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The Effect of International Adoption as an Orphan Care Method in Uganda

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The Effect of International Adoption as an Orphan Care Method in Uganda

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Abstract

International adoption has been gaining popularity since the end of the twentieth century (Selman, 2002). Throughout this increase in international adoptions, the focus has drifted away from its original goal of providing homes that are in the best interest of the children (Graff, 2008). It has become more common for international adoption agencies to conduct international adoptions as a profitable business strategy, as international adoptive parents pay an average of \$40,000 for a child (MGLSD, 2012; Graff, 2008). While this is not always the case, corruption is prevalent in the system and can endanger children to trafficking and illegal adoptions (Graff, 2008). Uganda has a growing number of orphaned vulnerable children in need of homes and only recently joined in sending its children for international adoption (UNICEF, 2003). This literature review addresses how international adoption affects Uganda's orphan care methods from both micro and macro perspectives.

Key Words

International adoption, Uganda, orphan-care, Alternative Care Framework, Strengthen African Families Campaign, international adoption policy

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The Effect of International Adoption as an Orphan Care Method in Uganda

Chapter 1: Introduction

We all know the story of international adoption: Millions of infants and toddlers have been abandoned or orphaned—placed on the side of the road or on the doorstep of a church, or left parentless due to AIDS, destitution, or war. These little ones find themselves forgotten, living in crowded orphanages or ending up on the streets, facing an uncertain future of misery and neglect. But, if they are lucky, adoring new moms and dads from faraway lands whisk them away for a chance at a better life. Unfortunately, this story is largely fiction. (Graff, 2008, p. 59)

Overview of the Issue

International adoption has lately become a popular way to build a family for many couples who face infertility or who wish to take in a needy child from impoverished institutional care (Carlson, 2011; Hollingsworth & Ruffin, 2002; Selman, 2002; Walakira, Ochen, Bukuluki, & Alllan, 2014; Frank, Klass, Earls, & Eisenberg, 1996). From Africa alone, international adoptions into the United States have risen from eighty-nine in 1996 to 2,722 in 2009 (Davis, 2011), along with thousands of international adoptions from other countries around the world (Selman, 2002; Milbrandt, 2014; Davis, 2011). Unfortunately, as this method of orphan care has gained popularity, so has the corruption practiced in this system (Carlson, 2011; Graff, 2008). International adoption originally gained momentum from the desire to support the supply of homeless children (Milbrandt, 2014; Graff, 2008), but has since become more of a way to satisfy western demand for international children (Graff, 2008). This expensive process attracts corruption and can be dangerous to the children involved, as it has become a business in some

areas to find children to sell under the pretense of international adoption, by stealing babies or falsifying documents claiming children are orphans (Graff, 2008). These businesses profit from child transactions, sometimes removing children from their relatives and cultures unnecessarily. While international adoption may have began as a way to provide loving homes for orphans in need, this is not always what actually happens (Graff, 2008; Milbrandt, 2014).

The Issue Applied to Uganda

In Uganda, it has long been the custom for orphaned children to be supported by their extended family through informal foster care; however, with the recent AIDS epidemic, more children have been left orphaned and fewer relatives have the resources to take care of them (Roby & Shaw, 2006; UNICEF, 2003). Even though Uganda's government acted quickly to repress the spreading disease, many lives were lost and the battle is not over (Deininger, Garcia, & Subbarao, 2003). What westerners generally do not realize is that even though so many children are classified as orphans, they may have only been orphaned by one of their parents (SAF, 2013; MGLSD, 2012). Many children have been left in institutional care due to poverty, rather than the assumed lack of living biological relatives (SAF, 2013 MGLSD, 2012). According to Uganda's Ministry of Gender, Labour, and Social Development (MGLSD) (2012), these children do not always need an international adoptive family, as they are not without a biological family. Instead, these families need financial and educational support to be able to stay together (MGLSD, 2012).

With so many broken families and children in need, domestic solutions may not be the only answer (Roby & Shaw, 2006; Carlson, 2011). International adoption can provide double orphaned children, that are legally available for adoption and do not have other relatives to care for them, with a loving family to provide for their needs (Carlson, 2011). International adoption

is viewed positively by some caregivers in Uganda when it is truly in the best interest of the child (Shaw & Roby, 2007). On the other hand, Uganda's MGLSD is working to promote family reunification and domestic adoptions rather than international ones, in an effort to keep children in families in their birth culture (MGLSD, 2012). While some people feel children should remain in their birth country, others stress the need for them to grow up in comfortable families and not orphanages that hinder their development (Barth, 2002; MGLSD, 2012; SAF, 2013).

Micro Perspective

From a micro perspective, international adoption can be viewed as both a positive and negative method of orphan care (Carlson, 2011; MGLSD, 2012; SAF, 2013). If children are not adopted and left to grow up in institutional care, they often face numerous developmental delays and challenges (Bakermans-Kranenburg et al., 2011; MGLSD, 2012; Roby & Shaw, 2006; SAF, 2013). On the other hand, reports about how internationally adopted children fare later in life vary, depending on each child's situation (Julian, 2013). Without international adoption as an option, children would have a better chance of being adopted domestically, keeping them in their birth country, as valued by Ugandans (MGLSD, 2012). With so many people interested in international adoption, this option could place more orphans in homes than what domestic placements alone make possible (Roby & Shaw, 2006). International adoption would remove already vulnerable children from their familiar culture and open the door to corrupt adoption and trafficking, but it would also increase their chance at having a family (Roby & Shaw, 2006).

Macro Perspective

On the macro side, international adoption is an option to help Uganda combat their orphan crisis by placing more children in families abroad (Roby & Shaw, 2006; MGLSD, 2012). Sending more children for international adoption could help the nation regain their ability to

provide for children domestically, without overwhelming the system (Roby & Shaw, 2006). However, the MGLSD, along with other agencies working in Uganda, prioritizes and aims to promote domestic options for children above international adoptions (MGLSD, 2012). They would rather develop family welfare programs to keep Ugandan children in Ugandan families (MGLSD, 2012). Corruption is prevalent throughout Uganda and increasing international adoptions could lead to dangerous adoptions (JLOS, 2012; Graff, 2008). Action by the Ugandan government is needed to support all of the vulnerable children and future of the nation, but exactly what kind of action remains up for debate.

Overview of this Paper

The following paper will address the background information regarding international adoptions from Uganda, alternative forms of orphan care for Uganda to consider, and an evaluation of international adoption as an orphan care method in Uganda. As there has not been much research conducted about Uganda to date, results from studies in other countries will also be examined to better understand various aspects of this topic. Some research questions this paper addresses are:

- How effective is international adoption in Uganda compared to other orphan care methods in supporting vulnerable children?
- How does international adoption affect Uganda's orphan crisis, and is it helping to alleviate this issue?

This paper attempts to spark a discussion on how international adoption affects Uganda's vulnerable children and the nation as a whole.

Chapter 2: Uganda's International Adoption Background

Global International Adoption History

At the end of World War II and the start of the Cold War, Americans began hearing of the many war-made-orphans and were compelled to support them through international adoptions, sparking Americans' interest in this system (Engel, Phillips, & Dellacava, 2007; Milbrandt, 2014). Two-thousand-and-eighty children were adopted internationally into America in 1969, 8,102 in 1989, and 16,396 in 1999 (Selman, 2002). Other countries soon joined in on this trend, with France, Sweden, the Netherlands, and Italy all internationally adopting over 1,000 children on average a year between 1980-1989 (Selman, 2002). From 1993-1997, America was joined by France, Italy, Germany, and Canada in internationally adopting the most children on average per year (Selman, 2002).

European countries devastated by war, including Greece, Italy, Germany, and Japan, were originally the main sending countries for international adoptions (Selman, 2002). By the 1950's American's had begun adopting more Korean orphans, which made up over fifty percent of all international adoptions into America in the 1970's (Selman, 2002). Towards the 1980's, more international adoptions from Ecuador, Colombia, the Philippines, and India gained popularity, and the top sending countries in the 1980's were Korea, Colombia, and India (Selman, 2002). Romania became the biggest sending country in the early 1990's, until they closed their doors to international adoption in 1991 (Selman, 2002). China and Russia followed suit and amplified their international adoptions, becoming two of the main sending countries in 1995 (Selman, 2002). The 1990's marked the beginning of the exponential growth in international adoptions that continues today (Engel et al., 2007). While international adoption

has not always been viewed as the best option for an orphaned child, this alternative continues to gain support on an international level (MGLSD, 2012; Roby & Shaw, 2006).

