

The Role of Orphanages in Seeking Other Childcare Alternatives

**ADDIS ABABA UNIVERSITY**

**GRADUATE SCHOOL OF SOCIAL WORK**

**The Role of Childcare Institutions in Seeking Other Childcare  
Alternatives to the Best Interest of the Child**

**A THESIS SUBMITTED TO ADDIS ABABA UNIVERSITY IN PARTIAL  
FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER IN  
SOCIAL WORK (MSW)**

**BY**

**Meskerem Desalegn**

**October, 2015**

**ADDIS ABABA**

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**MESKEREM DESALEGN**

**ADVISOR**

**TENAGNE ALEMU (PhD)**

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APPROVED BY

ADVISOR NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

EXAMINER \_\_\_\_\_ SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

**Declaration**

I Meskerem Desalegn hereby declare that the thesis with the title of “The Contribution of the Discretion Given to Orphanages towards Seeking Alternatives to the Beneficiaries Vs the Best Interest of the Child” is my original work and has not been used by others for any requirements in other places and sources of materials used in this project have been dully acknowledged.

Name: - Meskerem Desalegn

Signature:-\_\_\_\_\_

Place of submission: - Addis Ababa University School of Social Work

The project has been submitted for examination with my appropriate approval as a college adviser.

Name: -Tenagne Alemu (PhD)

Signature:-\_\_\_\_\_

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### **Acronym**

FDRE MoWCYA:-Federal Democratic Republic of Ethiopia, Ministry of Children, Women and Youth Affairs

MOLSA:-Ministry of Labor and Social Affairs

UNICEF: - United Nations Children’s Fund

VCT: - Voluntary Counseling and Testing

HIV: - Human Immunodeficiency Virus

NGO: - Non Governmental Organization

CHSA: - Charities and Societies Agency

BoFED: - Bureau of Finance and Economic Development

WCYA: - Women, Children and Youth Affairs

UNHCR: - United Nations High Commission for Refuge

CRC:-Child Right Convention

ACRWC:-African Charter on the Rights and Welfare of the Child

HAC:- Hague Adoption Convention

### **Abstract**

The purpose of this study is to examine the role of orphanages in seeking other child care alternative in light of the best interest of the child. The research follows the descriptive case study design to assess the practice of orphanages in relation to seeking other child care alternative. The study is conducted on the basis of the data gathered from six key informants, document review and observation made in selected orphanages. The absence of all-encompassing prior research conducted in the topic and motivation to add some additional knowledge on the practice in the child care system is the rational for selecting the topic. Open ended interview, observation and document review are used as tools for data collection. The findings in the study are analyzed thematically. The key findings emerged from this study are three. The first finding indicated orphanages have a responsibility in seeking other child care alternatives to minimize children's stay in their institution. The second finding showed orphanage are financially dependent on adoption agencies and this is pushing them to choose intercountry adoption over other child care alternatives such as; local adoption, community based care, re-unification, reintegration, and foster care. The third finding points out the fact that financial aspect of orphanage's practice particularly in intercountry adoption has an adverse effect on the best interest of the child. In the conclusion part, the study proves the applicability of explanation of critical theories to the practice of orphanages in seeking other child care alternatives with the context that the decision of practitioners in the child welfare system is to some extent affected by economic considerations than the best interest of the child. On the basis of these findings the recommendations forwarded are; establishing the central authority and limiting the role given for the orphanages, placing a strong system of checking and controlling mechanism in the area, avoiding the problem of orphanage's budget dependency on adoption agencies, working on the attitudinal change and cooperation for the same agenda and adoption of Hague Intercountry Adoption Convention. Future studies should also focus on further investigation of the issue in relation to the practice of orphanages found outside Addis Ababa. Moreover, as the study's unit of analysis is only limited to organizations, future researches can also conducted by taking individuals as a unit of analysis particularly, children those are placed under institutional care and other child care alternatives.

**Keywords:** orphanages, child, child care alternatives, and best interest of the child.

## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Background of the Study**

Since it is difficult for children to protect themselves they are easily susceptible for abuses. Even in developed countries child abuse and neglect is the main concern among authorities and the society at large. The statistical data collected in the United States of America in 2004 shows that the number of children who faced abuse and neglect reaches 827,000 and among them 1,490 were dead as a result of the abuse and neglect (Lindsay & Aron, 2008).

According to the 2011 welfare and monitoring survey, in Ethiopia there are about 11,811,004 of total under five years old population. As this survey shows, the percentage of child labor of children between the ages of 5-14 is 27.4 percent and children under 18 years old with one or both parents' dead also accounts to 0.8 percent. Specifically as United Nations Children's Emergency Fund (UNICEF's) report indicates in the year 2012 there were about 4.5 million orphaned children in Ethiopia.

McGowan, B.G., (1983) states that historically the increasing number of the child population at risk was the factor behind the emergence of child welfare service. Family, among others, is the prime responsible institution for their new born. Relatives and the community at large also have a share in the process of giving care for a child (Nancy, 2003). However, because of different reasons, family may not be in a position to adequately perform their responsibilities and the same is true for the relatives. In such instances, the state is duty bound to provide the service (Nancy, 2003).

In situations like this, countries use different child care alternatives such as; community rehabilitation, foster care, group homes or orphanage, shelters and adoption (Nancy, 2003). Placing a child to orphanages that can deliver the child care service is one way in which the state steps in the matter (Nancy, 2003). The Alternative Child Care Guideline of 2009 shows that Ethiopia is performing the same task in responding to the problems. The Revised Family Law also confers orphanages with the right of guardianship for a child under their care. This means the orphanage plays a role on behalf of the family to fulfill what is necessary for the upbringing of the child.

The common reasons that triggering placement of children in orphanage include; abandonment as a result of poverty and inability to get access for educating those children. Specifically in the Ethiopian context study shows that parents with HIV/ AIDS or other chronic illness and poverty are the factors for placing children under institutional care (Faith to Action Initiative, 2014).

Dozier, (2012) states that institutional care is believed to have limitations in fulfilling children's developmental need. The main circumstances mentioned causing these limitations are; the presence of big number of children to small number of care givers ratios, the trend of giving care in a generalized manner than putting due consideration for the need of an individual child, the presence of untrained care givers and lack of knowledge regarding working on children's psychological need. In addition the problem of attachment because of lack of consistent and close child-care giver relationship is cited as another reason to place institutional care as a last option.

Ethiopian Child Care Guideline also places institutional care as a last option. It also tries to shorten children's stay in this type of childcare by bestowing orphanages with the responsibility of seeking other child alternatives such as; community based child care, reunification, re-integration, foster care and adoption. Therefore, assessing the role given for orphanage in this regard in light of the best interest of the child is the main point of interest in this study.

## **1.2. Statement of the Problem**

Public interventions in child care service are not always smooth solutions. Placing a child in institution away from the parents and his/her growing environment has its own impact on the child's healthy development (Nancy, 2003). As it was mentioned in the above section, the incompatibility between the number of children in orphanages with the space and the number of care givers, lack of positive attachment in a child-care giver relationship can be cited as the common disadvantage of institutional care over other type of child care. As a result, countries such as the USA and Ukraine have started to deinstitutionalize and look for other child care options particularly family based child care (McCall, 2013).

As a result of the rational mentioned above, the Ethiopian Alternative Child Care Guideline places institutional care as a last option and it imposes a duty of looking for other types of child care alternatives with the view to minimize children's stay under care of orphanages. This means, once a child is destined to orphanage; it is the orphanage which has a firsthand role in seeking other childcare alternative so that the child's staying in orphanage is shortened and his/her healthy growth is secured. The duty imposed on orphanage in this regard is

expressly stated under section E.51.3 of the Ethiopian Child Care Guidelines and it is presented as follows;

Keeping the common obligation of organizations indicated in section three of these Guidelines in mind, Orphanages shall discharge the following responsibilities: Explore every possible effort to provide other alternative care ( re-unification, reintegration, foster care, community-based care and adoption) as early as possible based on the best interest of the child.

This is even more obvious with regard to a child whose guardian is the orphanage itself; in instances when no one is there to care for a child (Alternative child care guidelines, 2009). According to this manual and other legal instrument like the 1995 constitution of Ethiopia and the Family Law these orphanages are expected to follow the principle of best interest of the child or to choose an alternative which is best for the healthy growth of the child.

For instance, adoption, which is the fourth option as per the Ethiopian Childcare Guideline involves transaction among different people from various ethnic, social, economic, rational, cultural and national background. Thus, it is a type of child care option that need to be seriously monitored (Francis, 2005). It also started to take different futures as it involve placing a child to a country that is different from that of child's country of origin. As intercountry adoption has financial aspect where prospective adoptive families are required to effect payment (HAGUE Conference, June 2014),now identified that it is causing serious and complex human and legal problems (United Nations, 2009).

There has been the incident of child trafficking, sale and abuse in various parts of the world (United Nations, 2009). Particularly, the financial transition in intercountry adoption is

claimed for opening the door for child trafficking and abuses. This calls for the need to consider the best interest of the child in the process of seeking childcare alternatives. In doing so the Ethiopian Alternative Child Care Guideline require orphanage to try other alternatives like community based care, reintegration/reunification and foster care on the basis of the best interest of the child exhaustively. Once the child is placed under the care of orphanages, intercountry adoption may be chosen as an alternative. For instance, in a year 2002-2003 G.C Ethiopian children placed for international adoption are about 93 percent while children placed for local adoption are only 7 percent (United Nations, 2009).

Therefore, given the role of orphanage to decide between the available other child care alternatives whether they are dealing with the best interest of the child in the process of exercising their role and other related points are issues that need to be researched. The susceptibility of children to be abused and exposed to other problems can also justify for the assessment of the practical consequence of the role given for the orphanages. Therefore, this research focuses on looking closely at the practice of Ethiopian orphanages in seeking the child care alternatives in light of the best interest of the child.

Coming to studies conducted on the area, there is a research conducted with the topic of intercountry adoption vis-à-vis the best interest of the child. The thesis specifically deals with distinction between the Revised Family Code and Civil Code in respect of adoption in general, effect of intercountry adoption on nationality, maintenance, marriage and succession. The concept of best interest of the child , the stakeholders in intercountry adoption i.e. orphanages , facilitators , adoption agencies Ministry of Labor and Social Affairs ,Ministry of Justice and Disaster Prevention and Preparedness Commission and courts are also issues the thesis covered (Semhal, 2003).

With regards to orphanages it specifically focuses on dealing with the issue of registration and adoption agencies in Ethiopia. It also mentions some points about the problem agencies and orphanages are creating regarding child collection due to lack of awareness. It also deals a little bit about payment for the agencies to get a child. This thesis doesn't cover issues in relation to the role of orphanages in respect to seeking other child care alternatives in light of the best interest of the child.

The thesis which entitled "Intercountry Adoption in Ethiopia" is another related unpublished research conducted on the area. The findings of this thesis are the absence of age limit for adoption, the need for the age difference between the adoptee and the adopter, the need to follow international standard on the parents to raise a child, the fact that most serious abuses of intercountry adoption are associated with the activities of independent operators in adoption and inadequacy of follow up work in the area (Asfaw, 1998). In this research there is no section which deals with the role given for orphanage in seeking other child care alternatives in light of the best interest of the child.

