

*Handwritten notes:*  
The report  
is under review

THE ROYAL NETHERLANDS EMBASSY IN BANGKOK

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INTERNATIONAL CHILD ADOPTION  
IN CAMBODIA

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A SITUATION REPORT

May 2003

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## 1. Background information

In April 2003, The Royal Netherlands Embassy conducted a review of the situation of international adoption in Cambodia. The mission comprised consultations of over sixty well-informed individuals and professionals in Bangkok and Phnom Penh, as well as visits of orphanages in Cambodian provinces. The document contains also recommendations drawn from this review.

This report is considered timely, at a time indeed when a number of countries (still authorising adoption in Cambodia) are currently contemplating a suspension, as well as when drafts of major legal instruments relevant to adoption are to be reviewed very soon (notably the drafts of the Adoption Law, the Penal Code and the Civil Code).

## 2. General current situation

International adoption in Cambodia has repeatedly been the focus of much media coverage, and the subject of human rights investigations, prompting the Cambodian government to declare moratoriums on adoption. The last moratorium was lifted upon the issuance, in March 2001, of a sub-decree that was aimed at regularising adoption in the kingdom. Unfortunately, the latter did not change much of the situation and was obviously insufficient to stop an "industry" that is now well established and keeps growing up. Allegations of baby selling continue unabated. These reports followed by ad hoc investigations by concerned organisations and embassies, prompted a number of countries to decide the suspension of adoption in Cambodia, and notably the USA and France, the two main countries from the Demand side (see 3. *Other countries' positions*, on page 11).

Cambodia would gravely suffer from countries' decisions to suspend adoption given the tragic AIDS outbreak in the country. The latter is expected soon to swamp the social services and the traditional social system by a wave of tens of thousands of AIDS-caused orphans<sup>1</sup>. International Adoption will be one of the possible ways to cope with this tide.

Allegations of baby selling and trafficking are *widespread*, but it is impossible to assess the exact magnitude of the problem. Given the type of crime, the socio-economic status and/or literacy level of the victims, as well as the weak existing referral system (to which these victims could turn to), only few cases reach the attention of human rights investigators<sup>2</sup>; but they seem to represent only the visible side of the iceberg. The mission did not conduct formal and thorough investigations per se, due to its a tight timetable and mandate.

The fact that thorough investigations – whenever they could be conducted – have often confirmed the allegations, seems to indicate indeed that the extent of the problem is important, and does require serious attention.

The lack of transparency in the system provides the necessary screen for corrupt practices to take place within ministries, but also for so-called "adoption facilitators" to exploit the adoption "market" for their sole profit.

<sup>1</sup> It is estimated that, in a near future, the AIDS epidemic will orphan some 140,000 children in Cambodia. Out of these, some 70,000 may be reintegrated in the extended families; a few more placed in institutions; but the rest may end up in the streets. There is therefore urgency on that matter.

<sup>2</sup> Birth parents who have been tricked by "adoption facilitators" to sell their child are most of the time from the lowest socio-economic stratum, with a very low level of literacy. They do not know their rights, and/or where to file a complaint. Finally, they may also be ashamed of having sold their baby and would not dare to confess it to anybody. All this makes referral to the proper authority difficult and leads to a very poor reporting level.

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In other words, the current official adoption system in place (see *The current procedure in place*, p.4) has insufficient safeguards to prevent serious abuses, such as baby selling and baby trafficking, and to protect birth and adoptive parents.

Yet, Cambodia has all interests to improve its adoption system and see repeated reports of abuses in the kingdom disappear from the international media coverage.

### Conclusion:

The current situation of international adoption in Cambodia can be qualified as extremely worrisome.

## 2.1. The current procedure in place:

### 1.1.1. The procedure as it is established officially, and ... as it is in reality:

The official procedure in place in Cambodia for International adoption is enshrined in a Sub-Decree n°29 dated 14 March 2001, that describes the main steps and the different ministries involved. The three institutions in the circuit are the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MoSALVY), the Ministry of Foreign Affairs (MFA), and the Council of Ministers (CoM). The Ministry of Justice is not part of the procedure<sup>3</sup>

(see also the charts on the next pages)

The official procedure and system in place	In reality, the risk is this to happen...
A child is orphaned as a result of his/her parents' death or of abandonment.	There is a growing number of orphans in Cambodia due notably to the AIDS outbreak, but in the Adoption circuit, reports have demonstrated that children are also bought (20-100 USD) by "adoption facilitators" from very poor parents.
The person who found the baby, reports to the next authority. The latter is due to investigate (and seek the parents) before to send him/her to the orphanage. He/She must write a report on the finding and subsequent investigation.	In case of a flawed adoption circuit, the "facilitator" brings the child to orphanage directly. Then to speed up the process the child's picture and a doctored history of the child is posted on the web to attract prospective parents.
The orphan is found and brought to the orphanage by hospital officials, police chief or Chief of village.	In the case of a trafficked baby, the latter arrives directly to the orphanage and "facilitator" or accomplice orphanage director "arranges" for the paperwork to be signed by the required local officials (mainly chiefs of village). Some private "centres for adoption", at the beginning of their business, have had also their first children transferred straight from State orphanages.
If after 3 months of intense investigation, and public announcement, there is still nobody to claim for the child, a <i>Certificate of abandonment</i> is issued with the official signing as a witness.	The investigation is most of the time very loosely conducted, if any. The public announcement is equally neglected or posted at some places where people can hardly see it. Naturally in cases of trafficking, both procedures are either skipped or conducted in a way

<sup>3</sup> At one stage, some prospective adoptive parents attempted to skip the MoSALVY and MFA by processing their adoption dossier through the courts of justice. This prompted an official reaction from the MFA expressed in a letter to all diplomatic missions (MFA/098 dated 20 Jan. 2003) clearly forbidding this involvement of the courts in the adoption process.

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	that renders them totally useless.
Officials provide and sign the required documents, such as the <i>birth certificates, certificates of abandonment, death certificates</i> of genuine orphans' parents.	In Cambodia, an average of only 22% of the children are registered at birth <sup>4</sup> . Amazingly enough, all babies for adoption dispose of a birth certificate. Official documents required for adoption are widely known to be doctored.
If the child is still at the orphanage after 3 months without any parents claiming for him, the director of the orphanage sends a letter to MoSALVY so that the child can be registered in the list of "adoptable" children.	In case of flawed adoption circuit, adoptive parents are already identified, the child's date of arrival at the orphanage is antedated by the director so that the child is immediately available for adoption upon arrival. Indeed, prospective parents are often sent the child's dossier by the "facilitator" before even the child is in the official MoSALVY list of orphans. Once adoptive parents have expressed interest ("hooked"), the facilitator will "arrange" with MoSALVY officials the immediate entry of the child in the list of "adoptable" children, and the "matching" of this child's dossier with these particular adoptive parents' dossier.
The MoSALVY has a list of all registered orphanages licensed for adoption.	This list is hardly available. The criteria for registration and licensing are not clear since there are currently no official <i>minimum standards</i> defined <sup>5</sup> . It reportedly all depends then on the under-the-table payment for a Centre to obtain its registration and license. There are also a number of unregistered places that keep babies until such a time where clients are identified. These undisclosed homes are "protected" against control and competition from other adoption agencies.
The MoSALVY monitors and inspects the orphanages on a regular basis (reportedly 3 times a year).	Monitoring and Inspection are reported to be very irregular, weak, and highly tainted by corrupt practices. Sub-standard institutions can then pass the mark if they pay substantially.
Adoptive parents prepare their dossier according to both their country's and Cambodia's requirements.	Occurrences where parents' dossiers are incomplete are frequent. The psychological and social assessments are not always conducted by qualified and properly licensed professionals. It has been noted frequently that parents that have had their dossier rejected elsewhere are taking another chance in Cambodia where the rules are known to be more easily bent.
The prospective adoptive parents send their dossier to their embassy (covering Cambodia, either in Bangkok or in Phnom Penh) so that the latter, after checking it, forwards it to the Cambodia MFA.	Many prospective parents in the past have bypassed their embassy and dealt directly with each ministry, and each desk officer involved. They may otherwise arrange to have that done by a local "adoption facilitator". The lack of time and the strong urge to get the child makes the "facilitator's intermediary" an interesting option to many parents.
The Ministry of Foreign Affairs checks that the adoptive parents' dossiers, forwarded by their embassy, is complete and in conformity with Cambodian regulations. If the dossier is deemed incomplete it is sent back to the prospective parents' embassy.	Some officials may use the dossiers to establish their own "prioritisation". To review, for instance, the parents' revenues declaration helps to prioritise the "best children" to be matched. The revenue details of the parents may also serve as a basis of calculation for the "unofficial fee" that will be requested from them/their facilitator.