History of International Adoption in Uganda

"In the past, people used to care for the orphans and loved them, but these days they are so many, and many people have died who could have assisted them, and therefore orphanhood is a common phenomenon, not strange. The few who are alive cannot support them" (A Kenyan widow in her early fifties, as quoted by UNICEF, 2003).

Prior to the HIV/AIDS pandemic in Africa, Ugandan orphans and vulnerable children (OVC) were taken in and cared for by their relatives, friends, and neighbors (Harms, Jack, Ssebunnya, & Kizza, 2010; Roby & Shaw, 2006; UNICEF, 2003). Communities worked together to provide for each other and to help those in need, acting as one big family. This system worked well until HIV/AIDS spread rampantly, leaving more children orphaned and less adults available—let alone able—to take in more children (Roby & Shaw, 2006; UNICEF, 2003). The Sub-Saharan African region was hit the hardest by this thirty-year HIV/AIDS crisis, leaving seventeen million children without one or both parents (USAID, 2014). In this region, less than one million children younger than fifteen years old were either single or double orphans (having lost one or both parents, respectively) because of HIV/AIDS in 1990 (UNICEF, 2003). This number drastically rose to eleven million, almost eighty percent of the global loss to HIV/AIDS, in 2001 (UNICEF, 2003). Less than two percent of children were orphans in Africa in the 1980's, but by 2000 this rate rose to fifteen percent in Uganda (Deininger et al., 2003). This produced the demand for more orphanages and institutional care, as the informal foster care system that had been the standard was no longer effective (Roby & Shaw, 2006). Uganda, along

with many African countries, began to see a rise in their OVC population without the capacity to care for them residentially, as had been custom (Roby & Shaw, 2006; Kasedde, 2014).

At the beginning of the twenty-first century Uganda's OVC were primarily cared for by their relatives, with only five percent of OVC being taken care of by people to whom they were not related (Subbarao & Coury, 2004, Roby & Shaw, 2006). As a generation of parents were being hit with HIV/AIDS, more and more grandparents were being faced with the responsibility of caring for their grandchildren (Kasedde, Doyle, Seeley, & Ross, 2014), and in 2001 the average age of caregivers rose to forty-eight years old (Sachs & Sachs, 2004). This cultural obligation had previously belonged to aunts and uncles, but they were among the HIV/AIDS victims (Subbarao & Coury, 2004). In patriarchal northern Uganda, the responsibility of OVC care in the past had been placed on male-headed families, but with the increasing demand of children in need, sixty-three percent of families taking in OVC are now supported by single women, grandmothers, and widows (Oleke, Blystad, & Rekdal, 2005; Kasedde, 2014). As the former way of supporting OVC became less realistic in helping the rising number of orphans, some older orphans have begun stepping up as the head of their families (Parker, Jacobsen, & Komwa, 2009; Subbarao & Coury, 2004). This is not an ideal situation, but these children do not always have other options (Subbarao & Coury, 2004).

"Orphan"-hood

An orphan is defined as "a child whose parents are dead" (Orphan, 2015, p. 1). This definition specifies parent"s" as plural, as assumed by Western culture, but under its full definition an orphan is "a child deprived by death of one or usually both parents" (Orphan, 2015, p. 1). Many people in the Western world do not realize orphans can have a living parent (Drah, 2012). Ugandan children in orphanages are generally thought to be orphans who have lost both

parents, also known as “double orphans,” but this often inaccurate assumption has "increased stereotypes and stigma for [Ugandan] children and created negative perceptions and individualized short term responses" (SAF, 2013, p. 1). This term depicts children who do not have any biological family to take care of them domestically, when in reality, ninety percent of orphans in Uganda are taken care of by their relatives (SAF, 2013). The Western image of orphans in need of outside help encourages the idea that international adoption provides a better home than is possible in their birth country (SAF, 2013). This is detrimental to Ugandan efforts to provide homes for their children domestically as it diverts attention and aid from domestic family reunification efforts to strengthening the orphanage system (SAF, 2013). While the single parents or extended families of these "orphans" may not have the resources to take care of them, supporting them in parenting the OVC must remain an option pursued for each child (SAF, 2013).

Ugandan International Adoption Trends

According to UNAIDS (2013), there were about one million Ugandan children orphaned from AIDS under the age of eighteen, and 1,600,000 people diagnosed with HIV in 2013. This problem has been recognized globally and has prompted significant humanitarian aid, although not enough to combat this large of an issue. Many organizations that attempt to alleviate this problem are only able to help five to ten percent of those in need (Subbarao & Coury, 2004). Many Sub-Saharan African countries, lacking in resources with a growing number of children in need of care, began conducting international adoptions which gained popularity in Africa at the start of the twenty-first century (Roby & Shaw, 2006).

Four children were adopted into the United States from Uganda in 1998, fifteen in 2005, and sixty-seven in 2009, with a total of 245 Ugandan children adopted into the U.S. from 1996

through 2009 (Davis, 2011). Uganda also sent a total of twenty-one children to be adopted in Canada, Sweden, the Netherlands, and Denmark from 2005-2009 (Davis, 2011). Of all the international adoptions from Africa to the United States from 1996 to 2009, those from Uganda made up only two percent (Davis, 2011). Surprisingly, compared to other top African international adoption sending countries, there does not seem to be a correlation between population and the number of international adoptions conducted as displayed in Figure 1 below. While Uganda's population is eleven times larger than Liberia's (UNICEF, 2013), Liberia sends six times more children than Uganda to be adopted internationally (Davis, 2011). This indicates that a country's participation in sending children for international adoption does not depend solely on how many orphans they have, but more on the country's international adoption policies, its general view on international adoption, and the resources it has available to take care of its OVC domestically.

Figure 1:

Sending Country	Percentage of International African Adoptions to the U.S. from 1996 to 2009	Total Adoptions to the Top Receiving Countries from 1996 to 2009	Total Population in 2013 (in thousands)	Estimated Number of Orphans in 2013 (in thousands)
Ethiopia	67	13,052	94,100.76	4,000
Liberia	12	1,137	4,294.08	200
Nigeria	5	510	173,615.35	10,000
Ghana	3	339	25,904.60	990
Sierra Leone	2	--	6,092.08	310
Kenya	2	197	44,353.69	2,500
Uganda	2	222	37,578.88	2,400

(Data gathered from UNICEF, 2013; and Davis, 2011)

At the end of the twentieth century, when AIDS was taking its toll on many African countries, Uganda's government quickly acted to stop this disease from continuing to spread exponentially (Deininger et al., 2003). While this helped to reduce the impact of AIDS across

the country, the number of OVC continued to increase (Deininger et al., 2003). Uganda has not relied heavily upon international adoption as a means of orphan care, but rather Ugandan OVC are heavily supported through domestic foster care (Deininger et al., 2003). During this increase in orphans, the number of households that had at least one foster child below the age of fourteen grew from 16.6 percent in 1992, to 28.1 percent in 2000 (Deininger et al., 2003).

Along with foster care placements, many Ugandan OVC are left in orphanages (Walakira et al., 2014). According to Uganda's MGLSD (2012), eighty-five percent of children in Ugandan orphanages have one or both parents living, but these parents are unable to care for them often due to poverty. The impoverished parents generally do not want to lose their children but feel they have no way to keep them, and there is no effective welfare system in Uganda to provide assistance (SAF, 2013). The institutional care of children who are not actually double orphans provides the potential for illegal adoptions, as corrupt orphanage directors sometimes send these children away to be adopted for the financial benefits that such expensive adoptions cultivate (Graff, 2008; Nielson, 2014). Not all international adoptions are corrupt, but with so many children in orphanages who are not actually double orphans, the potential greatly increases.

International Adoption Policies

Rising trends in international adoptions have prompted the establishment of multiple policies to regulate this system (Milbrandt, 2014; Carlson, 2011). Global conventions include the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention) (Milbrandt, 2014; Carlson, 2011), and the United Nations' Convention on the Rights of the Child (CRC) (Milbrandt, 2014; Carlson, 2011). Africa's response led to the African Charter on the Rights and Welfare of the Child (ACRWC) (OAU, 1999), and Uganda added the National Strategic Programme Plan of Interventions for Orphans

and Other Vulnerable Children, also known as Hope Never Runs Dry (MGLSD, 2004; Roby & Shaw, 2006). These policies serve to protect children who are being adopted across nations, the biological and extended families that children are leaving behind, the adopting families, and both the sending and receiving countries (Milbrandt, 2014; Carlson, 2011; OAU, 1999; MGLSD, 2004; Roby & Shaw, 2006).