There are also researches that were conducted on the topic of institutional care and other childcare alternatives but as to my knowledge, in Ethiopian context there are little (if any) comprehensive research conducted on the role of orphanages in relation to the topic at hand. Thus, this study is intended to look for orphanage's role of choosing between childcare alternatives with specific emphases on the best interest of the child.

Therefore, this research has a purpose to fill in this gap and come up with the findings on the issue. It is also believed that the finding will direct to the possible recommendation that must be considered on an effort to protect the best interest of the child. On the basis of this, the

research is conducted to answer the following research questions and attempts to achieve objectives mentioned below.

### **1.3. Research Questions**

Having identified the problems and research gaps, this research is conducted to answer the following research questions.

1. What are the roles of orphanage in seeking other child care alternatives?
2. How do orphanages implement the principle of the best interest of the child in seeking other child care alternatives?
3. What are the challenges of orphanage in seeking other child care alternatives?

### **1.4. Objectives of the Study**

#### **1.4.1. General Objective**

The general objective of this research is to assess the role of orphanage in seeking other child care alternatives in relation to the best interest of the child.

#### **1.4.2. Specific Objectives**

1. To investigate the practice/experience of orphanages in seeking childcare alternatives.
2. To examine how orphanages implement the concept of the best interest of the child in seeking other child care alternatives.
3. To assess the challenge of orphanage in seeking other child care alternatives.

### **1.5. Significance of the Study**

This study contributes for social work knowledge by looking at orphanage's practice which is among the services in a child welfare system. As a social worker, informing the legislator the policy gaps that did not consider vulnerable children in one or another way is very

essential. Therefore, assessment of the role given for orphanages in connection with the choice they are making as a guardian of a child particularly in the process of seeking other child care alternatives is one way to identify the legal issues in the area. This gives the legislator a chance to identify the areas that need attention and fill the gaps by formulating new legislation.

The findings of this study may also recommend areas that need intervention by social work practitioners. Knowledge on how child care alternatives are applied to the situation of the particular child and how this affect the protection of the best interest of the child will give social work practitioners highlight on areas that need immediate attention and solutions.

Child care alternatives are there to alleviate the problem children are facing and the finding of the study can pinpoint practices that adversely affect the best interest of the child in the process. The finding in this regard will give ideas on areas that need to be addressed by giving trainings for concerned organs in the child care system and issues that shall be considered by future researches.

### **1.6. Scope of the Study**

The thematic area considered in this study is limited to orphanage's role regarding the child care alternatives in light of the best interest of the child. It is believed that the data gathered through qualitative method can yield extensive information about the topic from different institutions dealing with the childcare to investigate the practice on the area. For the present study, non-governmental orphanages (working in Addis as well as different regional states) and government orphanages, adoption agencies and MoWCYA are selected to grasp the current practice to see the issue in depth.

### **1.7. Delimitation of the Study**

As it has been mentioned in the scope of the study, the participants in the study are non-governmental and government orphanage, adoption agencies and MoWCYA found in Addis Ababa. The data gathered from non-governmental orphanage working with different regional states was used on the assumption that to some extent it gives insight in to both practices in Addis Ababa and other regional states. However, it is important to note that this research may fail to address some realities unique to other orphanages found in regional states due to the width of the area coverage and un-uniformity of the practices of the institutions in different regions. Therefore, future researches should be conducted to consider the realities of orphanage outside this study area. Since the present study's unit of analysis is only limited to organizations, future researches may use this research as spring board to conduct research by taking individuals as a unit of analysis particularly, children that are placed under institutional care and other child care alternatives.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

As it has been mentioned in the first chapter, orphanages are amongst institutions which have an important role in child care system. Specifically in Ethiopia the law gives both government and non-governmental orphanages the role to choose between different child care alternative. Therefore, the study will try to look at the practice of the role given for orphanages in protecting children's interest. This particular section will deal with the review of literatures in the topic at hand and it will specifically focus on assessing related literatures and laws. It will also try to identify the existing gap on literatures or areas that are not covered by these studies.

#### **2.1. The Principle of the Best Interest of the Child**

Both Ethiopian Revised Family Law, the Alternative Childcare Guideline and other international legal instruments like CRC have defined a child as a human being below the age of 18. Therefore, the issue of child care alternative is mainly concerned to any person below the age of eighteen.

As per the definition given by the UNHCR, based on the situation they are in, children are also categorized in to different categories such as; unaccompanied children, separated children and orphans (UNHCR Guideline on determining the best interest of the child, 2008). Unaccompanied children are those who are not cared by their parents, relatives and any adult who is responsible to do so by law or custom. Separated children are on the other hand children who are separated from their parents but not necessarily from their relatives. In instances when children are separated from their parents as a result of death they are called orphans.

The concept of the best interest of a child refers to putting the child's wellbeing before every decision that may affect the child's life (Oliver, 2009). This means, the best interest of the child must be assessed and given priority in all action or decision that concerns the child (General comment No. 14, 2013). According to this principle, in their decision making process any institutions, organizations and other concerned bodies who are involved in making any decision that can affect the life of a child are expected to apply this concept.

Moreover, protection of the best interest of the child is also among principles stated under Ethiopian laws and international documents ratified by Ethiopia. Both the FDRE Constitution and the Family Code have provisions which require for any action taken in relation to the child to consider the best interest of the child. ACRWC and CRC also impose a duty on the state to ensure the best interest of the child in any action they or the institution operating in their jurisdiction may take.

## **2.2. Types of Child Care Alternatives**

It is more than obvious to understand that the place where children grow with full satisfaction is at their original home; with their biological father and mother. The presence of some problem at their home even can't override the benefit it has for children's growth (Jean, 1961). In circumstance when a family fails to exercise its duties and responsibilities due to various reasons like death, placing a child to different child care alternative will be an option (Esther, 1957). Though the child in this condition is assumed to be the responsibility of the society at large, child care service is delivered formally through authorized bureaus; be it private or public (Jean, 1961).

Delivering child care service in a formal setting was not the early time practice. Though sometimes it takes an informal future, placing a child to an alternative child care system is not a new phenomenon. In early days the family, neighborhood, the church and the local community were responsible to give the social welfare services. For instance, similar to Ethiopian culture, in America there was a customary practice for a relative to take care of the orphan child. In the absence of this kind of arrangements, then comes the institutional care; placing children in an orphanage (Jean, 1961). There was a practice whereby children from a poor family works for wage in a wealthy families and the society consider it as one way of dealing with the dependent children (Jean, 1961). However, as times passes the magnitude of the problem necessitates the formal intervention from both non-governmental and government institutions (Friedlander 1968 as cited in Hizbayesh, 2007).

When the experiences of other countries observed closely, child care system is categorized in to two broad categories; the substitute family plan and group family plan (Esther, 1957). Under the substitute family plan, the child may predestined in the adoptive home, the free foster home, the private foster home, the boarding home, the so called professional foster home, the subsidized, the contractual and agency owned foster home. On the other hand, the group family plan is all about institutional facilities either in aggregate institution for children who considered being in no need of special attention and in a special institution for those considered as children of special need (Esther, 1957).

Among the aforementioned alternative, family support and strengthening is an alternative which recommended to be given a priority. Helping family through the cost of education and

treating parents for substance abuse are believed to come up with the required care for the child in the family environment (Williamson & Greenberg, 2010).

Coming to Ethiopia's context, the Alternative Child Care Guideline specifies the type of care that should be given for a child and sets the priorities between the alternatives. These alternatives are, according to their priorities; community-based child care programs, reunification and reintegration program, foster care, adoption and institutional care service (Alternative child care guidelines, 2009).

Moreover, Ethiopian alternative child care guideline has stated the definition, the purpose and the rationale of all types of child care alternatives. Accordingly, community child care is all about placing a child in his/ her community and providing the needed care in context which is familiar to the child. The purpose is to use the resources of the community itself to fulfill the need of the child who is part of that community. This type of child care is considered as the best alternative because it has a capacity to provide the necessary material; emotional, social, psychological and spiritual need of the child within the context of his/her environment. In this type of child care alternative the effort from the concerned bodies is expected in helping the existing structure, institution and organizations in the community by participating in the process of assisting the child with the necessary care in his/her community.

The guideline has a detailed description of the eligibility requirement of a child for community based care and other procedures that must be fulfilled to make the program as effective as possible. As per the guideline, kinship care, sponsored care, child-headed household, group home and foster family care are alternatives placed under the community based care.

Reunification and reintegration program is another alternative and it is a primary alternative out-of-home child welfare service. It is all about reunifying a child with his/her parents /relatives separated due to natural or man-made catastrophes.

Primarily for children who are unable to live with their biological parents and families the guideline provides foster care as an option for short term care within some willing private houses. On the basis of the guideline foster care is considered to be advantageous especially as compared to institutional care because it is believed to provide high level of attention, nurturing and continuity which is only possible within a family. Yet it is detrimental to the child's interest as it has a potential to detach a child from his attachments all over again.

Adoption is also one of the child care alternative the guideline specified to provide care for children who have no one to give the required care, particularly for orphaned and abandoned children. The guideline gives the priority for local adoption than intercountry adoption. It also has specified detailed procedure that should be followed before giving a child to adoption. But as this alternative is placed as a fourth alternative and viewed to provide care for orphaned and abandoned children, the guideline expects concerned bodies to choose this option after exhausting the first three alternatives; community based care, reunification and reintegration, and foster care.

Finally institutional care is provided as the last resort and short term alternative. The guideline clearly stated that placing a child in an institution shall be used as a last option after all other options are exhaustively used. As the guideline clearly stated orphanage are expected to look for other childcare alternatives to shorten children's stay under institutional care. To this end, there are procedures that must be followed in the process of choosing this option as a child

care option and look for other childcare alternatives even after a child is placed under institutional care. Thus, whether orphanages in Ethiopia who have given a power of guardianship for a child under their care strictly follow the requirement of the guideline is an issue that needs an answer.

### **2.3. Orphanages: General Overview**

#### **2.3.1. Historical Development of Institutional Child Care in Ethiopia**

At previous time in our country, social welfare in general and child care in particular was not organized in a formal way. It was delivered based on religious and customary practices (Andargachew, 1987 as cited in Hizbayesh, 2005). However, as the time passes, it becomes necessary for both government and non-governmental organ's intervention in handling the service. Thus, the Royal Family, Ethiopian's Welfare Association and the Ethiopian Red Cross association had started to take part in delivering the service. The Royal Family had established an orphanage in the second half of twenty century (Andargachew, 1987 as cited in Hizbayesh, 2005). Hailelassie welfare foundation was also established with the purpose of giving the social welfare service (Andargachew, 1987 as cited in Hizbayesh, 2005).

During Derge regime, both government, non-governmental and non-governmental voluntary organization had given attention to the matter and started to provide the social welfare service to the society under the control of the Ministry of Labor and Social Affairs later caused the establishment of 106 orphanages (Tesfaye, 1989 as cited in Yeneneh, 2003) including children Amba which was established in 1979 in Zeway (MOLSA, 1989). At the time, projects in relation to the child care service were coordinated through the national children's commission (UNICEF, 1984).

