

## **Child Adoption: Bought Love or Mediators' Trade?**

*When all necessary documents have been prepared, in addition to spending many time and money, the judge demanded 700 US dollars for his own "service".*

### **Is President's suggestion fruitless?**

"Orphan and neglected children are the most vulnerable and needy of help and support. In this regard, it is recommended to simplify the child adoption procedure and create favourable opportunities for those people who want to adopt similar children."

This reference is drawn from the message of the President of the Republic of Tajikistan delivered in 2011, for the implementation of which no responsible person is thinking about with the passage of a year.

Related to this issue, the First Deputy Chairman of the Women and Family Affairs Committee under the Government of the Republic of Tajikistan Hilolbi Qurbonova stipulated that they had series of talks with responsible bodies aimed at simplifying this procedure. But responsible bodies didn't accomplish any work in this direction pretending that children are used for other purposes in case of simplifying the child adoption procedure.

"In numerous informal talks that we had had with representatives of the Ministry of Justice on this matter, they always stated that there are other subtleties as well. For example, they referred to a justified purposeless trafficking of children when child adoption is simplified, violations become even more", - said H.Qurbonova.

Relevant to this case, Chairman of Dushanbe-based Child Rights Commission at the state local government executive body states that following President's recommendation they are helping child-adopting families in collecting necessary documents. As she said: "We didn't prohibit anyone to give a child. There was no case when someone went away from us feeling discontent. However, those families who are in queue

for years do not have sufficient child adoption opportunities or are not prepared enough for this action.”

If in other countries, the state specified assistance and privileges to similar families in addition to simplified child adoption procedure, it is to the contrary in Tajikistan. For example, in Russia, according to the Law about supplementary state assistance measures applied to those families who adoption a child, as of 2007 assistance is rendered in the form of a one-time monetary help in huge amount, improving daily living condition of these families, medical treatment, rest in resorts and child education. And in case of adopting more than one child, assistance increases even more.

Zardova Guli, one of creative females, being the Chairman of Commission for Registration and Control of Tajikistan Journalists Confederation at the same time, who adopted and fostered ten orphan children coming from poor families, says that only she and her husband contributed to education and upbringing of those children.

“Truly, I adopted those ten children that I brought up only for good sake; I didn’t expect anyone’s help neither sought it. I fed and brought them up, educated and married them all”, she said.

**“Child is not a potato!”**

Our hero - Marjona (the name has been changed due to family secret of child adoption reason - author), owing to the lack of having their own children, along with her husband adopted two babies after suffering numerous difficulties.

As she tells herself: “Before when me and my husband concluded to adopt children, we pondered over it too much. Originally making decisions in this regards is very difficult, this is a resolute action and regardless of all difficulties and challenges, were adopted our dreamed babies. One of my friends informed me that a girl gave birth to a twin in maternity hospital No. 2 and has officially rejected them. I became joyous hearing this and together with my husband decided to adopt them immediately and applied to the maternity hospital.”

When wife and husband went to maternity hospital, babies were already delivered to children’s home No. 1 in Dushanbe. While going there, wife and husband believed that responsible persons pleasantly welcome their

undertaking and or at least show appropriate child adoption way. But getting aware about their intention, the director replies: "Child is not a potato to go and buy from a bazaar! You suffer from troubles too much so as to prepare your own documents and it is not still clear, whether you will be given a child or not!"

### **Official child adoption**

In his mentioned message the country's President has confidently stated that there are very many honest citizens in the country, who want to perform this benevolent act and bring up orphaned and neglected children as their own children.

Abduqayum Sharipov, specialist of the Guardianship Office under the Education Department of Firdousi District said: "Four people applied to our office this year and all of them adopted children. A total of approximately 6-7 children were adopted last year in Firdousi District. But child adoption from maternity hospital, orphanage and taking children from relatives is confidential. We do not refer to in the documentation, from where the child is adopted."

According to an official information provided by the Women and Family Affairs Committee under the Government of the Republic of Tajikistan, within the first quarter of 2012 the number of adopted children in the country made up 157, being more than 8 children as compared to this period of 2011.

According to the First Deputy Chairman of the country's Women and Family Affairs Committee there are really very many difficulties in this direction. Even though he didn't refer to it exactly, he stated with probability that in children's home there are people who are expecting their turn to come during 3-4 years. According to him, it is good for directors of orphanages as well to locate children in family environment. However as the process of child adoption is difficult, some people proceed half way, await many years and lastly turn back.