The Hague Convention

The Hague Convention was enacted on May 29, 1993 and as of June 2014, ninety-three countries have joined this act (HCCH, 1993). This convention provides an outline of international adoption regulations that promote the best interest of the adopted child as the primary concern, and it stresses that international adoption should only be used when there are no permanent domestic care options available and the adoption is in the child's best interest (HCCH 2013). Ugandan representatives were present at a seminar held in South Africa in 2010 promoting the convention, which encouraged more African countries to join this policy in an effort to better regulate the international adoptions taking place (HCCH, 2010). However, Uganda has not yet signed this convention, along with most countries in Africa. In fact, only ten African countries have signed it, not including Ethiopia or Liberia—the biggest sending countries (HCCH 2014, Davis, 2011).

The Convention on the Rights of the Child

The CRC was established on November 20, 1989 (UNHR, 1990), and Uganda signed and ratified it on August 17 the following year (UNHR, 2015-Status). One-hundred-and-ninety-five countries are currently state party to this convention, and the United States and Somalia have signed it without further ratification (UNHR, 2015-Status). This globally valued convention outlines the specific rights that everyone is entitled to and it claims all children have the right to a

family and protection from harm (UNHR, 1990). It allows for international adoption to be conducted when a child does not have another suitable home, as long as certain regulations are met, such as the sending country must not receive excessive monetary benefits from the exchange, the people involved with the legalities of the adoption must be competent in their work, and the placement must be in the best interest of the child (UNHR, 1990). Uganda has tried to implement the conditions required by this convention but the long lasting conflict in Northern Uganda and the fight against HIV/AIDS have slowed this progress (UNHR, 2015-Uganda).

The African Charter on the Rights and Welfare of the Child

The ACRWC took effect on November 29, 1999 (OAU, 1999). The Organization of African Unity worked to create this charter in an effort to protect the many vulnerable children in Africa and to raise awareness of harmful conditions and practices (OAU, 1999). In respect to adoption, this charter requires informed consent from the appropriate people to be given prior to an adoption; it protects children from adoption that could lead to trafficking, any other harmful situation, or someone's monetary gain, and it ensures follow up of the child's adoptive placement (OAU, 1999). Uganda signed this charter on February 26, 1992 and ratified it on August 17, 1994 being the fifth of forty-two countries to sign it so far (OAU, 2011).

Hope Never Runs Dry

Uganda's MGLSD produced the original "Hope Never Runs Dry" in November 2004 which took effect from fiscal year 2005/2006 through 2009/2010 (MGLSD, 2004). This legislation was followed up in May 2011 with an updated version for 2011/2012 through 2015/2016 (MGLSD, 2011). These plans were written to assist the National Orphans and Other Vulnerable Children Policy that Uganda established in 2004, all created to advocate for the

millions of impoverished, vulnerable Ugandan children (MGLSD, 2011). These policies served to raise awareness of the needs of the OVC in Uganda and to defend them from the harmful conditions they faced, and it intended to provide children with rights such as an education and health services (MGLSD, 2011). While these policies got the nation's attention on this issue, the number of orphans still rose from 2.3 million to 2.43 million from 2008 to 2010 (MGLSD, 2011).

Ugandan Caregivers' Views on International Adoption

An extensive search of Ugandan public views on international adoption revealed only one study, suggesting this area of study could use more attention. The single study consisted of a series of interviews by Shaw and Roby (2007) of 315 caregivers for children in Uganda. Over half (58%) of the children the participants cared for were not their biological children, supporting the emphasis in the Ugandan community for communal support of children in need (Shaw & Roby, 2007; UNICEF, 2003). Formal adoption is not common in this area as Ugandans do not feel the need for a legal framework for such placements, but rather this informal foster system of extended family care is accepted as the standard placement for children (Shaw & Roby, 2007; UNICEF, 2003). Although these guardians, like other Ugandans, may not feel the need to formally adopt their own foster children, 76.2 percent of those interviewed felt positive towards the idea of legal domestic adoption in Uganda and would support any adoption that is in the best interest of the child (Shaw & Roby, 2007).

However, when participants were asked how they felt about international adoptions of Ugandan orphans, they were not quite as positive; this was due to a fear of children losing their birth culture, being separated from their biological families, and the possibility of mistreatment in the adoptive home (Shaw & Roby, 2007). Seventy percent of the responses remained positive

though, and these participants welcomed outside help from people who were willing to give children a better life (Shaw & Roby, 2007). Regarding both domestic and international adoptions, the caregivers from Masindi, Uganda, a more rural area, were more likely to support adoption than those from Kampala, Uganda, a bigger city. This support may be the result of several factors, including more need for international help in Masindi or the people from Kampala's greater knowledge of adoption pitfalls (Shaw & Roby, 2007). International adoption was also favored more by younger caregivers, as well as by female guardians over male guardians. Overall, study participants seemed to appreciate any means of support for orphans as there were, and still are, so many children in need of help (Shaw & Roby, 2007).

Strengthen African Families "SAFe" Campaign

Uganda's MGLSD has recently developed a system for supporting vulnerable children called the Alternative Care Framework (ACF) (MGLSD, 2012). Part of the Alternative Care Framework is the Strengthen African Families—SAFe—Campaign, which is partnered with over twenty-five Ugandan organizations working to support vulnerable children and their families and promote reunification and keeping children with families (SAF, 2013). This campaign aims to push for improved child welfare and protection systems, discourage the use of the term "orphan" that labels children with negative connotations, limit the use of orphanages when caring for children in need, and guide international support away from institutions and toward more long term solutions (SAF, 2013). According to MGLSD (2012), UNICEF states that "the global analysis suggests we should focus less on the concept of orphanhood and more on a range of factors that render children vulnerable. These factors include the family's ownership of property [or lack of], the poverty level of the household, the child's relationship to the head of the household [how well they will be cared for], and the education level of the child's parents, if they

are living" (MGLSD, 2012). Instead of continuing to play catch up in supporting the OVC in need, focus should be redirected to solving the problems that are causing that need in the first place (SAF, 2013).

Supply vs Demand

International adoption began as a way to provide the world's neediest children with families, generated by the supply of homeless orphans (Graff, 2008; Milbrandt, 2014). According to Graff (2008), this system has switched from being supply oriented to demand driven. "Many international adoption agencies work not to find homes for needy children but to find children for Western homes" (Graff, 2008, p. 60). This change has led to much corruption involving how agencies attain children to send for international adoption. Unfortunately, they sometimes purchase babies from pregnant women, force parents into signing away their parental rights, or lie to parents about the permanency of the adoption (Graff, 2008; VIVA, 2012). Of the forty countries from which Americans typically adopt internationally, almost half have stopped sending children for adoptions for a time over the past fifteen years due to corruption scandals (Graff, 2008).

People pay \$40,000 on average for an international adoption from Uganda (MGLSD, 2012)—money that baits corruption (Graff, 2008). As long as there are people desiring to adopt and willing to pay, adoptive agencies will find children to make the profit; take away the money, though, and somehow there are a lot less children awaiting adoption (Graff, 2008). Of course, not all international adoption agencies are corrupt, and some children are real orphans in need of good homes, but corrupt agencies have taken advantage of this market to make a hefty profit (Graff, 2008). Stopping international adoption altogether would hurt the good adoption agencies along with the bad, and it would prevent the double orphans without domestic care placements

from having a chance at a family. This extreme of an option should not have to be the solution, but something must be done to protect children and their biological families from being internationally adopted illegally.

Ugandan Orphan Care Options

In the past, international adoption was used by many countries as a form of orphan care (Milbrandt, 2014; Carlson, 2011). With limited resources to take care of OVC domestically, international adoption is in theory a good way to provide children with a better life than they would have had in their birth country (Carlson, 2011). However, countries that promote international adoptions must be extremely aware of how the agencies are practicing if they wish to fight corruption and protect children (Graff, 2008). While Uganda has never been one of the biggest sending countries for international adoption (Davis, 2011), it must do something to combat the growing orphan crisis. There may not be a best solution to this dilemma, but there are pros and cons to each and the government must evaluate all of their options as they proceed.