With respect to volunteer based initiative, orphanage established by Addis Ababa city resident's council and Jima city resident's general council can be mentioned as an example. At the time there were 34 orphanages running by Ethiopian Orthodox Church and 16 orphanages running by Ethiopian Mekaneyesus Church (Tesfaye, 1989 as cited in Yeneneh, 2003).

Now, under the regime of the government of Federal Republic of Ethiopia there are various laws which enacted to address the matter and there are also different non-governmental and public orphanages rendering the service. According to (UNICEF, 2013) report there are about 225 orphanages found in Ethiopia in the year 2013.

### **2.3.2. The Role Given for Orphanages in Ethiopian Context**

Globally there are different situations which can be cited as the reason to place children in orphanages (Faith Action Initiative, 2014). For instance, the child can be placed in a orphanage in circumstances when parents lack the capacity to give the required care as a result of poverty. There are also children placed in orphanage because of disability and their parents' inability to access appropriate services. Child abuse, and chronic neglect and separation of children from their families as a result of natural disaster are also other circumstances contributing for placement of children in orphanages (Faith Action Initiative, 2014).

Coming to Ethiopian context, article 220-228 of the Ethiopian Revised Family Law provides that priority should be given to parents and relatives of the child to be his/her legal guardian. But in their absence, the law in its article 229 gives the function of guardian or of tutor to an institution of assistance like orphanages established for this purpose. Under article 190 the law states, the agreement of adoption shall be made between the adopter and the guardian of the adoptee. This is especially true in the case of abandoned children and orphans. On the basis of this, article 192 of the same law allows for the government or non-governmental orphanages to

give any child under their custody to adopters. This means once the power of guardianship is given for the orphanages they will have a say on whether the child should be given for adoption or not.

The concept of guardianship can be seen in two ways; in a border and in a narrow sense. In a border sense it refers to the authority given to parents including custody of the child (Oliver, 2009). Taking the custody of a child imposes the duty to fulfill basic necessities like accommodation, food and medical need. It also includes the delivery of required training, education and physical and emotional support. While in a narrow sense it only refers to the administration of child's affair which includes property administration and acting on behalf of a child in a matter that affects the child's interest (Oliver, 2009).

Moreover, Ethiopian Alternative Childcare Guideline specified role of orphanages in cases of adoption. On the basis of the guideline, orphanages are expected to record and document detail and up-to-date information about the background and progress of the child. Encouraging domestic adoption, sensitizing the public to encourage domestic adoption and giving a child under their care to any legally registered and licensed adoption service provider organization is also the responsibility bestowed on orphanages. Before they gave a child for adoption orphanages are obliged to provide sufficient information to the relevant authority on how the child come to the institution, about personal, social and economic position of the adopter.

According to the guideline an orphanage is prohibited to give children for adoption without exhausting other alternatives preceding adoption and unless the child stay under institutional care for two months. Giving pre-adoption counseling and counseling service for older children and making sure that siblings are adopted by the same family of the same area are

also other tasks imposed on the orphanages. In instances when the children have no parents' orphanage are the one that sign adoption agreement on behalf of the children.

Furthermore, the guideline clearly stated the responsibility of orphanages in seeking every possible effort to provide other alternative care as early as possible based on the best interest of the child. They are also responsible in protecting a child under their care from abuses of any kind and give proper services for his/her healthy growth. Additionally establishing and strengthening networking among other institutions to promote experience sharing and collaboration is another duty the guideline stated so that the orphanage should observe in practice.

### **2.3.3. Children's Eligibility Criteria for Institutional Care**

The alternative child care guideline in its section of institutional child care has specified children who are eligible for this type of care. Accordingly, double orphans who have no one to take care of them in the family or community, single orphans whose living parent is incapable of providing support to the child and abandoned children whose parents are terminally ill or mentally incapacitated to take care of the child are eligible for admission in to orphanages.

### **2.4. Criteria in Determining the Best Interest of a Child**

The issues that must be considered in the process of applying the best interest of a child are; "the specific interest which is at issue, the nature of such interest, the duration of the interest whether it is long, medium or short term, whether the criteria to determine such interest is objective or subjective" ( Oliver, 2009: 146). Determining the best interest of a child requires gathering the necessary and adequate information about the children, their situation and what is best for them by taking their needs, wishes and their context must be taken in to account (Children's Rights Knowledge Center, 2014).

The suitability principle shall also be applied in the process of choosing between child care alternative. In determining the suitability of an alternative care option the requirements that need to be considered are; whether the option go in line with the minimum standard and requirement of human right of children as well as whether the setting for the child care fulfill individual need of a child (The proceedings of the Child on Europe Seminar on out of –home Children, 4 October 2012). In such cases, considering the presence of conflict between the best interest of a child and other parties involved in the process is also vital (Children’s Rights Knowledge Center, 2014). As it is also possible to understand from CRC the child’s right to be heard is linked to the principle of child’s best interest. Therefore, in the process of applying the child’s best interest principle we should think of giving the child a chance to give his/her own view on the matter (General Comment No. 14, 2013).

Moreover, as decision making is a key activity in child welfare, in the process of determining the best interest of a child it is necessary to think of the principles of good decision making (Lindsay & Aron, 2008). They further said that the rational decision making is one of the models of decision making which look for the highest expected utility value of the option. The components of this model are; its view of decision as the choice between a number of possible course of action, it also expects the decision maker to list options which counter act any possibility of tunnel vision, and the decision maker also must list consequences of all option to avoid any short sightedness.

According to authors cited above, after going through this procedure the decision maker then comes to evaluate the utility value or desirable and undesirable consequences of each option and choose the alternative that can have the least undesirable consequence. Using such kind of

model is specially justified in the process of making major decision like choosing between the alternatives of child care that have long term effect on the child's life (Lindsay & Aron, 2008). However, in the process of making minor decision that involves the child, the decision maker may apply the intuitive decision making, the decision based on the practitioner's expertise and wisdom. Ethiopian alternative child care guideline has also provided the principle of best interest of a child as criteria that shall be consider in process of giving decision regarding child care option.

Therefore, whether Ethiopian orphanage in practice applies the principles of decision making and the criteria provided under the alternative child care guideline in their effort to choose between the child care alternative is the matter that need investigation by this study.

## **2.5. Theoretical Perspective**

### **2.5.1. Critical Theories**

According to (Karla, 2008) Critical theorists are suggesting for macro-level change on the assumption that the society is constructed with political and economic inequalities. Therefore, research in the child welfare area may seek to participate in unjust society and propose for system level change. Therefore, the focus of the studies can be the covert practices of child welfare decision makers. Specifically, whether the decision in the child welfare system is triggered by the best interest of the child or the economic or public relation consideration may be the central question in study conducted in the area (Karla, 2008). The legal processes involved in the child care welfare can also be the point of interest in studies strives to determine the right of children and their families.

This study uses this theory to assess the practices of orphanage in the topic at hand. More specifically it focuses on dealing with whether orphanage solely depends on the best interest of the child in order to determine the child care alternative that best fit to the particular child's situation.

## **CHAPTER-THREE**

### **RESEARCH METHODOLOGY**

#### **3.1. Research Methods**

This chapter is devoted to discuss the research methodology used to guide the paper work. The research employed qualitative method and the primary data collection tools were; observation, and key informants interview. Secondary data were collected from books, articles, journals, legislations and other published and unpublished documents pertaining to the topic. The detailed description of how the topic is selected and the justification for the selection of research method, design, and tools are presented in the following sections.

#### **3.2. Research Design**

The research design employed for this study is qualitative inquiry with the purpose of descriptive case study with the objective of depicting the features of a situation. Case study focus on one instance or a particular instance of particular phenomena with a view to provide an in depth account of events, relationships, experiences, or process occurring in the particular instances. Hence, the research tries to examine the role of orphanage in choosing between childcare alternatives with the context of the best interest of the child. Kothari, (2004) also approves that researches of such nature are termed as descriptive researches. This research design is selected due to the nature of the research that means, to understand the processes in the child care system and the detail activities and roles of the responsible body on the area.

Qualitative research method also helps to interpret and better understanding of the multifaceted reality of a given situation (Creswell, 2007). Moreover, the research conducted using qualitative method can come up with findings that are not determined in advance and the objective of exploring people's experience in a given situation is also better achieved with this

method (Creswell, 2007). Therefore, in this research, the role given for the orphanage in light of the best interest of the child is the center of investigation that need to be described from the experiences of the stakeholders in the area. Unless we investigate the reality by looking at the way the system is operating from the experiences of the individual leading the major institutions in the area, reaching at any conclusion that shows the whole picture of the situation will be impossible. Thus, qualitative research method is selected and used in this research.

### **3.3. Participant Selection and Procedures**

Since the research tries to investigate the role given to the orphanage in relation to the best interest of the child participants were selected purposefully from organizations that are involved in helping children of such kind. Purposeful sampling is used to select participants pertinent to give the needed information. This is done based on the justifications given by Patton, (2002) about selection of participants in qualitative research. As Patton, (1990) describes, purposeful sampling is popular in qualitative research because qualitative research bases itself on in-depth information from small sample. Hence purposive sampling is the proper way to select individuals who have a knowledge and experience in the matter of the investigation of the study.

The participants are also selected upon considering not only their exposure and the experiences that they have towards the case but also they are running the organizations directly or indirectly working in the matter of childcare. Since the unit of analysis of the research is at the institutional level it is believed that conducting interview with those kinds of individuals will helps to get the needed information. On the other hand, the selection of the organization depends on the type of the organizations and the duration of the organizations.

In the case of their type, the orphanages selected for this study are three in which one is government institution and two are non-governmental orphanages. Only one government orphanage is selected due to the similar activities in such type of institutions. On the other hand two non-governmental orphanages are selected because the researcher thought that the way activities carried on may vary from institution to institution. Concerning the era of the institutions and agencies, two non-governmental orphanages established in 2002 E.C and 2005 E.C, one government institution that has been operational since 1956 E.C, two adoption agencies of different countries (one of the agency's year of service in Ethiopia is 30 years while the other works for 9 years) and the FDRE ministry of Women, Children and Youth affairs were organizations selected to get the data. These organizations were selected on the basis of their service tenure in the area having believed that they have more exposure and sound experiences on the matter.

Moreover, these orphanages and agencies are selected due their nearness to the researcher that enables the researcher to manage the research related activities within the time given. The number of the orphanages and agencies are limited in the case that the study can be managed and to some extent conclusion can be drawn from them. As information received from these organizations is started to be redundant and reached at the point of data saturation, the researcher decided not to look for other organization.

Executive directors and vice executive directors and officers who are currently working in these organizations were selected based on the above mentioned sampling method and its criteria. These key informants were chosen because I believe their position gave them a chance to know how the system is operating. Thus, the criteria for selecting the informants are due to the information they can provide. As the study is all about looking at the particular activity in

orphanages, children and other employees in these organizations may not give such enough information for the study. Thus, the researcher prefers to select the people with rich information and responsible to have full and accurate data. The detail description regarding the selection of key informants is found in section that deals with tools for data collection.