<sup>4</sup> Ministry of Health / UNICEF Health survey 2000. 22 % is an average, but discrepancies between provinces are huge (i.e Svay Rieng 54.2% while Kampong Speu 0.6%)

<sup>5</sup> UNICEF is currently working with MoSALVY on the establishing of Minimum Standards of care and services for orphanages. Meanwhile, inspections -- whenever they do take place -- are done using a simple checklist.

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The MoSALVY compiles a list of all "adoptable" children in the orphanages throughout the country, and matches each individual dossier with that of adoptive parents (coming from MFA).	The matching is done often upon the prioritisation system cited above. Moreover, some children are already "booked" from the very first day they arrived at the "orphanage". The matching is done at MoSALVY... with "facilitation" (see above).
MOSALVY gives to the parents the list and addresses of orphanages. Parents go to visit them, and choose a child by themselves. They come back with a letter of motivation, containing the names of the child and of the orphanage. The Adoption Bureau then writes a letter to the orphanage asking to prepare the dossier.	In reality, often parents know their prospective adopted child <u>before</u> even arriving in Cambodia, in breach of all regulations. The process can still be followed however just for the sake of having the paperwork done in order.
The Council of Ministers checks the whole dossier and authorises or not adoption ("at the discretion of the Cambodian Government [Prakas]").	There is no indication of what could be the criteria for acceptance or not, but as an adoptive mother puts it: "the higher the informal fee, the faster the processing".
The whole adoption procedure should follow this official circuit as detailed in the sub-decree.	Some parents have tried to by-pass the procedure by registering adoption through the courts of justice. This prompted an official reaction from the MFA expressed in a letter to all diplomatic missions (MFA/098 dated 20 Jan. 2003) clearly forbidding this involvement of the courts of justice in the adoption process.
The whole administrative process at the ministries is officially, free of charge. Although donation is encouraged in the process [Prakas].	Parents spend reportedly between 5,000 and 20,000 USD in the whole process, although it is believed that the biggest chunk goes more to the "facilitators" than to ministry officials or orphanages.
No "Mediator" is allowed in the procedure <sup>6</sup> .	In practice numerous agents are acting as "adoption facilitators", in very unequal manners: some are agency duly licensed by their foreign country to process adoption, some are registered as Cambodian NGOs, some are benevolent foreign staff processing adoption out of compassion, and some are acting as "free lance" for-profit "facilitators".

Attached in the annexes are illustrative Charts of the system:

Chart 1 details what are the various requirements both for Cambodia and the adoptive country for the different protagonists.

Chart 2 shows how this requirement is actually fulfilled (the reality)

Chart 3 displays the official flowchart of the procedure as stipulated in the adoption sub-decree.

Chart 4 shows some of the many loopholes the current adoption procedure suffers.

Chart 5 presents a "typical" flawed adoption procedure resulting from baby trafficking.

#### Conclusion:

The current procedure suffers numerous loopholes. It is tainted with much corrupt practices, and is consequently enforced very loosely. The draft law on adoption currently under preparation will reportedly transfer the whole process to the MoSALVY.

The weakest link of the process is that of the reception of the child at the orphanage. The process is nothing else than a paperwork in which a few dollars to local officials will suffice to obtain fake *Certificates of Abandonment*, *fake Birth Certificate*, or else. The consequence of this flaw in this particular step of the process is immense for, this is where/when the orphan status of the child is

<sup>6</sup> Ref. MFA letter No 1740, MFA-IC/CD dated 31 August 1999, as well as the Art. 10 of the Sub Decree "Delivery of orphan baby or child shall not be allowed to any intermediary agent".

determined. When this step is flawed the chances for "baby trafficking" and "baby selling" are extremely high.

What appears is that MoSALVY officials have diverted efforts to seek foster cares, in-country adoption and other alternatives to the processing of International Adoption. International Adoption has become the prime option considered for orphans. This is in flagrant breach with the *Convention on the Rights of the Child* ratified by Cambodia (see *Legal issues* below), and with the *Hague Convention*.

Moreover, studies have also showed that even in case of good local foster care, the shift from fostering to in-country adoption is extremely difficult, due to poor legal mechanism. International Adoption has also spoiled the "market" for local Cambodians who would also want to adopt<sup>7</sup>. Since competition already exists among foreign prospective parents, it is all the more difficult for local Cambodians to compete.

The "adoption facilitation" is currently totally unregulated and uncontrolled.

## 2.2. Current legal framework for adoption in Cambodia

Adoption has always been a common practice in the Cambodian culture, where, in case of death of one or both parents, the extended family or neighbours would take care of the child/children. There is however no formal system for intra-country adoption. Adoptions in Cambodia have been regulated only by a few articles (108-114) of the *Law on Marriage and the Family (Section IV: Adoption)*<sup>8</sup>.

International Adoption was officially stopped in Cambodia in 1991, although the Government began to allow some adoptions again in 1997. In 2001, the Royal Government of Cambodia decided to further regulate "*the Adoption of Orphan Baby or Child by a Foreigner*" with *Sub-decree N. 29 ANK/BK (March 2001)*. Nowadays, the Bureau of Adoption and all competent Ministries admit that this instrument is the only one currently applied in the adoption process. Yet, it has proven to be insufficient to ensure careful and responsible international adoption, and unable to control abuses.

A number of good developments are nevertheless currently taking place, that should soon provide significant improvement in the adoption legal framework, notably the drafting of three major legal instruments:

- The drafting of the **Adoption Law** by MoSALVY assisted by UNICEF, largely inspired by the "*Hague convention*" and the *Convention of the Right of the Child*.
- The drafting of the **Cambodian Civil Code** assisted by the Japanese Co-operation, and in which a number of articles refer specifically to adoption.
- The drafting of the new **Penal Code** of Cambodia assisted by the French Co-operation, which contains articles on trafficking as well as other articles that can be invoked in case of flawed adoption.

<sup>7</sup> And there are reportedly many Cambodians who are willing to adopt children, according to well-informed sources.

<sup>8</sup> NA of State of Cambodia, 17/07/989, 17th session of the first legislature.

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In addition to this existing local framework and these legal instruments soon to come, there are also a number of **international treaties, conventions and protocols** which Cambodia has ratified, accessed or signed<sup>9</sup>, some having force of law, and that can also be invoked in cases of flawed adoption<sup>10</sup>.

Out of all the International Treaties already ratified by Cambodia, one is particularly relevant to adoption, the *UN Convention on the Rights of the Child*.

1.1.2. The United Nations Convention on the Rights of the Child

The Convention on the Rights of the Child was ratified by Cambodia on 15 October 1992 with no reservations. The Convention is legally binding for the signatory country. The Convention was incorporated into the Constitution of the Kingdom of Cambodia (1993) both implicitly and explicitly. Under Art. 131 of the Kingdom of Cambodia Constitution, all laws and decisions by governmental bodies must strictly conform to the Constitution. Without a contrary ruling from the Constitutional Council, the Convention can therefore be considered part of the domestic law and the provisions enforceable in court.

The Convention includes standards for alternative placement of all children and mandatory measures for detection and reporting of incidents of neglect and abuse. It expresses the need to consider the best interest of the child and to allow child participation in decisions, which effect him or her.

Art. 21 of the Convention, stipulates that "*States Parties that recognize and/or permit the system of adoption shall ensure that the best interest of the child shall be the paramount consideration*" and they shall give certain guarantees. States Parties, which allow national (intra-country) and/or international (inter-country) adoption, must develop legislation that provides sufficient regulation of the procedures. Art. 21 (a) specifically requires that competent authorities authorize all adoptions. Investigations should be conducted to ensure that the child's best interests are adequately evaluated and the family of origin is willing to give genuine consent to the adoption. Children who are of age to give their opinion should also be consulted, and adoption should proceed only following their consent. Article 21 (b), (c), (d) state that inter-country adoptions may be considered as an alternative means of childcare under certain conditions, but should only be authorized when the child cannot be suitably placed in his or her country of origin. Article 21 (d) obligates States Parties to ensure that all appropriate measures are taken to prevent "*improper financial gain for any individual involved in the process*".

The most appropriate treaty to fulfil the States Party' obligations for the Child's Rights Convention is the *1993 Hague Convention on the Rights of Children and Co-operation in Respect of Inter-country Adoption* (commonly called "*the Hague Convention*"), as the latter expands upon the rights included in Art. 21 of the Convention.

1.1.3. The Convention on the Rights of Children and Co-operation in Respect of Inter-country Adoption (29 May 1993) (The Hague Convention).

Cambodia has not yet ratified it.