Although Uganda's MGLSD aims to keep children in domestic placements and use international adoption as a last resort, they hold that all children deserve a family and international adoption is a way to provide them with a home when a domestic placement is not available (MGLSD; 2012). While most of the children in orphanages are not without living family, international adoption could be used to provide more developmentally stimulating homes for those who are legitimately available for adoption (MGLSD, 2012). Allowing some double orphans to be adopted internationally would decrease this orphan burden on the nation, giving the child a chance to have his or her needs met, while allowing the country to get back on their feet (Roby & Shaw, 2006). However, this would take away from the nation's resource of

children, and it could be viewed as a form of neo-imperialism as the rich countries are benefiting from the countries that cannot care for their children domestically (Ishiyama & Breuning, 2007).

Chapter 3: Alternatives for Orphan Care

International adoption is currently one of many forms of orphan care in Uganda (MGLSD, 2012; Shaw & Roby, 2007; UNICEF, 2003). Other alternatives include domestic foster care, domestic adoption, orphanage and institutional care, and family welfare programs (MGLSD, 2012; UNICEF, 2003). Each option has different benefits for both the individual child and the country as a whole. While Uganda's MGLSD (2012) would argue that keeping children with their biological families and working against the need for orphan care is their first priority for children, this is not always feasible. Children who cannot remain with or do not have living birth families need somewhere to go, and with the increasing number of children needing care, Uganda must evaluate which orphan care options it will pursue in accordance with ratifying the CRC and the ACRWC (Onyango & Lynch, 2006; MGLSD, 2012). This dilemma does not have an easy solution, calling for all the more attention from Uganda to decide how they are going to proceed in caring for their OVC.

The Alternative Care Framework

Uganda's MGLSD's Alternative Care Framework (ACF), as mentioned earlier, prioritizes the preferred orphan care methods to be used in Uganda (MGLSD, 2012). This initiative claims that the best option for a child is to stay with his or her family, and the first response for orphan care is preventing separation from parents in the first place (MGLSD, 2012). Many parents who abandon their children would not do so if they received support in caring for them (MGLSD, 2012; Nielson, 2014). When parents are not able to take care of their children, the ACF's second response states that these children need emergency care placements (MGLSD, 2012). This short-term care can come from extended family, a foster family, or a children's shelter. The third response in the ACF is to work towards reunifying the abandoned child with his or her parents or

other relatives. If reunification is not immediately possible, social workers seek to place a child in a foster home, which is the fourth response. This placement can be temporary until the birth parents are again able to take back their children or it can be long term when this is not possible (MGLSD, 2012).

If there is no chance a biological parent(s) is able to care for his or her children, the foster family can adopt the child after three years of fostering (MGLSD, 2012; The Children Act, 1997). This leads to the fifth response, which is domestic adoption. Domestic adoptions are preferred by this framework over international adoptions, the sixth response, as they allow the child to remain in their birth culture and retain their heritage and developed sense of identity (MGLSD, 2012). This framework only supports international adoptions when the previous responses have been exhausted and when the international adoption abides by Uganda's Children Act. When all of these options are unavailable for a child, they are often left in orphanages or institutional care settings. The ACF discusses this method of orphan care not as a preferred method, but as a system that should try to be avoided. These institutions redirect attention and resources that could instead be spent supporting family welfare programs that work towards preserving biological families (MGLSD, 2012).

Alternative Methods of Orphan Care

Foster care

Foster care placements provide OVC temporary homes while they wait for reunification with their birth family or adoption (MGLSD, 2012; Kasedde et al., 2014). This system is not new to Uganda, which has been practicing an informal version of foster care for decades (Roby & Shaw, 2006; UNICEF, 2003). However, as the orphan population grows, this system is becoming inadequate (Roby & Shaw, 2006; UNICEF, 2003). In 1992, 16.6 percent of Ugandan

households were fostering a child younger than fourteen years old, and this number rose to 28.1 percent in 2000 (Deininger et al., 2003). By 2011, almost 19 percent of Ugandan children between ages zero and seventeen were living in foster homes (Kasedde et al., 2014). Domestic foster care placements allow Ugandan OVC to remain in their birth country and in a family setting, however they place an economic strain on foster homes, and on the country as a whole (Deininger et al., 2003).

Foster care placements aim to serve a variety of services for OVC—as would the child's birth family, if capable—including educational opportunities, general safety, the child's daily care, and social activities as part of a family (MGLS, 2012; Kasedde et al., 2014). According to a longitudinal study by Kang, Chung, Chun, Nho, and Woo (2014) of 342 children who were either living in institutional care (127 of the original 360 children) or foster care (233 of the original 360 children) in South Korea, children placed in foster care fared better than those in institutional care. This study surveyed the participants at the beginning of the study and again a year later, about placement satisfaction, their changes in behavior, and their support systems (Kang, et al., 2014). Like international adoption, foster care aims to keep children in families; however, foster care is not a permanent placement (MGLSD, 2012). Domestic foster care allows Ugandan children to remain in their birth culture while waiting to be reunified with their parents or adopted domestically before they are considered for international adoption (MGLSD, 2012). But, many foster children face instability regarding their placement, according to a study of 5,557 children in America (Webster, Barth, and Needell, 2000). During this eight year study, 42.1 percent of females and 57.9 percent of males faced placement instability, meaning they moved at least three times within the first year of placement (Webster et al., 2000). However, this is how the Ugandan culture has informally cared for their OVC for decades so "kinship care

and informal foster care [are] already embedded in Ugandan culture and tradition" (MGLSD, 2012, p. 1). Although South Korea and America differ from Uganda in many ways, the principles of this research can be applied to Ugandan orphan care practices and they are in agreement with the ACF's opinion on the matter (MGLSD, 2012).

From a macro perspective, foster care can be both beneficial and detrimental to a society (Kasedde et al., 2014; Deininger et al., 2003). According to Kasedde et al. (2014), the Baganda people in central Uganda have "long had high levels of fostering for kinship reasons as well as for social advancement and alliance building" (p. 1). Foster children bring families and communities together as people step up to the challenge of providing for each other, and this strengthens unity throughout a nation. On the other hand, more foster children in a home reduces the amount of resources available for the other members of the foster family and this places a strain on the nation as a whole (Deininger et al., 2003). According to Deininger et al. (2003), "adding one foster child is estimated to reduce the individual household investment by between 0.59 and 0.51% points" (p. 1208). In the past, foster care has been successfully absorbed by Ugandan communities, but the increase of OVC needing foster homes has become more of a burden on the nation (Roby & Shaw, 2006).

Domestic adoption

Although formal domestic adoption has not been popular in Ugandan history (Roby & Shaw, 2006; MGLSD, 2012; Walakira et al., 2014), it has recently started to gain momentum (MGLSD, 2012; Walakira et al., 2014). In 2011, Uganda's MGLSD and the Child's i Foundation joined forces to raise awareness about domestic adoption benefits, hosting the Ugandans Adopt campaign (MGLSD, 2012; Walakira et al., 2014). At this time, only seven percent of orphanages practiced domestic adoptions (MGLSD, 2012). As a result of this push, thirty

families decided to adopt children who were not related to them, and Child's i Foundation was left with more families ready to adopt than children needing adoption (MGLSD, 2012).

Changing society's attitude on something is not easy, but "while many misconceptions and fears still exist about adoption, the campaign has proved that through education and good social work practises there is a demographic of Ugandans who can and will adopt non-blood relatives" (MGLSD, 2012, p. 1). As this campaign continues to promote adoptions across Uganda, more orphanages have begun embracing this trend and are working to offer better adoption programs for the children in their care (MGLSD, 2012). Many orphanages that conduct adoptions still prefer to send children internationally for adoption, and the MGLSD (2012) advises that considerable attention be directed at prioritizing domestic adoptions over international ones.

The ultimate goal of orphan care is to keep children in homes, preferably with their biological parents, as the Assistant Commissioner for Children in Uganda James Kaboggoza has said, according to MGLSD (2012):

We believe that the best place for a child to grow up is in a family, in a community setting. Too many children are growing up separated from their families or orphaned, living in child care institutions. If children grow up in institutions, they lose the meaning in their life. If they grow up in a family they learn how to love, they learn how to live with one another, they learn their duties and become responsible citizens of tomorrow. They have a sense of belonging. (p. 1)

This value of family centered orphan care is held by the MGLSD, along with many organizations working throughout Uganda, to promote family reunification or adoption (MGLSD, 2012).