### **3.4. Data Collection Procedure**

Before data gathering, together with the explanation of the purpose of the study, first support letters were collected from the department and given to the selected organizations. Then, key informants were contacted and asked for their consent. Permission was also requested to do the required observation in the selected orphanages. All the selected key informants were willing to give the information needed and most of the organizations also gave their permission for the observation. However, all the key informants did not want their identity disclosed. Some key informants asked for the hard copy of the interview questions before the interview began and it was done as per their request. The duration of the interview lasted from 90 to 120 minutes. The researcher conducted the interview in the offices of the key informants; offices of adoption agencies, orphanages and the participant government office. On the basis of the consent of the key informants, the interview followed note taking and audio recording technique. For the accuracy of data, the recorded information was heard several times before coming to analysis.

### **3.5. Sources of Data**

The research used both primary and secondary data sources. The data that collected first hand are called primary data while secondary data is the evidence produced by others (McNeill & Chapman 1989). Primary data were collected from key informants and observation and these data were gathered through interview and observation. On the other hand secondary data were collected from related books, laws, conventions and meeting proceedings, organizational

documents and unpublished online materials which could contribute for the findings of the research.

### **3.6. Tools for Data Collection Techniques**

This section will briefly deal with the tools used as a data collection technique and justification for selecting these techniques. Key informant interview with open –ended interviews and observation were the techniques utilized to get in-depth information regarding the issues of the research. The mentioned data collection techniques are selected because of the nature of the research. Since the type of the research is descriptive case study, extensive information is needed to draw any conclusion. As Creswell, (2007) clearly states extensive data can be collected from observations, interviews and document review. Thus, as the nature of the research requires the researcher is prefer to select key informant interview, document review and observation as a tool to collect the data.

#### **3.6.1. Key Informant Interviews (KIIs)**

“Key informants are those whose social positions in a research setting give them specialist knowledge about other people, process or happenings that is more extensive, detailed or privileged than ordinary people...” (Payne, G. & Payne, J, 2004). What makes key informants different from ordinary people is, they have more information than the former and they occupy formal position in institutions that are the targets for the research (Payne, & Payne, 2004). Therefore, in this research, the role bestowed to orphanages in seeking child care alternatives is believed to be best investigated via key informant interview of individuals who occupy a formal position in the participant organization. Thus, officials at the orphanages, adoption agencies and experts at MoWCYA were used as key informants. This is because; the central issue of the research required the understanding of how the system operates and how the operation of this

system affects the best interest of the child. Because of the position they have or as they are the one who run the system itself, the researcher believed that it is possible to get detail information from these key informants than ordinary people.

The interview was conducted with the president of one adoption agency, one adoption officer from another adoption agency, department sub division head of the MoWCYA, vice president of non-government orphanage, president of another non-governmental and government orphanage. The number of informants is limited due to the time constraint and it is believed that the selected informants can provide the researcher with enough information. Moreover, the number of key informants is limited because, as interview precedes information key informants are giving becomes redundant and reaches at the point of data saturation. Therefore, the researcher believes that interviewing more key informants will not come up with different data.

In qualitative research interviews are prepared in the form of open-ended questions, the researcher probes to get in-depth responses and let the respondents talk freely (Quinn, 2002). Since a qualitative research uses small sample, generating in-depth information through this tool is fully justifiable. As (Quinn, 2002) states it is useful to gather data about people's perceptions, experiences, opinions, feelings and knowledge. Hence, as the research method applied in this thesis is qualitative there is a need to gather in-depth information from key informants. Accordingly the questions prepared were open-ended questions and this helped the key informants to give their answer without restrictions.

### **3.6.2. Observation**

According to (Marczyk, et al, 2005) observation is one of the most important techniques in research particularly in qualitative research. This data collection technique was employed to cross validate what the participants reported versus what actually exists. According to (Payne, G. & Payne, J, 2004) observation encompasses listening and watching the activities and people involved in the matter under investigation. Hence observation is all about consciously looking at our surrounding and tries to make sense of it. A researcher can also observe human experiences such as; behavior, actions, conversations, interpersonal relations and organizational processes (Payne, G. & Payne, J, 2004). Hence, observation guide checklist was prepared and checked out before the observations were made. Having gotten the observation guide, the practical realities of the organizations were compared with what has been said by the key informants. Particularly observation was done in the orphanage's compounds and their foster care to critically look at the environment they set up for the children; whether it centers on what is best for the child and whether it meets the standard criteria.

### **3.7. Document Review**

In addition to key informant interview and observation, different documents such as; laws, books, government regulations, reports, agreements are also reviewed and used as a secondary source of data.

### **3.8. Data Analysis**

Note taking and audio record was the techniques used to gather the data of key informants. The data collected through audio record was transcribed to written notes and the data collected via not taking also arranged to manageable notes. Observation note that was taken during the field work was one source of data for the study to come up with some meaningful

themes on the way to dig out the roles and the challenges in depth. Note from observation checklist is also converted to organized notes.

In order to extract the findings from the data I work on discovering the patterns, themes and categories or the central idea in the data. I repeatedly read all the textual material before moving into the categorical aggregation process to make sense of the data. Code is developed to identify each key informant's idea. On the basis of similarity of contexts and in light of the objectives and research question each data from key informants, observation and information from document review is classified in to different general categories. Then, themes such as the background of the participants, children's way of admission to orphanage, the role of orphanage, the implementation of the principle of the best interest of the child, challenges that orphanages face and how orphanage's practice in this regard affect the best interest of the child are emerged from the data. These themes are selected because they fit to the objective and research question.

Findings from the primary data of the research are placed under each theme and relevant ideas from the literatures are also incorporated to make sense of the whole idea of all data. Moreover, data from each source and participant is compared with each other to come up with meanings that can give answer for the research question. Generally, after going through all the above mentioned steps I finally started to write the report on the bases of the prepared outline. I also rewrite it several times and evaluated its content so that its readability is improved and it will be ready for the final write-up.

### **3.9. Trustworthiness and Data quality assurance**

There are different criteria to judge trustworthiness and data quality in qualitative research. Among them are; validity of the data and triangulation or consistency of finding across

methods and data source (Silverman, 2004). On the basis of these criteria the maximum effort is exerted in this research to secure the trustworthiness of the research starting from data gathering to data analysis stage. To avoid missing ideas of the respondents while handwriting some key informants was recorded on the basis of their will. Other interviews were done through note taking because they requested for not to record their response.

To avoid personal bias, I tried not to impose my idea on all key informants during the interview by giving them the freedom to give answer to the question without my guidance. To minimize key informants personal bias, there was no payment effected for key informants and the purpose of the research was communicated clearly. I also repeatedly listen to the audio record to make sure that the informant's idea is put in place correctly. Again during data analysis stage issues are only discussed on the basis of the data from key informants and document review.

For the purpose of triangulation of the data gathering technique the research used three types of tools; key informant interview, observation and document review. The data found from key informant interview was compared with the data that results from observation and documents gathered and vice versa. Triangulation was also applied by using different data sources such as; orphanage, adoption agencies and the FDRE ministry of women, children and youth affairs. In this way the data gathered from one source was cross checked by the data gathered from another source.

### **3.10. Ethical Considerations**

Ethical practice in research is an important matter and it refers to “a moral stance that involves conducting research to achieve not just high professional standards of technical procedures, but also respect and protection for the people actively consenting to be studied”

(Payne, G. & Payne, J, 2004). The researcher is also expected to follow ethical principles starting from the decision to conduct the research. In addition to this, data shall be gathered and analyzed ethically (Payne, G & Payne, J, 2004).

As informed consent is the basic concept in ethical practice, (Marczyk, et.al, 2005) the consent of the participant was secured before the data gathering and their autonomy was protected by letting them decided freely regarding their participation in the research. Confidentiality is also another ethical principle that shall be stressed in every research practice; the researcher shall not disclose the identity, places and location of the research without having the permission of the subjects (Seale, et al, 2004). Thus, the researcher assured the participants that confidentiality is fully protected; the researcher will not disclose their identity and information with any third party without their consent.

In order to avoid the potential harm for the future research because of the reluctance of the subjects to participate in the research trust is another important ethical requirement (Seale, et al, 2004). Therefore, in this research to secure trust with the participants, the purpose of the study was explained clearly .i.e. the finding will be used only for academic purpose and for the benefit of the public at large.

## **CHAPTER FOUR**

### **FINDING OF THE STUDY**

This section deals with two major areas: the role of orphanage in seeking child care alternatives and the issue of best interest of the child in light of the mentioned role given for orphanages. Under each areas the following themes are presented ; the background of the participants, children's way of admission to orphanages , the role of orphanages , the implementation of the principle of the best interest of the child, challenges that orphanages face and how orphanage's practice in this regard affect the best interest of the child. Objectives outlined in the first chapter are the basis for the thematic areas identified for the present study.

#### **4.1. Background of the Participants**

The data presented in this section under each theme is gathered from participants that have a higher position in their organization; from two non-governmental orphanage, one government orphanage, two adoption agencies and MoWCYA. The key informants from non-governmental orphanage are currently working as the vice president and the president of their respective organizations. The key informant from the government orphanage is an individual in charge of coordinating the overall affairs of the organization. Department sub division head from the Directorates of Children Department of MoWCYA also participated in the study. President of one adoption agency and adoption officer of another adoption agency are also selected as a key informants. For the purpose of anonymity code is given for each key informants and their description in this regard is done accordingly.

#### **Summary of Research Participants' Profile**

Code	Type of institution	Institution's Year of service	Title of the key informant	Field of study
KII1	Non-governmental orphanage	6 years	Vice president	Chemistry and Pharmacy
KII2	Non-governmental orphanage	3 years	President	Psychology
KII3	International adoption agency	30 years	President	Law
KII4	International adoption agency	9 years	Adoption officer	Sociology
KII5	Government orphanage	51 years	Coordinator	Social work
KII6	MoWCYA	--	Department sub division head	Psychology

#### 4.2. How Children come to Orphanage

Participants from all orphanage said the directive passed by MoWCYA in the year 2004 E.C is the guideline to determine children's eligibility for adoption. Based on this, they receive double orphan, abandoned children and children coming from an abusive environment. Moreover, single orphans are also eligible as long as either the living parent or other relatives are not in a position to take care of the child due to different reasons. However, government organs like WCYA offices are in charge of deciding on the eligibility criteria of children to orphanage. Therefore, in the first stage, orphanages have no say in the process of deciding on this matter.

Coming to the difference between non-governmental and government orphanages in the topic at hand, irrespective of the presence of various similarities in terms of the duties in this regard, few differences can be pinpointed. As KII1 and KII2 mentioned, in the context of Addis Ababa before two years they were directly receiving a child from police or the *woreda* women,

children and youth affairs offices. However, currently only government orphanages are entitled to directly receive children. For instance, if police finds an abandoned child, the child will only be referred directly to a government orphanage and the police together with the committee at the *woreda* women, children and youth affairs office will assess the background of the child. Then the document of the child's status in relation to his/her family, the place he/she is found and other relevant information will be filed and given to the government orphanages .