It is therefore highly recommended the Royal Government of Cambodia to ratify and implement the Hague Convention since the principles inspiring the Convention are precisely those currently missing

<sup>9</sup> See list of these instruments in annexes (prepared by LICADHO).

<sup>10</sup> Credit: the following part is largely extracted from a text prepared by Martina Cannetta, from CIAI Cambodia. CIAI is an Italian NGO originally created by a group of adoptive parents willing to promote good regulations of international adoption, so as to prevent abuses.



in Cambodia (notably, the defence of the *best interests of the child*, and the necessity to consider *Inter-country Adoption only as a last resort*).

Among other advantages, the Hague Convention would also render obligatory the establishing of a **Central Authority on Adoption** in the country, which equipped with the proper check and balances, would constitute a major breakthrough in the adoption system in Cambodia (see further below).

#### Conclusion on the legal framework:

- A strong law on adoption (rather than a sub-decree) should be passed soon to properly regulate adoption. The law should be largely inspired from the *Convention of Rights of the Child* and the *"Hague Convention"*. Prior to its finalisation, the draft law should be shared for comments, sufficiently in advance, to all interested and competent Civil Society groups.
- Cambodia should ratify the *Convention on the Rights of Children and Co-operation in Respect of Inter-country Adoption* (The "Hague Convention") at the earliest possible date.
- Civil Society groups, interested and competent in adoption matters should be consulted to finalise the respective drafts of the Penal and Civil Codes, and the latter should be passed and enforced in due time.
- "Adoption Facilitation" should be clearly defined and regularised in the law.

### 2.3. The law enforcement issue.

While awaiting the appropriate *adoption law*, the adoption-related articles in the new Penal Code and the new Civil Code, there are still a number of difficulties and offences that could be prevented if at the very least the current legislation was enforced. Naturally, the preparation of these very laws will only make sense if they are likely to be enforced afterwards.

Yet, Law enforcement remains very weak, as it all depends on unmotivated and low-paid civil servants. The system is then reported to be frequently hampered by corrupt practices at all levels. The well-known pattern of "culture of impunity" in Cambodia is patent in this area too.

Long and thorough investigations by the LICADHO and by the US embassy special Task Force have confirmed this situation. Prosecution and trials of human trafficking cases have been widely tainted with corruption leading to the dropping of the charges. The few people nowadays behind bars for child trafficking or baby-selling are not believed to be the main masterminds.

The situation has led to sub-standard institutions processing adoptions without proper monitoring and control, and "adoption facilitators" operating with no proper competencies nor licensing, yet "instructing" Civil Servants on what to do with adoption dossiers. Good Law Enforcement should include orphanages registered and licensed for adoption only if *minimum standards* of cares and services are respected. If they are not, the defaulting institution should be sanctioned and/or subsequently closed. To afford this policy, *minimum standards* should be defined as soon as possible, passed and adopted<sup>11</sup>.

No "facilitator" should get involved in any adoption cases unless duly registered following a clear accreditation system based notably on competence and accountability. The current legislation with regard to "adoption facilitation" (sometime called "mediators" or "intermediary") is to the least, "confusing" or to the most, totally unrespected. This leads to a current legal *no-man's land* where everybody interprets "adoption facilitation" his/her own way. The new adoption law should clearly

<sup>11</sup> MoSALVY and UNICEF are currently working on these *Minimum Standards*.

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specify the role, if any, of the adoption facilitators, their selection criteria, and their mandate. Facilitators should be made accountable.

Genuine investigation should take place, as per the official procedure, to seek the true history of the child. Any forging of documents by officials should be sanctioned by disciplinary action and/or prosecution.

Conclusion:

Problems encountered in the field of adoption can as well be considered as just one of the many expressions of the lawlessness and "culture of impunity" in Cambodia.

Basic law enforcement in the adoption process would already greatly improve the situation. It would for instance most likely eliminate the occasional offenders and discourage potential new ones. Serious report of abuses should be systematically investigated, and if proven, followed by prosecutions and arrests. Trials and effectively enforced sentenced should take place under the tight scrutiny of concerned embassies.

#### 2.4. Cost, payments and bribery.

Out of the sixty persons interviewed, none could ever assert what was the cost of an adoption in Cambodia. There is indeed no official tariff stated. In fact, adoptive parents do pay, sometime a lot, throughout the entire Cambodian adoption circuit, but the money disbursed is not accounted for.

Given this "informal" system, it is very difficult to assess the real cost of an adoption in Cambodia. This is all the more difficult that it varies with the adoptive parents' revenues, the ministry official involved, the dossier's status, the urgency... and each protagonist's ethics. As a rule of thumb, and as an adoptive parent puts it: *"the highest the bribe, the faster the process..."*

As a mere indication only, it appears from various reports that adoptive parents would pay:

- To MFA: between 2,000 to 4,000 USD (which is said to be send to "some funds for children")
- To MoSALVY: at least a "voluntary donation" of a minimum of 500 USD that is supported by a bill (the only official bill reported<sup>12</sup>).
- To CoM: several hundreds USD?
- To adoption "facilitators": the most difficult to assess, as this varies greatly pending on whether it is an official licensed facilitator, or a private for profit one. It also varies very much on the revenues of the adoptive parents (US parents are reported to be the most heavily charged, double of the French, for instance): it may range from 2,000 to 20,000 USD).
- To orphanage ("voluntary" donations): between 800 to 3,000 USD
- Another way to count is also by the desks. Excluding the cost of the facilitator, at ministry levels, parents have reported having to pass through some 16 steps (desks) in the adoption circuit, with reportedly an average of 100 USD paid at each desk.
- Translation and Legalisation of documents at MFA: approx. 150 USD (circa 19USD/doc)
- Legalisation of documents by embassy (varies by the embassies): approx. 12USD/doc (with bill)
- Medical examination at a private clinic (sometime with bills) 70 USD
- Laboratory tests (HIV, Hepatitis ABC) at Pasteur: 170 USD (with bill)
- To this, one has to add the travelling documents and tickets for the child, the visa-related expenses and the passport.

<sup>12</sup> It is actually not a "Receipt" per se, but an official "Thank You" letter specifying the amount donated.

An approximate total ranges from between 5,000 USD to 20,000 USD.

Some facilitators have repeatedly explained to government officials that it would be normal to charge (a reasonable price) for the administrative paperwork required, but that this needed due receipt. To no avail. They were repeatedly answered by MoSALVY officials "There is a law that forbids us taking any money which benefit is intended to children..."<sup>13</sup>

#### Conclusions:

This lack of transparency and accountability is a constant problem throughout the government circuit of the adoption process.

With regards to donations: there is a growing trend by orphanages to consider adoption as one of the main source of funding. This is becoming an even more worrisome trend when some orphanages are turned into mainly "adoption centre", living exclusively on adoptive parents' donation. This puts openly children's life and survival at stake. It seems indeed rather irresponsible to expose the lives of children to the uncertainties of irregular, hypothetical and unaccountable source of funds. The closing down of such "Adoption Centres" should be seriously considered.

Moreover, the fact that more and more genuine orphanages see adoption as a good source of funds for survival constitutes an incentive for International Adoption over any other local alternatives. It also promotes the market and – once removed the last moral hesitations - trafficking.

### 3. Other countries' positions.

The RNE conducted a local consultation of the diplomatic missions (embassies and consulates) in Cambodia and Thailand. A general picture of the various countries' positions is in the annexes.

There is no common position among the diplomatic missions, with some countries still processing adoption (Belgium, Italy, UK, Singapore), some processing *partially* (Canada, for instance, where only the Quebec province still processes adoption, while all other Canadian provinces have suspended adoption from Cambodia), others have suspended adoption until the system provides sufficient safeguards (US, Finland, France, Netherlands, Sweden, Switzerland), and some are currently contemplating a suspension (Germany, Spain). Finally, a last group of countries that have received no requests for adoption (never or long ago), and consequently have not had the need to formulate a position on adoption in Cambodia to date (Austria, Greece, Portugal).

Despite this apparent lack of unanimity, it appears that those countries usually proceeding the largest quantity of adoption dossiers -- and have subsequently most knowledge of the situation (they may even have investigated cases<sup>14</sup>) -- are precisely those countries that have suspended adoption (USA and France notably).

Given the current worrisome situation of adoption in Cambodia, and the involvement of adoptive parents as well as foreign "adoption-facilitators", there is a need for a continued pro-active involvement of embassies in monitoring very tightly the process.

<sup>13</sup> Although it is not really clear what these officials refer to here, one may consider that it relates to art. 21 (e) of the *Convention of the Rights of the Child* that stipulates that "the placement does not result in improper financial gain for those involved in it".

<sup>14</sup> This is especially the case of the US with the establishment of a Task Force that thoroughly investigated some 200 dossiers of adoptions (see more in annexe).

