



social development

Department:  
Social Development  
REPUBLIC OF SOUTH AFRICA



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## Regional Workshop on Sharing Experiences on the Effective Implementation of the 1993 Adoption Convention in Africa

Cape Town (South Africa), Monday 9 to Wednesday 11 March 2026

Garden Court Nelson Mandela Boulevard Hotel  
Corner Melbourne and Coronation Road &, Melbourne Rd, Walmer Estate, Cape Town, 8001

### CONCLUSIONS & RECOMMENDATIONS

#### I. Introduction

1. The Permanent Bureau (PB) of the Hague Conference on Private International Law (HCCH), together with the Department of Social Development of South Africa (Central Authority designated under the [Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption](#) (1993 Adoption Convention or the Convention)), with the financial support of the Governments of the Netherlands and Norway, held a *Regional Workshop on Sharing Experiences on the Effective Implementation of the 1993 Adoption Convention* in Cape Town, South Africa, from Monday 9 to Wednesday 11 March 2026.
2. The meeting gathered **53 participants** from Botswana, Côte d'Ivoire, Eswatini, Ghana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Seychelles, South Africa, Tanzania, Uganda and Zimbabwe, as well as representatives of UNICEF and the International Social Service and members of the PB of the HCCH. Botswana, Côte d'Ivoire, Eswatini, Ghana, Kenya, Lesotho, Mauritius, Namibia, Seychelles and South Africa are already Parties to the 1993 Adoption Convention. This was the first Regional Workshop on the 1993 Adoption Convention targeting in particular Anglophone States from Africa.

#### II. Aim and topics discussed

3. The **aim of the Workshop** was to examine the implementation of the 1993 Adoption Convention in the region, to share good practices and ways to overcome challenges between States Parties to the Convention and States interested in becoming a Party, and to promote and build upon good working relationships between all actors. Significant time was devoted to discussions and case studies, and an active participation took place.

4. The **agenda** put a special emphasis on the subsidiarity principle, including birth registration, family support, kinship care, foster care, prevention of institutionalisation and de-institutionalisation. It also promoted discussions on the sharing of experiences and practices related to defining the life project of the child according to the best interests of the child. Child adoptability, adoption procedure, intrafamily adoptions, illicit practices, and post-adoption matters, including support, search for origins and cooperation between States, were also discussed.
5. The participants shared their views and experiences on such topics through **presentations, and the analysis of various case studies** from the perspective of the 1993 Adoption Convention, the [United Nations Convention on the Rights of the Child](#), the [African Charter on the Rights and Welfare of the Child](#), the [United Nations Guidelines for the Alternative Care of Children](#) and their respective domestic legislations. States not yet party to the 1993 Adoption Convention shared how they are approaching these scenarios, and several mentioned that their authorities are considering becoming a party to the Convention to better respond to the needs and protection of children.
6. A **general overview** of the legal framework in the region, with a special focus on the African Charter and the [General Comment No 10 on Children Without Parental Care in the Context of Article 25 of the African Charter on the Rights and Welfare of the Child and Care Systems Reform](#), was presented and highlighted the diversity of standards amongst the States represented at the Workshop.
7. To develop a common understanding of the 1993 Adoption Convention among **Anglophone, Francophone and Lusophone States**, one participant who attended the Francophone Workshop in Togo in 2024 shared his experience of, and lessons learned from, that Workshop.

### III. Promoting, Joining and Implementing HCCH Children's Conventions

8. The participants stressed the importance that States do their utmost to **promote and make known** the 1993 Adoption Convention, including its principles and safeguards, amongst different authorities and bodies in their jurisdiction. Participants recognised the **importance of becoming party** to the 1993 Adoption Convention and other HCCH Children's Conventions.
9. Some participants explained that in their States, the Convention must be given effect by incorporating the rights and obligations set out in the treaty into domestic law through legislation (**dualist States**). It was recalled that efforts should be made to ensure that the Convention is interpreted consistently within its international context.<sup>1</sup>
10. The participants highlighted the importance of strengthening **cooperation, collaboration, and advocacy among all States**, particularly among African States including through the frameworks of the African Union. They noted that enhanced cooperation would improve understanding of the systems of other States and thereby strengthen regional cooperation and trust.

