

**The Effect of the Ban of Intercountry Adoption in Ethiopia: The case of  
SHAMIDA Orphanage in Addis Ababa**

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Addis Ababa University

School of Gradates Studies

School of Social Work

August 2019

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This is to certify that this is the thesis prepared by Helen Ayana Abebe "*The Effect of the Ban of Intercountry Adoption in Ethiopia: The case of Shamida Orphanage in Addis Ababa*" submitted to the Department of School of Social Work for the partial fulfillment of Master Degree in Social Work.

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**DECLARATION**

I, Helen Ayana Abebe, confirm that this thesis is my original work and has not been presented for a degree in any other university as far as my knowledge goes and that all the source of materials I used for this thesis has been duly acknowledged.

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**Date:** August 2019

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## **List of Acronyms**

**ACRWC:** African Charter on the Rights and Welfare of Children

**AIDS:** Acquired Immune Deficiency Syndrome

**Alternative Childcare:** an informal/formal arrangement for a permanent or temporary care for a child who is living away from his/her parents.

**CRC:** the United Nations Convention of the rights of Child

**FDRE:** Federal Democratic Republic of Ethiopia

**FGD:** Focused Group Discussion

**HIV:** Human Immune deficiency Virus

**ICCPR:** International Convent on Civil and Political Rights

**ICA:** is the practice of adopting Ethiopian children by foreigners

**MOLSA:** Ministry of Labor and Social Affairs

**MoCYA:** Ministry of Children and Youth Affairs

**NGO:** Non-governmental Organization

**OVC:** Orphan and Vulnerable Children

**UN:** United Nations

**UNICEF:** United Nations International Children's' Emergency Fund

**US:** United States

## Abstract

The aim of this study is to assess the effects of banning of intercountry adoption on SHAMIDA orphanage in Addis Ababa, Ethiopia. To achieve the objective of this study, qualitative design with purposive sampling technique was employed. In depth interview, focused group discussion and key informants interviews tools were used to obtain the needed data. Document review and observation tools were also used for a better understanding of the issue under study. The study identified that the ban of intercountry adoption has affected Shamida orphanages in different instance like the finical capacity, service and medical care. Further, the study indicated that the ban of intercountry adoption is in the best interest of the child with exceptions to medically ill and physically challenged children. The finding also indicates that it is a moral, legal, social and political obligation of the government to protect orphans and care for them within their country of birth. Even if intercountry adoptions has its drawback, it was a better solution for those severely ill children without caregivers. Therefore, more is expected from the government, society and NGO's for the better care of orphans who are severely ill. Social workers need to intervене to prevent family breakup and know how to better manage children from torn apart families.

**Key Words:** Orphans, Severely ill child, Adoption, Intercountry adoption, Orphanages  
Binding, Institution

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## CHAPTER ONE

### 1 INTRODUCTION

#### 1.1 Background of the study

Family is the foundation of a society. A child needs a suitable family system for a proper and all rounded growth. A child is entitled to protection, love, and security as per the rights laid down in UNCR and the African charter. The UN guideline further states that, *“family is the fundamental group of society and natural environment for the growth, well-being and protection of children”* (UN Guideline for the Alternative Care of Children, 2010, article, 3). There is no argument to the fact that the best place for a child’s growth is within the family. Various reasons for a child to become an orphan; a serious of illness which later causes death of both parents, lack of financials support, neglect of a parent are a few of the many reasons with in a society that is causing a rapidly increase of the rate of orphans every day.

UNICEF and global partners define an orphan child as a child under 18 years of age who has lost one or both parents to any cause of death. As per the above definition, there were 140 million orphans globally. Further, UNICEF has classified Ethiopia as the second most populated country in Africa that has one of the largest orphan populations in the world (Unicef Ethiopian Annual Report, 2018).

As per the orphan statistics in the international journal of Management and Social Sciences Research volume 3, No. 1 report, every 15 seconds a child becomes an AIDS orphan in Africa and every year 2,102,400 children become orphans in Africa alone. 143,000,002 orphans in the world spend an average of 10 years in an orphanage. Every year 14,050,000 children still grow up as orphans and age out of the system.

Ethiopia being the second largest populated country in Africa with roughly 4.3 million orphans in the country has placed the most children for inter-country adoption with families from the United States since 2005. Between the year 1990 and 2009 US citizens adopted 7,284 Ethiopian children (Jones, 2018).

The African Charter on the Right and Welfare of Child article 25 explains when considering provision alternative care to a child, regards should be given to the continuity of the child's ethnicity, religion, culture, linguistic and background in the child's upbringing (Tariku, 2015).

The word adoption has an equivalent meaning of "Guddifachaa" in the Oromo language, which means to bring up, foster, or rear. Adoption among the attributes of maintaining love and family lineage, it was believed by some historians that adoption/Gudifachaa was used as a means of integrating non-Oromo ethnicity's residing nearby (Ayalew, 2002). Gudifachaa is further defined as a practice of child caring, supporting and right protection system within a society (Dessalegn, 2006).

Legally, adoption is defined as an act of one who takes another's child in to his own family, treating him/her as his own, and giving him/her all the rights and duties of his own child. A juridical act creating between two persons certain relations, purely civil, of paternity and filiations (Black law, online legal dictionary 2<sup>nd</sup> edition).

Adoption is a means of promoting children's welfare by the principle of ensuring the best interest of the child (Tariku, 2015). There are two types of adoption, domestic adoption and inter-country adoptions. This study will deal with inter-country adoption, which is defined as a process where the adoptive parents and the adopted child are of from different country (Jareborg, 1994).

Recently, the Ethiopian government placed a restriction on intercountry adoptions. On 9 January 2018, the Ethiopian Parliament passed a new legislation banning all intercountry adoptions by foreigners (Jones, 2018). The primary objective of this study is to investigate the challenges and consequence of banning of intercountry adoption has brought to Shamida orphanage in Addis Ababa.

The legislators of the law were concerned over children of intercountry adoptions suffering identity crisis. They feared adopted children might never know their birth culture and traditions. It was decided that it would be better to leave Ethiopian children in the care of government-run and privately established orphanages (Jones, 2018).

## **1.2 Background of the organization**

Shamida provides housing for orphans and vulnerable children. Many children are abandoned due to poverty or become orphaned due to the sickness of the parents. When this happens, the children will be brought to Shamida. They will be provided with food, shelter, clothing, care and medical care.

Shamida Ethiopia is a non-profit NGO engaged in working hand in hand with other NGOs in Ethiopia such as the Hamlin Fistula Hospital to complement their efforts and advance their projects in empowering women.

This paper tried to see the effects of this law on the orphanage as an institution, the children and employees at Shamida orphanage. Furthermore, this paper tried to see the intention of this law from the view of lawyer and child protection professional.

## **1.3 Statement of the problem**

Inter country adoptions is a “process by which a married couple or single individual of one country adopts a child from another country” Thompson (2004, pp.442). Advocates of

inter country adoption give due care to the best interest of the child. They say that intercountry adoption lets a child to grow and develop in a loving family environment as opposed to institutional care. They further argue that getting shelter, food and care is in every child's best interests, even if it occurs in another country.

As Wallace (2003), intercountry adoption is a much desirable option than for a child to be raised in an institution or foster care in the country of origin. Rayan (2004) further argues that adopting parents from developed countries are more equipped and willing to care for a child's emotional needs.

Liu (2002), criticizes the practice of intercountry adoption by arguing that saving a child from horrible living conditions is not adequate reason for intercountry adoption to be seen as an option. He further argues that intercountry adoption characterizes the loss of national asset of the sending countries that shows the inability of the government to care for its own.

Gates (2000), explain that uprooting a child from its birth country can never be seen as the best interests of the child since it deprives a child of its ethnic and cultural background and might expose children to discrimination in a foreign country.

Melat (2018), emphasis the fact that intercountry adoptions should not be something the Ethiopia government pursue indefinitely. She further argues in her paper that intercountry adoption should not be banned by law; rather it should be revoking laws that misuse intercountry adoption. Moreover, Melat recommended that while protecting children from unnecessarily going abroad, intercountry adoption can help those children who really needed it.

Ethiopia has ratified the CRC, ACRWC and has incorporated the rules laid down in these international instruments within the FDRE constitution. However, the national alternative childcare guideline is the only guideline which is very limited and provides minimum standards to be followed to for community based childcare, reunification and reintegration, foster care, adoption and institutional care.

Looking at the mentioned literature gaps, this study is going to focus on the effects, consequence, and challenge of the ban of the practice of intercountry adoption in Ethiopia, in particular at Shamdia orphanage in Addis Ababa. This study tried to see the consequence and challenges this banning has to the orphanage as an institution and workers within the orphanage. Furthermore, this research tried to see the intention of the law from the professional's points of view, which might attribute to future study on this area.

#### **1.4 General Objective**

The general objective of this study is to assess the challenges and consequence of banning intercountry adoption has brought on to Shamida Orphanage in Addis Ababa. After investigating the gap (if any), the study attempts to forward recommendations and options to minimize the gap.

##### **1.4.1.1 Specific Objectives**

- To assess effects and challenges of banning intercountry adoption has brought to the Shamida orphanage as an institution.
- To explore the effects and challenges of banning intercountry adoption brought to the children and communities (workers) at the orphanage.
- To try to understand the legal ratification behind placing such a ban



### **1.5 Research Questions**

The following are the basic research questions addressed by the researcher

1. What is the consequence of banning of intercountry adoption has brought to Shamida orphanage as an institution?
2. What consequence has this banning brought to the children and workers at the orphanage?
3. What do you think are the legal reasons for placing such a ban?

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

This study was conducted at Shamida orphanage in Addis Ababa. The orphanage is located at Torhiloche, kebele 10, HNO.112 near Hamlin School of nursing, Addis Ababa. The scope of this study is limited to Shamida orphanage. The scope of the study is on the effects this law banning has brought to the orphanage and those within the orphanage. The study also addresses law professional and government official who have professional awareness of the research being studied. The main participants of this study were the orphanage workers and manager at the orphanage, protection specialty at the ministry and legal professional who is aware of the issue being studied.

### **1.7 Significant of this study**

The findings of this study will provide information to government and NGO's on the consequence this banning has brought and might assist them in coming up with a better set up of handling children without caregiver. It will aid policymakers to review their decision of banning intercountry adoptions on the basis of the outcome of this study.

Furthermore, this study tried to provide awareness of the challenges orphanages are now facing due to the fact that intercountry adoption has been banned and might encourage local adoption and other alternative care for children without a caregiver. In addition, it will assist social workers for a better handling of children without caregivers who need special care.

Moreover, this study will provide an insight into the intentions of this law in regards to protecting national asset and heritage, besides providing researchers with important data for future studies if the need ever arise.