#### 4. Recommendations

Despite the complexity of the problem, there are a number of recommendations that can be drawn up from this mission:

- The Kingdom of Cambodia should ratify the *1993 Hague Convention on the Rights of Children and Co-operation in Respect of Inter-country Adoption*.
- The drafts of the *Law on adoption, the Civil Code and the Penal Code* should be reviewed by all interested and competent professionals and Civil Society organisations, signed and enforced.
- As long as a proper institution with suitable checks and balances is not established, **Embassies should continue a tight monitoring of the situation** and address the government whenever issues arise in the adoption process involving their nationals.
- Much more emphasis should be put, both in the law and in the procedure, on the **identification of the birth mother**. More thorough investigation should be systematically conducted to ensure the **orphan status of a child**. Moreover, only eligible children should be proposed to parents for adoption by the "facilitation" agencies, and never before such eligibility has been duly proven.
- Given the very bad reputation the judiciary system suffers in Cambodia, suggestions that the adoption *administrative procedure* be re-placed by a *judiciary procedure* was discarded.
- A set of *minimum standards* of care and services should be established and used as criteria for licensing of orphanage, for adoption processing, and for inspection.
- In line with the *Convention for the Rights of the Child* and the *Hague Convention*, efforts should be made so that International Adoption is considered only as **the last resort** rather than the main stream option. More emphasis should be put by the MoSALVY on fostering, alternative cares, and in-country adoption<sup>15</sup>.
- There should be a clear policy on "adoption facilitators" taking into account expertise and accountability.
- The establishing of a **Central Authority** (as required in the Hague Convention) is highly recommended. The latter would function both as a Resource Centre and a Clearinghouse (see *Special Recommendation* below).
- There should be a clear **definition of what an "orphan" child is in Cambodia**. According to the present Law, a child may be adopted even if he has parents, as long as they give their approval (sometimes forcibly or treacherously<sup>16</sup>).

<sup>15</sup> Some interesting works are done by UNICEF/MoSALVY, and other promising related experiences by WVI, as well as by *Servants* could be good sources of inspiration for larger scale implementation and policy orientation. *Servants* has reportedly established a Community network through which some 400 orphans are now taken care. Ref. the "UNICEF Case study of Fostering & Kinship Care", *Servants HALO Project*"

<sup>16</sup> With regard to the Abandonment Status of the child, the current requirement is deemed inappropriate. In Cambodia, a letter of agreement by the parents or guardian – as there is no Registry Office – suffices to send a child for adoption. No further documentation nor level of control is requested. This leaves open the door to much abuses. Not to mention that parents – often illiterate – are barely informed, if at all, of the consequences of their signature on such a letter.

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 ROYAL NETHERLANDS EMBASSY IN BANGKOK - SITUATION REPORT ON ADOPTION IN CAMBODIA
 

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- Adoptive parents should be made aware of the risk they run in getting involved in unlawful activities (such as the 2 to 3 years of jail for the "making and the use of counterfeit documents". Ref. Penal Code)
- Finally, there should be a consistent record keeping of all adoption dossiers, including of the history of each child that should not be kept at the orphanage only.

#### 1.1.4. Special recommendation: the creation of an adoption "clearinghouse" in Cambodia.

Asked on how to better control the adoption procedure, most interviewees came up with or supported the idea of the creation in Cambodia of a kind of special "clearinghouse" on adoption. The latter would indeed afford tackling with a number of difficulties encountered in the processing of adoption at a time. One of the key-point of the suggestion was to put this clearinghouse under the direct monitoring of both the RCG and foreign embassies involved in adoption in Cambodia, since it concerns both Cambodians (birth parents, baby, facilitators, officials) and foreign nationals (adoptive parents and facilitators). The Clearinghouse would be staffed with Cambodian and foreign expert staff who would process the adoption dossiers. They would conduct spot visits of orphanages, and investigate suspicious cases. They would be accountable to the RCG. The tariffs of all services by this Clearinghouse would be transparent, and receipt delivered on all services paid. Modalities will need further discussion.

## 5. Conclusion:

In conclusion, it appears clear from this work that International adoption in Cambodia is still deeply tainted with unlawful and corrupt practices and that it suffers from a general lack of transparency. Although no fixed amount of money has ever been raised by the interviewees, it has been widely reported (including by adoptive parents themselves) that the adoption process involves a lot of money, mostly unaccounted for. Adoption has therefore turned into such a profitable business for some individuals, that the risks for a foreign agency – including qualified government-licensed agencies – to get unwillingly involved in baby selling and human trafficking are very high.

The current legal framework, official procedure, and law enforcement situation do not provide indeed the safeguards necessary to carry out international adoptions in manners that would protect the interests of the children, the biological parents, or the prospective adoptive parents.

## Annexes

- Flow charts of the Adoption system in Cambodia
  - Chart 1. The requirement in the current Adoption Procedure
  - Chart 2. The Current Adoption Procedure in Cambodia – The Reality
  - Chart 3. The Current Adoption Procedure in Cambodia (official Flowchart)
  - Chart 4. Some of the loopholes in the current adoption procedure in Cambodia.
  - Chart 5. A "Typical" Flawed Adoption Procedure Resulting From Baby Trafficking.
- The USA position
- A deceived adoptive parent's testimony and subsequent reaction
- List of persons interviewed for the purpose of this report
- Position of individual countries on adoption in Cambodia
- List of International Treaties signed by Cambodia

ROYAL NETHERLANDS EMBASSY IN BANGKOK - SITUATION REPORT ON ADOPTION IN CAMBODIA

Ministry of Social Affairs  
Phnom Penh

# THE REQUIREMENTS IN THE CURRENT ADOPTION PROCEDURE IN CAMBODIA

(As stated in Sub-Decree n° 29 of 14 March 2001, ministries mandates and letters)

## THE CHILD

- Must be less than 8 years old.
- Must have lived in the orphanage over 3 months.
- Must have a birth certificate delivered by a local Authority official
- Must have a medical certificate by a licensed doctor.

## Orphanage

- Must be a MOSALVY-registered orphanage and specially authorized for adoption.
- Must conduct thorough investigations and public announcements to ensure the orphan status of the child.
- Sends name of child as "adoptable child" for the MOSALVY list only once status is clearly determined.
- Must take care of children who are not adoptable.

## Embassy of the Adoptive Parents

- According to Sub-Decree, disassembled imperatively pass through adoptive parents' embassy before to be processed by Cambodian Government ministries.
- Embassies must legalize all documents.

## Ministry of Social Affairs... (MOSALVY)

- Monitors and inspects all orphanages of the countries.
- Delivers registration upon fulfillment of minimum standards.
- Enters adoptable child in list only once orphan status of child is well determined through a serious investigation.
- Does not receive any payments until the exception of official fees supported by receipts.

## Ministry of Foreign Affairs

- Checks that the Adoptive Parents' dossier is complete and respects all requirements.
- Does not receive any payments with the exception of official fees supported by receipts.

## Council of Ministers

- Takes the decision in the "best interest of the child".

## THE ADOPTIVE PARENTS

- Dossier's requirements include:
  - The special form filled in
  - A letter authorizing adoption by country competent authority
  - A report on marital and family status by licensed agency and an officialized by competent ministry
  - Copy of birth certificates
  - Copy of marriage, or divorce or death certificate
  - A medical certificate
  - A psychological report by government licensed expert
  - Police report
  - Proofs of good behavior
  - Declaration of revenues
  - A letter certifying commitment for the future well-being of the child
  - Recent ID pictures (within 2 months)
  - A declaration committing to send to MOSALVY yearly reports on the child until he is 18
  - Copy of the passport
  - A note from the bureau certifying the documents.
- According to Sub-Decree and subsequent letters from MFA, parents must pass by their respective embassy

## LEGAL TIMELINE (Days)

Parents Agency + Embassy

Embassy + Parents

# THE CURRENT ADOPTION PROCEDURE IN CAMBODIA - THE REALITY

(As testified by interviews and investigations)

## THE CHILD

Some children are put on the MoSALVY list immediately upon their arrival at the orphanage (date falsified).  
Birth certificates are often doctored.  
Sick orphan children (HIV) in true need, are rejected by "facilitators", as they are out of the "market".

## Orphanage

The MoSALVY-registration system is weak and regularly flawed. Minimum standards of care are not met.  
The "orphan" status determination of the child is very often flawed. Investigation "neglected".  
The eligibility for adoption of children in the list of MoSALVY "adoptable children" is very questionable.  
Some Crimes are "adoption specific" and would not take care of other orphans.