While Ugandans value keeping Ugandan OVC in domestic placements for the sake of each child, the sake of the nation from a macro perspective poses another side of this matter (MGLSD, 2012; UNICEF, 2003). As described by UNICEF (2003):

In sub-Saharan Africa...the HIV/AIDS epidemic has deepened poverty and exacerbated myriad deprivations. The responsibility of caring for orphaned children is a major factor in pushing many extended families beyond their ability to cope. With the number of children that require protection and support soaring...many extended family networks have simply been overwhelmed. Many countries are experiencing large increases in the number of families headed by women and grandparents; these households are often progressively unable to adequately provide for the children in their care. (p. 14)

As families take in orphans they increase their risk of poverty. Families and communities are being stretched beyond their limits, becoming less able to provide their children with adequate food, education, health care, and such resources (UNICEF, 2003, Kasedde, 2014; Roby & Shaw, 2006). This weighs on the nation as a whole, reducing their capacity to grow and thrive economically, educationally, and developmentally.

Orphanages and institutional care

Although orphanages were originally meant to provide a home for children who do not have parents, their effect on Uganda has begun to do more of the opposite (MGLSD, 2012; Katy, 2014; Nielson, 2014; SAF, 2013). With eighty-five percent of children living in Ugandan orphanages today not actually being double orphans (MGLSD, 2012), this system has encouraged child abandonment and the unnecessary separation of families (SAF, 2013; MGLSD, 2012). "There are many push and pull factors which result in children living in child care

institutions. These include family poverty, availability of 'free' services such as education in institutions, and incentivised 'recruitment' of children by institutions themselves" (SAF, 2013, p. 2). Some impoverished parents, often widows or widowers, who can no longer care for their children leave them in orphanages until they are once again able to do so (MGLSD, 2012). The wide availability of institutional care and the lack of other welfare options for parents drives orphanage popularity, despite the detrimental effects this form of orphan care has on the children and on the nation (SAF, 2013; Roby & Shaw, 2006). While orphanages and institutional care settings have been shown to produce harmful effects in children (Bakermans-Kranenburg et al., 2011), Ugandan orphanages continue to receive increasing amounts of funding from the West (Walakira et al., 2014).

Of the 500 to 800 orphanages known and operating in Uganda in 2014, only forty were licensed by the MGLSD (Walakira et al., 2014). While informal orphan care is abundant in Uganda, this situation can be dangerous to the children involved (Walakira et al., 2014; Graff, 2008). It can lead to corrupt international adoptions from unlicensed institutions and potential child trafficking or the adoption of children who are not double orphans (Graff, 2008). Despite the education and health care that some orphanages offer, this living situation detracts from children's development in many ways, including physical, behavioral, and psychological development (Walakira et al., 2014). Children who grow up in institutional care also face a "disconnection from Ugandan communities and culture making it increasingly difficult for post institutionalised children to live within a Ugandan community setting" (MGLSD, 2012, p. 1). This poses a problem for the future of Uganda, if an institutionalized and detached generation ever comprises the majority of the population (MGLSD, 2012).

As aforementioned, in 2011 Uganda's MGLSD sponsored an Alternative Care Taskforce which studied how OVC were being cared for at this time (MGLSD, 2012). They reported over 500 orphanages in Uganda, with three new ones opening each month in Wakiso and others continuing to be discovered throughout the nation (MGLSD, 2012). They reported that "without immediate and decisive action Uganda could have more child care institutions per capita than any other African country" (MGLSD, 2012, p. 1). This was recognized by the Ministry as a problem for the nation as a whole, as orphanages are not their preferred method of orphan care and countless research has told of the negative effects that institutional care can have on children (Walakira et al., 2014; SAF, 2013; MGLSD, 2012; Carlson, 2011).

Child welfare

Around eighty percent of Uganda's population is less than thirty-five years old, with fifty-six percent younger than eighteen years old (UNICEF, 2015). With one of the world's youngest populations, children are the near future of Uganda and they need support in order to thrive; "investing in children has a multiplier effect on the individual and society which is why children should be a critical focus of national development policy, in particular national development plans" (UNICEF, 2015, p. 1). With so many children comes much potential for Uganda's growth and development, "however, harnessing this opportunity requires turning the young population into productive human capital that will generate the faster economic growth envisioned in Vision 2040 (UNICEF, 2015, p. 1). Vision 2040 is Uganda's economic development plan outlining various ways the country will intervene and invest in programs and people, with an emphasis on caring for vulnerable children, in an effort to reach the status of a country with a middle income by the year 2040 (UNICEF, 2015). This is a huge challenge for Uganda, as currently fifty-five percent of children younger than five years old and thirty-eight percent of children between ages

six and seventeen are living in child poverty, and thirty-three percent of children younger than five years old are stunted from undernourishment (UNICEF, 2015).

Uganda's government, with support from UNICEF and the National Planning Authority, is preparing a National Development Plan II (NDP II) for fiscal years 2015/16 through 2019/20 to do just that (UNICEF, 2015). With an increased focus on children and the future of Uganda, this plan hopes to fight the poverty and detrimental conditions that impair much of the population (UNICEF, 2015). Some aspects of the NDP II that focus on child welfare work to secure government programs that are geared at protection, education, health, nutrition, and improved policy for processing birth registrations (UNICEF, 2015). Other priorities are working against conditions that leave children stunted and underweight, raising the levels of immunizations given to children, and decreasing the number of children that drop out of school (UNICEF, 2015). Increased efforts to provide for the welfare of vulnerable children in Uganda goes hand in hand with the MGLSD's goal of domestic provision for Ugandan children in need of care (MGLSD, 2012).

AIDS prevention

As AIDS is one of the leading causes of the orphan crisis (MOH, 2014; Sharp et al., 2008; Roby & Shaw, 2006; Sachs & Sachs, 2004), working against AIDS is considered orphan prevention and can help Uganda reduce the number of vulnerable children in need of care (Sachs & Sachs, 2004). Although rates of contraction are still high, they are decreasing from 10.9 percent in 1999, to 8.7 percent in 2000, and to 4.26 percent in 2013 (MOH, 2014; UNICEF, 2013). Uganda's outburst of AIDS cases beginning in the 1980's brought about the founding of the nation's AIDS Control Program (ACP) and the National Committee for the Prevention of AIDS (NCPA) (MOH, 2014). ACP, with the assistance of the World Health Organization,

stepped up to fight this disease by spreading vital information about HIV/AIDS and how to prevent its transmission, working to inform the population about this new and unfamiliar plague (MOH, 2014). Uganda's Ministry of Health (MOH) established "the first national blood transfusion service, the first voluntary, confidential counseling and testing service, the first HIV&AIDS care and support organization and the first national STD control program" (MOH, 2014, p. 1). While the government has been proactive and aggressive in battling the epidemic, "HIV&AIDS continues to be a major socio-economic challenge and is among the leading causes of morbidity and mortality. The epidemic has matured and is generalized across the entire population" (MOH, 2014, p. 1).

Other Countries in Comparison

Romanian international adoption ban

Like Uganda, Romania has a history of poverty and tolerance for child abandonment, leaving many children on the streets or in institutional care (Marx, 2007). As of 2007, Romanians had been abandoning about 10,000 children annually, and this country had over 80,000 children living in foster care or orphanages (Marx, 2007). Romania's history of corruption, partly due to unregulated international adoptions and child trafficking, stood in the way of its desired acceptance into the European Union, and so Romania temporarily prohibited all international adoptions as of June 21, 2001, to allow for refining the international adoption regulations and to end the rampant corruption (Marx, 2007; Failinger, 2014). However, rather than this fixing these problems, it led to a permanent ban on all international adoptions from Romania in 2005, with the exception of grandparents who wish to adopt their biological grandchildren from outside of the country (Marx, 2007). This left thousands of abandoned children to grow up in developmentally under stimulating institutional care settings if they were

not adopted domestically. In this decision, the Romanian government valued its admittance into the European Union above the best interest of its abandoned children who could have greatly benefited from international adoption (Marx, 2007; Failinger, 2014; Johnson & Edwards, 1993).

One of the contributing factors motivating this legislation was to encourage Romanian families to stop abandoning their children (Marx, 2007). Although this purpose deserves respect, the law itself was not geared at accomplishing that goal; it merely closed the door that used to be the children's best chance at being placed in a home without fighting the poverty and other conditions that were supporting child abandonment (Marx, 2007). Many of the abandoned children in Romania are left in hospitals at birth, with no records identifying who they are or to what family they belong. Without known extended family to turn to, children are left to be raised in government run orphanages (Marx, 2007; Failinger, 2014; Johnson & Edwards, 1993). While Uganda faces similar poverty and child abandonment, Ugandan children are often able to be reconnected with their relatives when this solution is tried (MGLSD, 2012). If Uganda joined Romania in banning all international adoptions, they would be able to divert more energy on domestic placement options, however they would still be flooded with vulnerable children and conditions that hinder raising them (SAF, 2013). For Romania, stopping international adoptions did not solve the problems leaving children vulnerable in the first place, but it could be effective in conjunction with efforts to improve welfare to support single parents and families taking in extra children to support domestic placements (Marx, 2007; Failinger, 2014; Johnson et al., 2013).

