

Adoption Conference 2016: Treaty body reporting



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UNCRC Process

- UNCRC – Family Environment and alternative care (groupings): covers (eg) periodic review of placement; foster care; temporary placement in CYCs and adoption
- Report of December 2014 acknowledged ‘low’ numbers of adoption relative to children in need of permanent care
- Gave figure of 2200  per annum between 2001 and 2010, 10% being ICA

CRC process

- Table 27

- **Number of child adoptions per adoption–type Year**

	<i>Local adoption</i>	<i>International adoption</i>	<i>Total</i>
• 2003/04	1,886	308	2,194
• 2004/05	1,994	232	2,226
• 2005/06	2,120	203	2,323
• 2006/07	2,055	260	2,315
• 2007/08	1,682	231	1,913
• 2008/09	1,150	218	1,368
• 2009/10	2,605	293	2,898



CSO report (Consortium)

- Par 139 relates to adoption:
- “There is uncertainty regarding the Register for Adoptable Children and Adoptive Parents (RACAP) procedures. The purpose of the register is to facilitate matching available adoptable children with prospective adoptive parents. It is not clear whether every adoptable child and adoptive parent must be placed on RACAP or only if they cannot be matched. Whether placement on RACAP is mandatory is significant as the time periods prescribed for children placed on RACAP may significantly delay the conclusion of an adoption.”



CSO report (consortium)

- Only South African citizens or permanent residents may be placed on RACAP as prospective adoptive parents.⁸⁸ This prevents foreign citizens who are working in South Africa on valid permits from adopting children.
- Considered/presented in February 2016



CSO report

- “The statistics provided in Table 26 of the CPR are outdated and do not reflect the sudden
- decrease in adoptions that occurred in 2010 when the Children’s Act came into operation. This drop in adoptions between 2010 and 2012 and the low adoption rates in subsequent years are concerning given the high number of orphans (approximately 3.36 million in 2013)”



Annexure 7

The number of child adoptions in South Africa per financial year

Year	Local Adoption	International Adoption	Total
2009/2010	2605	293	2898
2010/2011	2236	200	2436
2011/2012	1426	194	1620
2012/2013	1522	177	1699
2013/2014	1236	212	1448

Source: Department of Social Development: Adoption register



List of Issues (11 March 2016)

- 1) Please also provide information on efforts made to monitor the situation of children in kinship care or adopted through customary adoptions
- 2) Please provide data, disaggregated by age, sex, socioeconomic background, geographic location and nationality, regarding the situation of children deprived of a family environment. Please indicate, for the past three years, the number of children:
 - (a) Separated from their parents;
 - (b) Living in child-headed households;
 - (c) Placed in institutions, disaggregated by the length of placement;
 - (d) Placed with foster families;
 - (e) Adopted domestically or through intercountry adoptions



Response to the LOI

- Q 1= not answered
- Q 2 =Children adopted domestically or through inter-Country adoptions

Financial Year	National	ICA	Totals
2012/2013	1522	177	1699
2014/2015	1401	250	1651

- Source: Adoption Register: National Department of Social Development.

- Note figures not the same as CSO Table



But...

- Not disaggregated by age, gender, disability, relationship (eg stepparent adoption)
- CSO supplementary input which followed 1 August 2016 did not address adoption (but had a LOT regarding kinship care and grants)
- Government presentation of the Report was at the September session



CSO response to govt response (August 2016)

- CSOs are concerned that:
- DSD's difficult bureaucratic requirements for adoption have led to the substantial decrease in the number of adoptions. Administrative delays on the part of DSD result in some children waiting up to six months in alternative care before being placed in a family environment, raising concerns around early attachment.



CSO response to govt response (August 2016)

- Recommendations:
- The DSD policy regarding the Register for Adoptable Children and Prospective Adoptive
- parents should be clarified in law.
- 151. Bureaucratic processes that delay adoptions must be streamlined



CRC Concluding Observations

- Published 26 October
- Par 40(b): “Expedite the revision of the Social Assistance Act aimed at introducing an extended support grant for families caring for orphans, while ensuring adequate and feasible monitoring mechanism”
- Adoption not addressed *per se* in any way
- But many concerns about other aspects concerning children deprived of a family environment



African Charter

- Report considered in 2015
- Concerning adoption:
- “The Committee commends the State Party for the various measures undertaken to improve domestic adoption. The Committee recommends that the State Party to use the *Guidelines for Action on Inter-country Adoption in Africa* in further strengthening its measures in relation to inter-country adoption”.



Hague Convention of 1993

- No reporting mechanism
- Intergovernmental organisation (Council, membership of State Parties)
- 5 yearly special sessions
- ICA 2010 and 2015 (RSA did not attend)
- Working group on illicit practice in Adoption – last meeting October 16th 2016
- Emphasise that national adoption must have the same standards and safeguards as ICA (often less safeguards than



Hague Convention of 1993

- RSA online information dates to 2010, whilst Children's Act was still in the early days of being implemented (eg no accreditation had yet occurred)
- Some regional activity – 2009 and 2015 regional workshops on Hague matters
- Permanent Bureau v keen to extend reach in Africa
- Lesotho, Namibia, Zambia, Swaziland recent signatories



Recommendations

- 1) Adoption must be seen in the context of and as part of the overarching alternative care system (as treaties bodies insist on viewing the system as intertwined)
- 2) Bedevilled to a large extent by unwieldy foster care/kinship care system, and intractable “semi-permanency” of placement in CYCCs
- (Example of study on  Unaccompanied foreign children in care in the Western Cape, 2016)

Recommendations

- 3. Drop in adoption figures since 2010 cause for concern in the context of large numbers of children who are orphaned
- 4. Need for DSD/UNICEF project to implement the UN Guidelines on Alternative Care (2009), as in Malawi and Rwanda?
- 5. Need for investigation into administrative bottlenecks (including DOJ)



Recommendations

- RSA needs to revive leadership role in the region, wrt SADC in particular
- RSA needs to engage fully with the PB and initiatives of ISS
- Such engagement will be welcomed, as RSA is expected to be a continental leader
- Ratification of the 1996 Hague Child Protection Treaty should be urged



Recommendations

- Planning for next reporting cycles should be initiated (ACRWC = 3 year reporting cycle, which means next report is around the corner)
- Improved Data Collection is a key theme throughout Concluding Observations = consider how this might be improved for adoption

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