## THE ADOPTIVE PARENTS

Some parents do not hesitate to falsify information to meet requirements (Age, status, etc)  
Psychological evaluation is not always conducted properly.  
Many parents by-pass their ambassadors in the process and arrange directly with Cambodian ministers' officials.  
Parents often receive photos and dossier of the child from "facilitators", before registration of the child in MoSALVY.

## Embassy of the Adoptive Parents

Some embassies are by-passed by their nationals (adoptive parents). Some cannot check the dossier thoroughly (shortage of staff, time, specialised skills)

## Ministry of Social Affairs... (MOSALVY)

Monitoring and inspection of orphanages is very weak, and complacent with rule-breakers.  
Registration delivered to Centres that actually do not meet minimum standards requirement.  
Unfit adoptable child is list without thorough investigation, hence absolute guarantee of the child real "optimal" status.  
Fees asked are rarely augmented by receipts

## Ministry of Foreign Affairs

Criteria to accept and prioritize Adoptive Parents dossier may not be that of "the best interest of the child", but rather others such as the Adoptive parents' requests (as stated in their dossier), and, hence, their potential contribution to the "Fees" (with no receipts)

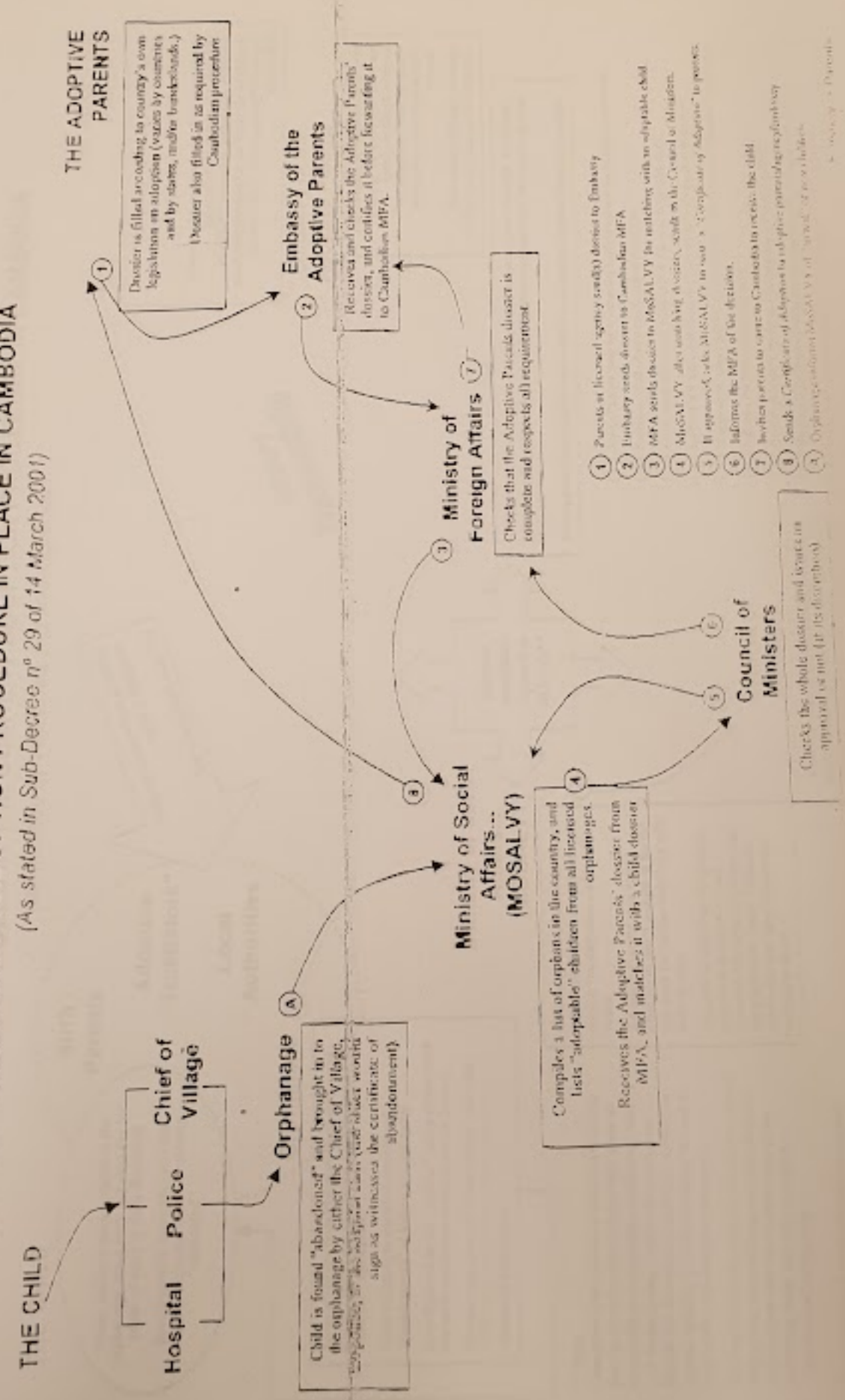
## Council of Ministers

Decision taken "at the discretion of the Government"



# THE CURRENT ADOPTION PROCEDURE IN PLACE IN CAMBODIA

(As stated in Sub-Decree n° 29 of 14 March 2001)

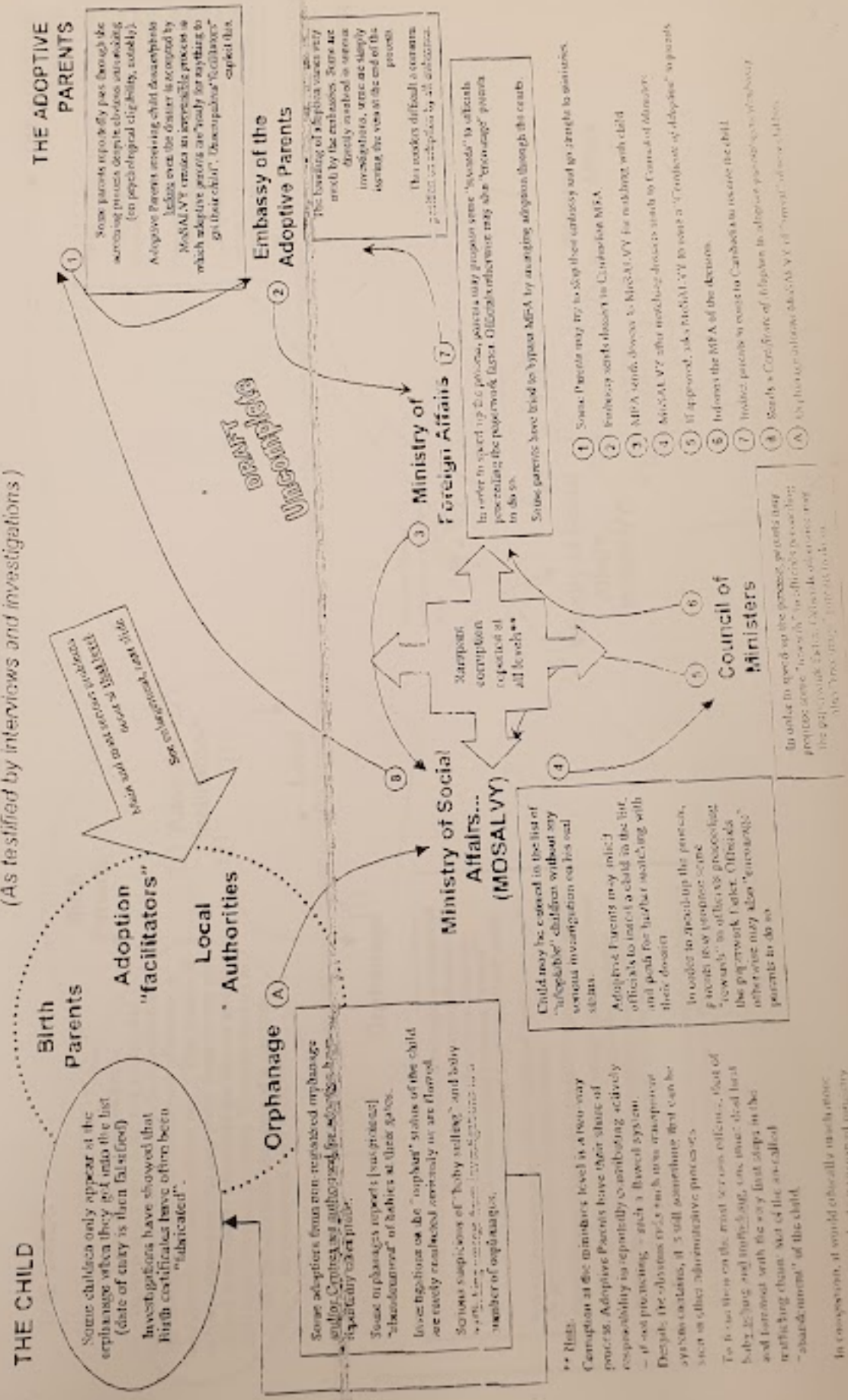


LEGAL TIMELINE (Days)

Parents + Agency + Embassy

# SOME OF THE LOOPHOLES IN THE CURRENT ADOPTION PROCEDURE IN CAMBODIA

(As testified by interviews and investigations)





## 6.2. The USA position

### The Adoption Process in Cambodia - An Update

*(The following remarks were made on February 6, 2002 by Catherine Barry, the Managing Director of the Office of Visa Services, Bureau of Consular Affairs, Department of State, to Congressional staffers interested in Cambodian adoptions.)*

We share your deep concern for the children and families who have been caught up in the problems associated with the adoption process in Cambodia.

