

**Emblem**

**The Federal Democratic Republic of Ethiopia**

**Ministry of Women's, Children and Youth Affairs**

Date: 23/02/2011

Ref. No. 2/F.26/826/03

To: The Honorable Mr. Desalegn Berhe

President of the Federal First Instance Court  
Addis Ababa

**Subject: inter-country adoption**

In accordance with Proclamation no. 691/2003 issued to provide for the powers of executive organs, the Ministry of Women's, Children's and Youth Affairs is entrusted with the powers of creating awareness and the needed mobilization towards ensuring the rights and wellbeing of children, coordinating the concerned organs to ensure the interest of maintaining the rights and safety of children, to monitor the performance of international contracts concluded as regards to children and to submit reports thereon, conducting studies as regards to children's affairs and collection of information. In this respect, the Ministerial Office has organized a directorate to undertake the duties of maintaining the rights and safety of children. As such, the directorate is undertaking the following duties:

- Preparation of programs, strategies, directives and manuals to facilitate for the implementation of national laws, international conventions as well as policies and provision of support towards the implementation of same;
- Engaging in awareness creation activities that enable the society to have appropriate understandings as to the rights to which children are entitled;
- Creating mobilization directed at developing the participation of the society in protecting the rights of children;
- Provision of trainings to organs that are engaged in endeavors related to children's rights, provision of technical and various supports, creating capacity to bring about change;
- Creating and enhancing child protection system;
- Expanding quality support and care programs for children living under difficult situations; enhancing the culture of mutual assistance and related values of the society and creating sense of responsibility;
- Coordinating stakeholders in relation to maintaining or enforcing the rights of children;



- Identifying best practices in relation to protection of the safety of children, drawing lessons from same and expanding its applicability;
- Facilitation of access to alternative services to children living under difficult situations;
- Ensuring that children's affairs are included in all laws, policies and plans issued by all sector offices and providing necessary support and follow-up;
- Organizing information pertaining to children using modern information technology and making sure that such information is accessible;
- Mobilization of stakeholders whereby working with all concerned organs to make sure that the natural and social environments are suitable to children;
- Increasing the participation of children in family affairs and in the development of the country;
- Creating a system of monitoring and evaluation for subsequent implementation;

In this respect, the Ministerial Office has brought together its resources and is endeavoring to make more than 52% of children in the society beneficiaries. Without prejudice to this fact, the Ministerial Office is playing a key role in inter-country adoption. Among its roles are included examining documents of prospective adoptive parents and giving opinions thereon, preparation and issuance of various documents that enable children to be placed with their adoptive parents, organizing documents pertaining to children to be adopted and making such documents accessible to the adopted children and their relatives upon request, following up the future situations of children after having been placed with the adoptive parents. In undertaking the above stated major activities, the Ministerial Office is carrying out its duties in a manner that best serves the interests of children.

In a situation where there are a number of problems related to inter-country adoption, it would be mandatory to examine the pertinent documents of prospective adoptive parents before opinions are given to the court of competent jurisdiction. We would also need to ensure that such documents are bona fide. Considering the present situation, it is found rather difficult to examine up to 50 files per day and, among these, to scrutinize files of prospective adoptive parents of 2 to 3 children to assess accuracy and to take time where additional investigation in the matter is warranted.

It is known that working with the executive organs at varying levels and the community to avoid the unethical and illegal acts in relation to adoption is fundamental. There is also no doubt that taking time to investigate the processes of adoption is highly important to decrease the




incidences of adoptions pursued in an illegal manner using falsified documents and leading to violation of the rights and safety of children. Considering the current practice of adoption, the above stated predicaments exist and the Ministerial Office finds it necessary to examine these issues with emphasis. In the business process re-engineering conducted in the office, we find that the major objective should not be to work towards concluding international adoptions but to focus on strategic issues whereby decreasing the vulnerability of children and ensuring that children who are found to be vulnerable are provided with family and community based services. This would require deployment of the available human resource in strategic issues.

