

Hague Convention Country Alerts – Updated September 2013

China

On January 1, 2006 the People's Republic of China officially joined the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*.

Domestic Adoptions Completed by Chinese Citizens - If you are a Chinese citizen and a resident of British Columbia considering adoption from China please be advised of the following:

- The China Centre for Children's Welfare and Adoption (CCCWA) does not become involved in adoptions for Chinese citizens who are also BC residents because they consider these adoptions to be domestic instead of international adoptions.
- Please be advised that without the explicit approval of CCCWA to these domestic adoptions, the British Columbia Central Authority will not issue the necessary documents to Citizenship and Immigration Canada regarding the adopted child's entry into the province.

Relative Adoptions – If you are considering adopting a relative, please be advised of the following:

- CCCWA has stated relative adoptions are complex and may take time because the Chinese Central Authority has to obtain documents from the authority in the community in China where the child resides.
- These documents are necessary in order to ensure that the relationship is genuine and the adoption is taking place in the best interest of the child.
- Relative adoption applications follow the same procedures as all other intercountry adoptions and must go through CCCWA for the final approval.

In either domestic or relative adoptions, the British Columbia Central Authority works with the CCCWA and the Canadian federal authorities to ensure that the intercountry adoption processes meets the legal requirements of both countries.

Cambodia

Effective February 27, 2002, the British Columbia Central Authority placed a moratorium on facilitating adoptions from Cambodia.

In March 2003, the Canadian federal authorities expressed concerns that the legal and procedural framework in Cambodia regarding international adoptions is open to abuse and does not offer the safeguards necessary to carry out international adoptions. These concerns included such matters as the buying and selling of babies, the ease with which documents can be procured, and the prevalence of bribes within the system. In addition, the Cambodian Government has concerns of trafficking in women and children including for the purpose of adoption.

On August 1, 2007 Cambodia officially joined the *Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption*. In December 2012 the Permanent Bureau of the Hague Conference on Private International Law advised Central Authorities that although Cambodia is in the process of strengthening its child welfare system and improving intercountry adoption procedures, it does not yet have fully functional convention process in place.

Until the Cambodian adoption authorities have a functioning Convention process in place, the moratorium on adoptions remains in effect.

Guatemala

Effective October 25, 2001, the British Columbia Central Authority placed a moratorium on facilitating adoptions from Guatemala.

On November 26, 2002 Guatemala joined the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*. This law came into force in Guatemala in March 2003 and procedures in line with the Convention were implemented in March 2003.

In July 2003 the Government of Canada, with the unanimous support of the provinces/territories raised an objection to Guatemala's accession to the Hague Convention, thereby allowing the Government of Guatemala sufficient time to incorporate the standards and requirements of the Convention into its adoption procedures. (The Netherlands, Germany and Spain also objected to Guatemala's accession.) Once these measures are put in place, the Government of Canada will review its objection with a view to having it withdrawn.

The Canadian Embassy in Guatemala reports that the conditions which led to the suspension of adoptions in 2001 continue to exist, and issues of child trafficking continue to arise. Given that Canada has raised an objection to Guatemala's accession to the Convention, Article 44.3 of the Hague Convention prevents the facilitation of intercountry adoptions between the acceding state (i.e. Guatemala) and the Contracting state (i.e. Canada).

Until the Guatemalan adoption authorities have a fully functioning Convention process in place, the moratorium on adoptions remains in effect.

Georgia

Effective November 3, 2003 the British Columbia Central Authority placed a moratorium on adoptions from the Republic of Georgia.

On April 9, 1999, Georgia joined the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*.

A domestic law in Georgia permitted lawyers to arrange private adoptions, however these lawyers are not licensed or accredited under the Hague Convention to arrange intercountry adoptions. Privately arranged adoptions contravene the Hague Convention. Throughout Canada, there have been reports of irregularities with these privately arranged adoptions.

The Canadian Embassy, the Department of Foreign Affairs and International Trade (DFAIT) and the Ministry of Justice have confirmed that the Government of Georgia is not able to comply with the Hague Convention at this time. DFAIT has recommended that no new applications to adopt children in Georgia be approved until their Central Authority can be involved in all adoption cases. Legislation has been signed by the President of Georgia which effectively terminates private adoptions by foreigners. The Ministry of Education in Georgia has also initiated improvements to the existing adoption legislation which would include implementation of the Hague Convention.

Until the Georgian adoption authorities have a fully functioning Convention process in place, the moratorium on adoptions remains in effect.