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**International Reference Centre for the
Rights of Children Deprived of their Family
(ISS/IRC)**

EARTHQUAKE IN HAITI: INTERCOUNTRY ADOPTION CASES

As in every dramatic event that affects a country, the question about the intercountry adoption of children arises again in the Haitian context.

In this regard, ISS / IRC first recalls that, in general, international adoption should not take place in a situation of war or natural disaster, given that these events make it impossible to verify the personal and family situation of children. Any operation to adopt or to evacuate children that are victims of the earthquake to another country must be absolutely avoided, as was the case during the 2004 tsunami.

However, the intercountry adoption situation in Haiti highlights a new problem: what response should be given to the multiple adoption dossiers which were in the process of being finalised before the earthquake? As of today, some receiving countries have announced their intention to 'freeze' all pending adoptions due to the present incapacity of the Haitian authorities to follow the required procedures. Yet other receiving countries have already planned to launch evacuation missions for children as quick as possible and in this situation, ISS/IRC would like to reiterate the following points.

Given the actual state of the country, the transportation of relief supplies of basic necessities is extremely difficult due to the congestion of different channels of communication and transportation (in particular, the airport at Port au Prince). Mobilising forces in this emergency context should focus on meeting the needs of the greater majority. All initiatives that involve an additional burden to the existing relief efforts should take place later, to give priority to current operations focusing on basic needs.

Regarding the adoption of children, a difference must obviously be made between those who have been declared adoptable and those for whom an adoption order (judgment) has been delivered. For children where matching has occurred and there is an adoption order (judgment), the transfer of these children to their adoptive families could be considered under the following conditions:

- 1) identification of the child and his/her location is secured by the necessary safeguards, particularly through copies of his/her dossier lodged in the receiving country, personal data is stored appropriately;
- 2) the psycho-social adoptability of the child (ie ability to be adopted) is re-evaluated, considering the trauma s/he might have suffered (emotional shock, physical injuries, etc.);
- 3) it is established that the child's dossier is complete and that the adoption order (judgment) has been delivered;
- 4) the diplomatic representatives of the concerned receiving countries are able to verify the actual identities, adoption dossiers and alternative care conditions of the children;
- 5) the Haitian authorities are duly informed and involved in the finalisation of the adoptions in question.

For children who do not meet these conditions, no action should be undertaken at this point to accelerate the adoption procedure. It is important to remember that for sometime, intercountry

adoption in Haiti has been subject to numerous serious concerns owing to the lack of guarantees and transparency. Where the necessary safeguards are not available, intercountry adoption should be suspended until the reinstallation of the administrative and judicial systems in Haiti.

The ISS / IRC, stresses that the abovementioned conditions require time to be fulfilled and they can not be undertaken in an urgent manner. Moreover, these children are currently experiencing extreme stress so that a sudden shift to a new country and a new family can have a psychological impact that is impossible to measure. According to the Guidelines developed by the United Nations High Commissioner for Refugees (UNHCR), the evacuation of such children or their temporary placement in families abroad is also traumatic. It is considered as an added disruption to the injury already suffered by the child. In the emergency phase, the efforts of the authorities of affected countries, international organisations and NGOs should focus on providing basic protection to the child (eg: accommodation, food, medical, emotional and psychological attention, education) that is as close as possible to the daily living conditions and any regrouping should be with other familiar children or adults.

Finally, ISS / IRC reminds receiving countries in charge of intercountry adoptions to consult each other as well as UN agencies and NGOs in order to develop a unified approach to this problem in order to avoid conflicting decisions and poor initiatives.

Well aware of the difficulties and suffering that the earthquake has caused, ISS / IRC presents its deepest sympathy to the Haitian community and acknowledges, the difficult situation of parents involved in an ongoing adoption. Nevertheless, we invite various actors involved in intercountry adoption to exercise restraint and reflection in managing the current crisis and avoid giving emotional responses to a sensitive issue such as the adoption of these children.

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