. When the Kebele has a child to be referred, they will refer them to KVI.

KVI operates a sponsorship program with funding from an adoption agency. They currently have a 2/3 year agreement which started in DEC2009. The project is to sponsor 200 children who live with their parents (there is a poster on the wall with the pictures of the 200 children being sponsored in this project). The sponsorship program helps pay for books, supplies, education, clothes and shoes. The building they are located in is being rented and the adoption agency pays a percentage of the rent.

KVI was evaluated by MOWA in June 2010 but they have not received the results of the evaluation. KVI also underwent a financial audit by the government in Addis. A copy of the KVI flow chart explaining the adoption referral process was provided for reference.

\* \* \* \* \*

**OROMIA region Adama Nazareth**

There are currently two Women's and Children's Affairs Offices in Adama, one services the city of Adama (Adama City Administration Women and Children's Affairs Bureau) and one deals with the Adama region (the Oromia Regional Government Women's and Children's Affairs Bureau, which includes 44 Kebeles, including the city of Wonji).

### **The Oromia Regional Government Women's and Children's Affairs Bureau**

The contacts in the Oromia Regional Government Women's and Children's Affairs Bureau are Kokkabee Lamaa Wandinkum, Gizachew Letta and Marta W/Semakat. Adoption cases used to be dealt with by the Workers and Social Affairs Department. When a child was referred to an orphanage, the paperwork would involve documents from the local court, the Ministry of Workers and Social Affairs, the Regional Oromia Office then to the Federal Court process in Addis.

Currently, adoptions are being dealt with by the Oromia Regional Government Women's and Children's Affairs Bureau. Abandoned children are initially referred to the local hospital for a health check. A social worker is involved at this stage. Letters to the Oromia Regional Government Women's and Children's Affairs are provided by the police and by the hospital. The child is then referred to the appropriate orphanage. The Child's Life History form is completed and the case is referred to the Oromia Regional Government Women's and Children's Affairs office before referral to the Federal Court and to MOWA in Addis.

The Oromia Regional Government Women's and Children's Affairs Bureau work with 7 out of 12 orphanages in area

- 1) World Vision
- 2) Matti Orphanage
- 3) Kid's Care
- 4) Hunde
- 5) Vision
- 6) Segeda
- 7) Faya Orphanage

Orphanages in the area deal with two types of situations: 1) orphanages where support is provided to the parents and the children and 2) orphanages that care for abandoned children. Many children are referred from the city of Wonji due to health issues in area (a lot of HIV+).

The Oromia Regional Government Women's and Children's Affairs Bureau stated they always verify the documents submitted by the Kebele, the Kebele Social Court and the local court. In their view, if child is an orphan, the child should be referred for adoption only if no one is able to care for the child. If the child is partly orphaned, the social workers try to work with the parents to solve their personal circumstances and they provide counselling to the parents.

### **Adera, Almaz and Holy Saviour orphanages**

Both the Oromia Regional Government Women's and Children's Affairs Bureau and the Adama City Administration Women and Children's Affairs Bureau made reference to the three orphanages that were recently closed in the area due to

irregular activities: Adera, Almaz and Holy Saviour. These orphanages no longer have licenses to operate.

Issues associated with the orphanages that were closed included children being referred by persons who were not their biological parents, false witnesses (especially with Holy Saviour), children taken from their parents without their parents' knowledge, forged documentation, parents complaining to the regional government. The orphanages are currently still under investigation. Children at the Almaz orphanage were not being cared for properly. There were 20 children at the Almaz orphanage when it was closed. Some of the children were taken to hospital due to mistreatment. The Adama city Administration officials and police arrested the manager of the orphanage in March 2010 and the manager is being taken to court. The Almaz orphanage had operated in the area for about 9 years.

Verification of any cases linked to the Holy Saviour Orphanage can be requested to determine whether the local paperwork was processed legally. The Oromia Regional Government Women's and Children's Affairs Bureau has a list of all the cases linked to Holy Saviour orphanage in a binder with a notification of whether or not they accept the referral process for the adoption.

**Ifenesh Bayeecha, Adama City Administration Women and Children's Affairs Bureau**

The Adama City Administration Women and Children's Affairs Bureau work with 6 orphanages in the city of Adama

- 1) Selaam Orphanage
- 2) KVI (Kingdom Vision International)
- 3) Kid's Care
- 4) Betazata Women's Association
- 5) Joseph Children's Home
- 6) Orphan, Vulnerable People and Old Women's Association.