In another respect, avoiding procedures that are impediments to the service, illegal and not in line with the rights and safety of children as well as examining the documents of prospective adoptive parents would be important in minimizing the problems that may be faced by the adopted children, the adoptive parents and the natural family or relatives or guardians of the children.

We find that it would be appropriate to examine a limited number of files on daily basis and to give accurate and appropriate opinions as well as to focus on strategic matters in order that the Ministerial Office would duly discharge the responsibility entrusted to it in light of mainlining the rights and safety of children as recommended in the business process re-engineering. Therefore this is to notify that we would only be able to give opinions on a maximum of five adoption files effective as of March 10, 2011.

Kind regards,  
Signed  
Frenesh Mekuria  
State Minister



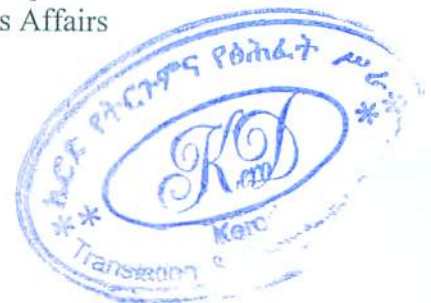
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Yared Abdu  
General Manager

cc.  
The Federal First Instance Court  
Bole Assigned 3<sup>rd</sup> Civil Bench  
Addis Ababa

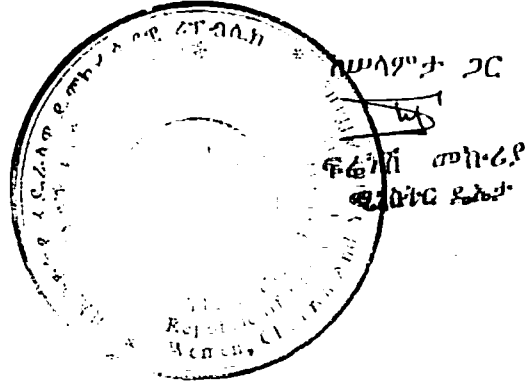
Office of the Honorable Minister

Office of the Honorable State Minister  
Ministry of Women's and Children's Affairs

Sealed:  
The Federal Democratic Republic of Ethiopia  
Ministry of Women's, Children and Youth's Affairs



በመሆኑም በቀን ውስን የሆኑ መዛግብትን አጥርቶ በመመርመር ተገቢና ትክክለኛ አስተያየት ለመስጠት እንዲሁም የመሠረታዊ የሥራ ሃደት ለውጥ ባመለከተው መሰረት ሚኒስቴር መ/ቤቱ የሀጻናት መብትና ደህንነትን ከማስከበር አንጻር የተሰጠውን ኃላፊነት በአግባቡ ይወጣ ዘንድ ስትራቴጂያዊ በሆኑ ጉዳዮች ላይ ማተኮር እንደሚገባ በማመን በየቀኑ የሚመረመሩና ለፍርድ ቤት አስተያየት የሚሰጥባቸው መዛግብት ቁጥር ከአምስት በላይ ማየት የማንችል ስለሆነ ከመጋቢት 1 ቀን 2003 ዓ.ም ጀምሮ በየቀኑ በአምስት የጉዳይ ለገጽ መዛግብት ላይ ብቻ አስተያየት የምንሰጥ መሆኑን እንገልጻለን።



ግልባጭ

- በፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት
- ለቦሌ ምድብ 3ኛ ፍታብሔር ችሎት
- አዲስ አበባ
- ለክብርት ሚኒስትር ጽ/ቤት
- ለክብር ሚኒስትር ደኤታ ጽ/ቤት
- ሲ.ህ.ወ.ገ.ሚ/ር

South Africa



የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ  
 የሴቶች፣ ሕፃናትና ወጣቶች ጉዳይ ሚኒስቴር  
 THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA  
 MINISTRY OF WOMEN'S, CHILDREN AND YOUTH AFFAIRS

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ቀን 16/06/23  
 Date 16/06/23  
 ቁጥር 2/5/26/8/26/03  
 Ref.No 2/5/26/8/26/03