### **1.8 Limitation of the study**

While conducting this research some data were not accessible due to confidential agreement of the orphanage. Some primary informants were not willing to provide the exact information and some accounts were difficult to verify their accuracy. Given the above mentioned constraints, the researcher tried to see the gap and analysis it with the attempt of putting forth a solution to avert the problem for future.

The researcher faced difficulties in locating the right person to provide the information the needed. Due to the new structure and reshufflings of officials, the researcher was forced to reschedule data collection and conducting key informants interviews several times. Furthermore, since the banning is a recent event in Ethiopia, there were not as much documents and studies done in Ethiopia.

### **1.9 Organization of the Study**

This paper is organized into five chapters. The first chapter presents introduction that includes background of the study, statement of the problem, research question and research objectives. This chapter further discusses the scope, significance and limitation of the study, organization of the paper and definition of important terms used in the study. The second

chapter is dedicated to literature review that shows the experience of other countries and findings of different authors in regards to the practice of intercountry adoption.

Chapter three presents the methodology that was employed in this research: how data's were collected and analyzed. The fourth chapter presents data presentation. Three major themes were developed from the data gathered to better frame the data presentation. Chapter five discusses the three major themes by comparing and contrasting them with the findings of prior studies and also includes conclusion and implications as well.

**Operational Definitions**

1. **Abandoned:** children who have been denied to be cared for by their birth parents or extended family members.
2. **Adoptive parents:** parents who have lawfully adopted a child.
3. **Adoptable children:** children between the ages of 0-18 years.
4. **Domestic adoptions:** where adopting parents and adopted child are of the same nationality and similar country of residence.
5. **Inter-country adoption:** an adoption where the adoptive parents and the adopted child are of from different country.
6. **Out of age:** children who are at the age of 18 and are ready to be set out
7. **Orphanages:** an organization that provides shelter and care to children.

## CHAPTER TWO

### 2 LITERATURE REVIEW

This chapter provides relevant literature reviews on the practice intercountry adoption. This chapter will try to see the general issues related with intercountry adoption in Ethiopia. The Historical and Legal background of intercountry adoptions, theoretical framework, alternative child care, types of adoption, trends of child care, challenges and arguments related with this study will be briefly discussed.

#### 2.1 History of intercountry Adoption

Intercountry adoption is the process by which a person adopts a child from another country (Thompson, 2014). In intercountry adoption, change of country of residence is necessary (Tariku, 2015). For this study, Inter country adoption is defined as a process where a child finds a permanent residence and care outside of his/her county of birth.

The development of intercountry adoption evolved in different stages. Intercountry adoption began in the aftermath of the Second World War. US military's who were deployed in different areas outside of their country created the awareness of the existence of children who were abandoned and orphaned as a result of the war. The US was the first to practice intercountry adoption as a humanitarian response due to the Second World War and the number of children becoming orphans. Hence, intercountry adoption developed as a means to save the children affected by the war (Hubing, 2001).

The rise of growth of intercountry adoption following World War II, as a solution to child poverty and suffering undersized other development of welfare solution (Patricia, Fronck, Denise & Cuthbert, 2012).

During the Korean War, the ideas of rescuing children through adoptions become widely acceptable which become the second development of intercountry adoption. Furthermore, the willingness of the South Korean government to grant intercountry adoption created more awareness. Later on, families in the US felt obliged to adopt a large number of half-Asian children fathered by US soldiers who become outcasts in South Korean society (Leeuwen, 1999).

In the mid 1970s, the South Korean government started restricting intercountry adoptions by limiting the adoption of South Korean children to citizens of certain countries only. Then later on, the government placed a restriction on intercountry adoption all together due to the political pressure and international embarrassment caused by a media (Kleem, 2000).

The third development is related with the adoption of children from South America and the four developments came with the fall of the communist government, which involved children from Europe. The fifth development is in relation to china's one child policy (Tenagane, 2006).

The purpose of adoption in Europe as Goody explains is to provide homes for orphans while the purpose of adoption in Africa which he thinks does not exist, is in relation to property and preserving one's lineage (Tenagane, 2006).

There is a debate on the issue of intercountry adoptions. Supporters of intercountry adoption argue that an intercountry adoption is a form of humanitarian act that puts a child in extreme poverty into a wealth and comfortable life. The opponents argue on the other hand that the best interest for a child is always to remain in his/her country of birth with his/her original roots, identity, race and cultural heritage (Tesfaye, 2018).

## 2.2 What is “Best interest of a child?”

The best interest of the child simply means considering the child before a decision affecting his/her life is made. The best interest of a child is not an easy decision to make. In a custody issue between parents, it is the court’s decision to make the best interest of the child. This interest of a child could be long or short-term duration. As per The United Nations Convention of the rights of Child (CRC) the best interest is seen under the rights to life, survival and developments and respect for the views of the child (Dausab, 2009).

Joseph Goldstem argues that parents should be free to determine the best interest of the child. He further argues that in determining the best interest of the child, primarily focused should be given to the rights of a child. Goldstern concludes that when the best is not an option, the least disadvantageous solution should be taken as the best interest of the child. Goldstem (1996). Achilihu (2010) argues that family structure being the fundamental unit of the society, can only be disrupted where the best interest of the child is in question.

The United Nations Convention of the rights of Child (CRC) puts the best interest of a child in to three classifications. The first being, a child’s right to have his/her interest considered and taken as primarily consideration. The second, if interpretation of best inters is needed, the interpretation that benefits the child better than the rest should be taken and the third is whenever a decision is reached that affects a child, the decision making process should include an evaluation of the effect of the decision be it favorable or not to the child (Otieno ,2015).

As per the FDRE constitution and revised family code of Ethiopia the best interest of the child is the prevailing principle. There is no agreed definition of “best interest of the child” as the best interest differs from child to child and from case to case. In general, the best interest of the child should encompass to safeguard, protect the wellbeing of the child.

### **2.3 Legal Framework for Intercountry Adoption**

The Declaration of the Rights of the Child was adopted by the United Nations officially in 1959. Among the ten principles of this declaration, two of them relates to intercountry adoption. Principle 2 of DRC states;

*” the child shall enjoy special protection and shall be given opportunities and facilities by law and by other means to enable him to develop physically, mentally, morally, spiritually and socially in a health and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration”.* DRC (2)

Article six of DRC further states about the rights of child pertaining to the fact that a child shall as much as possible grow up in the care and responsibility of his/her parents. This article further states that a child shall not be separated from his mother at a younger age except in exceptional circumstances only. Moreover, this article states that in the absence of family, society and public authorities have the duty to care and support children without caregiver(Wallace, 2003).

The Convention on the Rights of Child, which was adopted by the United Nations on 1989 recapped what, was already stated on the Declaration of the Rights of Child and further strengthen what was stated on the UDHR in protecting children’s right and guaranteeing their safety. The best interest of a child is also set forth in article 3 of the convention as the primary



consideration for decision and action in relation to a child. However, the convention fail to specify what constitutes as the best interest of the child (Wallace, 2003).

The United Nations Convention on the Rights of the Child (CRC) is the most universally accepted human rights instrument in history. We find the African Charter on the Rights and Welfare of Children (ACRWC) similarly for the African continent (Melat, 2018).

### **2.3.1.1 The Adoption Declaration**

The declaration on Social and Legal Principles relating to the protection and welfare of children, with special reference to Foster Placement and Adoption is one of the first international instrument adopted by the UN that pertains to local and international adoption. It is also known as the Hague convention. This declaration came in to effect in 1986 and is also known as the adoption declaration. The declaration describes the need for a universal principles when it comes to foster placements, adoption of a child be it local or international adoption (Wallace, 2003).

Article 17 of the Hague adoption convention states that *” if a child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the country of origin, intercountry adoption should, wherever possible, only be undertaken when such measures have been established in the states concerned.*

Articles 18 of The Hague declaration states about the government’s responsibility in placing the necessary policies and legislations and providing effective supervision in order to protect the children involved. (Article 18, HCCH). Article 20 and 21 states that intercountry adoption placement, as a rule should be carried out thought competent authorities and competent person acting as an agent.

### 2.3.1.2 The Hague Adoption Convention

Convention on protection of Child and Co-Operation in Respect of Intercountry adoption is commonly known as the Hague Adoption Convention came to effect in 1993. This convention applies to intercountry adoption between countries who are member states to the convention. This convention is a more comprehensive legal instrument compare to the previous ones. In addition, most of the countries who practice intercountry adoption have participated in drafting it. The Hague Adoption convention states that “*each State should take , as a matter of priority, appropriate measure to enable the child to remain in the care of his/her family of origin.* (Hague Adoption convention Preamble).

The Hague adoption convention put intercountry adoption as the third options and puts orphanage as the last resort. The Hague convention infers that the child’s need for a permanent home is greater than his need to remain in the country of origin. This change of order seems to support what attachment theory states regarding the destructiveness of interrupting relationship a child has with a primary caregivers (Wallace, 003).

## 2.4 Legal Framework for Intercountry Adoption in Ethiopia

Ethiopia has ratified the international human rights instruments of CRC and ACWR which have become integral part of the Ethiopian law. Furthermore, the FDRE constitution article 36 states that” *children have the right to know and be cared for by parents*”. It also states about the best interest of the child. (FDER constitution, article 36).

The revised family code of Ethiopia states that the primary caretakers of a child to be the mother or the father of a child. In the absence of parents, the responsivity is given to guardians and tutors assigned by the court (Revised Family Code, Proclamation No. 213/2000).

Alternative Childcare Guideline was adopted in 2001 by the Ministry of Labour and Social Affairs (MoLSA). This guideline was revised in 2009. This guideline came to effect to standardize and ensure the quality of care and service provided by government and NGO's is in line with the best interest of the child. This guideline provides minimum standard of community based childcare, reunification and reintegration, foster care, adoption and institutional care service. This guideline also regulates domestic adoption and intercountry adoption.

National Children's Policy is another legal instrument, which supports orphans and vulnerable children to be raised in Ethiopian culture, tradition, social values of their place of birth through community based care, local adoption, foster care, reanimation and reintegration alternative care programs.

## **2.5 Theoretical Framework**

### **2.5.1.1 Attachment Theory**

John Bowlby formulated the basic tenets of this theory. Children need a relationship with their caregiver be it their biological parents or not. Children need to feel comforted, relaxed and safe to learn and grow which is known as secured attachment (Ainsworth & Bowlby, 1991).

Children are born with a biological drive to seek closeness to a protective adult for survival. Children become dependent on their parents or care givers for their physical and emotional needs. Attachments are formed during the first year of a child's life. Developing secured attachment is key in a child's development. Children who have secured attachment have high self-esteem and can deal with life's stressors more effectively (Simmonds, 2004).

An infant's behavior attracts parents or caregivers attention in a positive or negative way. Crying, smiling attracts a parent or caregiver to attend to the needs of an infant. In

responding to the needs of an infant, a parent or caregiver becomes significant and builds a strong attachment from early infancy (Schofield & Beek, 2006).