As KII5 stated as the government orphanage they receive a child from ten sub cities in Addis. There are also different scenarios through which a child might be admitted to their institution. One such scenario is the case of abandonment. If the child is claimed to be abandoned, they receive him/her only with the police letter that confirms the child is in fact abandoned. Sometimes if the child has a family but his/her family are unable to provide him/her with the required care, the *woreda* women, children and youth affairs office examines the case and then refers the matter to Addis Ababa women, children and youth affairs bureau. If the bureau decides that there is no alternative for the child than institutional care, it refers the child to government orphanage. Sometimes courts also refer a child for temporary care in orphanage in instances when the parents are found guilty of crime and are sent to jail. On the other hand, the non-governmental orphanage receives a child when the government orphanage is overburdened and unable to help the child with other alternatives. As KII5 described the process through which a child get in to a certain orphanage in Addis Ababa is as follows:

First the WCYA office in collaboration with the police at the *woreda* level investigates background of the child. Then, they forward the result to the WCYA found at Addis Ababa level. If the child meets the criteria for the placement in orphanage they will refer

him/her to government orphanages. Since the government orphanage have a limited capacity it will assign the child to non-governmental orphanages. Though the background of the child is checked, the orphanage to which the child is assigned is still required to exhaust the possible alternatives as per the guidelines.

#### **4.3. Role of Orphanages in Seeking Other Child Care Alternatives**

According to the key informants from both government and non-governmental orphanages, their respective organizations were established with the purpose to render child care service for children in need. They claimed for being home for vulnerable children who have no one to fulfill even their basic needs; food, shelter, clothing, as well as protect them from danger. As far as my personal observation is concerned I witnessed children of different age living in the compound of both non-governmental and government orphanages. The number of children sharing one room in the non-governmental orphanage, is lesser than that of the government. Apart from the services for children staying in their institution they are also working on matters concerning children in need while they are living with their parents, relatives as well as in their community. They have also programs aiming to help the families of vulnerable children.

Once the child is placed under their care, the orphanages will gain the power of guardianship or take the responsibility to act on behalf of the child and start to look for the best child care alternative for his/her healthy growth. As the key informants explained, institutional care, sponsorship program, foster care, group home, adoption (both inter-country and local adoption ) re-integration and re-unification are among activities or child care alternatives they mentioned their organization is currently engaged in. Under sponsorship program these orphanage cover the expenses of children living with their family in instances when families fail to fulfill basic expenses such as: educational expenses, expenses for food and expenses for

clothing. In scholarship program, mothers of the children included in the program are expected to save some money on monthly basis so that they use it as a startup capital to change the family's life.

As KIII explained, in their organization compared to other alternatives the sponsorship program is the alternative benefiting many children. In other words, in their organization sponsorship program is a successful program in respect of changing the life of children and the family in general. For instance, among 202 children included in this program 20 of them are attending their education in higher institutions. Integrated care and support for mentally challenged children is another program helping children who need a special attention through physiotherapy service, medical service and other services based on their situation.

In addition to activities directly targeting children they also engaged in projects focused on the families of children. According to KIII there is project called family empowerment (family preservation) targeting female headed houses whose children are included in scholarship program. Under this program, different kinds of skill based trainings are given to these single mothers together with the startup capital to help them engage in different income generating activities. By doing this, it is believed that children under the scholarship program will have a family who support them and in effect this helps the organization to use the scholarship program for other children in need. There is also HIV alleviation project addressing the issue via HIV awareness creation trainings, VCT, condom distribution and counseling services.

As KII2 explained, their orphanage is established by a group of psychologists and tries to give psychosocial support for children. They believe it is essential to give training for individuals

who are working in the child care system. The key informant further explains what motivated them to establish the orphanage 3 years ago as follows:

There were foreigners who adopted two children from Ethiopia and they were psychologists by profession. The two children they adopted have an opposite behavior from each other. For instance, one of the children is always afraid of talking to people and had a difficulty to get along with children easily. On the other hand, the other child had no problem of this kind but unable to understand the boundaries in his relationship with other people. He thinks that he has to hug every individual he meets. As psychologists, they understood that this resulted from the way care givers used to handle these children while they were in the orphanages and this had an impact on the children's current behavior. As a result, they decided to help orphanages in Ethiopia by helping them to have a program working on the skill of the care givers. They contacted us and promised to give us the necessary support if we could work on this matter. As psychologists we shared their concern and decided to establish this orphanage. Currently we are giving trainings on scientific ways of handling children for different care givers selected from both non-governmental and government orphanages.

As I observed the training room of this orphanage, I saw quotes on the wall of the room envisaged to raise the awareness of the care givers. On the other hand, there is a difference in the role non-governmental and government orphanages are playing in terms of giving a child for adoption. After they exhaust other alternatives other than institutional care which is the last option in alternative care guideline, non-governmental orphanage have a right to assign a child for both local and inter-country adoption. As per KII 5 however, currently government orphanage are not working on inter-country adoption and they are limited to local adoption.

#### **4.4. Implementation of the Principle of the Best Interest of the Child in Orphanages**

This section presents data gathered from key informants on how orphanages implement the principle of best interest of the child in practice, particularly in the process of choosing between other child care alternative.

To exhaust child care alternatives on the basis of the best interest of the child, key informants from orphanages mentioned criteria such as background assessment and family history (whether the child has a family that have a capacity to provide the required care). They stress the need to prefer the best interest of the child in cases of conflict of interest of a child's interest with that of orphanage and the family. The KII 1 said;

There are different individuals involved in the child's life, for instance, the child may have a relative who wants the child to live close to him/her but doesn't want to fulfill the child's basic need. In this case we need to give priority for the child's best interest and find ways to help the child.

This key informant also said consideration should also be given to the particular child's situation. The question that must be asked specifically to achieve this end will be "is he/she eligible for scholarship, re-unification, and adoption etc."

According to this key informant, the background of the child is the most important criteria. The background of the child can indicate the presence of families who can take care of the child. If the background of the child tells the child is half orphan and the parent is capable to take care of the child, it will be preferable to include the child in scholarship program.

In general, according to the key informants from all orphanages, the background information of the child and the age of the child are the main criteria they practically applying in

the process of seeking childcare alternatives. Key informants mentioned that, sometimes in this process they request help from the government body that could give the required information. For instance, if the child has a family who can render the required care, they will re-integrate the child with the family. If the children believed to take care of themselves in the community, then they will place them in a group home. In the absence of any other alternatives except adoption and institutional care they start to look for adoptive parents; local or inter-country with the purpose to help the child grow with in the family environment. Thus, background and the age of the child are found to be the vital criteria.

Moreover, in the process of determining the child's best interest, KII2 stresses for the need to assess the child's condition from different perspectives. This key informant said most of the time the psychological need of a child is neglected and emphasis is given for the child's need like food, shelter and clothing. Being aware of this circumstance, their orphanage is trying to accommodate child's psychological need as a criterion to determine the best interest of the child.

The key informant from government orphanage mentioned the procedure they followed to assure the child's best interest. For instance for local adoption, the assessment in this regard include; the family's health condition both mental and physical, the family's income and home study.

#### **4.5. The challenges of Orphanages in Seeking Child Care Alternatives**

According to the key informants from almost all participants of the study, in orphanage's practice of choosing between child care alternative, the issue of budget is claimed to be the first challenge. Pursuant to KII5, the government orphanages are mainly funded by the government budget. However, this key informant said that sometimes different adoption agencies also

support their projects in an informal ways. For instance, the clinic and another big building I observe in their respective compounds were built by adoption agencies. The support coming from these adoption agencies towards these public orphanages is not limited to material or monetary support. It is also extended in the form of technical support through recruitment of doctors or other professionals to support the institution.

On the other hand, according to the key informants from all non-governmental orphanages participated in this study, their budget sources are primarily from adoption agencies. In addition to this, they are also supported by contributions coming from volunteers who adopted a child from the country and very few international NGO's. None of these adoption agencies raise their fund locally. KII1 expressly stated that 80 or 90 percent of their budget comes from adoption agencies. The key informant from MoWCYA also agrees with this figure and confirmed that most of the budget sources of non-governmental orphanages are adoption agencies. Further to this, KII 1 said, as the number of adoption agencies they are working with is decreasing due to closure the issue of budget limitation becomes more challenging.

As the key informants from all non-governmental orphanages indicated, there is no trend of voluntarism where individuals can come and help children living in orphanages even by showing the sense of belongings and love. In this condition they said that they have no choice rather than only depending on adoption agencies established with the purpose of working on inter-country adoption.

The problem of the system in controlling of the child care practice is the second matter mentioned by the key informants as creating challenge in the role of orphanages in the area. MoWCYA and its offices in different levels are one of the government organs that regulate the

activities of the orphanages. Since both non-governmental orphanages and adoption agencies are registered as organization's working on charity, CHSA and BoFED have an involvement in the matter. As all key informants from non-governmental orphanages and adoption agencies indicated, they have entered an agreement with BoFED and WCYA offices to work on the area and CHSA have a power regarding licensing issue.

The directive passes by MoWCYA on standards of the orphanages requires non-governmental orphanages to clearly declare their finance and prepare receipts for the expenses they incur. However, as key informants from adoption agencies and orphanages indicated, there is limitation in terms of strict checking mechanism in this regard specifically on the bilateral agreements between orphanages and adoption agencies.

The key informant from one adoption agency claims that orphanages working with their organization are not willing to give a report on how the grant given through bilateral agreement is utilized. As a result they are facing difficulties on checking whether the grant is used for intended purpose. This in effect is creating difficulty on them to get a fund from the country of origin as they want to monitor where their money goes. Moreover, there are representatives from orphanages who ask them to send the grant money to their personal bank account instead of the bank account opened in the name of orphanages. They refused the offer because it is illegal and the organ that regulates them in country of origin prefers to give money for expenses only supported by the required evidences. This key informant said as a result of their refusal to accept the deal, the representative of orphanage told them there will be no child assigned for them for adoption. According to this key informant this in effect is challenging the role of orphanages which are free of such kind of conducts by giving a general bad image. KII1 confirmed the

disadvantage of malpractices of this kind in the area and mentioned it as a cause for minimum participation of international organization and the other concerned bodies in rendering the necessary support to orphanages.

Moreover, the above mentioned key informant (KII3) mentioned the presence of brokers in between adoption agencies and orphanages to take care of the deal of assigning child for the agencies for per child payment. This key informant states the situation as follows:

Once I discussed the fact that my agency is not getting a child for adoption because we are not usually willing to give orphanages a per child payment with the person I know. In another day this person came to me and told me that he have found someone who said can find me an orphanage that look for an adoption agency to help it get an adoptive family. I was happy with this news and arranged a time to meet this person. I finally met him and asked him the orphanage that he was referring to. He said this orphanage will assign me five children but up on condition that I paid money for his service as broker and a per child payment for the orphanage. The payment he asked me was exceeded the budget my agency allocate for the year. I didn't agree with his proposal but the incident thought me how it is getting difficult to get a child by solely considering the best interest of a child.

The key informants from the MoWCYA (KII6) agreed with the presence of limitation regarding controlling mechanism in place and mentioned the solution proposed to alleviate the problem. As per the explanation given by this key informant, making the government part of the agreement between the adoption agencies and orphanages is the new solution proposed with hope of regulating the existing financial transaction. However, all key informants agreed that the

presences of this kind of circumstances are hindering orphanages that are working ethically by shedding a bad image in to their efforts. All key informants confirm that this in effect is hindering international organizations and the society at large from having the initiative to work with orphanages.