ለክቡር አቶ ደሳለኝ በርሄ

የፌዴራል የመጀመሪያ ደረጃ ፍርድ ቤት ፕሬዚዳንት

አዲስ አበባ

ጉዳዩ፡- በሀገርች መካከል የሚካሄድ ጉዳይን ይመለከታል

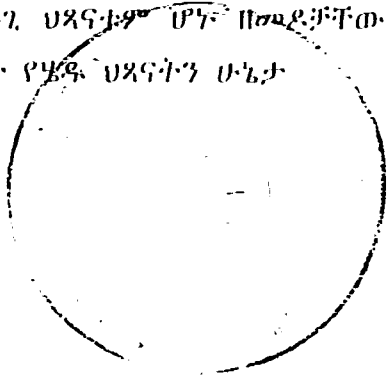
የአስፈጻሚ አካላትን ስልጣን ለመወሰን በወጣው አዋጅ ቁጥር 691/2003 መሠረት የሴቶች ህጻናትና ወጣቶች ጉዳይ ሚኒስቴር ህጻናትን በሚመለከት የህጻናት መብትና ደህንነት እንዲረጋገጥ ግንዛቤና ንቅናቄ መፍጠር፣ የህጻናት መብትና ደህንነት እንዲጠበቅ የሚመለከታቸውን አካላት ማስተባበር፣ ህጻናትን የሚመለከቱ -ዓለም አቀፍ ውሎችን አፈጻጸም መከታተልና ለሚመለከታቸው አካላት ሪፖርት ማቅረብ፣ በህጻናት ጉዳዮች ላይ ጥናት ማካሄድና መረጃዎችን ማሰባሰብ ለሚኒስቴር መ/ቤቱ የተሰጠ ሥልጣንና ኃላፊነቶች ናቸው። ከዚህ አንጻር ሚኒስቴር መ/ቤቱ የተሰጠውን ኃላፊነት ለመወጣት የህጻናትን መብትና ደህንነት የማስጠበቅ ዳራክቶሬት አቋቁሞ የሚከተሉትን ተግባራት እያከናወነ ይገኛል፡-

- የህጻናትን መብትና ደህንነት ለማስጠበቅ የሚረዱ ሀገራዊ ህጎችና ዓለም አቀፍ ስምምነቶች እንዲሁም ፖሊሲዎች ተፈጻሚ እንዲሆኑ ፕሮግራሞች፣ ስትራቴጂዎች፣ መመሪያዎችና ማንዋሎችን ማዘጋጀት/መንደፍና ለተግባራዊነታቸው ተገቢ ድጋፍ ማድረግ፣

ስልክ 011-8590180 ፋክስ 011-554-53-59 ፖ.ሣ.ቁ 1293 አዲስ አበባ ኢትዮጵያ  
 Tel: 011-8590182 Fax 011-554-53-47 P.O.Box 1293 Addis Ababa, Ethiopia  
 011-8590183