Secure Attachment is when a child is cared for by a sensitive and responsive caregiver. Securely attached children are self-aware and are able to regulate life's stress. Insecure avoidant attachment is when the caregiver is not responding sensitively to the infants' need. The parents tend to be hostile, rejecting and controlling. The children see themselves as neither loved nor loveable. Such children respond to this by shutting down on their feelings.

Insecure ambivalent attachment happens when the parent or caregiver's response is inconsistent. This child exaggerates their attachment behavior to attract attention.

Disorganized attachment might happen to children who are cared for by parents or caregivers who are frightening. Children might not approach their caregiver because they cannot predict the outcome of their caregiver (Shemmings, 2011).

#### **2.5.1.2 Ecological System Theory**

Bronfenbrenner's work has been influential in the field of child and youth care. His ecology of human development ties together all aspects of human development (Brendtro 2006). This theory looks at the child's development within the context of the system of relationship that forms with his/her environment.

The interaction between factors the child's biology his/her immediate family, community environment and the societal landscape increases his/her development. To study a child's development, we must look at not only the child and his /her environment but also the interaction with the larger environment as well (Ryan, 2001).

He states that-

*“ the ecology of human development lies at the point of convergence among the disciplines of biological, psychological and social sciences as they bear on the evolution of the individual ins society”* (Bronfenbrenner 1979,p13).

The environment influences development. The developing person, the environment and the interaction between the two influences a person’s growth.

#### **2.5.1.2.1 Bronfenbrenner’s Structure of Environment**

The microsystem: this is a layer close to the child and contains direct structure the child has. It includes the immediate relationship the child has with its surrounding. It includes family, school, and neighborhood. At this stage the relationships has impact on from the child and towards the child (Ryan, 2001).

The mesosystem: this encompasses the connection between the structures of the child’s microsystem. The connection between the child’s teacher and his parents, between his church and his neighborhood (Bek, 2000).

The ecosystem: this covers the larger social system in which the child does not function directly. This layer affects the child’s development by interacting with some structure in his/her microsystem. The child might not be directly involved at this level but feels the forces involved within the system. The macro system is the outer most layer in a child’s environment. This layer encompasses cultural values, customs, laws, norms and social rules. This layer has an influence on all the systems. The chronosystem: this layer includes time as it relates to the child’s environment. It could be internal or external element of time (Ryan, 2001).

A child's environment and his/her biology play a vital role in the development and growth of a child. The role-played by the environment and biology of a child might vary and the extent might differ but both play a vital role in a child's development. A child adopted from Ethiopia will be affected by the environment he is brought in to be raised in (Ryan, 2001).

This study tries to see these theories in relation to intercountry adoption. This paper will try to see how attachment affects a child's development and will also see how the environment of a child affects and influences a child born in Ethiopia but raised abroad in light with the above mentioned theories.

## **2.6 The Trends of Childcare in Africa**

Children in Africa have played an essential role in the social make up of a society. In Africa, children play a significant role in continuation of a lineage, being involved in an inheritance of land and possession, labour for the family. Children were and still are seen as source of wealth in Africa. The more children you have the wealthiest you are within the societies. Families who were unable to have their own children were allowed to take in a relative's child in. This shows the practice of foster care long existed in Africa (Tariku, 2015).

No one knows exactly when the process of adoption started to be practiced. Adoption is one of the oldest childcare services practiced without the intentions of practicing it, as we now know it. In ancient times, women were not allowed to inherit properties. Having a number of children was seen as a source of wealth and was one means of increasing one's clan and lineage. The more male's one has in his family the most wealth and feared the person became. Hence, the practice of adoptions came in to practice. (Ayalew, 2002).

The cultural difference in adoption practice in Western Europe and Africa as per Goody's explanations is that in Western Europe, adoptions provide homes for orphans, foundling and children of impaired families. But in Africa status and wealth are small and lineage provides long series of heirs hence Goody argues that adoption in Africa is rare (Tenagane, 2006).

The fact of the matter is, despite the intention behind it, caring and providing shelter and security for abandoned and orphaned children is as old as the creation of humans. It is natural to have the instincts as humans to care for a child without a caregiver.

## **2.7 Forms of Alternative Childcare**

The Convention on the Right for the Child (CRC) defines alternative care as children who are deprived of their family environment, or whose own best interest prohibit being allowed to remain with their family, the right to alternative care. This service is set up by the government in order to care for orphans and vulnerable children within the society for the best interest of the child.

As per the definition stated in the guidelines for the alternative care of children, it is a formal or informal, temporary or permanent arrangement for a child who is living away from his/her parents. It could be in family based, community based, institutional, domestic or intercountry adoptions forms.

Informal alternative care is where a child is looked after in a continuing manner in a family setup by relative, friends or private arrangement at the child's initiative. Formal alternative care is, when a child is provided care in a family environment, which could be foster care under the order of authorities or court (Tesfaye, 2018).

## **2.8 Adoption in Ethiopia**

Adoption has a long history in Ethiopia. One of the long-standing adoption in the Ethiopian history is *Guddifachaa*. It is a customary adoption practiced by the Oromo society. This practice is believed to have emerged after the 16<sup>th</sup> century in the process of the expansion of the Oromo people (Ayalew, 2002).

Adoption can be classified into two, domestic and inter-country adoption. Domestic adoptions are where both the adopting parent and the adoptive child are of the same nationality and live in the same country. Inter-country adoptions are where adopting parent is of another nationality and the place of residence for the adoptive child will change because of the adoptions (Melat, 2018).

Adoption can further be classified based on the level of information exchange between the adopting parents and the biological parents. Open adoption is an adoption where some level of communication between the adopting parents and biological parents are allowed. It can be agreed on a piece of paper during the adoption process to carry on some basic information exchange between the two parties. Closed adoption provides no information at all to the biological parents. Semi-open provides small information to the parties involved without providing names and address (Tenagane, 2006).

## **2.9 Problems Faced by Children adopted through Intercountry Adoption**

A number of adoptees experience problems in intercountry adoption specially getting used to their new families and homes (Tenagne, 2006).As per the Ministry of Women and Children's Affairs minutes discussion on drafting the amended revised family code on November 1/2017, pp 8 children that have been adopted thought intercountry adoption face



identity crisis and psychological problems. They will have misleading image of their country of birth. Further, they are exposed to physical abuse (Melat, 2018).

The case of Hanna Williams can be taken as a good example. Hanna was a 13 years old girl at the time of her death. She was adopted by her American parents from Ethiopia. In May 2011, she was forced to stand naked at her backyard. When she was found dead that night, her head has been recently shaved, her body was malnourished and she bore scars of repeated beatings with a plastic plumbing house. Hanna was physically abused and was not fed properly. Furthermore, her adoptive parents used to keep her in a dark room by herself as a form of punishment. The adoptive parent used to send an update report on Hann's welfare to Ethiopia but stopped doing that after a while. After the police investigation, Hann's adoptive parents Ms Carri and Larry Willimas were found guilty and were sentenced to 37 and 28 years imprisonment respectively (Joyce, 2013).

In the case of Betty Demoze, the Ethiopia government annulled intercountry adoption. Betty was an Ethiopian adopted by her Danish parents. According to the Danish new reports in 2013, Betty was adopted at the age of seven and was abused by her adoptive parents. Her adoption documents were falsified. Later on, her adoption was revoked by the Ethiopian court and she was reunited with her birth parents in Ethiopia (politiken.dk). In 2016 Denmark closed her doors to inter country adoption all together (Joyce,2013).

## **2.10 Transracial Adoption**

Transracial adoption an adoption across a different race or ethnic. In Intercountry adoption, this is a common issue. Children adapted in to a family of different race might face insecurity and a question of identity might arise. The argument against such adoptions have views raise the identity crises and a problem. The adopted child later on in life might develop mental crisis and might have a problem with coping mechanize. Those who argue in support

of such kind of adoption states that being adopted in to a different race might create self-awareness and encourage the child to know more about where he/she came from. In doing that, help the child be self-aware at an early age and develop a sense of who he/she is. The child will be aware of his/her own heritage and develop their own self-esteem. Envelopment requires attending to children who in developing countries may comprise half the population (Melat, 2018).

### **2.11 Debates Surrounding Intercountry Adoption**

The supporters of intercountry adoption argue that intercountry adoption saves a child who has victimized, abandon and orphaned by the poor condition of the country of birth.

They further argue to the fact that most developed countries are in a better position to provide care that the country of origin cannot provide (Liu, 2000).

Those who are against the practice of intercountry adoption argue by saying it's never in the best interest of a child to up root him/her from the country of origin (Wallace, 2003).

The supporters of intercountry adoption mostly used argument is that it's better for a child to be raised in a loving home which is permanent and provides continued love and affection a child get in another country, than to be raised in an orphanage, institution or in the street in the country of origin. Those who are against the practice of intercountry adoption argue that intercountry adoption is a new form of domination/imperialism. Most developing countries attitude towards intercountry adoptions is that it is another form of with supremacy (Bartholet, 1993).

Those who condemned the practice of intercountry adoption mention child trafficking and abduction as an outcome of this practice. They future see it as a lucrative business of selling the deprived orphans to the wealthiest westerns (Wallace, 2003).

Intercountry adoption also believes to have exposes children to different cultural and racial environment than their country of birth Melat (2018). Those who denounces intercountry adoption further argue to the fact that this practice creates less national feeling towards the country of origin and shows failure by the side of the sending country government. Moreover, uprooting a child from the culture, environment, heritage and way of life later on creates identity crises, which is not the best interest of the child (Gates,2000).

## **2.12 Other countries practise on Intercountry adoption**

The procedure of intercountry adoption difference from country to country. Some countries have age restrictions, others require only married couples to adopt and yet some do not allow homosexuals to adopt. Some countries have religious requirements like that of Philippines and Taiwan requiring that adopting parents should be catholic and Christians. Most African countries do not allow intercountry adoption to be practiced in their country (Tenagane, 2006). We will have a look at of some counties practice of intercountry adoption below.

### **2.12.1.1 Intercountry Adoption Practice in the Republic of Uganda**

In Uganda, ICA is the last form of resort for a child care and is linked with foster care. In Uganda, a child needs to be placed in foster care by prospective adoptive parents for three years before ICA can be granted. In Uganda the law for ICA is loosen compare to their law of guardianship of Ugandan children by foreigners. The requirement for ICA is less compare to local adoption, which might take three years. The Uganda law rectify the problem the law and ICA had through legislative reforms not by banning the process of ICA as a whole (Melat, 2018).

### **2.12.1.2 Intercountry adoption Practice in Republic of Kenya**

The Kenyan Ministry of labour, Social Security and Services office of the Cabinet Secretary has adopted the Moratorium on ICA and Resident adoption on 26<sup>th</sup> November 2014 revoking ICA. The moratorium orders agencies not to accept new applications on ICA or resident adoption, not to place any child under ICA.