The Adama City Administration Women and Children's Affairs Bureau provided for reference the paperwork that is required for cases referred for adoption. The initial contact is between the parent(s) and the Adama City Administration Office. The parent(s) is then referred to the local Kebele and Kebele social court (where 3 witnesses have to support the parent(s)' case). The case is referred to the local court. Documents available include a copy of the parent's ID from the Kebele (sometimes with a picture) as well as the Child History Form with a picture of the child and most times with a picture of the parent(s).

**Site Visit to the Seelam orphanage in Adama**

The manager of the Seelam Orphanage was not available during the site visit to the orphanage. Seelam currently has 26 children, including 19 children from



other orphanages. They work with 3 adoption agencies in Addis but the staff member on duty was not able to name the adoption agencies. Seelam has been in operation for 3 years. Most of the children are from Adama and Wolega. The children are abandoned, orphaned, some partly orphaned and some given up by their parents. The children's ages vary from 2 month old to 7 years old. Seelam has 10 guardians and 2 nurses on staff.

#### **Site visit to the Faya orphanage in Adama**

Information during the site visit at the Faya orphanage was provided by Sintayo Demisse. The owner of the Faya Orphanage is Sister Meseret Demisse. The Faya orphanage has been in operation for 2 years. The main focus of the Faya orphanage is to support HIV+ victims and they are also in referring children for adoptions. There are currently 8 children at the orphanage (4 live partly with them and partly with their parents). The orphanage will soon be relocating as their current location is too small. The only person authorized to sign any paperwork for the Faya orphanage is Sister Beseret.

The Faya orphanage has a license to operate in Adama city. Mr. Demisse mentioned that there is also a location in Ambo but that office is only for administration issues. He stated they transfer children from Ambo to Adama. He indicated there is no Faya orphanage in Addis.

The Faya orphanage has a promissory note with Norway; they receive 3000 to 7000 BIRR per month (= \$188 CDN to \$438 CDN). 20,000 BIRR (= \$ 1,250 CDN) is used for salaries, transportation, court costs. The adoption agency pays for 50% of their food costs. A volunteer came to work at the orphanage for 6 months. Mr. Demisse stated that since support was being provided by the adoption agency, they refer children to them for adoptions. He seemed to imply that if children were provided to the adoption agencies, the orphanage would obtain project funding.

\*\*\*\*\*

#### **Meetings and site visits in Addis Ababa**

##### **Site visit to the Federal 1<sup>st</sup> Instance Court Records Office (File Room)**

A request was made to view 16 adoption files to compare the records in the court file with the records in CIC's files. The files in the File Room are not all in numerical order, there are piles of random adoption files piled waist high. The adoption files are transferred from Bole (where the Judge presiding over the cases is located) once the adoption process is complete.

The court adoption file contains the following documents (from the top of the file down):

- 1) A letter from MOWA approving the adoption (issued before the adopting parents go to court).
- 2) Various letters from the orphanage and adoption agency explaining they are authorized to operate and represent the adopting parents; a statement indicating the adopting parents have the necessary income; a formal request to the court to review the adoption case and a request to the court for 4 copies of the court documents.
- 3) Copies of the adoption agreement in English and Amharic.
- 4) Copies of the Child's Life History Form in English and Amharic.
- 5) 20/25 pages of the adopting parents' history in Amharic (income, police clearances, adopting parents ID, etc...). All this information appears to have been translated from original English documents.
- 6) Various local documents from Kebeles, local courts, local MOWA offices or equivalents
- 7) Child Life History Form. There is a picture of the child and occasionally a picture of the parent relinquishing the child if there is a parent.
- 8) A copy of the identification of the representative from the adoption agency and others if applicable.
- 9) Another series of documents about the adopting parents.
- 10) The Adoption Statement/Agreement from the adopting parents to provide information about the child at 5 month, 8 month, 12 month and every year afterwards until child turns 18. This agreement is with MOWA.

Although quite a few discrepancies were identified in the adoption case files, the Federal 1<sup>st</sup> Instance Court still issued the adoption orders.