- የህጻናት መብቶች በህብረተሰቡ ለማስረጃ የግንዛቤ ማጎልበቻ ሥራዎችን ማክናወን።
- በሕጻናት መብት ጥበቃ ላይ የማህበረሰቡ ተሳትፎ ለማጎልበት የሚረዳ ንቅናቄ መፍጠር፤
- የማህበረሰቡን፣ በሕጻናት ጉዳይ ላይ የሚሰሩ አካላትን አቅም ለማጎልበት የሚያስችሉ ሥልጠናዎችን መስጠት፤ የቴክኒክና የተለያዩ ድጋፎችን ማድረግ፤ የውስጥ አቅምንም ማጎልበት፤
- የሕጻናት መብት ጥበቃ ሥርዓትን (Child Protection System) መፍጠርና ማጠናከር፤
- በአስቸጋሪ ሁኔታ ውስጥ ለሚገኙ ሕጻናት ጥራቱን የጠበቀ ድጋፍና ክብካቤ ፕሮግራሞችን ማስፋፋት፤ በዚህ ዙሪያ ያሉ የማህበረሰብ እሴቶችንና የመረዳዳት ባህሎችን ማጠናከርና የባለቤትነት ስሜት መፍጠር፤
- የሕጻናትን መብትና ደህንነት በማስጠበቅ ድርሻ ያላቸውን አካላትን ማስተባበር፤
- በሕጻናት መብትና ደህንነት ጥበቃ ላይ ያሉ መልካም ተሞክሮዎችን መለየት፤ መቀመርና ማስፋፋት፤
- በአስቸጋሪ ሁኔታ ላይ ለሚገኙ ህጻናት የተለያዩ አማራጭ አገልግሎቶችን ተደራሽ ለማድረግ ሁኔታዎችን ማመቻቸት፤
- የሕጻናት ጉዳይ በሁሉም ሴክተር መ/ቤቶች በሚያወጧቸው ህጎች፣ ፖሊሲዎችና ዕቅዶች እንዲካተት ማድረግ፤ ተገቢውን ድጋፍና ክትትል ማድረግ፤
- ሕጻናትን የሚመለከቱ መረጃዎች በዘመናዊ ኢንፎርሜሽን ቴክኖሎጂ እንዲደራጁና ተደራሽ እንዲሆን ማድረግ፤
- ከባለድርሻ አካላት ጋር በመንቀሳቀስ የተፈጥሮና ማህበራዊ አካባቢ ለሕጻናት ሁለንተናዊ ዕድገት ምቹ እንዲሆን ከሚመለከታቸው አካላት ጋር መሥራት፤
- ሕጻናት በቤተሰብና በማህበረሰብ ጉዳይ እንዲሁም በሀገር ልማት የሚኖራቸውን ተሳትፎ ማሳደግ፤
- የአፈጻጸም ክትትልና ግምገማ ሥርዓት መፍጠርና ተግባራዊ ማድረግ ዋና ዋናዎቹ ናቸው።

ከዚህ አንጻር ሚኒስቴር መ/ቤቱ ያለውን አቅም በማሰባሰብ ስትራቴጂያዊ በሆኑና ከህብረተሰቡ ከ52% በላይ የሚሆኑትን ህጻናት ተጠቃሚ በሚያደርጉ ተግባራት ላይ ትኩረት በመስጠት እየተንቀሳቀሰ ይገኛል። ይህ እንደተጠበቀ ሆኑ መ/ቤቱ በሀገሮች መካከል በሚፈጸም ጉዳፊቻ ሃይት ውስጥ ቁልፍ ሚና እየተጫወተ ሲሆን ይህም የጉዳፊቻ ተደራጊ ህጻናትንና ጉዳፊቻ አድራጊ ቤተሰቦችን መረጃዎች መመርመርና ለፍርድ ቤት አስተያየት መስጠት፤ ጉዳፊቻው ከጸደቀ በኋላ ህጻናት ወደ ጉዳፊቻ ቤተሰቦቻቸው መሄድ እንዲችሉ የተለያዩ ማስረጃዎችን ማዘጋጀትና መስጠት፤ በጉዳፊቻ የሄዱ ህጻናትን መረጃዎች ማደራጀትና ጉዳፊቻ ተደራጊ ህጻናቱም ሆኑ በመደቻቸው መረጃውን ሲጠይቁ ተደራሽ ማድረግ፤ በጉዳፊቻ ወደተለያዩ ሀገራት የሄዱ ህጻናትን ሁኔታ



መከታተልን ያካትታል። ሚኒስቴር መ/ቤቱ ይህንን ሥራ ሲያከናውን ከላይ የተዘረዘሩት ዋና ዋና ተግባራትን እያከናወነ የጉዲፈቻ ሥራም የህጻናትን መብትና ደህንነት በማስጠበቅ ረገድ አንዱ ሥራ አድርጎ እያከናወነ የሚገኝ መሆኑ ይታወቃል።