Kenya was cited as a source of transit and destination country for human trafficking by the UN office on drugs and crime. In order to avoid child trafficking by abusing the Kenya's adoption process, adoption by foreigners were band in Kenya.

[www.standardmedia.co.ke/article/2000142876/kenyan-government-bans-adoption-of-children-by-foreigners](http://www.standardmedia.co.ke/article/2000142876/kenyan-government-bans-adoption-of-children-by-foreigners)).

### **2.12.1.3 Intercountry Practice in Republic of Ghana**

In 2013, the Government of Ghana suspended processing all international adoptions cases. *“Whilst we understand that the suspension remains in place, authorization can be given by the Ministry of Social Welfare in Ghana for special cases.”* (Brief Country Guide-April 2016, Federal Republic of Ghana, The center or adoption).

### **2.12.1.4 Intercountry Practice in Russia**

Russia has a law forbidding US citizens from adopting Russian children. The US and Russia signed adoption agreement which encourages open and ethical adoption process of ICA. A two year old Russian boy named Dima Yakovlev died of suffocation after his adoptive American father left him locked in his car. To commemorate all those children who were abused by their adoptive parents, all Americans were banned from entering Russia and Russian adopted the law called Dima Yakovlev. Those who argue in favor of the ban assert the fact that Russia needs to protect her children from abuse done in the US (Melat,2018).

Those who disagree with the ban argue saying that the ban would motivates domestic adoption and the other justification was national pride. In a survey conducted 75% of the population responded Russia should put more restrictions on intercountry adoption (Clay,2016).

As an effect of the poor conditions of this developing nation, Ethiopia contains and struggles to care for millions of orphaned children. Though estimates vary, recent approximations claim that there are over 5 million orphans including 1.5 million AIDS orphans in Ethiopia. The definition used to classify orphans is children under 18 years of age who have lost one or both parents. (Abebe & Asase, 2007; Gross & Connors, 2007)

The reason why children become orphan may vary due to may circumstance but the fact remains that whatever the reason a child is an orphan because of it. The idea of caring for a child with no family support did not started with Shamida in fact there are different governmental and non- governmental organizations, which are engaged in this kind of social service in Ethiopia.

### **2.13 Orphanages in Addis Ababa**

*Kidane Meheret children's home* was founded around the year 1933 by a French Community. When these sisters left the country because of the war, Ma Soeur Marie Joseph Tasemma took over. She continued to work at the orphanage until she died on September 8th 1996 at the age of 94. It took them around three years to finish it. The Mission of Kidane Meheret Children's home is to love, care, understand and educate children of different ages, tribes and religions. Based on the words of the Lord "Let the children come to me for theirs is the Kingdom of Heaven".

**Hannah's Home** is a unique orphanage concept in the heart of Addis Ababa, Ethiopia. It started with the compassion of Hannah, a radiantly joyful woman who opened

her home up to street children and began caring for them. Since then she has recruited other house-moms and together they have taken in over 230 orphans off the streets of Ethiopia. They provide food, shelter, education, love, and a safe place to play and gather in community.

What makes Hannah's Home different from so many "orphanage" concepts is the hub-and-spoke model in which it operates. They have a central compound that serves as a safe haven for all the kids to play, and learn computers, sewing, and other vocational skills. The children live in individual homes, within walking distance of the compound. Each home holds 8 to 10 children with a house-mom or house-parents providing shelter, food, and love. All the children then attend local schools, which are within walking distance from their house and the central compound.

**SOS Children's Villages** was founded in 1949 by a young Austrian medical student, Hermann Gmeiner, who witnessed the suffering of so many orphaned and abandoned children after World War II and felt that something had to be done to help them. Out of his unswerving conviction the SOS Children's Village idea was born. Gmeiner noted SOS's unique approach: "What orphaned and abandoned children need first and foremost is a family a family in which they can develop normally." SOS Children's Villages is an international children's charity that offers safe and nurturing family homes to over 80,000 orphaned and abandoned children in 134 countries around the world. (Vision, mission and values of SOS children's village in Ethiopia).

Through over 550 Children's Villages, SOS offers orphaned and abandoned children a family and a loving home with a mother to care and support them in a safe environment where their needs for food, health and shelter are met. SOS Children's Villages also keeps families together through skills training and community development to ensure self-

sufficiency and prevent child abandonment. Since 1949, SOS Children's Villages has been guided by a basic principle: a loving home for every child.

#### **2.14 Summary**

This chapter of the research reviewed the related literatures, history of intercountry adoption with the legal framework for intercountry adoption in the world and other countries practice of intercountry adoption. In the first section of this chapter the history of now intercountry adoption came to be was discussed and the five stages of development were explained. The concept of best interest of the child has also been discussed from the legal and general practice in the world.

The history of alternative childcare in Africa and adoption in Ethiopian have been discussed as well. Different literature reviews in support and against the practice of intercountry adoptions have been seen in detail. Moreover, theories that better fit this practice of intercountry adoption have been explained in detail.

Some of the common challenges adopted children go through has also been discussed. The cases for Hanan Willimas and Bethy Demoze were cited as an example to show the degree of abuse internationally adopted children face. Lesson from other countries in the practice of intercountry adoption has been seen as well in this chapter. The countries like Kenya, Uganda, Ghana and Russia has been mentioned as a reference. Countries like Ghana and Uganda being one of the prominent countries in Africa were taken as an example. Kenya being a close neighbor with Ethiopian and sharing some of the similar practice with Ethiopia was considered as an example. The practice of Russia in intercountry adoption was taken as an example because of the enormous impact the Russia intercountry adoption practice had in history. Finally, a brief discussion on orphanages in Addis Ababa has explained.

## CHAPTER THREE

### 3 Research Methodology

This chapter discusses the research methodology utilized in this study. It presents and describes research design methods /techniques, study area, sampling, data collection techniques, data analysis and ethical consideration.

#### 3.1 Research Design

Creswell (2003) defines a research design as the overall decision in which a researcher decides what approach to use, how to gather data and the philosophical assumption the researcher bring to study. This research employed qualitative exploratory approach in order to understand the effect of banning intercountry adoption on Shamida orphanage. Qualitative research has the strength to provide complex textual descriptions of how people experience a give research issue. This approach helps better understand the effect of the ban of intercountry adoption from those affected by this rule by using their personal experience and opinions. This method provides information about the human side of an issue (Denzin, 200).

Among the various approaches exploratory qualitative approached was employed in this researcher, which allowed the researcher the flexibility to probe initial participants (Denzin, 200).The researcher used different tools like in-depth interviews to gain participants personal experience and perspective. Key informants interviews guide questioner and Focused group discuss were used in order to obtain holistic understanding of cultural norm of groups and to generate border view of the issue.



Document reviews and observation were also employed on this research to obtain a more comprehensive understanding of the effect of the ban of intercountry adoption at the orphanage. The different experience and views of research participants and information gathering through direct observation like observation of the facilities at the orphanage, availability of nutrition, clothing for the children, bed rooms, hygiene and sanitation materials have been affected due to the ban of intercountry adoption were collected through qualitative approach.

### **3.2 Study area and Study Participants**

This study was conducted at Shamida orphanage in Addis Ababa. The orphanage is located at Torhiloche, kebele 10, HNO.112 near Hamlin School of nursing, Addis Ababa. The study participants were the staffs at the orphanage who were interviewed about the effects the banning of intercountry adoption has brought to the orphanages. Volunteer workers at the orphanages, social workers and nurses at the orphanage were part of the study participants who provided their views on the overall impact of the banning of intercountry adoption at Shamida orphanage.

The orphanage also has a close connection with Dr Hamlin School of nursing. The orphanage provides outreach programs to women at risk. Specially women who are or were at risk of fistula. The orphanage community is entwined with Dr Hamlin institute strongly. Most of the caregivers at the orphanage were at one time patient at the Hamlin institute.

The orphanage used to help the nearby community when it was located at legetafo area. It used to support the nearby children who were in poor living conditions. The orphanage used to provide food, clothe and sometimes shelter to the nearby children, and invite them in with their parent/care giver during holiday seasons. Since the orphanage has

moved to the new location at Toriloché, they have not been able to reach the nearby community due to the area being a secluded residential area.

### **3.3 Selection Criteria and Sampling Technique**

Qualitative research depends on what the researcher wants to know, the purpose of the enquiry (Kumar & Ranjit, 2005). The consequence and advantage of banning intercountry adoptions is well known by the works and manager at the orphanage as well as by the government officials at the Ministry of Child and Youth Affairs. In order to select the in-depth interviewees and key informants of the study, purposive sampling technique was employed by selecting staff who had more experience than others working at the orphanage and are aware of the issue being discussed. The researcher with the help of the orphanage manager chose these participants.

Participants for the in depth interviews were selected from the orphanage. Participants for the key informant and focused group discussion were selected from Ministry of Children and Youth Affairs, legal professional, community within the orphanage and caregivers at the orphanage held in different times.

After the necessary procedures were properly followed in gaining access to the orphanage and the children, data was collected in the following manner. Moreover, key informant interview was conducted with a professional lawyer in order to understand the legal view of the banning of intercountry adoptions.

### **3.4 Data collection procedure**

After obtaining the required support letter from the School of Social Work, the researcher contacted the relevant study participants. The orphanage manager was cooperative and supportive of the research being conducted at her orphanage and provided her full consent. A visit to the orphanage was conducted four times to collect and gather data on the overall activities of the orphanage. Interview guidelines with list of question were prepared

and a letter of introduction was obtained from the Graduate School of Social work, Addis Ababa University and commenced the actual research on 1st February 2019.

Data was collected in three phases. First phase was from 15 November 2018- 1 January 2019. The first phase of data gathering was done through email communication, reading materials and contacting relevant officials and orphanages affected by the banning. In this phase, most of the discussions and communications were informal. The researcher visited the orphanage once during this phase and was acquainted with the children and workers at the orphanage and created a professional relationship with the social workers and caregivers at the orphanage.

On the Second phase of the data collection stage, which was from 1 February -20 April 2019, a more formal setting, was set up. Participants were identified based on their knowledge, closeness to the issue, availability, privacy consent was provided to the participants, and confidentiality agreements were made.

Participants for the in- depth interviews were selected from the orphanage and from relevant legal institute. Participants for the key informant and focused group discussion were selected from MoWCYA, community within the orphanage and caregivers at the orphanage.

### **3.5 Method of Data Collection**

In order to obtain the needed information to carry out this research, the researcher collected data by in-depth interview focused group discussion, key informants and observation.

#### **3.5.1.1 In depth interview**

An interview is a direct collection of data from the participants that have significant extensive knowledge (Paryeen & Showkat, 2017). The researcher with the help of the orphanage manager identified the in-depth interviewees. They were chosen based on their knowledge and period of employment with the orphanage. The in-depth was conducted with

two individual. (two females respondents) consisting of social workers and orphanage manager. Individual in- depth interviews were conducted to get a much more understanding of the intercountry adoptions from the perspective of those who had more knowledge of the issue.