We will share with you today our assessment of the overall situation in Cambodia. What is that assessment? Two points.

- First, there is serious criminal activity associated with Cambodian adoptions that includes baby selling and baby abduction.
- Second, the legal and procedural framework of Cambodia regarding international adoptions is seriously flawed and does not offer the safeguards necessary to carry out international adoptions in a transparent manner that protects the interests of the children, the biological parents, or the prospective adoptive parents.
- We are absolutely convinced that the suspension announced by BCIS Commissioner Ziglar on December 21 was the right thing to do and must remain in force. State and BCIS are in full concurrence on this point.
- The U.S. cannot be involved in perpetuating a system that creates a market for children.
- Cambodian Government officials have shared with us their assessment that Cambodia is incapable of preventing baby theft and baby selling and they support the suspension.

Let me tell you how we arrived at our assessment of the situation in Cambodia.

- State and BCIS put together a team, a task force, and sent them to Phnom Penh. We believe that we put together a team fully capable of handling this complex issue. The leader, Phyllis Covin of BCIS, has significant experience in complex migration issues to include legal issues, interagency coordination and overseas operations. The BCIS OIC in Bangkok is also part of the team. For State, our Consul General serving in Bangkok with 20 years experience in consular work largely overseas is helping. The State Dept. fraud prevention manager serving in Bangkok is part of the team as are several mid-level consular and BCIS officers serving in the region. The US Ambassador in Cambodia, Ambassador Wiedemann, has provided essential assistance and leadership.

What did this task force do? The mission of the task force was to look at the legal and procedural framework in Cambodia to see how adoptions were being handled.

The mission of the task force was not to investigate individual adoption agents, facilitators, or orphanages. The task force looked at the big picture.

Ambassador Wiedemann and our Special Task Force met with a broad range of Cambodian officials to include social welfare officials, legal experts, foreign ministry officials, immigration officials and the national police.

The task force went beyond Cambodian government circles and spoke to a range of organizations to include UNICEF, IOM, UNHCR, and local NGOs.

In brief, this is what we learned. These are our conclusions about the defects in the Cambodian adoption regime. I want to stress that we are not simply reiterating the viewpoint of any single institution.

- Cambodian law limits adoptions to abandoned, as opposed to relinquished, children. In fact, it is illegal under the current Cambodian law to relinquish a child.
- To work around this legal impediment, adoption agencies and facilitators in Cambodia routinely made false claims that children were found abandoned in local villages, with the birth mothers being unknown.
- We have reason to believe that facilitators have been able to get the paperwork for these "abandoned" children through the Cambodian system by paying significant bribes. The facilitators charge thousands of dollars for these services, very little of which goes for official fees or the bona fide cost of care for the children.
- Baby selling. We conclude that this is a significant problem and one that was clearly acknowledged by senior Cambodian officials. Facilitators and orphanages persuade mothers to relinquish their children in exchange for small (usually \$20-100) payments. For the sake of comparison, keep in mind that the per capita yearly income in Cambodia is only \$240.
- Cambodian law is silent on the issue of offering money to persuade mothers to make their babies available for international adoptions - a fundamental incompatibility between Cambodian law and international standards.
- Is there baby abduction? We conclude that there is. There are some confirmed cases of this and in fact one mother who was actively looking for her child found her child with the help of US consular officials among the children identified for adoption in the US.

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- How does this happen? Cambodian law and procedure does not ensure that children offered for adoption are genuine orphans. Children acquired in such manner are not "orphans" under U.S. law, nor under the Hague Convention on Adoptions - the international standard to which the U.S. and many other nations subscribe.
- In fact, rather than focusing on their law, the Cambodian government relies heavily on a sub-decree from its executive branch as its primary source of adoption procedures. This sub-decree focuses on qualifications of foreign adoptive parents, and does not prescribe procedures and guarantees to ensure that the child is an orphan.
- What constitutes a final adoption? Our view is that there is widespread misunderstanding of what actually constitutes the final adoption process in Cambodia.
- Parents are being matched with children by facilitators before the parents travel to Cambodia, in apparent violation of proper Cambodian legal procedure. Published regulations call for matching a particular child with the adopting parents only after the parents arrive in Cambodia, following receipt of a Foreign Ministry letter passed through the US Embassy.
- The letter many parents have received has been widely mistranslated to indicate that the adopter is final and they are legally responsible for a specific child. In fact, BCIS and State separately asked independent professional translators to prepare English translations. They determined that the letter states that the Council of Ministers agrees to authorize a particular individual to take a particular orphan to raise as their adopted child in the U.S. The letter announces an interim step.
- U.S. officials recently verified with senior Cambodian officials that the adoptions are not complete until the parents travel to Cambodia and receive the child from the proper authorities.
- Once the prospective parents arrive in Cambodia, the Cambodian officials have the right to stop the adoption and/or identify a different child. We know of cases where in fact US parents received a different child once they arrived in Cambodia. In these cases, we understand that the prospective parents concurred in the last minute change.
- Where do we stand now? Let me again reiterate our position that a suspension is the right thing to do.
- On January 17, 2002, Ambassador Wiedemann delivered a demarche to Cambodian Government officials in Phnom Penh, informing them of the reasons for the BCIS suspension and indicating that the U.S. would like to work with the Cambodian Government to establish international adoption procedures that will adequately protect birth parents, adoptive parents and children in conformity with both Cambodian and U.S. adoption law.
- This message was repeated on January 18, when Acting Assistant Secretary for Consular Affairs Wayne Griffith delivered the same demarche to Cambodian Embassy officers in Washington.
- We have asked the Cambodian Government to take two immediate steps. First, cease immediately the issuance of adoption invitation letters to American citizens. And second, suspend the approval of final adoption decrees for all cases in which an invitation letter has already been issued to American citizens.
- The Government of Cambodia informed our Embassy in Phnom Penh that it has ceased the issuance of these documents. We await formal, written confirmation from the Cambodian government.
- The response of senior Cambodian government officials to the BCIS suspension and our diplomatic approach has, to date, been positive but non-specific. The Ministers of Foreign and Social Affairs have expressed their understanding of the reasons for the suspension, and responded favourably to U.S. offers of assistance in the reform of their international adoption procedures to establish reliable and transparent adoption procedures.
- We informed the Government of Cambodia that we were willing to support its efforts to put in place adoption law and procedures that meet international norms. We have evidence that much preparatory work has already been done to draft appropriate legislation. The draft legislation is consistent with international norms.
- The next steps
- We will brief our decision-makers ASAP. We believe that the BCIS/State task force has pulled together information necessary for responsible decisions.
- Our challenge - in the long run - is to work with Cambodian authorities to enact a transparent adoption regime consistent with international norms.
- Our more immediate priority is to see whether we can identify, given the serious defects in the Cambodian adoption system, a humanitarian solution so that the cases submitted to the US Embassy in Cambodia prior to December 21 can be adjudicated consistent with U.S. law.
- There are several hundred pipeline cases. If we are able to identify a means of getting them processed, it will obviously take awhile. This amounts to a substantial workload.
- Once our leadership reaches a decision, we promise to return promptly and brief you again.
- Now I'll let Phyllis Covin of BCIS speak to you and provide some further insight into what is going on in Cambodia based on her work there.

(source: US Department of State web site)

### 6.3. A deceived adoptive parent's testimony and subsequent reaction.

(From the *Cambodian Adoption Issues* web pages)  
<http://groups.yahoo.com/group/CamAdoptIssues>

My name is Dale Edmonds. I'm a New Zealand citizen living in Singapore, married to a Singaporean citizen. I have three children adopted from Cambodia, two from an orphanage, one directly. Their ages are approximate, but the eldest is around 12, her sister is around 10 and their little brother is almost 3. They are birth siblings and we are in contact with their birth family now.