Limitation of concerned bodies in the child care system is also another point raised by key informants in relation to the challenge orphanages are facing in the practice. Key informants from all organizations said that, though orphanages, adoption agencies and concerned government organs are there for the same purpose; working on a child welfare service there is a limitation in terms of working cooperatively.

For instance, KII1 and KII2 claim that instead of looking for better ways by which the best interest of the child is protected, some personnel from the government office and other stake holders consider them as if they are only strives to send children for intercountry adoption. As a result, without having a good ground to apply the alternative that precedes adoption and assess each alternatives in light of the condition of a particular child, there is a tendency to blame adoption in general. Because of this, children are obligated to stay in institutional care for longer period of time which should be the last option. On the other end adoption agencies also mention the issue of considering them as organization which only strives for adoption and even fail to recognize the fact that institutional care is the last option.

The key informants from the orphanages mentioned the need for adoption agencies to support them financially and complained that few adoption agencies don't want to give their money for the projects that can change the life of children. Instead they prefer to use it for their own benefit. I raised this question to the adoption agencies and KII3 claim that their agency's

country of origin is the signatory of Hague Inter-Country Adoption Convention and they purposefully allocate a limited amount of money to avoid financial transaction which can compromise the best interest of the child.

All key informants mention limitation that exists in terms of assessing the background of the child. The KII4 mentioned an instance when a child is assigned for adoption because the entire government organs and the orphanage that took the custody of the child had participated in background checking of the child and they said the child was abandoned and have no one to take care of him. But with simple investigation, by going to the place where the child was found this adoption agency came to know the presence of the child's parent who has the capacity to support him.

In addition to this, there is reluctance in terms of documenting the child's background properly. For instance, a child found from Oromia region may be registered as the child found from Amhara region. The key informant from orphanages also affirmed this fact by saying that they are facing difficulties in this regard. They said there are instance where there was a discrepancy between what the child's document said and the realities on the ground. The document may say the child is double orphan but after investigation the parents may be found to be alive.

In connection to what has been discussed under the above paragraph key informants from orphanages and adoption agencies mentioned failure to cooperate among actors in the child care system by taking the issue seriously. Key informant from adoption agencies claim some orphanage are not happy while they make an effort to assess the child's background. Key

informants from the orphanages also said other concerned bodies like police departments are not cooperative while they do the background checking.

According to KIII, sometimes there are practical difficulties hindering the perfect practice of seeking childcare alternatives by strictly following the criteria. For instance, age can be an obstacle to exhaustively use the child care alternatives. This is because most of the time it is not possible to find a family for older children because prospective adoptive parents do not want to adopt them instead they prefer younger children. As a result, these children's stay under institutional care will get longer.

This key informant also described the situation in local adoption. In the case of local adoption the demand is for female children and this is creating difficulties to their role. Sometimes the number of male children in their orphanage is greater than that of female children and this becomes another obstacle in their effort to consider each child care alternative.

#### **4.6. The Effect of the Role of Orphanages in Addressing the Best Interest of the Child**

As it was mentioned in previous section, the key informants from all participant organization indicted the fact that the budget limitation is an obstacle in the process of choosing between the alternatives. However, all key informants have agreed on the presence of gaps in this regard and the impact of financial dependence of orphanages that sometimes lead them to choose intercountry adoption without exhausting other alternatives. Key informants from adoption agencies said that as the budget of orphanages is dependent on the support they get from adoption agencies there is a tendency for orphanages to prefer intercountry adoption especially for younger children. All key informants confirmed the presence of instances when the financial issue in orphanages practice adversely affects the best interest of the child.

As they further explained the issue, key informants from both non-governmental and government orphanages confirmed that other non-governmental organizations than adoption agencies are not willing to fund orphanage's projects. As a result, orphanages and adoption agencies usually enter in to bilateral agreement by which agencies agree to support the projects of orphanages. I asked key informants from adoption agencies on what ground orphanages assignee a child for adoption and specific requirements orphanages usually providing. The response of KII3 was as follows:

First and foremost, the requirements orphanages should follow and the practice is totally different. As adoption is one of the alternative child care alternatives, an adoption agency should be considered as organization helping the child. In instances when orphanages are unable to help the child with other alternatives that precede adoption, they must come to us and ask us to find a good family for the child. That means the criteria should be the fact that the child is legitimate for adoption and the possibility that our agency can find a good family for the child. We should also get the child for adoption without the necessity to give money in return. But in practice the reverse is true we are the one who expected to ask them to assign us a child for adoption. This is because adoption agencies are financed by individuals who wish to adopt a child and orphanages also depends on the budget they get from adoption agencies. In other words, the more money you can give to orphanages the more adoptable child you can get. This is like "selling a child". Though bilateral agreement is usually entered for the purpose of supporting other projects of orphanages in practice orphanages asks us to give them huge amount of money so that in return we can get a child. In the near past, per child they asked us to pay 6,000 (six thousand birr) but now it raised up to 100, 000 (hundred thousand birr). We are not willing to accept this

transaction and as a result our agency is on the verge of closure. However, there are adoption agencies which pay exaggerated amount of money and get many adoptable children in return for intercountry adoption.

The key informant from other adoption agency (KII4) also said that giving much money is the criteria to get a child. For instance, as the bilateral agreement between the orphanages participated in this study and one agency indicates, the agency has agreed to support orphanage's project to provide service for at risks children and families. The amount of the grant in the agreement was birr 3,600,000 (three million six hundred thousand birr) per year. In addition to this, the agency committed itself to provide in kind donation such as; milk, diaper and cloth.

In this agreement, there is no specific provision with respect to orphanage's duty to assign the child in return but there is a provision which talk about the responsibility of the agency in relation to adoption issues. For instance, it says the agency "commits itself to follow up on the growth of all children and send report with photos of children once a year for follow up post adoption condition and facilitate condition so that the orphanage could visit and witness the adopted children's status in the country of adoptive families".

In another bilateral agreement between an agency and a orphanage the objective of the agreement says "the grant is to support children at home base and improve condition of children living in orphanage as well as children who are living with their families but in a critical economic condition". But under the general terms and condition of the agreement it is clearly indicated that the orphanage will assign adoptable children for the agency. The grant in this bilateral agreement was 300, 000 birr and according to the key informant from this adoption agency though the agency gave this money in the name of support for other programs of the

orphanage, the orphanage was not willing to assign a child by claiming that the grant is not enough.

KII 1 also share's the concern of the key informants from adoption agencies. He said that economic dependence of orphanages will definitely have an impact of pushing the orphanage to decide towards inter-country adoption without exhaustively considering other alternatives. But he claimed adoption is one of the alternatives which give a child to grow up in a family setting and up on considering the current situation of children who are living in most vulnerable condition it could not have that much of harm. In his word he said "Adoption is an alternative that will in fact bring family to our child". I specifically asked him the criteria they have to choose between adoption agencies. He said "we usually look at their initiation to support our projects and the perception they have about our child support activities".

According to the key informant mentioned above, to give a quality of service the orphanages need the required financial support. So whether an adoption agency value the projects like sponsorship and institutional care is the criteria to select between adoption agencies. He asks how it is possible for orphanages to keep children safe without fulfilling their basic need and how they fulfill their basic need without getting the necessary support from adoption agencies and others. He said "the orphanages have many expenses like food, cloth and dipper for a child and other administrative cost to run the organization".

Moreover, as the key informants from non-governmental orphanages and adoption agencies explained all circumstances discussed under the previous section as the challenge orphanages are facing in relation to their role in seeking child care alternative have an adverse effect on the protection of the best interest of the child. Furthermore, they agreed that the

limitation in system in control of the relationship between orphanages and adoption agencies can jeopardize the best interest of the child by opening a door for illegal transition like child trafficking and abuses. The limitation in terms of cooperation between the concerned stake holders including orphanages can also result harm to interest of children involved in the process.

## CHAPTER FIVE

### DISCUSSION

Based on the thematic areas identified, the previous chapter has dealt with the findings of the study. In this chapter, the findings under each thematic area are examined in light of the existing literature and theoretical framework. In doing so, the findings are compared with the explanations given in literatures and in critical theories. This in effect can show whether the findings in this study support the knowledge base in the area and the tenants of the theory. The discussion is organized in accordance with the thematic areas identified earlier. However, since the challenge orphanages are facing in connection with the role they have in seeking child care alternative is very much related with its effect on the best interest of the child, issues under these two thematic areas are dealt under the later topic.

#### **5.1. Role of Orphanages in Seeking Child Care Alternatives**

As it has been mentioned in the review of literature part of the study, Ethiopian orphanages have a guardianship power over children placed under their care. Oliver,( 2009) argued that the guardianship power may be classified in to two; guardianship in a narrow sense which confer the guardian the power to act on behalf of the child only in relation to the property of the child and guardianship in a broader sense including the custody of the child. Based on this, as the current practice of orphanages indicated by the participants of the study and observation made showed these orphanages are the places where children live. They are acting in children's behalf to take part in the matter that concerns the child including placing a child to selected child care alternative. This shows the fact that Ethiopian orphanages power of guardianship is taking the broader approach which includes the custody of the child.

Alternative child care guideline and the directive passed by the MoWCYA explicitly require orphanages to minimize children stay under institutional care and look for other child care alternatives such as; community based child care, re-unification and re-integration and adoption. According to key informants, orphanages are currently helping children through scholarship program by covering expenses of the child in the family environment, adoption, re-unification and other child care alternatives mentioned above. Based on the account of the participants, it is possible to see how these orphanages are contributing to the child care system by helping children in a vulnerable condition. However, the interviews with the participants from orphanages do not show their effort to engage in community based care before resorting to adoption.

## **5.2. The Effect of the Role of Orphanages on the Best Interest of the Child**

In Ethiopian the context, there is no law which obliges the government to allocate annual budget for the non-governmental orphanages. As per the participants account, they are expected to finance themselves and this forces orphanages to completely rely on the money that the agencies give them in exchange for the child they allocated for adoption. As a similar practices in international level showed, this also have an effect of creating competition between agencies to pay more to get more children for adoption (Note from Hague conference, 2014).

The interview result from the participants affirm that orphanage's financial dependence on adoption agencies; one of beneficiaries of inter-country adoption. As this data indicates, in practice it becomes impossible for orphanages to fulfill the need of children they received without getting support from others. All key informants from participant orphanages explained

the absence of the custom of getting help in kind or in cash from individual members of the community.

The data shows how financial support is determinant and even taken as criteria in the relationship between orphanages and adoption agencies. This is evident for how orphanages financial dependence is creating conflict of interest between orphanages and the child's interest. Since the budget of orphanages is highly dependent on what the agencies offered, the best interest of the child in this situation will be at risk. Due to this, the child who should be assigned for another child care alternative may be placed for inter-country adoption. All key informants agreed for the possibilities of this circumstance pushing orphanages to prefer international adoption than other child care alternatives. Taking financial support as one criteria in such kind of decision affecting the interest of children will ultimately go against the principle of the best interest of the child that defined under different legal instruments and opens a door for incident of child trafficking, sale and abuse that discussed under United Nations report of 2009.