All of the participants were willing and eager to participate. The researcher had assured this participant's the confidentiality agreement and that they had the right to stop at any time during the interview. Each session of the individual in depth interview was emotional in different level and took almost 45minutes to 1-hour maximum time.

### **3.5.1.2 Key Informants Interviews**

Key informants were identified by the orphanage manager and the researcher. They were chosen based on their knowledge, belief education background and their ability to better shed light on the issue and awareness of the issue. One female from the orphanage and one male from Ministry of Children and Youth were selected and a legal professional. The researcher selected key informants from the orphanage who had seen firsthand the effects of this rule and its challenges at the orphanage. Moreover, the researcher used the information gathered from the key informants and FGD's to verify the validity of the data collected.

### **3.5.1.3 Focused Group discussion (FGD's)**

Focused group discussion is where a group of selected participants discusses a given issue (Denzin, 2000). Focused group participants were selected with the help of the social workers who are working at Shamida orphanage. The social workers aided the researcher in identifying those caregivers and nurses who have worked at the orphanage for a longer time and have knowledge of the ban of the rule and who were aware of its effects compare to the newly employed staffs.

A total of two focused group discussion (6 in each group comprising of six caregivers in one group and three nurses and one social worker and an accountant in the second group as

an observer participated). The first group were willing to be recorded during the FGD discussion.

The first group with the caregivers was very lively and interactive. They were willing to discuss the issue. They were presented with open-ended question. The discussion was so interesting at times that the researcher had to ensure not to divert from the main point. At other times it got very emotional that, three of the participant had to leave the discussion and collect themselves in order to continue. The discussion in this group took close to 1- hour and was tiresome at the end. Each participant had something to say and was not afraid to say it out aloud. Nevertheless, the discussion was very interesting and some of their answers were not in conformity with what the researcher expected.

The second group was formal and difficult at the beginning. It was difficult to gather all the participants at the same time since they all work in shifts. The nurses were using medical terminologies while providing answers that the researcher had to ask them to use layman's terms instead for better understanding. After a while, the conversation got strong and participants started to speak their mind. The focused group discussion took place at Shamid orphanage compound. Each FGD session took from 45-1 hour maximum time. For the first group of FGD, the social worker aided the researcher in facilitating the discussion, as it required stirring the discussion in the right direction at a time during the discussion. For the second group, the researcher facilitated the discussion in providing guiding questions and overseeing the discussion.

#### **3.5.1.4 Observation**

The researcher without any notification observed Shamida orphanage. The living condition of the children, offices working areas, the sanitation of the orphanage and the environment were observed and a checklist was prepared. Observation was carried out for identifying what conditions the children were living, what they were provided with, to see if

their basic needs were met and what more they were provided with by being placed at Shamida orphanage. Observation checklist and document reviews tools were employed in this study. This observation aids to provide readers with a better view of the orphanage and paid a clear picture in their minds. The researcher also observed the general expression of each and every interviewee during the interviews. Facial expressions, physical gestures and obvious feelings were observed by the researcher.

### **3.6 Data Analysis**

Data analysis is a process of rearranging data collected from each participant, their views and opinions in a similar categories and transforming them in to a clear, understandable and insightful manner (Ogino & Gibbs 2007). The researcher transcribed data collected from the in depth interview, key informants interview and from observation in to understandable texts. The data collected from the first group of FGD and from the key informant interview from the Ministry were translated from Amharic in to English. The researcher repeatedly read and re-read the notes taken and the recorded information for the purpose of accuracy. Then the researcher groups answer together with the research question and grouped the collected data in to similar categories. Then the researcher performed data categorization by identifying similar data in to one group of categories, which aided the researcher to identify and managed handful data of information. The categorized data were classified in to major themes to answer the research question. Information gathered from documents review and observation were analyzed in terms of its contents for a better interpretation of the information collected.

### **3.7 Trustworthiness and Data Quality Assurance**

Marriam (2009) provided strategies and procedures on qualitative researcher that promotes trustworthiness. This are triangulation, member check, peer review or consolation with experts, detailed record of data and confirmability are among the strategies. For this

study, the researcher used some of the Mariam's strategies to obtain a trustworthiness of data. This are, member checks by double-checking similar data obtained with other participant, the researcher double-checked the answers from different participants and tried to verify the trustworthiness of the data collected. The researcher also used conformity strategy by confirming the data obtained with the document reviewed and observation. By consulting with the orphanage manger regarding the effects of the ban on the orphanage as an institution, collected data trustworthiness was assured. According to Guba & Hunter by using different methods of data, sources like: FGD, individual interviews and observation, data were triangulate to assure their credibility. By asking the same question repeatedly to key informants, in-depth interviewee and FGD participants, the researcher tied to triangulate and assure the credibility of the information obtained. The researcher avoided personal bias by refraining from imposing her ideas on all interviewees. The purpose of the research was communicated clearly to all the participants before interviews were conducted. The data obtained from the interviewees were compared and analyzed against the document review conducted for a better quality of data.

### **3.8 Ethical Consideration**

Intercountry adoption is a delicate issue to discuss. Especially with the adoptive parents and the nannies at Shamida orphanages. Hence, a mutual understanding was reached between the researcher and the interviewees. The purpose of the study was explained to them and that they were assured their names will not be mentioned. Furthermore, to assure their confidentiality, a privacy consent agreement was signed between the researcher and the interviewee. Moreover, the researcher had assured the participants that their views and explanations would only be used for the exclusive purpose of this study for academic purpose.

## CHAPTER FOUR

### 4 Findings

This chapter presents the findings of the study. It contains detailed extracts from key informants, in -depth interviews held with individual informants and focused group discussion participants.

The finding of this study is presented in three themes. The effect and challenge of the banning of intercountry adoption on the orphanage, the effect of the ban on the children and the legal intention behind placing the ban are the major theme having sub categories of themes within themselves.

#### 4.1 Demographic Profile of research participants

The social workers at the orphanage had proper educational background. The orphanage manager had the experience of being adoptive parent herself and was looking forward to adopting another child before the ban was put in place. This makes her the perfect candidate for this researching being child caregiver and adoptive parent at the same time. For the FGD's, the participants were the nannies and nurses at the orphanage who had different experience working with children. Most of the nannies were between the age of 20-35years old and they spent all their time at the orphanage and have a strong bond of relationship with the children. All of the nannies came from the countryside of Ethiopia. Most of the nannies came to Addis Ababa in order to get better medical treatment and were later on trained to become nannies by the Hamline Fistula nursing school in Addis. The nurses had the necessary educational qualification and spent their time caring for the children. The volunteer worker visits the orphanage every two years to support and provide services. The volunteers had a number of experiences of visiting orphanages in third world country. So far, the



volunteer have visited orphanages in South America, Peru, Guatemala, Malawi and South Africa.

The social protection specialist at the Ministry of Child and Youth Affairs has ample experience of dealings with intercountry adoptions related cases previously and is fully knowledgeable on the issue being discussed. He had more than 10 years of experience working in childcare service. The legal professional used to work for adoption agencies and has the knowhow of how things are done in such settings. He is also knowledgeable on the legal views of the current intercountry adoption ban.

#### **4.2 The effects of the ban on the orphanage as an Institution**

An Australian citizen called Ms Karen Kendall runs Shamida orphanage in Addis Ababa. Shamida provides housing for orphans and vulnerable children. Many children are abandoned due to poverty or become orphaned due to the sickness of their parents. When this happens, the children will be brought to Shamida. They will be provided with food, shelter, clothing, care and medical care. Ms Kendall, out of her good will opened the orphanage after seeing the devastating number of children being left without caregivers when she first came to Ethiopia to adopt her daughter Ruby 10 years ago. Shamida is known to be one of the best orphanages in Addis Ababa as per the social workers information. Below are the effects of the ban on the services the orphanage provides to the children.

##### **4.2.1.1 Effect on the Medical care provided by Shamida Orphanage**

Shamida orphanage is one of the well-managed orphanages compare to the ones the researcher visited for the purpose of this study. As per the key informants interview, Shamdia provides one of the best medical services for the children. When it comes to the children's medical condition, there is no negotiation. Shamida provides medical services up to the point of sending the children to another country for complicated surgeries. More than

half of the children at Shamida have serious medical conditions. Some of the children are HIV+, schizencephaly, cerebral palsy with autism, hydrocephaly and cp, colostomy, malnourished, HBV/SAB+ve, cerebral palsy with deformity, cleft lip and palate, anencephaly, scabies and down syndrome, microcephaly, have cataract on one eye.

As per the in depth interview obtained with orphanage manager, the government provides them with the most severely ill children. Almost all of the children the Ministry sends to the orphanage have some sort of medical complications. The manager said,

*“it’s like they want me to better take care of the children and i feel honored that they trust me enough to send me severely ill children”.*

The in depth interviewee said that the medical complications some of the children have are too complicated to be taken care of here in Addis. She further said that, recently, the orphanage had sent one child with enlarged head to Tanzania for surgery, which was not available in Ethiopia and another one to South Africa for colostomy surgery. Both surgeries were successful and both children are in good health condition back in Addis.

The key informant informed stated that:

*“Shamida is by far one of the most well equipped orphanage, which can properly take care of severally ill children. Shamida might be the only orphanage with a proper quarantine space. I have never seen a quarantine space before coming to Shamida.”*

The key informant further said due to the severity of the children’s medical condition, those who are medically ill would be quarantined in a proper facility within the orphanage whenever the need arises. The nanny’s has and nurses work in shifts. Most of the nanny’s leave in the compound and are available 24 hours. Whenever a child is ill, one nurse and a

nanny's will take him/her to the hospital. The orphanage has a contractual agreement with Korea and Cadisco hospital in Addis Ababa for all the children at the orphanage to be cared for at the mentioned hospitals.

The participant from the focused group discussion said,

*Sometimes I get a call late at night to care for a sick child. The good thing is that I live in this compound so I can run to the child's room and see the problem. If it is a serious medical case then I call the nurse and we will accompany the child to the hospital. I never received such kind of care while growing up in the country side that is why we all love Shamdia sometimes it's better than our own home.*

As per the in-depth interview with the orphanage manager and key informant's interview with the social worker indication, the orphanage covers the medical cost of the children and to run the orphanage by raising funds from charities and people in another country. Most of the wealthy supporters of the orphanage resides abroad and are most of them adoptive parents. Those adoptive parents who have adopted from Ethiopia have become the supporter of the orphanage out of their willingness. The network the orphanage had managed to create is with societies who are or were interested in intercountry adoption in Ethiopia. The volunteer worker said she would like to adopt from Shamida if the opportunity presented itself in the future. The network of connection and support the orphanage gets is some way or another is related with people who were interested in intercountry adoption. Now that intercountry adoption is band, this might affect the financial capacity of the orphanage.