South Korean policy reform

South Korea has been an international adoption sending country since the 1960's and has sent over 150,000 children to be adopted abroad (Kim, McPherson, & Sung, 2015). As South

Korea is a wealthier, more developed nation than Uganda or Romania, its reliance on international adoption to place their orphans in homes internationally versus domestically has faced much critique (Kim et al., 2015; Fronek, 2006). "By the 1970s, the nation's increasing wealth was seen to be at odds with its policy of using international adoption as a method to care for children needing out of home placements" (Kim et al., 2015, p. 1; as cited by Hübinette, 2005). In response, South Korea began encouraging domestic adoptions, foster care, and group home placements for children, leading up to a potential ban on international adoption altogether in 2015. Domestic adoption is stigmatized in South Korea just as it has been in Uganda (Kim et al., 2015; Chun, 1989), and the cultural attitude towards parenting adopted children must be shifted if these vulnerable children are to be successfully placed in domestic homes. Ending international adoptions in South Korea would mean that adoption agencies would no longer receive funds previously generated through international adoption, some of which go to support foster parents and their resources, single parents, and orphanages (Kim et al., 2015). Without the income brought in through international adoption, these programs would have to find alternative funding (Kim et al., 2015; Fronek, 2006). Uganda is similarly promoting domestic care for their children, and while the MGLSD and other local organizations are discouraging international adoptions, they do not have plans to prohibit this form of orphan care (MGLSD, 2012).

Chapter 4: Evaluation of International Adoption in Uganda

International Adoption Debate

Children have the right to grow up in a family, as granted by the Hague Convention, the CRC, the ACRWC, the NSPPI, and the Children Act of Uganda (HCCH, 2013; UNHR, 1990; OAU, 1999; MGLSD, 2011; the Children Act, 1997). Not all Ugandan children have families, though, and international adoption has been widely critiqued for its effectiveness in providing children with homes (Carlson, 2011; Olsen, 2004; (Masson, 2001). Some of the main arguments supporting international adoption are that this process matches children in need of a home with families that want to care for more children, and that it is in the best interest of the children to remove them from poverty and place them in a well developed country (Carlson, 2011; Olsen, 2004; Masson, 2001). On the other hand, arguments opposing international adoption claim that it is a form of exploiting children from developing countries to imperialistic rich countries, fostering corrupt practices that make a business of selling children (Olsen, 2004; Ishiyama & Breuning, 2007; Masson, 2001).

Only a tenth of the world's population lives in Sub-Saharan Africa, but this area contains almost eighty percent of the world's children that have been orphaned from AIDS (Roby & Shaw, 2006). While international adoption may not be the first priority for orphan care, Roby and Shaw (2006) attest that it should remain an option, as there are so many children in need of a home. As the former Ugandan practice of extended families taking in orphans is being overwhelmed with so many children, it is becoming less effective (Roby & Shaw, 2006; UNICEF, 2003). With more orphans needing homes, alternative placements such as international adoption could be considered as another method of orphan care (Roby & Shaw,

2006). This process could be used to help take care of the children left without families, providing them with loving homes in a developed country (Roby & Shaw, 2006).

A recent study in Uganda reported that 81.9 percent of children were living in institutional care because they were abandoned by their parents, while only 9.6 percent were there because they were orphans and 7.8 percent due to poverty (MGLSD, 2010; as cited by Walakira et al., 2014). Institutional care is becoming more accepted in Uganda, as parents perceive that those homes will provide better education and health care to their children (Walakira et al., 2014). These children have living parents, though, and if more work focused on supporting and educating parents in keeping their children, there would be less children in need of a home in the first place (MGLSD, 2012). As previously noted, domestic adoption has not been common in Uganda due to cultural stigmas, but the Child's i Foundation (CiF) has been working to promote domestic adoptions through Malaika Babies' Home (Walakira et al., 2014). They have conducted several successful domestic adoptions and feel that if more domestic adoptions services were available, international adoption would not be necessary (Walakira et al., 2014; MGLSD, 2012). "Although such placements [international adoptions] may present an immediate solution to the damaging effects of institutional care, they also run the risk of corrupt and exploitative practices" (Child Protection Working Group, 2013; as cited by Walakira et al., 2014, p. 148).

Aspects of International Adoption Policy

As a sending country formulates their international adoption policy, they "must determine where orphans in the country may be sent and set requirements for the type of people who are qualified to adopt" (Milbrandt, 2014, p. 704). This can include characteristics such as marital status, sexuality, age, gender, or whatever a country feels is important to regulate among

adoptive parents. Residency requirements are another matter. Uganda's current adoption laws require interested adoptive parents to foster a child in Uganda for three years before they can proceed with adoption (UN, 2014). This does not always happen, however, as people abuse Uganda's Legal Guardianship Order to hasten an adoption (VIVA, 2012; MGLSD, 2012; UNICEF, 2014). Ninety-seven percent of adoptions from Uganda to America in 2013 were conducted this way, disregarding Uganda's three year residency and fostering policy (MGLSD, 2012). This illustrates how little power the law holds over corruption in Uganda. Some people have pure intentions of providing these children with good homes, but this overall disregard for the policies in place only encourages the unethical practices that are happening and it undermines progress against corruption.

Policy Effects in Uganda

Policy regarding international adoption must be regularly evaluated to be proactive against corruption. Uganda's initial ratification of the CRC did not have a significant impact on the country, but it was the first step progressing towards children's rights which gained popular awareness with the creation of the Child Law Review Committee, the World Summit for Children, and the establishment of the National Plan of Action for Children (UN, 1996). The policies regarding both domestic and international adoptions in the 1990's needed reform in order to better protect the children involved; "it is restrictive on who should adopt a Ugandan child, and also allows intercountry adoption without laying down comprehensive procedures and safeguards" (UN, 1996, p. 29). Children were being removed from the country through guardianship orders rather than adoption (UNICEF, 2014; VIVA, 2012; MGLSD, 2012), and were sometimes victim to abuse, trafficking or slavery (UN, 1996). To combat this problem, stricter policies regulating international adoptions at this time began to require people, who were

not citizens of Uganda and wished to adopt a Ugandan child, to first live in Uganda for at least three years and foster the child for at least two before they could apply for adoption (UN, 1996; the Children Act, 1997).

After ratifying the CRC, Uganda took the next step to protect its children by establishing the Children's Statute of 1997 (UN, 1997a). Uganda was praised in a meeting with the UN regarding their ratification of the CRC for their continued progress in promoting children's rights. This meeting was held two months following the establishment of the Children's Statute, and in that time Uganda had already improved the policies surrounding this matter and created a family and children's court. The Ministry of Local Government also oversaw the decentralization of issues related to caring for and protecting children, adoptions, and juvenile justice, which required educating the local councils on children's rights policies (UN, 1997a). At a similar meeting later that year, Uganda was encouraged to ratify the Hague Convention to further care for their children (UN, 1997b).

Uganda's Children's Statute was renamed in 2000 as the Children Act (UN, 2005a), which outlines the regulations concerning the care and protection of children (the Children Act, 1997). Part seven of this act specifically addresses adoption, outlining the conditions for who can adopt, what is required for international adoption, who must give consent for an adoption to be approved, and what is required of the court for this process. According to this policy, a single person or one person from an adopting couple must be at least twenty-five years old and twenty-one years older than the child they wish to adopt. If a single person is adopting, they are only allowed to adopt a child of their gender. These adoption applicants must foster a child for at least three years while being supervised by a probation and social welfare officer, and this officer must give the court a report of the situation to guide consideration of the adoption request (the

Children Act, 1997). According to the Children Act (1997), foreigners who want to internationally adopt a Ugandan child must satisfy the following additional requirements:

- (a) has stayed in Uganda for at least three years;
- (b) has fostered the child for at least thirty-six months under the supervision of a probation and social welfare officer;
- (c) does not have a criminal record;
- (d) has a recommendation concerning his or her suitability to adopt a child from his or her country's probation and welfare office or other competent authority;
and
- (e) has satisfied the court that his or her country of origin will respect and recognise the adoption order. (p. 22)

In order for a legal adoption to proceed in Uganda, consent must be given by several people (the Children Act, 1997). The biological parents of the child placed for adoption, unless the court deems them unable to do so, must provide their informed consent to the adoption, and they are allowed to revoke this consent before the adoption is finalized. Interestingly, this act does not clarify that parental consent must be given only if the parents are alive, but it generally states that parents must give their consent. If a child is old enough to understand the situation the court will hear their opinion, and if they are at least fourteen years old they must give informed consent to the adoption before it can proceed, unless they are unable to do so. The court may also require the consent of others who have rights regarding the child, chosen with assistance from the probation and social welfare officer. The court is responsible for acquiring consent from all those required before it can approve the adoption. They also must make sure that no

payments were exchanged between the applicants, guardians, or others involved in an effort to complete the adoption (the Children Act, 1997).