CRC is the first binding international legal document adopted by UN with regard to child right and Ethiopia is among the countries that ratified this convention. ACRWC on the other hand is the legal document adopted with the view to accommodate African realities and provide both the right and obligation of the child. As per Article 9(4) of FDRE constitution all international agreements ratified by Ethiopia are integral part of the law of the land. The Constitution reflects the contents of the CRC and the importance of human rights, including those for children.

Alternative Childcare Guideline (ACG) is the main instrument which sets minimum standards for the provision of alternative care services by both formal actors such as government

and non-governmental organizations (NGOs) as well as faith-based and community based organizations. The guideline addresses the management and operation of alternative child care options. It also sets minimum requirements to issues of eligibility, recruitment, placement, assessment; follow up after placement, and reporting.

Both CRC and ACRWC state that a child deprived of his/her family is entitled to special protection and alternative care options. As mentioned above and in the part of literature reviewed, the guideline incorporated various alternatives for a child including community-based childcare, reunification and reintegration, foster care, adoption (including domestic and inter-country) and institutional care.

Article 21 of CRC stipulates that countries should recognize that inter-country adoption as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family in the child's country of origin. The guideline and Ethiopian Family Law acknowledge both inter-country and domestic adoptions. The guideline includes four major principles such as; the best interest of the child, non-discrimination, survival and development of the child and child participation.

Taking into consideration the best interests of the child is the underlying principle for each child care alternatives, every action of the administrative organ, courts and other public as well as private organization concerning children are required to be examined with respect to the best interest of the child. Moreover, article 20 (3) of this convention provide state's obligation to ensure alternative care for a child who is temporarily or permanently deprived of his or her family environment. ACRWC has also a similar provision.

With specific reference to the sections of the conventions on adoption, article 21 of the CRC and article 4 of ACRWC puts an obligation on states to consider the best interest of the child in the system of adoption. This provision specifically stated measures that should be taken to accomplish this principle. For instance, it requires the states to have an authority that is competent enough to determine the permissibility of adoption on the basis of appropriate laws and procedures. Further, it obliged the states to strictly monitor adoption practices so that they will not have adverse effect on the interest of the child. This is also clearly indicated under article 24 of the ACRWC. As a result, there will be a need to consider the extent the current role of orphanages go in line with international conventions to which Ethiopia is a party with particular emphasis the principle of the best interest of the child; one of the main criteria in these legal documents.

Coming to Ethiopian context, the guideline does not provide central government authority which established for non-profit purpose and filter children who shall be given for adoption or go to other alternative child care services. Internationally the study shows that there is a great competition to adopt young children as the number of people who wants to adopt is getting higher in number (Note from Hague conference, 2014). The involvement of large amount of money in inter-country may have an impact on creating income opportunity at the cost of the best interest of the child (Note from Hague conference, 2014).

According to (International Social Service Fact Sheet N.47) financial aspect of adoption in general and inter-country adoption in particular is the area which started to attract attention at the global level. The fear becomes growing regarding its effect on children's wellbeing and

presence of exaggerated kind of fee for the service claimed to be the cause for child abuses and trafficking (International Social Service Fact Sheet N.47).

As it is possible to understand from the data, in one way or another inter-country adoption one of child care alternative, becomes the source of income for orphanages and individuals working in the area. As the key informants confirmed this has an impact on the best interest of the child. As a result, the survival issue of both orphanages and adoption agency will come in conflict with the best interest of a child especially in the process of choosing between the child care alternative and assigning a child to a good family even after adoption is chosen as an alternative.

In instances when inter-country adoption is selected as an alternative, Both CRC and ACRWC do not provide detailed procedure that the contracting states should follow. The international legal document which provides the detailed kind of procedures in this regard is Hague Adoption Convention (HAC). Though it hasn't been ratified by Ethiopia, Hague Adoption Convention is an international document which has incorporated detail procedures that should be followed to in order to realize the best interest of the child. Article 9 of HAC states that power should be given to a central authority to collect, preserve and exchanges information about the situation, and facilitate, follow and expedite proceedings with the view to obtain the adoption, and took part in other important practices.

Article 11 of HAC provides that the central authority shall have non- profit objective, directed by person qualified by their ethical standard and subjected to supervision by competent authorities of the state as to its composition, cooperation and financial situation. This shows how well this convention is trying to require state to primary put in place a central authority which

can ensure the best interest of the child. However as it is tried to be discuss in the above paragraph there is a legal gap in our country in this regard. There is no independent authorities that directly manage the financial transaction of orphanages especially as it comes to the relationship orphanages are having with adoption working on intercountry adoption.

The key informants from adoption agencies mentioned the practice of covert transaction in the relationship they have with orphanages to the extent that brokers are emerging to mediate the matter for financial gain. This indicates how orphanage's role in the matter in the absence of central authority particularly in terms of regulating the financial aspect of the system is harming the best interest of the child.

In connection with the best interest of the child the children right to be heard in all matters that concerns them is another criteria to which the primary consideration is given under international legal documents (General Comment No. 14, 2013). Article 3(1) and 12 (1) of CRC stipulates the principle of the best interest of the child and the child's right to be heard in the following manner;

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be primary consideration. States parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

With regard to the practice of orphanages in Ethiopia, the key informants from orphanages stated background assessment as a criterion in the process of seeking child care

alternatives. However, they do not mention the importance of giving a child a say in seeking child care alternatives. This indicates the absence of due consideration given in this regard.

### **5.2.1. The Effect of the Role of Orphanages on the Best Interest of the Child in light of Critical Theories**

According to critical theories decisions by actors in child welfare system are triggered by economic and public relation concerns than the best interest of the child (Karl, 2008). Therefore, this section is devoted to examine the finding of the study in this aspect with the explanation of this theory i.e. whether the theory's claim of economic consideration affecting the decisions of orphanage in seeking childcare alternative.

As a decision maker in their role of seeking child care alternatives, the criteria orphanages should follow are; "the specific interest which is at issue, the nature of such interest, the duration of the interest whether it is long, medium or short term, whether the criteria to determine such interest is objective or subjective" ( Oliver, 2009 pp. 146). Determining the best interest of a child requires to gather the necessary and adequate information about children, their situation and what is best for them by taking their needs, wishes and their context in to account ( Children's Rights Knowledge Center, 2014).

Based on the criteria mentioned above, in seeking child care alternatives orphanages are expected to strictly rely on what is best for a child. As the finding of the study indicates issue of survival on the part of orphanages in terms of finance becomes determinant in their role of seeking child care alternatives. The detailed criteria that should be followed in the process seem to be challenged by the financial transaction in the child care system. Besides, other challenges mentioned as orphanages are currently facing such as limitation of system in control of this

financial transaction, coordination between stakeholders to an advantage of the best of the child, the emergence of brokers taking the gaps in the system for their financial gain are affecting orphanage's decision in the process of seeking childcare alternatives to the best interest of the child. This in effect support the explanation of critical theories i.e. economic benefit out of child welfare practices is the criteria in seeking child care alternatives than the best interest of the child.

## **CHAPTER SIX**

### **CONCLUSION, SOCIAL WORK IMPLICATION AND RECOMMENDATION**

#### **6.1. Conclusion**

In this study there was an effort to assess the practical challenges on the protection of the best interest of the child in context of the role of orphanages particularly while they choose between childcare alternatives. Orphanages are institutions that have a guardianship authority regarding the children under their care and this gives them the power to decide on the fate of these children by acting on their behalf. Though, the child is placed under institutional care in orphanages, as institutional care is the last alternative there is a need for the orphanages to look for other alternatives that best suits the particular child's situation. Community-based child care, reunification and reintegration program, foster care, adoption are the child care alternatives that precede an institutional child care. Therefore, orphanages have a role in looking for ways to help children up on considering these child care options.

According to the principle of the best interest of the child, orphanages are expected to give priority for this principle even in cases when their interest is in conflict with that of the child. There are conditions like the orphanage's budget dependency and lack of strong follow-up mechanisms in identifying covert transactions in the area. Non-governmental orphanage's budget which account to 80 percent to 90 percent is coming from adoption agencies that works on inter-country adoption and adoption agencies also mainly depend on the fund they receive from adoptive parents. Here, there is the issue of survival which results conflict between the interest of orphanages and the interest of the child under its care. In other words, orphanages are expected to assess for other alternatives before deciding to send a child for adoption while they need

money from adoption agencies to keep the organization intact. On the other hand, there is a need for adoption agencies to get a child for adoption in order for them to survive and give grant for orphanages. Thus, this will have a contribution for the compromises of the best interest of a child by forcing orphanages to choose adoption in the expense of other alternatives.

Moreover, there is no strong system that regulates illegal activities that are done to maximize individuals' benefit through suppressing the best interest of children and trading them for business. In general, it is possible to conclude that the role given for the orphanages in the context of their current source of budget and weak system of checking system negatively affects the best interest of the child. This in effect to some extent supports the explanation of critical theories which claim the orphanages' decision as one of decision maker in child welfare system is triggered by economic reasons than the best interest of the child.

## **6.2. Implication to Social Work Practice**

### **1. Implication for Policy Makers**

Working on social problem and social welfare organization is one aspect of the field of the social work. The subjects of the topic raised in this study are children the vulnerable segments of the society and orphanages which are among institution working in the child welfare. Showing gaps in practice and policies are among the tasks of the social workers. Thus, the findings in this study will have an invaluable benefit for future policy decisions by showing area that shall be considered to protect the best interest of the child. For instance, though orphanages presence in the care system is important, the policy makers should think of legal gap that results conflict of interest between orphanages and the child's interest. This study shows the legal gap in terms of regulating the financial transaction between orphanages and adoption

agencies engaged in intercountry adoption. As it was mentioned in the discussion section of the study there is no law in Ethiopia that requires the establishment of an independent authority which can regulate the financial aspect of intercountry adoption; the fourth option among of childcare alternatives. Moreover, there is no a legal ground that oblige the government to allocate budget for non-governmental orphanages. This in effect is creating budget dependency of orphanages on the grant given by adoption agencies which are also dependent on the payment coming from parents looking for adoptable children.

## **2. Implication for Social Work Practice**

As social workers' are duty bound to show stakeholders in the child care system, the strength and the gap they have in their practice, this will help them to take their service to the next level. According to the guideline, adoption is the fourth option that should be applied after the exploration of other alternative child care practices with good justification of the best interest and wellbeing of the child. However, maximum effort has not been made by orphanages to explore other childcare possibilities (such as community based care) before resorting to adoption. Community based assets and social capital including existing cultural values regarding providing care for the orphans and vulnerable children are not well utilized by orphanages. Thus, social workers can play significant roles in facilitating the process and influencing orphanages to adopt such practices.

The government has developed implementation manuals to facilitate the implementation of the alternative childcare guideline. The FDRE MoWCYA needs to work on familiarizing orphanage's staffs on the newly developed manuals and conduct proper monitoring and follow up on the proper application of the manuals. This could also be an area of engagement for social workers to facilitate the process.