As per the finding from the in-depth with the social worker, the orphanage manager organizes different fund raising event in different countries and in Ethiopia as well. The

social worker further said that the network the orphanage manager created is with international society and expats in Addis Ababa who in some way want to benefit from their charitable give ways.

He said it's like "*give and take*". They give in hope that someday they get something out of their charitable donation.

Moreover, the data generated from the participant of focused group discussion, some of the children by being adopted, were provided with a better medical care in their country of adoption. Now there is no intercountry adoption, children who could have a better medical treatment are left at the orphanage with what is available here. Had intercountry adoption been allowed said the key informant, "*the children would have better lives medically speaking.*"

As per the key informant with the social worker, now that intercountry adoption is not allowed, the income source of the orphanage might not be as it was before. He further said that, this might affect the hiring capacity of the orphanage in the negative and positive way.

The as per the data generated from the focused group discussion indicates that now the need for more staff might be required. The participant of the FGD said that if children remain at the orphanage and the manager keeps on taking in more children at the same time, then the current caregivers are not enough to care for the incoming and remaining children. Hence, said the participant of FGD,

*"Even if I like caring for the children, it's really difficult to care for a sick child continuously, so more caregivers and nurse need to be trained and hired so that the load could be less on all of us".*

As per the data generated from key informant interview at the orphanage indicates that, even if the caregivers think that more staffs might be hired, considering the financial constraints the orphanage might face in the future, hiring more staff might not be possible. Moreover, said the key informant, the orphanage might be forced to minimize the number of its staffs in the future.

#### **4.2.1.2 Effect on the available space at Shamida Orphanage**

Almost half of the children are physically disabled to move by themselves. The orphanages has 17 nanny's, 3 cooks, 3 nurses, 2 security guards , 2 trained social workers and 2 cleaners to follow up on the day to day activities of the children and the orphanage over all.

As per the data generated from focused group discussion, the orphanage most of the time serves as a mid-way. As soon as a suitable family was identified and has gone through the proper governmental process, a child will be adopted. This provides additional space for other severely ill children to come in to the orphanage. The participants said they love the children and do not want to see them gone. However, the thought that they left for good was what keeps them going. During the discussion, some of the participants were emotional when remembering a child, which has been adopted. Even with such kind of emotion said one of the nannies, they are always happy to see a new child comes in to the orphanage who needs medical assistance. Now that intercountry adoption is no longer allowed, the orphanage cannot take in more children who need medical attention due to lack of space. Hence, there is no intercountry adoption; the children will have to remain at the orphanage.

Data obtained from the in-depth interview indicated that local adoption is not common in Shamida and the society is not used to it. The interviewee said that:

*Two time Shamida was approached for local adoption. When the couple came in to see the children it was a very devastating experience. The couple saw all the children*

*and each time they had some faults to find. Like if only she was taller, if only he was healthy, if only she was a he, too many if only, later they left without adopting. For the first time in my life I saw a visible difference between foreigners and us.*

*Foreigners never cared for the color, height or health of a child whenever they came to adopt..*

The manager at the in-depth interview said that even if the orphanage does not have the capacity to house additional children, she sometimes accepts children with medical condition where no other orphanage can take in. She said it is difficult for her to refuse even if there is no space seeing Shamida might be the only suitable place to provide the needed medical care, hence, this is creating crowdedness at the orphanage.

Data generated from the focused group discussion indicated that the participants also see the incapability of the orphanage to house more children but are still they are receiving more children and this will not be visible in the future.

#### **4.2.3 Effects on other services provide by Shamida Orphanage**

As per the data generate from focused group discussion, the children at the orphanage are under an adult supervision 24 hours. They are provided with cloth from donor's abroad. Sometimes they are provided with designer clothes. The children are provided with education as well. Those children who are able to attend school, who are well enough to learn go to Ethio-Canadina school here in Addis Ababa. On the weekends, they have personal tutor who assist them with their studies. The children are feed regular by their nanny's. They are provided with well-balanced nutrition diet. The children are also encouraged to do some exercised during the day even if it is difficult for some of the children.

As per the data gathered from key informant interview indicate, the donors who are willing to support Shamida orphanage cover all the finance all this services require thought

their charity and donations. Hence, the ban could have a long-term effect in the willingness of donors to support. As per the key informants explanation, since most of the donors in some way or another have benefited from the intercountry adoption or were looking to benefit from intercountry adoption in Ethiopia. This might affect their sense of willingness to support the orphanage in the end, which in turn might affect the financial capacity of the orphanage in all areas of service it provided. The key informant said ‘ *Shamida might not see the effect of this now, but it the near future its bound to happen*’.

As per the data gathered during the researcher’s observation, materials provided to the children like clothe and shoes are available at Shamida excessively. As per the in-depth interview gathered from the orphanage manager, the orphanage is provided with materials from the international society in the country and charities abroad. The in-depth interview further indicated that, clothes, shoes and other materials are easy accessible to the orphanage. The orphanage manager has built a big network where she is connected to most of diplomatic and international personals in the country. Hence, when those dignities depart Ethiopia, Shamida obtains the materials needed for the orphanage. There were a handful of clothe at the orphanage during the researchers observation which have not yet been utilized by the children at the orphanage.

Data gathered from the key informant and FGD revealed that when it comes to hygiene/sanitation, utilities, latrine facilities and bedrooms, Shamida has already set up a well-equipped facility. As per the FGD’s discussion revealed, the orphanage has all the supplies and facilities up to date. Moreover, due to the children health condition, the children hygiene is kept in a properly manner by the caregivers.

As per the data gathered from in depth interview with the orphanage manger , key informant and FGD discussion at the orphanage indicated, the orphanage has limited space

for a play ground for the children. Due to the orphanage's recent relocation, said the orphanage manager, it has been difficult to find a place with a large open space in the city for the children to play on.

#### **4.3 Effects of the ban on the Children and Worker at Shamida Orphanage**

As per the data obtained from focused group discussion, most of the children are not aware of what is going on. They are too young or too sick to notice. However, some of the older children are aware of what is happening and are indifferent about it. The researcher was informed by the social worker that, no one talks to the children about this but they sometimes ask, *"When am I going to go to America"* by mentioning a child who has been adopted. Nevertheless, this question comes up rarely.

As per the information gathered from the FGD group discussion, almost all of the group members agreed that, if adopted, the children might have better lives materials wise but that is not all a child needs to grow. They said for a child to grow in his/her country of birth speaking the same language and being accustomed to his/her culture, religion and values are not something to compare with a life full of materials. Once heritage is more important.

One participant in particular said: *"being able to speak the Amahric language is a privilege. It is an ancient language. I feel sad whenever I see children who were adopted come to visit us. They cannot say one word in Amharic. This is so sad. It's about time the government did something to preserve our language. This is how ones langue and culture dies'.*

In the key informant interview with the social worker indicated that, the adopted children come to the orphanage asking for their origin. The key informant said children want to know where they come from. Hence, they have started to prepare and document a journal



for every child at the orphanage so that they have some information of their background and origin.

Data gathered from the document review also showed that, most of the children at the orphanage do not have a birth certificate stating their place of birth or date of birth. Which creates a problem later on when the children come back seeking more information on their origin. Furthermore, for some of the children who do have birth certificate, there are not enough information on the birth certificate. For instance, the parents name of the on the birth certificate states that Kokebe Tsheya which is the name of the orphanage a known orphanage.

The information gathered from the in-depth interview with the orphanage manger also indicated that the manager has also used the name Shamdia as the place of birth or parents name for one of the child who has been adopted two years ago for lack of correct information.

As per the key informant's information, this ban has affected the hiring capacity of the orphanage. The data obtained from the key informant interview revealed that, the orphanage also conducted women empowerment program with Hamlin institute and provided a better life for the patient at the institute. Hence, this ban could limit the level of involvement Shamida is able to afford to the women at the Hamlin institute.

As per the data gathered from the FGD discussion indicated, most of the caregivers do not want to return to their place of birth due to what has happened to them in the past. None of the participants of FGD were willing to disclose their past. Hence, the researcher refrained from asking any questions related with their past. The researcher was strictly advised by the social worker at the orphanage not to ask any question related with the caregivers past lives.

Hence, this observation indicates that Shamdia was providing better lives for the caregivers as well as the children at the orphanage. From the researcher's observation, all of the caregivers were happy to be in Shamida and earn income for themselves. The key informant at the orphanage said:

*“Shamdia is giving hope to the women providing care to the children. Shamida is a place where they feel safe and appreciated. Some of the caregivers said money back to their families in the countryside and this brings them a sense of satisfaction and joy”.*

Hence, the finding as per the key informant at the orphanage indicates that this ban is going to limit the involvement of Shamida in the program of empowering women. Moreover, data gathered from the key informant at the orphanage, and the in-depth interview with the orphanage manager indicates that, Shamida might be forced to reduce the number of workers in the orphanage due to financial constraints. The orphanage manager said she will try her best to keep every employee at the orphanage but the orphanage will not be able to hire more staff any longer.

Data gathered from the key informant at the orphanage revealed that, if indeed Shamdia is forced to reduce its staffs, it will have an enormous effect of each and every worker and their families at the orphanage. The key informant further explained that, if she was to lose her job, it will have an effect on her families and the same goes for every employee at the orphanage.

#### **4.3.1.1 Effects on better quality of live for the children at the orphanage**

As per the in-depth interview with the volunteers, they said the banning of intercountry adoption has robbed the children of better lives and opportunity. Furthermore, they said especially for the severally ill children who need advanced medical attention, it has taken their options for a better future. One of the volunteer said, she was thinking to adopt a

child from Ethiopia due to the repeated visits she had at Shamida. She further said, she would have given one of the children at Shamida a better life had intercountry adoption not been banned. She said if she would have adopted the most severely ill child in order to provide him/her a better medical treatment. She further said how much better it would have been a child with no arm had been adopted and provided with prosthesis “*Wouldn't that make a child's life better?*” She asked as we were about to finalize our discussion.

Both the social workers agreed in the key informant and in-depth interview, and said that the advantage of intercountry adoption is on providing a better quality of life in regards to materials. Other than that, they do not see any advantage of it. For the orphanage society, it provides more space for more children to be taken to Shamida orphanage said the social worker in the in-depth interview conducted.