When I first learnt about the deceit and abuse involved in my children's adoption, I was very upset and angry. The moratorium (Dec 2000 onwards) and my need to focus on my oldest daughter's adoption, gave me some time to reflect on what I could do to help the process.

After a lot of thought, I decided a website gathering all the critical information, rumors and stories about Cambodian adoption to balance out the positive sites and mailing lists available at the moment, would be the best way I could contribute.

Adoptive parents create the adoption industry in Cambodia. We provide the money that feeds the corruption. The Cambodian government has larger problems to tackle than the profitable adoption industry. The NGOs cannot do very much except act as witnesses for the vulnerable caught in this industry. The agencies and facilitators are able to act unethically and make money from the trafficking of children because adoptive parents turn a blind eye to the system.

If adoptive parents demanded to know where their money went and refused to pay bribes, if adoptive parents only accepted referrals of children above three months, with known histories, if adoptive parents accepted they would have to wait at least six months to a year for their paperwork, if adoptive parents demanded their children get sufficient health care and nutrition, that older children went to school, that orphanages had trained staff and were monitored, if adoptive parents refused to use facilitators with known bad records,

The system would clean up a lot faster. It is market driven, mostly by American demand.

Trafficking for sex work, by comparison, cannot change if overseas demand vanishes. Sex tourism by international visitors makes up a small part of the sex industry. The root causes of poverty, broken families and human rights abuses are the same as trafficking for adoption. The demand for adoption however comes from other countries.

If international adopting parents refused to deal with unethical facilitators and orphanages, the corrupt industry would shut down. We support it, we create it, and we can change it.

I wish I had known then what I do now. I would not have accepted a referral without a birth history. I would not have taken the referral of my two children blindly. I'm extraordinarily grateful that I am their parent. They're wonderful children, and I believe it's true - you get the child you were meant to get. I hope you get the child you were meant to get - ethically.

I run this site by myself. I invite comments, articles, and stories. Please feel free to join the mailing list, [CamAdoptIssues](http://CamAdoptIssues).

I am not associated with any adoptive agencies or facilitators. I do not work for any NGOs or orphanages in Cambodia.

Dale Edmonds ([dale@ogham.com](mailto:dale@ogham.com))

*Deborah Porter is the list-owner of CAL, currently the largest mailing list for adoptions from Cambodia. She also runs a large information site for Cambodian adoptions. She moderates the CAL list in line with these views. Most people are also subscribed to the other big list, CamAdopt, which is not moderated. She used to work for Seattle International Adoptions, an agency run by Lynn Deuts, Lynn Galindo's sister. Lynn Galindo is the most active facilitator in Cambodia and includes SIA in the agencies she facilitates for. Ms Porter is in the process of establishing her own adoption agency. She intends to use Mr Sunny as her facilitator. He used to be a driver for Ms Galindo.*

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6.4. List of persons interviewed for the purpose of this report

#	Title Name	Surname	Function	Organisation
1	Maj Sok	REAK SMEY	Vice-Chief of Staff	Anti-Human Trafficking and Juven. Protection Department / Ministry of
2	Mr. Jean-Yves	FUSIL	IT Manager	ASPECA - Enfants d'Asie
3	Ms. Naly	PILOGE	Director	Cambodian League for the Promot. Defense of Human Rights (LICADHO)
4	Mr. Pietro	PARRINO	Country Representative	Centro Italiano Aiuti all'Infanzia (C.I.A.I.)
5	Ms. Caterina	PIAZZOLI	Legal Advisor	Centro Italiano Aiuti all'Infanzia (C.I.A.I.)
6	Ms. Martina	CANNETTA	Children Health Care Program Assistant	Centro Italiano Aiuti all'Infanzia (C.I.A.I.)
7	Ms. Thany	MOM	Executive Director	Child Rights Foundation (CRF)
8	Mrs. Mario-Claire	REYNER-S-MARX	Secrétaire	Consulate of Belgium
9	Mr. Claes	LEIJON	Counsellor / SIDA Resident Representative	Embassy of Sweden
10	Ms. Denise R.	HENSEL	Attaché, Consular, press and PR affairs	Embassy of the federal Republic of
11	Mrs. Jean M.	CHRISTENSEN	District Director	Embassy of the United States of Am Bangkok
12	Mr. Loug D.	KAISER	Assistan District Director	Embassy of the United States of Am Bangkok
13	Mr. Douglas L.	VINCENI	Immigration Officer	Embassy of the United States of Am Bangkok
14	Mr. Charles J.	WINTHEYSER	Consul and first Secretary	Embassy of the United States of Am Bangkok
15	Mr. Thomas	CAIRNS	Adoption Task Force	Embassy of the United States of Am Phnom Penh
16	Mr Tobias H.	GLUCKSMAN	Political and Economic Officer	Embassy of the United States of Am Phnom Penh
17	Mr. Michel	BILLET	Consul	French Embassy
18	Just Michel	BONNIET	Magistret, Chef de Projet Appui Etat de Droit / Conseiller du Ministre de la Justice	French Embassy
19	Mr. Jean-Paul	JAMMES	Affaires Consulaires	French Embassy
20	Mr. Sébastien	MAROT	Director	Friends
21	Mrs. Nuan	PHALY	Executive Director	Future Light Orphanage
22	Mr. Mohammad	AL-NASSERY	Programme Officer / Officer in Charge	International Organization for Migrat (IOM)
23	Mr. Man	SOEUNG	Director	Khmer Children Relief Program Organization / Children's Relief Cent (CRC)
24	Mr. Benoit	DECHATEAU- ARMINJON	Founder and ex-Executive Director	Khreusar Ormeu
25	Mr. Christian	GUTH	Law enforcement Adviser	Ministry of Interior / UNICEF
26	Mr. Keo	BORENTA	Director General	Ministry of Social Affairs, Labour, Vocational, Training and Youth Rehabilitation (MoSALVY)

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27	Mr. Othem	SUNHENG	Chief Adoption Bureau	Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MoSALVY)
28	HE Soehua	MU	Minister	Ministry of Women's and Veterans
29	Mme Sathavy	KIM	Director	Royal School of Judges and Prosecutors
30	Mrs. Dale	EDMONDIS	Adoptive mother (3)	Self
31	Ms. Karen	BATLER	International Program Director	Society for Orphan Support (SOS)
32	Mr. Santepheap	SOLNG	Managing Director	Society for Orphan Support (SOS)
33	Ms. Janne	RITSKEG	Director	Tabitha Cambodia
34	Mr. Glenn	MILES	Children at Risk Facilitator	Tearfund
35	Ms. Christa Foster	CRAWFORD	Associate Social Affairs Officer / Editor	UN Economic & Social Affairs Commission (ESCAP)
36	Mr. Phil	MARSHALL	Programme Manager	UN Interagency Project to Combat Trafficking in Women and Children Mekong Sub-region
37	Ms. Caroline	BAKKER	Head of Section / Children in Need of special Protection	UNICEF
38	Ms. Sarah	MILLS	Consultant Legal Protection of children	UNICEF
39	Ms. Rose-Anne	PAPAVERO	Assistant Project Officer / Social Services	UNICEF
40	Mr. Surya P.S.	DHUNGEL	Chief Legal Assistance Unit / Officer in Charge	United Nations Cambodia Office of Commissioner for Human Rights (UNCOMCHR)
41	Mr. Lawrence	GRAY	Asia Region Coordinator / Advocacy & Child Protection	World Vision Cambodia
42	Mr. Esa	JOHNSON	Consular Officer	Embassy of Finland in Bangkok
43	Mr. Ten	PENG SENG	Consular Officer	British Embassy in Cambodia
44	Ms. Christa	CRAWFORD	Not disclosed	UN Human Rights Commission
45	Mr. Paul	GROVE	Not disclosed	US Senate / Subcommittee, Foreign Operations
46	Ms. Yoshiko	YASUDA	Legal Expert	JICA
47	Mr. Edwin	FERNER	Consul	Austrian Embassy in Bangkok
48	Dr. Etienne	POIROT	Medical Officer	UNICEF Cambodia
49	Father François	PONCHAUD	Priest (Author of "Cambodia, Year Zero")	Cambodian Catholic Church
50	Mr. Jean-François	FRYS	Executive Director	MEDICAM
51	Ms. Béatrice	MONTANJOL	Director	SIPAR
52	Mr. Pierre	GILLETTE	Rédacteur-en-Chef	Cambodge Soir
53	Mr. Marc	BONNET	Regional Resident Representative	Norwegian People's Aid SEA
54	Dr. Maurice	HOURS	Chief of Health Unit (adoptive parent)	UNICEF
55	Mr. Moni	UNG	Director	Ministry of Agriculture
56	Mr. Philip	SCOTT	Director (adoptive parent)	YWAM
57	Mr. Norbert	KLEIN	Director	NGO Forum



