

Inter-country Adoption Law & Procedures

GENERAL SITUATION OF ADOPTION IN CAMBODIA

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1. Demography

1. The total population of Cambodia was 13,395,682 in 2008 (6,879,628 females). Children below 18 account for 5,487,708. The average annual growth rate of the population is 1.54%.
2. The population density across the country is 75 per square kilometre. Total birth giving by one woman was 3.4 in 2008 (General Demography Census 2008)
3. As of 1993, the gross domestic product increased 4 times from \$2.5 million to \$10.3 million in 2008. During this period of time, the average income per person increased 3 times from \$229 to \$739. The poverty rate dropped from around 50% in 1993 to around 25.8% in 2010.
(National Social Protection Strategy for the Poor and Vulnerable People, 2011-2015)

2. History of the inter-country adoption

- Adoption was allowed since before civil war (before 1975).
- The adoption was resumed in 1987 after civil war.
- The subject to be adopted are infants, orphans, homeless children, and street children.
- Most of the adopters (from 1987) were staff members of the international organizations, diplomats who were on their mission in Cambodia.

3. Inter-country adoption in Cambodia

i. Inter-country adoption process and procedures

1. Ministry of Social Affairs, Veterans and Youth Rehabilitation
(Child Welfare Department).
2. The Council of Ministers (final decision).

ii. National and international regulatory instruments

1. The decision of the Council of Ministers, No. 79 SSR 23/06/1987.
2. The Law on Marriage and Family, 1989.
3. The Convention on the Rights of the Child.
(old procedures before 2012).

4. Increase of adopters

A. Increase in foreign adoption

- Over the past 30 years, the number of families from wealthy countries wanting to adopt children from other countries has grown substantially. There was also growing of the interest of foreign citizens to adopt Cambodian children . Those countries include France, America, Canada, Australia, and Germany.
- Most of adopters believes that Cambodian children behave gently and have good conduct.
- Cambodia is the country that has good custom, tradition and culture.
- Since 2003, US, France, Switzerland, Netherlands, Finland and the UK imposed moratorium on Inter-Country Adoption from Cambodia.

5. Challenges

- Shortcoming of adoption system.
- Collusion between adopters and orphanage staff.
- Brokers.

6. Prevention of the shortcoming

Cambodia has taken actions to improve adoption situation through:

- Cooperation with the Ministry of Foreign Affairs and International Cooperation.
- Cooperation with the Ministry of Interior and the Council of Ministers.
- recommendations to the Royal Government to postpone the adoption so that new system can be arranged.

7. New changes in the inter-country adoption procedures

I. Sub-decree No. 29 ANKrBK 14/03/2001.

II. The Hague Convention

- Acceded to the Hague Convention on 22 January 2007.

III. The need to have the adoption law

- Promulgated on 3 Dec 2009

The Law on Inter-country Adoption governs:

- Principles,
- Conditions,
- Procedures,
- Formality, and
- Establishment of mechanisms, and
- Effect of inter-country adoption.

8. Children adopted by foreigners

- 1998-2009: 3,560 children were adopted
- 2009-2011: 190 children were adopted (dossiers left before the passage of the new adoption law).

The adoption has been postponed until April, 2013:

- Preparation of formalities/procedures in compliance with national and international standards.
- Cooperating with Unicef and Hague Permanent Bureau experts (developing procedures and relevant legal documents).

9. Preparation for the implementation of the new law on Inter-country Adoption

- Preparation of *Prakas* on:
 - The Organization and Functioning of the Central Authority and Inter-country Adoption Administration
 - Designating the composition of the Central Authority Committee
 - Procedure for authorizing the inter-country adoption agency
- Training: Agents, Representatives, and other technical people.
- The implementation of the new law will start in April, 2013 (original plan was to implement the new law in January, 2012).