The key informant at the Ministry of child and youth affairs said, some people give the reason of medical problem for the need of intercountry adoption to exist. Sending children for the mere reason of medical need by itself discriminates children from those of health ones. The key informant further explained that, it is true our country is not well advanced but that does not mean we cannot take care of the ill children. We need work on special need education and create awareness. The government and the society needs to work on making life easier for the special need children to be able to live in their country of birth. Children need to live in their own culture and heritage. The key informant further explained, living in a foreign land as a child creates different psychological problems. Later on in life, children might have identity crisis. The key informant at the ministry said, this banning provided another alternative for the best interest of a child. He said “*when a door is closed a window will be opened.*”

The key informant at the Ministry further said, now there is no intercountry adoption, everyone will try to find an alternative within the country. People keep on saying we are not used to local adoption. But in places like Dire Dawa, Harrar, Afar, Benishangule, foster care is a common practice. Currently, in Dire Dawa there are lists of families who are put on a waiting list in order to be provided with foster children by the government. Due to the cultural difference, these places have a common practice of foster care. What we need to do is develop this culture in different regions throughout the country.

As per the data gathered from the in-depth interview with the social worker at the orphanage indication, our society is not used to the local adoption. The interviewee further said, whenever local come to adopt from Shamida, they always find a reason not to. I know it's difficult to adopt a sick child said the interviewee but this culture of local adoption needs to be widely exercised since intercountry adoption no longer exists.

As per the information gathered from focused group discussion and in-depth interview with the orphanage manager reveals, so far they have only witnessed to local adoption at Shamida. One was a program manager at Shamida who adopted a child she adored while working at Shamida. As per the in-depth interview with the manager, the other was an Ethiopian who used to reside in the States who asked to adopt a severely ill child. The in-depth interviewee said:

*"I never forget that day. Everybody at the orphanage was so surprised. Of course, the adoptive parent had the financial and medical capacity to care for the child. I wish I get to see more of such case now that intercountry is no longer an option".*

The disadvantage of this ban said the volunteer in the key information interview, that it robs a child of a better opportunity. They further said adopted children have great lives.

Some famous children become the best person they could be. This is because of the opportunity they were provided with when they were adopted.

As per the data obtained from the in-depth interview with the orphanage manager indicates, intercountry adoption is very advantageous for the children. It provides life opportunities and most importantly, it provides better medical treatments for the children who are severely ill and cannot be treated in the country. The orphanage manager further said that it takes away a better education opportunity from the children as well.

The key informant at the ministry said he sees no advantage at all of intercountry adoption practice. He further said that when all the local remedies, community based, reunification, foster care and institutional care are not available then intercountry adoption might have been advantageous. Having intercountry adoption as the first option is encouraging people and adoption agents to place children for international adoption. This in turn was creating a problem of not exercising the options available within the country.

The key informant said by placing this law, the government loses money and does not gain anything at all. However, in regards to the best interest of the child, the government is saving future generation. Now orphanages are trying to find other ways to better assist the children. Because of the ban of intercountry adoption, orphanages are forced to practice local adoption and other solution available within the country.

#### **4.4 Legal ratification of the ban**

As per the data gathered from in-depth interview with the legal professional emphasized, it is the government's responsibility to care for children without caregivers. As per the rules stated in the Ethiopian constitution and revised family code, it is the state's responsibility next to the society to care for its orphans. The legal professional in the in-depth interview further said that the practice of intercountry adoption has become a source of

income for orphanages and adoption agencies in recent years in Ethiopia. There are rules, which governs intercountry adoption. However, these rules are not binding when the child and the adoptive parents depart from Ethiopia. Hence, it was difficult to keep track of the adopted children.

The data gathered from key informant at the ministry further showed that, the ministry used to make arrangements with accepting countries to make annual visits to see the adopted children. Nevertheless, this practice has stopped being excised due to different constrains. The informant further informed the researcher that even if there are post placement reports, they are not regularly provided and if the adoptive parents choose not to send one they can since this rule is non-binding.

#### **4.4.1.1 Moral, Social and Political Ratification**

The data gathered from the in-depth interview with the legal professional indicated the cost of intercountry adoption was increasing and it was become a lucrative business. The practice of intercountry adoption was being regarded as selling babies, which was immoral as per the Ethiopian law. The data obtained further indicated that this practice was becoming an indication of the inability of the sending countries government being unable to care for its orphans and vulnerable children. The interviewee highly emphasized that this kind of feeling creates loss of national pride and dignity as a citizen of sending country. This also puts a moral and legal obligation on the government of Ethiopian to care of its orphans.

As per the data gathered from in-depth interview with the legal professional and key informant interview with the social protection specialty at the ministry indicates, the Ethiopia government has the legal obligation to protect its orphans. Not only the government but also the society has the obligation to protect orphans. The key informant further explained that the Ethiopian government by closing its doors to intercountry practice shows the step the

government is taking in fulfilling its obligation to the society. It creates a sense of national pride as well. It also has political stand in it as well. It speaks volumes that the Ethiopian government is now fully fit to care for its own. The case of Hana Willimas and Betty Demoze can be taken as a good example to explain the need of the Ethiopian government to protect its own said the key informant in the interview conducted.

The data obtained from the legal professional further support the key information's explanation from the ministry by indicating that cases like this distort the image of Ethiopia in the international arena. Furthermore, since there is no legal ground to make the adoptive parents abide by the agreement they made at the time of adoption, to send post placement reports and care for the child they adopt, it was apparent for the Ethiopian government to put the ban in place.

## CHAPTER FIVE

### 5 Discussion, Conclusion and Implication

This section presents discussion of the findings in relation with the literatures reviews discussed in chapter two. The different themes the researcher discussed in comparison with the existing literatures will be discussed. This chapter deals with the major finding discussion, conclusion and implications.

#### 5.1 Discussion

Every child needs a relationship with its caregiver in order to feel comforted, relaxed and safe (Ainsworth and Bowlby, 1991). It is apparent that every child needs a caregiver to look after him/her and develop such bond. Children who have secured attachment have high self-esteem and can deal with challenges more effectively (Simmonds 2004).

Intercountry adoptions allows a child to grow and develop in a loving family environment compared to an institutional care (Thompson, 2004). This study indicates that it is better for a child to grow up in a family setting than in an institution. The finding indicates that intercountry adoption does indeed provide better lives to children than they are provided with at the Shamida orphanage. As per (Simmonds 2004) argument, children with a family that takes care of them have the tendency to develop high self-esteem when they grow up than the children who are left at the institutions for lack of continues attachment of love and affection. The finding of this study shows that children who have been adopted by foreigners have better quality of lives compared to those at the orphanage and supports the arguments previously made by Simmonds.

As per Bronfenbrenner's Ecological system theory, the environment a child is in and the interaction between the two influence a child's development. Hence, the environment the child is in and its interaction will influence an Ethiopian child adopted to another country of



residence. Hence, the child will lose his/her Ethiopian identity through time and interacts with his/her place of residence culture and heritage. The finding of this study further supports that a child by being adopted can lose his/her mother tongue and heritage.

Intercountry adoption provides children with better education, medical and life in a foreign land. The finding of this study revealed that in the case of Shamida orphanage, medical needs of the children are given high priority and better taken care of by a intercountry adoption practice.

Liu, (2002) criticizes the practice of intercountry adoption by arguing that saving a child from horrible living conditions is not adequate reason for intercountry adoption to be seen as an option. The finding of this study indicates that even if intercountry adoption provides a good life, it has its own negative impact. The finding showed that intercountry adoption has its own drawbacks where adopted children are abused by their adoptive parents. The case of Hana Williams was mentioned in the study to show the degree of abuse-adopted children go through making intercountry adoption not the best interest of the child.

The finding of this study shows that children placed for intercountry adoption are losing their original heritage and culture. Furthermore, the finding from the document review, full document of child's history as per on table 1.2, shows that even if adopted children were to inquire about their background information, there aren't sufficient recorded information at the orphanage.

As per the CRC the best interest is seen under the rights to life, survival and developments and respect for the views of the child. Moreover, Goldstern concludes that when the best is not an option, the least disadvantageous solution should be taken as the best interest of the child Goldstern (1996). This study showed that there is no agreed definition of

best interest of the child by international legal instruments or Ethiopian law. Hence, the finding of this study indicates that the best interests of the an Ethiopian orphan is taken as to remain in the country of birth within his/her roots since its is the least advantageous option compared to intercountry adoption.

Future more, this study showed that the government by putting this law in place is protecting the best interest of an Ethiopian child. The finding indicates that, this ban allows a child to grow in its own country of birth speaking his/her mother tongue, learning his/her cultural heritage. This finding supports the prior argument by (Gates, 2000) which explains that uprooting a child from its birth country can never be seen as the best interests of the child since it deprives a child of its ethnic and cultural background and might expose children to discrimination in a foreign country.

## **5.2 The Effect of the ban on Shamida Orphanage as an Institution**

The finding indicates that participant regarded the banning as a negative effect on the orphanage. The finding further indicted that less financial support from donors is excepted as a result of the ban. The finding also showed that the orphanage might not be able to care for the children as much as it used to before due to the expectation of less financial support.

The finding of the study showed that lack of space is an issue now that intercountry adoption is band. Hence, the children have no place to go and the orphanage cannot take in new children who need medical attention and shelter. The participant indicated that this was going to create more problems in other orphanages as well unless another alternative is found soon.

The finding of this study showed that there are financial limitation the orphanage is going to face because of this ban. This banning discourage the donors of Shamida orphanage. As per the findings, most of the donors are in support of the practice of intercountry

adoptions and now this ban can affected the donor's intention in further continuing their support with Shamida orphanage.

Less income indicates less hiring capacity, less material and medical support by the orphanage. The finding indicates that Shamida needs the support of its donors extremely, hence, this limit the financial capacity of the orphanage in every area.

The finding further indicated that if more children keep on coming to Shamida, then the orphanage is going to be needing more staffs to keep on the day to day activates. Hiring more staff requires more financial income, hence, the orphanage will need to find a viable source of income or convince its donors otherwise to continue their support.

### **5.3 Effects on the ban on Children and Workers at the orphanage**

The finding of the study revealed that children are being robbed of a better quality of lives. The finding shows that the participants view towards this ban is different. The fining indicates that there were two views regarding the effect this ban has on the children. The researcher found two opposing ideas regarding the ban of intercountry adoption practice in at Shamida orphanage.

On one hand, the finding participants indicated that this ban takes away a better life opportunity from the children The finding of this study shows that, the negative effect on the children is not being able to get the medical attention they need. Especially for those children at the orphanage who really need it.

On the other hand, the finding indicates that it is not in the best interest of the child to uproot a child from his/her country of origin. The finding further indicates that, placing this law protects a child from abuse by the adoptive parent. The study indicates that the ban protects the children from identity crisis, abuse, not knowing ones origin and heritage.

The finding showed that those children who have medical problems are the most affected by this rule. The finding showed that Ethiopia is not well equipped to care for severely ill children. Most of the children Shamida takes care fall in this category of children. Therefore, the children end up miss out the medical help they need.

The finding indicated that the orphanage employees might be affected as a result of this ban. Due to the financial constraints, the orphanage cannot hire more staff and might even be forced to reduce the number of employees. The finding further indicated that, the orphanage can no longer involve itself in the empowerment of women programs as before.