ከውጭ ጉዲፈቻ ጋር የተያያዙ በርካታ ችግሮች ባሉበት ሁኔታ ለፍርድቤቱ በጉዲፈቻው ላይ አስተያየት ከመሰጠቱ በፊት የጉዲፈቻ ተደራጊ ህጻናትንና ጉዲፈቻ አድራጊ ቤተሰቦችን በተመለከተ የቀረቡ ማስረጃዎችን በአግባቡ መመርመርና ትክክለኛነታቸውን ማረጋገጥ ያስፈልጋል። በመሆኑም አሁን ባለው አካሄድ በቀን እስከ 50 የጉዲፈቻ መዝገቦችን አይቶ በዚህ መዝገብ ውስጥ በአማካይ ከ2-3 የሚሆኑ ህጻናትንና የጉዲፈቻ አድራጊ ቤተሰቦችን ዝርዝር መረጃ መርምሮ ትክክለኛነቱን አረጋግጦ አስተያየት ለመስጠት፣ በመዝገቦቹ የቀረቡ ማስረጃዎች ተጨማሪ ማጣራት አስፈላጊ ሆኖ ሲገኝ ጊዜ ወስዶ የማጣራት ሥራ ለመሥራት አዳጋች ሆኖ ተገኝቷል።

በጉዲፈቻ ዙሪያ የሚታዩ ህገወጥና ከስነ ምግባር ውጪ የሆኑ ድርጊቶችን ለማስወገድ በየደረጃው ባሉ አስፈጻሚ አካላትና በሀብረተሰቡ ውስጥ የሚሠራው ሥራ መሠረታዊ መሆኑ የሚታመን ነው። በተጨማሪም በጉዲፈቻው ሃይት ውስጥ የሚደረገውን ምርመራና ማጣራት ጊዜ ወስዶ በአግባቡ ማከናወን ህጻናት በሀሰተኛ ማስረጃና መብትና ደህንነታቸውን በማያስጠብቅ መንገድ የሚፈጸሙ ጉዲፈቻዎችን ለመቀነስ የሚያግዝ መሆኑ አያጠራጥርም። በመሆኑም አሁን ያለው የጉዲፈቻ አገልግሎት አሰጣጥ ከዚህ የዐዳ ባለመሆኑ አጽንኦት ሰጥቶ መፈተሽ ተገቢ በመሆኑ ሚኒስቴር መ/ቤቱ ባካሄደው የመሰረታዊ የሥራ ሃይት ለውጥ ጥናት መሰረት በሀገሮች መካከል በሚካሄድ ጉዲፈቻ ላይ አትኩሮ መስራት ሳይሆን ስትራቴጂያዊ በሆኑ ጉዳዮች ላይ በማተኮር በቅድሚያ የህጻናት ተጋላጭነትን መቀነስ ለተለያዩ ችግሮች የተጋለጡ ህጻናት ደግሞ ቤተሰብንና ማህበረሰብን መሰረት ያደረጉ የተለያዩ አገልግሎቶች እንዲያገኙ ማድረግ ነው። ከዚህ አንጻር ያለውን የሰው ኃይል ስትራቴጂያዊ በሆኑ ተግባራት ላይ ማዋልን ይጠይቃል።

በሌላም በኩል ለአገልግሎት አሰጣጡ እንቅፋት የሆኑ ህገወጥ አካሄዶችን፣ የህጻናትን መብትና ደህንነት መሠረት ያላደረጉ አሰራሮችንና አካሄዶችን ማስወገድ እንዲሁም በአገልግሎት ጠያቂዎች የሚቀርቡ መዘግብቶችን በአግባቡ መፈተሽና መመርመር ወደፊቱ በጉዲፈቻ ተደራጊ ህጻናት፣ በጉዲፈቻ አድራጊ ቤተሰቦችና በጉዲፈቻ ሰጪ ወላጆች ወይም የቅርብ ዘመዶች ወይም ሞግዚቶች ላይ ሊፈጠር የሚችለውን ችግር መቀነስ ተገቢ ነው።