According to the UN (2004), "with increased poverty, urbanization and modernization, children are increasingly being considered as burdens" (p. 39); and more children are being neglected and abandoned. Adoptions were regulated at this time according to the Children Act, with strict regulations regarding international adoption placements. Institutional care was considered the last resort for orphan care, as Uganda valued the family as the best option for children (UN, 2004). In 2005, Uganda was again prompted at another UN meeting to ratify the Hague Convention (UN, 2005b). At the next UN meeting regarding the CRC in 2013, Uganda noted that it was weary of ratifying the Hague Convention for fear of this leading to corrupt international adoption practices that would traffic children (UN, 2013). Uganda stood by its strict policy requiring three years of Ugandan residency while fostering a child under supervision before it allows adoptions to proceed, in an effort to reduce corrupt adoptions and maximize child protection. They also spoke about the issue of informal adoptions, which often left caregivers unable to provide for more children. AIDS orphans were left with nothing after their parents died, as their parents had spent their savings fighting HIV/AIDS. The people who took in these children, often relatives, were in need of resources—both financial and psychological—to support them in parenting these additional children (UN, 2013).

Practice in Uganda

Around 1996, a study was conducted in Uganda by the Uganda Foster Care and Adoption Association regarding adoption applications from 1943 through 1993 (UN, 1996). The results of this study revealed that Ugandans had not been interested in domestic adoption of Ugandan children in the past, as the term "adoption" carried connotations with which they were not

comfortable (Roby & Shaw, 2006; MGLSD, 2012; Walakira et al., 2014). The Ugandans understood adoption to mean the adopted child became a complete member of the family and clan, which they struggled with understanding (UN, 1996). From 1943 through 1993, about 360 adoption applications were submitted to the High Court, most of which were from foreigners, and only 250 of the applications were recorded in the Adopted Children's Register. As Ugandans are becoming more educated on what it means to foster or adopt a child, these practices are becoming more common (UN, 1996).

International adoption is not currently practiced only as a last resort in Uganda, as it should be, according to the MGLSD's *Alternative Care for Children in Uganda* (VIVA, 2012; MGLSD, 2012). International adoption placements from Uganda have increased by 400 percent from 2010 to 2011 (MGLSD, 2012), and have risen from 450 adoptions in 2011, to 635 adoptions from September 2012 through February 2013, rather than decreasing as many Ugandan alternative care agencies would like to see (VIVA, 2012; SAF, 2013; MGLSD 2012). Increasing international adoption rates strengthen orphanages and institutional care facilities, taking away attention and resources from domestic forms of orphan care (VIVA, 2012). Of all the funds directed towards orphanages in Uganda, ninety-five percent are sent from the West (MGLSD, 2012). Many people fund orphanages in an effort to help vulnerable "orphans," as they are unknowingly described regardless of their parental situation, without realizing that orphanages are not solving the orphan crisis, but detracting from domestic welfare initiatives (MGLSD, 2012).

Amidst these well-meaning donations are also corrupt agencies that profit from the business aspect of international adoptions (VIVA, 2012; Graff, 2008). Uganda's MGLSD (2012) wrote in their *Alternative Care for Children in Uganda*:

During the baseline study a number of child care institutions were identified which exist solely for the purposes of making children available for international adoption. In many cases these child care institutions were funded solely by international adoption agencies and evidence was found that children in those institutions had been procured from communities in order to be matched to the demographics demanded by foreign families. (p. 1)

Ugandan international adoptions have been interwoven with corrupt practices that feed off the demand for adoptable Ugandan children (Graff, 2008; VIVA, 2012). This is of great concern to those overlooking this system, and in 2012 Uganda faced the reality of this issue. After a year of official meetings and observations made by the Netherlands looking into Uganda's international adoption practices, they warned that they were considering ending international adoptions from Uganda, due to the amount of unethical malpractice (MGLSD, 2012). VIVA (2012) also notes that Parents for Ethical Adoption Reform (PEAR) have been informed of several cases of corrupt adoption agencies and officials practicing in Uganda, driving PEAR to discourage international adoptions from Uganda.

Abide Family Center is an organization working in Uganda to keep families together. They support parents in being able to keep their children, working against the need for international adoption. They live and work with families struggling with corrupt international adoption practices, and see first-hand what happens to separate families. One of the founders, Megan Parker wrote in a blog post in Nielson (2014):

We're the ones who have watched grandmothers sob when told their child is now in America.

We're the one who have seen falsified documents with our own eyes. Documents that claim this parent is dead when they're standing right in front of us.

We're the ones who have sat with adoptive parents and begged, begged them, to reconsider. Because those children? Their mom is right outside and she says she wants her babies back.

We're the ones who have seen an aunt pick her niece up from the orphanage after she was kidnapped and the orphanage was told she was a cut and dry abandonment case. The little girl was on the list to be adopted, and now she's home with the aunt who searched for months to find her.

We're the ones who have seen fathers cry with joy when reunited with their children who got lost in the system. Children who were already matched with an American family.

We're the ones who have sat across from a mother who says, "I would have kept my baby if someone, anyone, had offered to help me keep her. I was just too poor"

We've seen children stolen and birth families coerced and money exchange hands and false documents written up. We've seen it with our own eyes. (p. 1)

Corruption happens and cannot be ignored (Graff, 2008; VIVA, 2012; Nielson, 2014).

While there are children who could truly benefit from an international adoption, many of these children are not healthy or younger than five years old (Graff, 2008). International adoption agencies often account the high expenses of this process to covering the agency's costs, travel expenses of the workers, and donations to the orphanages, but experts claim these extremely high costs are not necessary and often lead to corrupt agency practices (Graff, 2008). Graff (2008) asserts that people do not want to admit the severity of this corruption and would rather believe this only happens once in awhile. He states many people support stopping corrupt agencies but want the legal and honest adoptions to continue. This sounds reasonable; however, if money was not a factor in this system, China would be the only country still sending healthy children for international adoptions (Graff, 2008).

Punishing Corruption

Corruption in Uganda is not limited to its international adoption agencies (JLOS, 2012). The NIS of 2003 and 2008 and Transparency International's Global Corruption Barometer of 2010 found that departments within Uganda's Justice, Law and Order Sector (JLOS)—the Uganda Police Force and the Judiciary—make up two of the top three highest ranked corrupt institutions in Uganda (JLOS, 2012). Also, Uganda is one of the countries that has been most reported for charging bribes to people engaging with customs, the police, or the judiciary department (GCB, 2010; as cited by JLOS, 2012). "This reflects public mistrust, which heightens the crime rates and complicates the work of JLOS institutions in administration of justice in Uganda" (JLOS, 2012, pg. 4). To work against this governmental corruption, Uganda has ratified multiple conventions working to end corruption in the past. More recently, JLOS established the Anti-Corruption Strategy in 2012, which aims to promote national accountability and reduce the rate of corruption in Uganda. Corruption is still a problem in Uganda, but the government is trying to stop it (JLOS, 2012).

Short Term Solution

The international adoption debate poses a trade-off between investing in international placements that could provide children with permanent homes immediately and national welfare programs that could provide for future families (Hansen & Pollack, 2008). "Finding the policy balance lies in determining, nation by nation, the value placed on the rights of the child today and the value of preserving families or the group in situ tomorrow" (Pew Commission on Children in Foster Care, 2004; as cited by Hansen & Pollack, 2008, p. 369). While international adoption has the potential to place needy orphans in good homes, the system of sending children away does not solve the problem. According to Uganda's Strengthen African Families'

Campaign (SAF), "international adoption can remove focus and resources away from good work that is being done to strengthen families, resettle children or find in-country solutions" (SAF, 2013, p. 1). Money directed towards orphanages and international adoption agencies could instead be spent developing family welfare systems to support domestic care of these Ugandan OVC. International adoption helps those children that are sent away for adoption and placed in good homes, and it can alleviate the country of so many orphans in need of care, but it does not directly work towards helping the country care for its own children. Uganda, along with other nations, could benefit from looking into more long-term solutions for orphan care that help develop domestic care options, allowing these children to stay with their extended family (SAF, 2013).

