

INTERCOUNTRY ADOPTIONS IN BELARUS

The Republic of Belarus is bound by the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption since November 1, 2003. The Convention constitutes the most detailed and elaborated international instrument regulating issues of Intercountry adoption to which Belarus is a party. Nowadays in Belarus, all international adoptions are conducted according to the procedure laid down in this document.

Though there have been several adoptions of foreign children by Belarusian nationals, Belarus is primarily a sending country. Since 1991, foreigners adopted approximately 3.200 Belarusian children. The most of the children were adopted by nationals of Italy, the United States, Sweden, Canada, Ireland, Spain, Germany and Denmark (on the whole there are 22 states on the list, including the CIS countries and Baltic states).

In Belarus, the question of Intercountry adoption is of principal concern of the state and draws personal attention of President.

In order to facilitate the process of cooperation of the relevant Belarusian competent bodies with accredited bodies of other countries, the Council of Ministers of the Republic of Belarus adopted Decision No. 1173 of September 21, 2004 which approves the Regulations on Procedure of Coordinating the International Adoption and Interaction with the Authorized Bodies and Organizations of Foreign Countries in the Framework of the Mentioned Procedure. The Regulations are developed with a view to protect the rights and interests of children being the citizens of the Republic of Belarus, foreign citizens or stateless persons at their adoption by foreign citizens and stateless persons or by the citizens of the Republic of Belarus permanently residing on the territory of a foreign state. During the procedure of coordination of international adoption the foreign authorized body submits a document – guarantee about obligatory informing of the National Centre for Adoption of the Republic of Belarus about the life conditions and conditions of upbringing in the adoptive family. The Ministry of Education of the Republic of Belarus decides the question of expediency of such coordinating procedure.

On January 4, 2005, the Council of Ministers of the Republic of Belarus changed the procedure of Intercountry adoption. According to the new decision of the Government, there is a tightening of control over living conditions of young citizens of Belarus adopted by foreigners. Besides, fuller information will be provided regarding their adaptation in foster families within a longer period of time. The domestic adoption is of the prime importance in Belarus. In 1991-2004 more than 40 thousand Belarusian children were adopted in the custodial and foster families in Belarus. It is noteworthy that quite a few children adopted by foreign parents suffered from chronic diseases or psychophysical disturbances or was disabled. Subject to the new policy the international adoption is possible only in case the attempts to adopt a child in Belarus completely failed. This policy corresponds with the provisions of the UN Convention

on the Rights of the Child.¹ Particularly Article 21 (b) of the abovementioned treaty states that ‘inter-country adoption may be considered as an alternative means of child's care, *if the child* cannot be placed in a foster or an adoptive family or *cannot in any suitable manner be cared for in the child's country of origin*’.

The governmental resolution preserves the same norm, i.e. adoption by foreign families is only permitted in case there is no possibility for orphans to be adopted by Belarusian citizens. The primary condition for commencing the adoption process is that a 6-month period should pass from the day of a child's registration in the republican centralized adoption database. However this 6-month term is not the only condition. The government introduced additional regulators of the international adoption procedure.

Among the novelties is formation of a list of children for the international adoption, which is based on grounded proposals of educational departments. The National Adoption Centre of the Ministry of Education of the Republic of Belarus forms the list. The interdepartmental council for the international adoption founded in December 2004 considers the proposals. Thus, children's candidatures for the international adoption are thoroughly selected at the interdepartmental level and only after that the Minister of Education approves the list.

In line with the Council of Ministers' resolution, the information about the children who can be adopted or placed in custody cannot be given to individual citizens or juridical entities apart from the custody agencies and the National Adoption Centre.

The approaches to foreign candidates wishing to adopt a child have been toughened. The issues on adoption are considered in respect of “potential” parents living in those countries which relevant state government bodies have approved the procedure of international adoption and have produced the document-guarantee on obligatory notification of the national adoption centre on the living conditions and family environment in the foster family of every adopted child. These “reports” on the life of the child should be delivered every year during five years after the adoption (earlier it was three years). The relevant bodies of a foreign state should verify the document-guarantee once a year.

Important is the provision that the underage citizens of Belarus adopted by foreign families are taken on the consular record in correspondence with the legis-

¹ Article 21 of the UN Convention on the Rights of the Child reads as follows: ‘States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall: (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary; (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin; (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption; (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it; (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs’.

lation of the Republic of Belarus. This measure is seen to help keep an eye on every adopted child.

In general, there are no unsettled problems with regard to cooperation between the National Adoption Centre of the Republic of Belarus and foreign accredited bodies within the framework of the Hague Convention. The procedure envisaged in the Convention is enough detailed and convenient for Belarusian competent bodies working with their foreign colleagues. Moreover, the interaction between them sometimes goes far beyond the provisions of the Convention in atmosphere of mutual understanding and friendliness. There is an especially fruitful cooperation between the National Adoption Centre and the adoption centres of Sweden and Denmark. The projects jointly implemented with these bodies are oriented not only on Inter-country, but also on internal adoptions. Our foreign colleagues assist the National Adoption Centre financially and technically in organizing social advertising on Belarusian mass-media, conducting workshops and publishing special literature for Belarusian adoptive families, psychologists and specialists working with the children and their prospective or new parents. All this help is indispensable and highly appreciated.