#### **Site Visit to the Federal 1<sup>st</sup> Instance Court Registrar's Office**

After a court order for an adoption case has been issued, the Registrar's Office sends a cover note with the adoption file to the Ethiopian MFA requesting that the MFA certify the documents.

The issue of the discrepancies identified in some of the court files was raised with the Registrar's Office. The initial response received was that once a court order is issued, the only way to correct anything in the court file is to go to the Federal Court of Appeal. The Registrar's Office finally agreed to arrange a meeting with the Federal Court judge processing the adoptions cases so the concerns regarding the discrepancies could be raised.

Some of the discrepancies included:

- 1) The father of the child appeared in court in Addis but  (from the DUWAW orphanage in Awash) is listed as the mother on the Kebele statement

B6

- 2) The letter from MOWA recommending the adoption refers to the father to appear in court when the Child's Life History Form indicates the father is deceased
- 3) Case of children from Ambo being referred to an orphanage in Adama
- 4) Several of the Child Life History Forms appear to have been made "in house" and do not match the copies obtained from the local court file
- 5) One of federal court files had none of the local court documents on file.

#### **Site Visit to the Ministry of Justice Document Authentication and Registration Office**

Information Booklet No.2 issued by the FDRE Ministry of Justice Documents Authentication & Registration Office indicates that the procedure required for a translation to be certified includes the translator providing an affidavit stating that translation is true and correct, the translator providing a specimen of his/her signature and the translator providing a copy of the original document being translated and the translation of the document.

The person who stamps the document as a certified translation does not necessarily speak or understand English or verify the correctness of the translation. The office itself is a very crowded office with people literally shoving papers on the person's desk for approval while someone else is being dealt with. There was no opportunity to meet with the Head or Deputy Head of the section to determine what procedures exist if errors or mistranslations are identified.

#### **Site visit to the Translation office YESHIMEBET TESFAYE & FAMILY**

Most translation offices in Addis are located in small one room offices at the Stadium Building. The offices are full of computers and people working on translations. The owner of the YESHIMEBET TESFAYE & FAMILY Translation Office was not available but a discussion was held with one of the free lance translators. He stated his full time job was as a journalist. He claimed that most of those working as translators had university degrees, but the degrees were not translation degrees. The owner of the company reviews the translations for quality control and goes to the Document Authentication & Registration office at the Ministry of Justice to have the documents certified as true translations.

#### **Meeting with Judge Rehela Abasse**

A short meeting was held with Judge Rehela Abasse at the Bole court house. The discrepancies in the court file documents discovered by comparing the documents in CIC files and the copies of documents received during the field investigation were presented to her for her comments. She acknowledged the errors, but also stated that the only way changes could be made to the court order was through an appeal process at the Federal Court of Appeal. Judge Abasse indicated that her office depends on MOWA's recommendation letter and

she is assuming that MOWA has conducted the necessary verifications of the documents. She stressed that her court had a huge work load of adoption cases and the court was under a lot pressure to process adoption cases quickly.

The court currently has no computer records but these are being planned in the near future. She also stated that it is very rare for an adoption case to be refused at the court level. Further to a request to clarify the difference between the Adoption Agreement and the Adoption Statement, she indicated that the Adoption Agreement is between the adoption agency representing the adopting parents and the orphanage and the Adoption Statement is a MOWA requirement between the adopting parents and MOWA. (At the conclusion of the meeting with the judge, the waiting room (which was empty on arrival at 8:30 a.m.) was full mainly of foreigners).

**Conclusions:**

As a result of recent high profile media reports on adoption irregularities in Ethiopia and pressure from the international community in Addis, it appears that MOWA has made attempts to be more vigilant in the manner they process international adoptions. It is not clear though if and what document verifications MOWA conducts on the adoption cases that they approve and forward to the Federal 1<sup>st</sup> Instance Court for the issuance of the adoption order.

The Judge at the Federal 1<sup>st</sup> Instance Court in Addis is now aware of the discrepancies in some of adoption court files. This raises the question though as to how many other adoption files contain errors and/or omissions.

As a result of the field investigation, there is now a better understanding of what documents should be in an adoption file and the authorities and obligations of the adoption agencies, the orphanages and the local authorities.

Drafted: Taitu Deguefé, MIO NROBI  
Approved: Michael Boekhoven, IPM NROBI  
September 8, 2010