The FDRE MoWCYA should enhance its own capacity to conduct proper monitoring and follow up of the relationship between orphanages and adoption agencies. Given the high demand of adoption and limitation of capacity in MoWCYA to follow up each and every child's case; the ministry needs to equip itself with additional human power with proper training and sufficient capacity. There are a lot number of clandestine practices observed in the area that are not in line with the adoption guideline. Therefore there must proper capacity to manage and reduce such practices. MoWCA should also work on enhancing the capacity of orphanages themselves in addition to working on familiarization of the guideline and implementation manuals. This could also be an area of engagement for social workers to facilitate the process.

### **3. Implication for Social Work Education**

School of social work is the places that produce future professional equipped with the necessary knowledge and who can alleviate the practice challenges witnessed in the childcare system. However, without having awareness about how the system is working in the ground and the practice challenges compromising the best interest of the child, it is difficult for social school to teach practice informed lessons to students. Therefore, the study can give an input for social work school by showing realities of orphanages practice in seeking childcare alternatives.

### **4. Implication for Future Research**

This study mainly looks at practices of orphanages found in Addis Ababa. Only one orphanage participated in the study works in other regional states as well. Therefore, the study will give a highlight about the issue and can be a starting point for future researchers who are interested further investigate the matter by looking at the practical realities of orphanages found outside Addis Ababa. Given the financial transaction in the area the study doesn't cover the fate

of Ethiopian children given for intercountry adoption. On the basis of findings identified in this study future researcher can also extensively investigate the role of orphanages from the perspective of the actual effect it has on the life of Ethiopian children leaving the country because of intercountry adoption. In general, the gaps identified in this study and the recommendation forwarded will believe to have a contribution in an effort for the betterment of the service.

### **6.3. Recommendations**

#### **1. Establishing the Central Authority and limiting the Role given for Orphanages**

As the finding of the study indicated, the fact that orphanages are the guardian of the child with the role of placing a child in the child care alternatives and the budget dependency on adoption agencies that interested in inter-country adoption will result conflict of interests. To alleviate the occurrence of conflict of interest between the child and orphanages it is recommended to establish a central authority proposed in a Hague inter-country adoption convention.

The central authority proposed in this convention will be an independent organ that can handle matters in inter-country adoption in collaboration with the central authority found in the country of prospective adoptive families. Article 8 of the convention gives the central authority “to take, directly or through public authorities, all appropriate measures to prevent improper financial or other gain in connecting with an adoption and to deter all practices contrary to the objective of convention”. According to article 9 of the convention the central authority will have the following power;

Collect, preserve and exchange information about the situation of the child and the prospective adoptive parents, so far as it is necessary to complete the adoption; facilitate, follow and expedite proceedings with a view to obtaining the adoption; promote the development of adoption counseling and post –adoption services in their states; provide each other with general evaluation reports about experiences with inter-country adoption; reply , in so far as is permitted by the law of their state, to justified requests from other central authorities or public authorities for information about a particular adoption situation.

Therefore, having such kind of an independent institution will avoid the occurrence of conflict of interests and control the financial aspects and other issues of the child care system. And it will be the solution to malpractices observed in the area. Orphanage's role should be minimized in this way and the financial aspect of the practice shall be managed by an independent institution which has no direct interest in the matter.

## **2. Strong system of checking and controlling mechanism**

Though it has limitation, there is a system currently regulating the role given for the orphanages. The government particularly, the MoWCYA and its bureau's found at different levels should closely monitor the bilateral agreements between orphanages and adoption agencies. There must be standard by which orphanages choose between adoption agencies to assign a child for adoption. There is also a need for continues follow up to control individuals who are working as a broker between orphanages and adoption agencies as well as other hidden malpractices.

Moreover, attention must be given to identify the misbehavior of individuals acting on behalf of orphanages. For instance, there must be a system that monitors the income of these individuals to know the monetary transaction taking place by sending money to their private bank accounts. Moreover, the government should also have a means to know why some adoption agencies are on their way of closure because of the absence of a child for adoption while the reverse is true for others. In general, strengthening the current system in terms of avoiding practices that have an adverse effect on the best interest of the child and adopting new ways to identify and control the clandestine part of the child care practice are issues that need due consideration.

### **3. Avoiding the problem of budget dependency**

In order to avoid the conflict of interest between orphanages and that of children the issue of the orphanage's budget dependency on adoption agencies must be dealt carefully. Both orphanages and other concerned bodies in the child care system must take this matter seriously and start to do something about it. For instance, convincing other international organizations engaged in the child welfare to fund the projects of orphanages can be cited as one solution. Orphanages should also start to raise funds locally. Moreover, much effort is needed to raise the awareness of the society in helping children in need in the community and participate voluntarily.

### **4. Working on the attitudinal change and cooperation for the same agenda**

The stake holders in the child care system shall also work on clarifying the misunderstanding within themselves and agree on one central issue; the fact that they all are working for the same agenda which is helping the children in need. It is not possible to identify the existing problem and come up with the required change unless all actors in the area started to

listen to the concern of each other and reach consensus on ways of addressing the matter that bring them to the service i.e. vulnerability of children in the society.

### **5. Adoption of Hague convention**

The Hague Inter-country Adoption Convention is the legal instrument that supports the practical applicability of CRC. The main principles which are essential for the child care are there in CRC but this convention's meaningful application can be achieved by adding substantive safeguard and procedures stated under HAC. For instance, the following rules and requirements in this convention are helpful to control malpractices in the child care system.

The contracting states and the central authorities have the obligation to take appropriate measures to prevent improper financial and other gain in connection with intercountry adoption and to deter all practices those are contrary to the objectives of the convention. Competent authorities of the state of origin have to ensure that the consent of the child (having regards to his/her age and degree of maturity) and of persons, institutions and authorities whose consent is necessary for adoption have not been induced by payment or compensation of any kind. One way of ensuring this is by prohibiting early contacts between the prospective adoptive parents and the child's parents or any other person who gives care for the child until the consent is properly given according to the Convention. Costs and expenses, including reasonable professional fees of the person involved in adoption, may be charged or paid. No one should derive improper financial or other gain from an activity related to inter-country adoption.

Having such kind of legal instrument will help to strengthening the system in control of the practice with the presence of detailed and strict requirements. It also has a use in terms of

forcing the government to take more responsibilities of introducing new ways or strategies to the system.

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## **Appendixes**

### **1. Interview guide for key informants from orphanages**

**Name** \_\_\_\_\_

**Position** \_\_\_\_\_

1. How does a particular child placed under your care?
2. Who bring a child to your organization?
3. Do you usually do background check of children under your care or do you solely depend on the information you received from other organs like police information and information from government offices?
4. Who do the background check of the child?
5. What are steps followed before your organization receive a child?
6. What are the criteria your organization expected to follow to get a license to work on the matter?
7. What does the concept of the best interest of a child mean to you?
8. What are the criteria's your office follows so that the best interest of the child is secured?
9. What are the child care alternatives you know?
10. What is the child care alternative your organization frequently use?
11. Why this alternative considered the best?
12. How and on what ground do you choose between the alternatives?
13. Do your organization have a criteria to assess the merit and de-merit of a child care alternative for a particular child?
14. What are these criteria?

15. What is the power your organization have in deciding the best interest of a child?
16. Does any other third party including the government bodies take part in the process of deciding what is best for a child under your care?
17. Does your organization have equal power with similar government /non-governmental organization in placing a child to adoption?
18. Where does your organization get fund?
19. Does your organization get fund from donor organization that are working outside adoption sphere?
20. To what extent do you think your organization economic dependence affect the best interest of a child?
21. What are the practice challenges your organization faced in the processes of delivering the service?
22. From whom this challenge does comes?
23. How do you usually come in contact with adoption agencies?
24. What is your way of dealing with adoption agencies
25. Have you by any child received a per child payment to children assigned for adoption
26. If the answer for the above question is negative is there any attempt from the side of adoption agencies to pay that way?
27. How much was your budget from 2014?
28. How much of such budget come from adoption agencies?
29. With how many agencies do you currently work?
30. Do you think it is a good idea if a central authority is established in Ethiopia? (like it is set in the Hague convention)

31. Do you think establishment of a central authority would change your decision of choosing the best alternative for a child under your care?
32. Do you think of generating income locally for your organization?

## **2. Interview guide for key informants from adoption agencies**

**Name** \_\_\_\_\_

**Position** \_\_\_\_\_

1. What does the concept of the best interest of a child mean to you?
2. What are the criteria your office follows so that the best interest of the child is secured?
3. What are the child care alternatives you know?
4. What criteria do you think orphanages should use in the process of choosing among child care alternatives?
5. On what ground does your agency get a particular child for adoption?
6. Who monitor the relationship your organization have with the orphanages?
7. What are the challenges you organization faced in the relationship it have with the orphanages?
8. How does your organization overcome these challenge?
9. What are the criteria the orphanages asks your organization to fulfill in order to get a child for adoption?
10. Is there instances your agency funded orphanages either in cash or in kind? Why?
11. Does your agency required to always fund orphanages as a criteria to place a child for adoption?
12. Does you agency ever faced a practice challenge in getting a child for adoption?

13. What are these challenges?
14. How do you resolve them?
15. Do you get equal service from the government and the non-governmental orphanages?
16. Is there a power difference between the two?
17. Is your organization base in a signing country of the Hague convention?
18. How long has your organization work in Ethiopia?
19. How much is your annual budget last year?
20. How much of this annual budget goes to the orphanages?
21. How many cases do you process yearly in a year?
22. With how many orphanages are you currently working?
23. How many staffs do you currently have in your organization?
24. Do you have a foster home?
25. Are you receiving a child from government orphanages?
26. What do you think is the working ethic of adoption among stakeholders?
27. Do you think it is an important step to establish a central authority to reduce unwanted relationship with orphanages and protect the best interest of the children?
28. What do you think is the government lack in resolving the problem perceived in relation with the work of adoption?

### **3. Interview guide for Ministry of Women, Children and Youth Affairs**

**Name** \_\_\_\_\_

**Position** \_\_\_\_\_

1. What does the concept of best interest of a child mean to your office?

2. What are the criteria to determine the best interest of a child?
3. Do your office have any system that helps to monitor orphanage's practice with the view to protect the interest of a child?
4. How does your office monitor the possible conflict of interest between the child's best interest and that of the orphanages?
5. What are your offices specific role in the area of child care practice?
6. Who check the background of a child before its placement in a particular care? For instance who is in charge to check a background of a child whom claimed abandoned?
7. What kind of system is in place to monitor the relationship of adoption agencies and orphanages?
8. If there is a system at what interval does the monitoring activity took place?
9. Where does non-governmental orphanages get their budget?
10. How your organization monitor the financial transaction in the process of giving a child for adoption?
11. Is there instances where your office identified problem on protecting the best interest of a child by orphanages?
12. What kind of measure was taken by your office to avail the situation in the future?
13. On what ground shall orphanages choose between the child care alternative?
14. What kind of system and criteria is in place to monitor the activity of orphanages in choosing the alternative child care?
15. Do you think there is a healthier relationship between orphanages and adoption agencies that can't adverse effect the best interest of the child?

16. Do you think that would be changed had Ethiopia be a signing country of the Hague convention?
17. What do you think should be done to minimize the unfair relationship between orphanages and adoption agencies?
18. Do you think the law should be amended in relating to giving the discretion to orphanages regarding choosing of the best alternative to the child under their care?