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6.5. Position of individual countries on adoption in Cambodia

Country Name	Position vis a vis Adoption in Cambodia	Caseload per year	Contact person	Remarks
Austria	Proceeds	0	Mr. Edwin Ferner (Consul)	Authorized - bio law was 2 years ago.
Belgium	Proceeds	Unknown	Mrs. Marie-Claire Reyners-Marx	
Canada	Proceeds	Unknown		
Denmark	Unknown	Unknown		
Finland	Suspended	0	Mr. Esa Johansson	Licensed agency for not to proceed
France	Suspended	270 in 2002	Mr. Gérard Billel	Suspended upon request from RCG
Germany	Proceeds	13	Ms. Denise Hensele	13, since 2002. Susp under consideration
Greece	Proceeds	None	Mr. Stamatiou	
Italy	Unknown	Unknown		
Portugal	Unknown	Unknown		
Spain	Proceeds	None	Mr. Augustin Ribollo	MFA currently cons position
Sweden	Suspended	None	Mr. Claes Leijon	Embassy unhappy NIA licensing of agency Cambodia (in Press)
Switzerland	Suspended	None		Suspended since 9/2002
United Kingdom	Proceeds	4	Mr. Peug Seng Tan	in 2003: 2 complete pipeline (May)
USA	Suspended	1200 bef Sus	Mr. Tobias Glucksman	Investigated thoroughly

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**6.6. International Treaties ratified by Cambodia***Compilation prepared by Buntien- Licadho - May 2003*

- Cambodia became a member state of the United Nations December 14, 1995.
- Cambodia is Member State of UNESCO.
- Cambodia became a member state of the International Labour Organization in 1969.
- Cambodia is a member of the World Tourist Organisation, and has served as Vice Chairman of East Asia/Pacific since Dec, 2002.
- Cambodia gained status of accession to the World Trade Organisation in Dec, 2002, and will gain membership in September 2003.

International Instruments, Conventions, Optional Protocols, and Treaties	Entered into force	Ratification/Accession
Economic Social and Cultural Rights-ICESCR	03:01:1976	S:20-04-92 R:26-05-92 Eif:26-08-92 (1)
Civil and Political Rights- ICCPR	23:03:1976	S:20-04-92 R:26-05-92 Eif:26-07-92 (2)
Eliminate of all Form of Racial Discrimination -CERD	04:01:1969	S:12-04-66 R:28-11-83 Eif:20-12-81 (3)
Torture and other Cruel, Inhuman or Degrading Treatment or Punishment- CAT	26:06:1987	S:22-09-92 R:15-10-92 Eif:14-11-92 (4)
Rights of the Child-CRC	02:09:1990	S:22-09-1992 R:15-10-92 Eif:14-11-92 A:12-08-97 (5)
**Optional Protocol to the Convention on the involvement of the children in Armed Conflict	12:02:2002	S:27-06-00 Not in the Ratification
**Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	18:01:2002	S:27-06-00 R:30-05-02 Eif:30-06-02 (7)
Elimination of all Forms of Discrimination against Women- CEDAW	03:09:1981	S:22-09-92 R:15-10-92 Eif:14-11-92 (8)
**Optional Protocol to the Convention on the Elimination All Form of Discrimination Against Women- W-OPT	22:12:2000	*S:11-11-01 (9)
Convention on the Status of Refugees- CSR 1951	22:04:1954	S:22-09-92 R:15-10-92 (10)
Optional Protocol- CSR-OP 1967 (non-European refugees)	04:10:1967	22-09-1992

13/02/2008 13:58 +31-70-3484339  
03/14/2003 15:44 +65-2-2541674

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			(11)
Geneva Convention (I) for Amelioration of Condition of Wounded and Sick in Armed Forces in the Field (1949)	21:10:1950		*Mentioned in Human Rights Major Internat. Instrument at 31-05-2007
Geneva Convention (II) for Amelioration of Condition of Wounded and Sick and shipwrecked of Armed Forces at Sea (1949)	21:01:1950		*Mentioned Human Rights Major Internat. Instrument at 31-05-2007 (13)
Geneva Convention (III) relative to the Treatment of Prisoners of War	21:10:1950		*Mentioned Human Rights Major Internat. Instrument at 31-05-2007
Geneva Conventions(IV) relative to the Protection of the Civil Persons in Time of War -GCs 1949	21:10:1950		*1998 (15)
Additional Protocol- AP I 1977 (Victims of International armed conflicts)	07:12:1978		*1998 (16)
Additional Protocol-AP II 1977 (Victims of non- International armed conflicts)	07:12:1978		*1998 (17)
Convention on the Prevention and Punishment of the Crime of GENOCIDE- CPPCG 1948	12:01:1951		19:08:1999 (18)
ILO Forced Labor- C 29, 1930	01:05:1932		24:02:1960 (19)
ILO Freedom of Association- C 87, 1948	04:07:1950		23:08:1999 (20)
ILO Collective Bargaining- C 98, 1949	18:07:1951		23:08:1999 (21)
ILO Convention Equal Remuneration- C 100, 1951	23:05:1953		23:08:1999 (22)
ILO Abolition of Forced Labor- C 105, 1957	17:01:1959		23:08:1999 (23)
ILO Convention on Discrimination- C 111, 1958	15:06:1960		23:08:1999 (24)
ILO Minimum Age- C 138, 1973	19:06:1976		23:08:1999 (25)
International Convention on the Suppression and punishment of the Crime of Apartheid	18:07:1976		28:07:1981 (26)
Supplementary convention on the abolition of slavery and the slave trade	30:04:1957		12:06:1957 (27)
ILO Convention No. 122, 1964 Concerning Employment Policy	15:07:1966		28:09:1971 (28)
ILO Convention on Night Work (Women) convention 1919. (Convention C 004)	22:11:1936		24:02:1960 (29)
ILO convention on Night Work of Young Persons (industry) Convention, 1919. (Convention C 006)	13:06:1921		24:02:1960 (30)
ILO Convention concerning the use of White Lead in Painting, 1921 (Convention C 013)	31:08:1923		24:02:1960 (31)
ILO convention on Concerning Labor Administrative, 1978 (Convention C 150)	11:10:1980		23:08:1999 (32)

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**International Criminal Court- ICC	01:07:2002	S:23-10-00 R:11-04-02 (33)
The Convention for Protection of Cultural property in the events of Armed Conflict -The Hague 1954)	1954	R: 1962 (34)
The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and transfer of Ownership of Cultural Property- Paris 1970)	1970	R: 1970 (35)
The Convention concerning the Protection of World Cultural and Natural Heritage- Paris 1972)	1972	R: 1991 (36)
The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (UNESCO)	01:06:1995	Based on in informatic (37)
<b>IN TOTAL</b>		<b>37</b>

Note:

S: signatory.

R: ratification or accession.

Eif: Enter into force.

- \*Based on reference UN Info-Pack 2001 and Forum Asia- Human Rights Network.
- Ratification ILO Fundamental
- UN Website
- Year of ratification by Cambodia could not find out. Information based on Human Rights Major International Instruments (Droits de l'homme les principaux instruments internationaux). Status as 31 May 2001.
- \*\*CRC-OPT-AC up to December 2002, there are 111 signatories, plus Cambodia and 43 parties.
- CRC-OPT-SC up to December 2002, there are 105 signatories, and 43 parties plus Cambodia.
- ICC as December 10, 2002, there are 87 states that ratified or acceded to the Rome Treaty. There are 139 states signed and will open for signatory up to December 31, 2002. 60 states have signed and ratified the status; the status will enter into force for those countries that have ratified it. Cambodia has sent Dr. Heng Voig Bun Chhath as candidate to ICC court. February 2003 Cambodia candidacy is rejected for this term.
- The optional Protocol to CEDAW convention entered into force on December 22, 2000. As of October 18, 2002, there are 75 signatories of states, and 47 parties' states

References:

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- *International Service for Human Rights, Info-Pack, January 31, 2001.*
- *Status of ratification of the Principal International Human Rights Treaties, As of August 21, 2002*
- *United Nations, Cambodia Office of High Commissioner for Human Rights, A Selection of Laws Currently Force in the Kingdom Of Cambodia, Third edition, November 2000, Khmer Version*
- [www.unhcr.ch](http://www.unhcr.ch)
- [www.ishr.ch](http://www.ishr.ch)
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- <http://lolex.ilo.ch>
- *Ratification of ILO Fundamental Conventions (APPLIS) International Labour Standards Department, Email norms@ilo.org, Listing generated by APPLIS on March 4, 2002.*
- <http://www.autoriteapsara.org/eng/0-lawes14-convention-internationales.html>
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