#### **5.4 Legal Ratification of the ban**

The study fining indicates that the intention of the ban was to protect orphans and be able to keep Ethiopian children within the country. Further, the finding indicates that the participant view of the ban is positive. The finding of this study shows that placing this ban is in the best interest of the child in regards to preserving ones culture and heritage. Moreover, the finding shows that it has moral as well as political and social aspects of protecting a national's image and future generation from identity crisis and abuse

#### **5.5 Conclusion**

The aim of this study was to assess the effect the recent ban of intercountry adoptions has brought on Shamida orphanage. To conduct this research, the researcher developed this research question; what are the effect and challenges of the ban on the orphanage, what are the effects and challenges on the children and what are the legal intention for placing this ban.

The researcher used qualitative method of reach to conduct this study. The researcher decided this method best fits to better understand the challenges and effects associated with the ban of intercountry adoption. In order to get reliable and valuable information, the

researcher used key informants interview, Focused group discussion and observation as data collection tools. The researcher tried to be a neutral party when

Shamida orphanage is doing a great job in caring for the orphans at the orphanage. But due to the new rule, it cannot take in more children. That means the children who need support and care are left without the care and support they need. Even if the key informant said the number of children being left at the police and orphanage gates are decreasing there are still a number of children being left alone.

The only options available to combat the number of children becoming orphans every day, each one of us need to take part in. This should not be left for the government alone to deal with. As a responsible citizen, each one of us needs to be aware of the local solutions put in place and try to create awareness as well.

It is a fact that inter-country adoptions has its own advantages and disadvantages as discussed above. Identity crisis, not knowing one's own culture and heritages are some of the main disadvantages while better quality of life, better medical care and better educational opportunities are some of the major advantages mentioned.

Our society is not accustomed in to local adoption. Due to the lucrative nature of intercountry adoption, adoptions agents and local NGO's were advocating for international adoptions. Hence, local adoption and other local remedies were not practiced as much as they should have been practiced.

## **5.6 Implication for Social Work**

As per the finding of this paper, the lack of caregiver is the major factor that lads a child to become an orphan. Except for those who lose their parents because of death, the reaming become orphans due to families being broken up. Hence, there is a need to work on

how to keep a family intact and how to care for a child if / when families do break up. Education and awareness needs to be provided on parental care. Since some of the orphans become without a caregiver due to negligent or absence of a parent.

This study finding verified that a child's attachment with his/her caregiver affects a child's developmental process which has a long term effects later on in his/her life. Hence, there is very important need for social workers to interview and educated parents and caregivers. Moreover, this study indicates that the environment a child is bought go grow up in to and connect affects a child's development. Hence, every parent and child caregiver needs to be aware of this knowledge for a better brining up of every child in Ethiopia.

This study indicated that lack of local adoption practice was one of the reason that led the practice of intercountry adoption to be widely spread among other things, therefore, the need to take us back to our main root where society used to take responsibility for the orphans need to be reignited. The study confirmed that some parts of Ethiopia still practice other alternative childcare service as a normal way of life. Hence, social workers need to find the very core of the society's soul to bring this practice of caring for orphans in all regions of Ethiopia as a culture again.

#### **5.6.1.1 Implication for Policy Makers/Government**

This study showed that even if intercountry adoption is not something the Ethiopian government should purse as per Melat's recommendation and mine, there needs to be a mechanism put in place where this ban does not bring fourth its negative impact. This study indicates that the negative effect of this ban is for the disabled and severally ill children. The Ethiopian government needs to make sure that disabled children are able to get all the medical attention they need. Special schools, special government services centers need to be put in place for physically challenged children in order to provide them with a good or fair

quality of life. If we are going to keep ill children within the country then, we should know how to treat them. Awareness needs to be create on how to communicate and deal with an ill child. In addition, for this the society, government, NGO's and social workers need to work hand in hand to bring forth the kind of life every child deserves to have.

#### **5.6.1.2 For Further Study**

As stated above intercountry adoption no longer is an option for Ethiopia. Hence, future researched should be carried out on the findings of this study to see where we are at in caring for children without caregivers within the country. Further studies should be conducted on a more larger size orphanage and to find out if the other alternative options are being practiced by orphanages and societies alike. Moreover, research will needs to be conducted on the special needs children care facilities by the government and other NGO's and orphanages. The challenges of orphanages in dealing with the ban needs to be studied for future to see if the ban is really in the best interest of the child.

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**ANNEX 1****Introduction and Consent Statements for Interview of Participants**

My name is Helen Ayana. I am MA candidate at Addis Ababa University, School of Social Work in Addis Ababa, Ethiopia. I am conducting this research in partial fulfillment of the requirements for MA in Social Work with the title of “The ban of intercountry adoption in Ethiopian: in the case of Shamdia Orphanage in Addis Ababa”.

The objective of this study is to assess the effect the ban of intercountry adoption has brought at Shamida orphanage, on the children at the orphanage and to try to see the legal reason behind this ban.

If you decide to take part in this study, your participation will involve an in-depth interview or focus group discussion. The information you disclose will be strictly confidential and will only be used for the purpose of this study. Please know that your name or any information that might disclose your identity will not be revealed. Please be reminded that you have every right not to respond to question which you do not want and you also have the right to stop at any time of the interview stage.

Please indicate you have understood and agreed to the mentioned terms by signing below.

Name of participant \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**ANNEX 2**

Interview Guide for the Ministry of Children and Youth Affairs on the Effect of the banning of Inter-country Adoption at Shamida Orphanage in Addis Ababa

**Part: I: Personal Information**

1. Age: \_\_\_\_\_
2. Sex: \_\_\_\_\_
3. Educational status \_\_\_\_\_
4. Your position in the organization \_\_\_\_\_
5. Related Experience \_\_\_\_\_
6. What are the advantages and disadvantages of inter-country adoption in Ethiopia?
7. What are the essential reasons that aggravated the banning of inter-country adoptions?
8. Did the MoCYA take any measures to minimize the challenges caused by this ban (if any)?
9. Did MoCYA put forward an alternative solution for the children who need caregivers and are not able to find one within the country?
10. Has the increase burden of orphanages and NGO's that take care of children has been taken in to consideration in decreeing this law?
11. Is there advantages to domestic adoption? If so what are they? If not, why not?
12. In your opinion who is the beneficiary of inter-country adoption?

**ANNEX 3**

Interview Guide prepared for Focused group discussion at Shamida orphanage

**Part: I: Personal Information**

- 1) Age: \_\_\_\_\_
- 2) Sex: \_\_\_\_\_
- 3) Educational status \_\_\_\_\_
- 4) Your position in the organization \_\_\_\_\_
- 5) Related Experience \_\_\_\_\_
6. How does the new banning law affected you? In what way?
7. Do you think this banning is in line with the best interest of the child? If so, how? If not, why ?
8. Do you think domestic adoption might be a better solution for children now that inter-country adoption is not allowed? Why? Why not?
9. How did this banning affected the children? Are they aware of what's happening? Do the children prefer inter-country adoptions? If so, why?
10. What is the advantage, in your opinion of this new law,( if there is an)?
11. Do you think the government by passing this law, took a better live opportunity of the children?
12. If you had the opportunity to make changes to this law, what would you have done?

**ANNEX 4**

Interview Guide prepared for the key informants interview and in-depth interview at Shamida orphanage

**Part: I: Personal Information**

- 1) Age: \_\_\_\_\_
- 2) Sex: \_\_\_\_\_
- 3) Educational status \_\_\_\_\_
- 4) Your position in the organization \_\_\_\_\_
- 5) Related Experience \_\_\_\_\_
6. What is the advantage and disadvantage of this new law banning?
7. Do you think this new law is in the best interest of the child?
8. How this law does affect the children, biological parents and adoptive parents as per you experience so far?
9. How is the orphanage managing the new law in line with the needs of the children now that they will need to remain at the orphanage?
10. Anything you would like to add?

**ANNEX 5**

Interview Guide prepared for the key informant interview with legal professional

Part: I: Personal Information

- 1) Age: \_\_\_\_\_
- 2) Sex: \_\_\_\_\_
- 3) Educational status \_\_\_\_\_
- 4) Your position in the organization \_\_\_\_\_
- 5) Related Experience \_\_\_\_\_
6. In your view what are the major reason for placing this ban?
7. In your legal opinion, what advantages and disadvantages does this ban has in regards to children at the orphanage?
8. In your legal opinion, does this law benefit Ethiopia as a country?
9. What are the social, moral and political implication of this ban?



## ANNEX 6

Table 1.1 Descriptions of Participants involved in the study

<b>Code</b>	<b>Description of Participants</b>	<b>Types of interview</b>	<b>No. Of participants</b>	<b>Interview time</b>	<b>Remark</b>
001	Caregivers at the orphanage	FGD	12 (6 in each group)	45 minutes each	Was a very lively which has been recorded
002	Orphanage Manager	In-depth interview	1	45 minutes	Was enlightening
003	Social worker at the orphanage	Key informs interview	1	40 minutes	Was informative
004	Social worker at the orphanage	In-depth interview	1	40 minutes	Informative
005	Volunteer workers	Key informants interview	2	45 minutes	Was good
006	Child protection at the Ministry	Key informants interview	1	50 minutes	Was brief informative
007	Legal Professional	Key informant interview	1	50 minutes	Was informative
008	Non- interview recording	Observation	1	Unknown	

## ANNEX 7

Table 1.2 Observation checklist

	Availability of Services Provided	Excellent	Very good	Good	Not available	Other
1	Food and Nutrition Provision in kinds	✓				
2	Clothing, shoes and under-wear provision	✓				
3	Shelter condition	✓				
	Adequate hygiene and sanitation	✓				
4	Latrine facilities	✓				Disabled children have their own separated latrine facilities for easy access.
5.	House Maintenance	✓				The orphanage just renovated the house before moving in
6.	Utilities like clean water, electric power,	✓				Each child has his/her own utensils. They also have generator
7.	Play ground			✓		The new compound is not large enough
8.	Bed Room Materials	✓				For the severely ill children, they have made as special bed to be used
9.	House furniture	✓				
10.	Formal Education		✓			
11.	Working relations with government agencies	✓				

Date of Observation between the month of mid-February and mid-April 2019.

## ANNEX 8

**Table 1.3 Check list for Document Review**

<b>Issue to be considered</b>	<b>Very good</b>	<b>Good</b>	<b>Low</b>	<b>Remark</b>
Post adoption reports			✓	
Full document of child's history			✓	
Organizational goal		✓		
Policy, rules and regulations		✓		
Child care related programs		✓		
Stakeholders involvements		✓		
Monitoring and Evaluation of the children's health		✓		
Communication with other agencies		✓		

**ANNEX 9**

**6.1 Revised Family Code (Amendment) Proclamation No. 1070/2018**