Chapter 5: Conclusion

There is not one perfect solution regarding how international adoption can be most effective as a method of orphan care in Uganda (Carlson, 2011; Olsen, 2004). Different people come from various perspectives and hold different opinions on the topic (Carlson, 2011; Olsen, 2004; Masson, 2001). Some value the individual child's immediate best interest coming from a micro perspective, while others would argue the country must stand by a macro perspective for the good of the nation in the long run (Masson, 2001; Carlson, 2011; Olsen, 2004). Between these poles are also differing opinions on how international adoption can best achieve each of these goals. Some options Uganda could pursue with international adoption include increasing international adoptions and sending more children away for homes abroad, banning all international adoptions and forcing the country to develop domestic placement options, and finding a balance of international adoption and domestic placements for the children needing homes (Carlson, 2011; Marx, 2007; SAF, 2013; MGLSD, 2012; Masson, 2001). Each of these methods come with different benefits and consequences, having various effects on how Uganda supports its population of vulnerable children (Masson, 2001; MGLSD, 2001; SAF, 2013).

Increasing International Adoptions

Inflating the use of international adoption as a method of orphan care in Uganda would produce benefits and consequences for both the children and the country as a whole. Uganda is struggling with corruption and increasing the practice could prompt more illicit operations (JLOS, 2012; Graff, 2008; Carlson, 2011). Increasing international adoptions without first minimizing fraud could pose harm to the individual children and negative effects across the country as a whole from increased corruption (Graff, 2008; Carlson, 2011; MGLSD, 2012). As eighty-five percent of the children living in orphanages in Uganda are not orphans, international

adoption may not be the best solution for many of these children and their families that want to care for them (SAF, 2013; MGLSD, 2012). Higher rates of international adoption could make trafficking and illegal adoptions of children who are not double orphans more likely (Graff, 2008). However, more international adoptions would provide additional children the opportunity to grow up in homes rather than institutions (Roby & Shaw, 2006). This has shown to be developmentally better for children, and it would also decrease the nation's strain of having so many children to support (Walakira et al., 2014; Hollingsworth & Ruffin, 2002). Temporarily promoting international adoptions could provide more children with homes while allowing the country a chance to get back on its feet in respect to its ability to support these children (Walakira et al., 2014; Roby & Shaw, 2006). However, international placements remove children from their birth culture and everything they are familiar with, and Uganda's MGLSD would rather keep Ugandan children in Uganda (MGLSD, 2012). But, this ministry values keeping children in homes over their birth country, and prioritizes any adoption over a life in an institution (MGLSD, 2012).

Ban All International Adoptions

If Uganda ended all international adoption practices it would eliminate the corrupt adoptions that remove children from the country illegally, but this would not end corruption in the country (JLOS, 2012; Graff, 2008). Illicitly removing children from the country might not be this nation's biggest concern, as "internal child trafficking is believed to be higher than cross-border [border] trafficking" (MGLSD, Uganda, UNICEF, Uganda, & Economic Policy Research Center, Uganda, p. 118) in Uganda. Corruption in Uganda exceeds its international adoption practices, and while closing the doors to this option would protect some children from being trafficked internationally, it would not protect them from other forms of trafficking and it

would take away all vulnerable children's chance at an international adoption placement (JLOS, 2012; MGLSD, Uganda et al.) The MGLSD would like to provide all children with domestic placements and not need to rely on international adoptions to keep children in families, but domestic adoption is not a popular practice in Uganda and thousands of children are faced with childhoods spent in orphanages (MGLSD, 2012; UNICEF, 2003). With no resources going to international adoption, attention and funds could be directed toward addressing the root causes of the booming numbers of children being placed in orphanages (SAF, 2013). More could be done to support parents in caring for their children and family reunification (SAF, 2013).

On the micro level, banning all international adoptions would protect children from some forms of trafficking and corruption and it would keep children in their birth culture and with their extended families (Graff, 2008; MGLSD, 2012; Carlson, 2011). It would also leave more children to grow up in orphanages until Ugandans become accustomed to domestic adoption or until poverty is relieved enough to allow parents to provide for their children and not leave them in orphanages in the first place (MGLSD, 2012; SAF, 2013; UNICEF, 2003). From the macro perspective, keeping all children within the country would mean the nation must support them all (Walakira et al., 2014). This could lead to increased attention and resources on welfare programs and other solutions working against the root issues causing so many children to be abandoned in orphanages, possibly leading to increased family reunification (SAF, 2013; MGLSD, 2012).

If all the funds and resources that are currently directed to supporting orphanages in Uganda were instead channelled according to the priorities laid out in the Alternative Care Framework, we would take a huge leap forward in creating sustainable solutions that take into account the rights of children and the

internationally accepted best-practice programme planning for social support and development. (MGLSD, 2012, p. 1)

This would not be a quick process, though, and children who could benefit from an adoption would be denied an international placement (MGLSD, 2012; Marx, 2007). Closing international adoption doors would leave Uganda with a large population of children to care for, something that the MGLSD is working toward for the future but is not yet equipped to do (MGLSD, 2012).

Balance of International Adoptions and Domestic Development

Rather than either extreme of increasing or banning international adoptions, Uganda could instead seek a balance of using international adoptions along with domestic action to find placements for children (Roby & Shaw, 2006). International adoptions can be effective in providing children with families, but they only help those children who are legally placed in good homes, and they do not work against the problems originally causing this need (SAF, 2013). Improved welfare programs to promote and support family reunification could decrease child abandonment and lessen the need for orphanages in Uganda (SAF, 2013; MGLSD, 2012). Coupled with domestic development, international adoption could be used more effectively in the short term while work is done to provide children with domestic placements in the long run. This would allow children who need adoption to have immediate international options until the country is more able to provide domestic home placements (Roby & Shaw, 2006; MGLSD, 2012; SAF, 2013). From a micro viewpoint, this option would keep international adoption available as an alternative for vulnerable children who are living in institutional care, while also encouraging more work to be done within Uganda, working towards the country being able to provide for these children domestically (SAF, 2013; MGLSD, 2012). On the macro side, this option would support the MGLSD's goals of increasing domestic provisions while keeping

children in homes and out of orphanages (MGLSD, 2012). Although the MGLSD does not prefer international adoption over domestic placements, they want all children to grow up in families and would choose international adoption over institutional care for them (MGLSD, 2012). Domestic development would support family reunification as well, keeping children out of orphanages and with their biological families when possible (MGLSD, 2012; SAF, 2013).

With attention and resources split between conducting international adoptions and promoting domestic development, neither one would be a sole focus for Uganda. While they could both be effective options (Roby & Shaw, 2006; SAF, 2013), competition between them may stand in the way of their abilities to make the greatest impact on the nation (MGLSD, 2012; SAF, 2013). With international adoption as an option, less work might be done to develop domestic care opportunities if this is not seen as an immediate concern (SAF, 2013). On the other hand, if more attention is directed towards domestic options and away from international adoption regulations, corruption could flourish in the neglected international adoption system (Graff, 2008; Masson, 2001). With only half the effort put into each alternative, they may both fall short of what Uganda and its children need (MGLSD, 2012; SAF, 2013; Graff, 2008; Masson, 2001).

Overall Effectiveness

"We seek to ensure that our children are in safe, happy and healthy families and that should be a priority for all of us" (SAF, 2013, p. 2). All children deserve to grow up in families and not in institutional care (HCCH, 2013; UNHR, 1990; OAU, 1999; MGLSD, 2011; the Children Act, 1997), whether this is achieved through international adoption or domestic placements (MGLSD, 2012). With so many children residing in orphanages in Uganda that have living family members—often a parent—international adoption may not be the best option for

everyone involved in these cases (MGLSD, 2012; SAF, 2013; UNICEF, 2003). Welfare programs could be improved to support family reunification and keeping children out of orphanages when possible, reducing the fraudulent international adoptions of children that could be placed back with their relatives (MGLSD, 2012; SAF, 2013). On the other hand, international adoption could be used to provide good homes for children when family reunification or domestic adoption is not an option (Roby & Shaw, 2006; MGLSD, 2012). "For all the risks it might pose in any individual case, it [international adoption] remains the best way to match many thousands of children in need with prospective parents wanting and willing to burdens of parenthood" (Carlson, 2011).

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