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<sup>1</sup> See HCCH, [Guide to Good Practice No 1 "The Implementation and Operation of the 1993 Intercountry Adoption Convention"](#), Annex 1-4.

#### IV. Scope of the 1993 Adoption Convention

11. The participants had discussions on the connecting factor of the **habitual residence**, which is used to determine whether the 1993 Adoption Convention is applicable or not. They noted that when determining whether prospective adoptive parents or, in some cases, a child are / is habitually resident in a particular State for the purposes of the Convention, different factors may be considered to the extent that they are relevant in the particular case (e.g., length of time, ties to the country).<sup>2</sup>
12. The participants recalled C&R No 11 from the 2010 [Special Commission meeting on the practical operation of the 1993 Adoption Convention](#), which recommended that **all intercountry adoptions falling within the scope** of the Convention under Article 2(1), including in-family adoptions and adoptions by nationals of the State of origin, are **subject** to the Convention's procedures and safeguards.

#### V. Birth Registration, Family Support and Alternative Care

13. The participants had discussions on the importance of **birth registration** as a fundamental right, which enables the child to enjoy all their other rights. Participants shared their States' best practices to facilitate it, such as e-Registration, birth registration at the hospital, and other strategies to ensure that all children are registered in a timely manner.
14. Discussions also highlighted that States have different experiences regarding **family support and kinship care**, including how they implement these measures of alternative care in practice. They all agreed that family support was essential to ensure that parents can raise their children and that kinship care should be the preferred and first alternative care solution. Some participants also noted that the traditional aspect of kinship care should be considered, given it is fundamental in all communities.
15. These discussions on alternative care highlighted the importance of preventing the child from **entering the child protection system** in the first place, as well as supporting their **reintegration** into their birth family and **de-institutionalisation**.
16. Several participants shared **guidelines, leaflets, posters** and other materials developed to better inform the public about family support, alternative care, and adoption. The importance of such tools was recognised in helping to ensure greater public awareness, promote accurate information, and support informed decision-making in matters relating to the care and protection of children.
17. Some participants noted that, in their States, *kafala* may serve as an option for the protection of children deprived of parental care under Shari'a law. Specific reference was made to the 1996 Child Protection Convention,<sup>3</sup> which provides a useful framework in cases where such arrangements have an intercountry dimension.
18. The participants underlined the key role of awareness-raising in **addressing negative or harmful cultural and religious beliefs** surrounding children, which can lead to their entry into the child protection system. They encouraged States and stakeholders to promote culturally sensitive information and dialogue with communities and religious leaders in order to strengthen understanding, build trust, and support solutions that uphold the best interests of the child.

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<sup>2</sup> See HCCH, [Note on Habitual Residence and Scope of the 1993 Adoption Convention](#), para. 70.

<sup>3</sup> [Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility](#).

