

Report on Visit to the Philippines, Thailand and Vietnam

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Philippines

Overview

One of the most significant findings of the delegation was the determination by UNICEF that intercountry adoption in the Philippines was solid and robust and that no concerns had been brought to the attention of the UNICEF office in the last three years. What was particularly striking is the fact that the two senior representatives stated that the intercountry adoption system in the Philippines was regarded by their office as a model of international best practice. Such is the standing of the intercountry adoption process in the Philippines it has been requested by the Hague Conference to mentor Ethiopia in its attempts to ratify the Hague Convention. In fact, Bernadette Abejo, the Executive Director of the Philippines Intercountry Adoption Board is to Chair the Special Commission of the Hague Conference in June 2015.

The Chairman and CEO were left in no doubt that UNICEF holds the intercountry adoption process in the Philippines in the highest of regard and a model country for those countries seeking to develop a robust intercountry adoption framework.

Intercountry Adoption Process in the Philippines

The Chairman and CEO had a lengthy meeting with the Executive Director of the Philippines Central Authority and her senior staff member with responsibility for Ireland. It was a very productive meeting with all issues considered.

Irish Issues

The Irish delegation raised the legal significance of abandonment in Ireland given the fact that the adoption would be a domestic Irish adoption. The threshold for abandonment in both jurisdictions is essentially equivalent. Several compromises were agreed that would align the adoption law of Ireland and the Philippines. For example, the Philippines agreed to consider using the Irish consent forms in relinquished cases to mirror Irish domestic adoption law. In summary, it was agreed by the Philippines to mirror consensual Irish adoption law to obviate the necessity of a High Court application in Ireland.

Field Visit

The delegation visited Hospicio de San Jose which is the oldest catholic welfare institution in the Philippines. It was a very impressive and well run community with over 120 staff and 100 volunteers. You were left with impression that children were very well cared for and every effort was made to assist them reach their full potential. As of 12 December, 25 adoptions had been concluded.

Action

An administrative arrangement is to be drafted to underpin the compromises reached following the visit.

Thailand

A meeting with the newly appointed Ambassador took place to identify issues for consideration. The delegation then met with the Director General of the Adoption Service which is housed under the Department of Social Development and Human Security.

A three hour meeting explored issues to both Central Authorities. It was agreed that these issues might be addressed in an administrative arrangement. Many issues were issues that had previously arisen with the Philippines.

There are 2 categories of adoption as follows:

- 1.1 Abandoned children whose biological parents were unidentified.
- 1.2 Consent

The second form of adoption covers the child whose biological parents give consent.

Field Visit

The delegation visited Pakkred babies' Home. The children in the home become available for foster care in the first instance, then for domestic adoption and only for intercountry adoption as a last resort. Respite care in the home enables many families to cope with children with special needs.

UNICEF

The delegation met with the three senior UNICEF representatives for Thailand. The office reported significant improvements in the child protection system. In particular, it was noted that a more systemic approach to child protection was emerging following the commencement of new legislation.

Action

An administrative arrangement is to be drafted to underpin the compromises reached following the visit.

Vietnam

Summary

The first day of the Vietnam programme comprised meetings with Ambassador Damien Cole and the Embassy team to review progress to date on intercountry adoption.

This was followed by a meeting with Dr Binh, Director General, Department of Adoption to review progress on the implementation of the Administrative Agreement on intercountry adoption.

The afternoon commenced with a meeting with the Vice Minister of Justice.

The day concluded with a meeting with the UNICEF Chief of Child Protection Ms Le Hong Loan. She referenced big improvements in child protection in Vietnam while stating that significant challenges remained. For example, domestic adoption has been considerably increased over the past three years. In 2013, more than 3,000 children were domestically adopted. The legal framework has been strengthened to better protect the rights to protection from neglect, abuse and exploitation. Next year, Decree 136 will provide a new framework for foster care.

The delegation also visited Trung Tam Bao Tro Xa Hoi III social protection centre outside Hanoi. It catered for young babies and older people.

Analysis

UNICEF noted that intercountry adoption decreased after the reform of the adoption system in Vietnam starting from 2011 to December 2014. One notable feature now is the adoption of children with special needs. Indeed, over 50% of cases are children with special needs.

Domestic adoption

Another promising development is the fact that domestic adoption has considerably increased over the past three years. As noted above, more than 3,000 children were domestically adopted in 2013. This is significant given the fact that only 350 children became available for intercountry adoption. Of the 350 children available for intercountry adoption, 300 children had medical conditions.

Cooperation on intercountry adoption

Vietnam has renewed or signed bilateral agreements on child adoption with 13 countries including France, Switzerland, Denmark, Italy, Ireland, Belgium, Canada, Spain, Germany, Norway, Sweden, USA and Luxembourg. Cooperation is being discussed with Australia and Malta. .

Adoption agencies

37 adoption agencies operate in Vietnam. Of these, 13 countries have received licences for operation in Vietnam: France (6), Switzerland (1), Denmark (2), Italy (7), Ireland (1), Belgium (2), Canada (5), Spain (6), Germany (1), Norway (1), Sweden (1), USA (2) and Luxembourg.

Adoption database

UNICEF has helped the MOJ to develop a database on children requiring intercountry adoption and adopted children. It aims to provide important information on adoption to support decisions such as the number of adoption agencies to be licensed, number of adoptable children, information on adoption cases etc.

Capacity building on child adoption management

A number of training manuals have been developed to assist with the implementation of the 1993 Hague Convention. Training courses have also been provided for key stakeholders including social welfare officers, police and care staff in social protection centres.

Pending developments

The Law on Protection, Care and Education of Children is currently being amended to mirror the rights in the Convention on the Rights of the Child.

The emergence of alternative care in Decree 136 will greatly enhance the practical operation of the subsidiarity principle. This will lead to a more comprehensive child protection system.