## VI. Life Project of the Child, Best Interests of the Child

19. The participants had discussions on the **principle of the best interests of the child**, with a special focus on children with special needs. They noted that the primary focus should be the best interests of the child and providing the child with a **life project**, in line with this principle. To support such a life project, participants highlighted the need for updated and comprehensive assessment reports on the child and the prospective adoptive parents to ensure better matching and enable informed decision-making on adoption, preparation and support of the child and the prospective adoptive parents.
20. The participants highlighted the need to develop **personalised and updated life projects** for every child in the child protection system. Such plans should guide children toward stability, development, and autonomy. They should include regular review mechanisms and clear long-term goals, including **exit plans** for each child, with provisions for life skills development, education pathways, vocational training, and employment opportunities.
21. The participants noted that effective support requires **comprehensive assessments and regular review of care plans**.
22. The participants reaffirmed that the **best interests of the child** should remain the guiding principle in all decisions affecting the child. Child safety, wellbeing, and development should be prioritised whilst ensuring that children are heard and their views considered in decisions affecting their care and future.
23. The participants underscored that special attention should be given to **children with special needs** through individualised support, specialised services, inclusive education, and psychological assistance.
24. The participants acknowledged key challenges, including the **high workload** of caregivers and social workers, as well as the need for adequate human and material resources to ensure quality care.
25. The participants emphasised **the importance of strengthening multidisciplinary collaboration** to ensure comprehensive assessments and coordinated responses to children's needs, and **promote transparency, fairness and trust** among authorities and bodies.

## VII. Adoption Procedure under the 1993 Adoption Convention

26. The participants noted that **strengthening legal procedures**, including clear processes for investigating cases of abandonment, determining adoptability, and obtaining free and informed consent, is key.
27. The participants noted that upholding **human rights principles** and strengthening legal certainty are essential to ensure that child protection and adoption systems truly serve the best interests of every child.
28. The participants shared their experiences regarding the **adoption procedure under the 1993 Adoption Convention** in their respective States. They also shared who has the responsibility for each step of the procedure. They reminded the importance of safeguards in the adoption process, while noting the risks of unintended consequences resulting from overzealousness, extreme caution or excessive formalism that may lead to the child being institutionalised for many years. Empathy, understanding and flexibility should be part of the process.

## VIII. Intrafamily Adoptions

29. When discussing **intrafamily adoptions**, the participants recalled the importance of ensuring the principle of subsidiarity of intercountry adoptions, and carefully considering the motivation for such intercountry adoption. If the motivation is solely to provide the child with better opportunities, address financial needs or facilitate migration, authorities are encouraged to explore alternative measures to protect the child within the State of origin. In this respect, the 1996 Child Protection Convention can provide a framework in international contexts.
30. The participants further noted that other measures of protection (such as foster care) may sometimes be more appropriate than intrafamily adoptions. The **1996 Child Protection Convention** was highlighted as a very useful tool for gaining recognition for these other measures of protection abroad.

## IX. Post-Adoption

31. The participants highlighted the importance of the **post-adoption phase**, including providing specialised support, search for origins, post-adoption reports and cooperation between States at this stage. The search for origins strengthens adoptees' identity and psychological well-being. In this respect, participants emphasised that preserving adoption records is essential and highlighted the need to digitise such records to ensure the long-term preservation of information. Some States shared their good practices in providing comprehensive information to adoptive families about the possible search for origins.
32. The participants recalled Article 30 of the 1993 Adoption Convention and highlighted the importance of providing adoptees with appropriate guidance and psychological support during their **search for origins**. Some participants emphasised the need to respect the privacy of the birth mother, in so far as this is permitted by the law of that particular State.

## X. HCCH Toolkit to Prevent and Address Illicit Practices

33. The [\*HCCH Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption\*](#) was presented during the Workshop. Participants received training on how to use the Toolkit and apply it in practice through various case studies and discussions. The Toolkit encourages critical thinking and provides practical guidance on how to prevent and address illicit practices. Its use is highly recommended in cases of adoptions. It was agreed that further training is needed on how to better utilise the Toolkit.

## XI. Other HCCH Conventions

34. A presentation on other **HCCH Conventions in the field of family law**, including the 1980 Child Abduction Convention, the 1996 Child Protection Convention and the 2007 Child Support Convention and its Protocol, as well as a brief introduction to the 1961 Apostille Convention,<sup>4</sup> were given and the participants were made aware of the relevance of these HCCH Conventions for the protection of children's rights.

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<sup>4</sup> [\*Convention of 25 October 1980 on the Civil Aspects of International Child Abduction; Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance and the Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations; and Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents.\*](#)