At the same time, Chairman of Dushanbe-based Child Rights Commission at the state local government executive body Manzura Salomova stated in this regard: "People wait for their turn with a reason that Tajik mother

doesn't throw away her child every day. Cases of rejecting children are less; therefore people await their turn for years. Out of one thousand mothers one dishonest mother appears to reject her baby. Since there are many people, who want to adopt a child and majority of them want newly born baby, hence there is a big line of queue."

According to the legislation of Tajikistan, the following documents are necessary for child adoption:

1. Application with the intention of child adoption approved through the court or directly sent to Guardianship Office and Education Department.
  2. Copy of personal identification documents - passport.
  3. Marriage certificate.
  4. Copy of documents for residence house.
  5. Information about parents' health status.
  6. Reference information from drug treatment, mental health, tuberculosis and skin diseases Centers certifying that child adopting people are not registered with these centers.
  7. Reference information from Information Center of the Ministry of Internal Affairs of the Republic of Tajikistan certifying that these persons do not have criminal offence.
  8. Reference information about financial income.
- and other documents foreseen in the legislation.

This was a short list of necessary documents for child adoption we brought for your attention as an example. A total of 16 documents are necessary for it. Besides, numerous procedures and orders are stipulated in Chapter 19 of Family Code of the Republic of Tajikistan including 11 Articles, each of which has its own provision. This includes a case when prior to handing over a child to a family for adoption, representatives of a Guardianship Office's special commission well explore a family willing to adopt a child. Parents should have their own house, should live together, should have a good job and most important of all, should adopt a child following a mutual consent.

As Manzura Salomova said in this regard: “Our commission, which is nationwide, gives commission’s decision based on the mentioned documents submitted by a child adopting family, this family will further apply to the court of its residence area”.

After it, this court delivers a letter to the Guardianship Office of the child adopting family’s residence district to verify circumstances of this family.

As Abduqayum Sharipov said: “Permission of this Office is submitted to the court in two documents – housing document and conclusion of the Office. Additionally, Office representatives take part in the trial proceedings as well and reinforce their submitted conclusion. In the course of verification we inquire mental and financial status of the family from neighbours as well. Another secret of our verification is that we do not say anyone about a fact that this family intends to adopt a child and collect information about this family from neighbours and surrounding people. Because in real life true mother sometimes applies torture against her own child, therefore if she adopts a child and is not mentally and psychologically healthy, God know how she would treat a child?!”

According to responsible persons, the first documentation stage starts from the Guardianship Office, based on the conclusion of which the court gives permission for child adoption. However a question arises here why a proper way of child adoption is not advocated in Tajikistan?

According to the First Deputy Chairman of the Women and Family Affairs Committee under the Government of the Republic of Tajikistan Hilolbi Qurbonova since Tajik families are big there is no need to advocate this action.

### **Child adoption costs 700 US dollars?**

Our hero – Marjona in the course of conversation told about the attitude of director of the children’s home as well, who after “official” talks stated that their job probably becomes easier to get done if babies’ mother is found. That woman goes to look for babies’ mother.

“I suffered unheard difficulties to find babies’ mother and spent lots of financial resources as well. Finding her name and residence address was very difficult, because she was registered in the maternity house under completely another name. Finally, we found her address. However, despite

so many troubles of running back and forth my husband kept saying that probably we reject doing it. But on the contrary suffering these pains I devoted more love to babies and said to all they are my children, they should be with me."

But when Marjona finds babies' mother and comes along to children's home as well as babies' mother wishes to take back her children, director of the children's home confronts to this again. Since woman's intention was resolute, having used every ways and methods, she finally made use of one of her friends as mediator from the Public Prosecutor's Office. Her prosecutor friend gave a call to the director of the children's home and requested to give them their mentioned babies. According to Marjona, when all necessary documents became ready, in addition to spending more time and money, district judge demanded from them 700 US dollars for his "service".

"Truly, for me, who loved these babies endlessly, I agreed to pay any requested money and my husband agreed with me in this act", - noted Marjona.

### **Statistics of children's sale from the Ministry of Internal Affairs**

There is this curvy way of child adoption that most people adopt children from relatives, friends and or from maternity hospitals using illegal ways. Of course, according to our interlocutors, workers of maternity hospitals and or mediators have hands in doing it.

As Zardova Guli, who witnessed similar actions, told us: "Being a health worker, a woman from 63<sup>rd</sup> quarter of the capital was involved into selling newborn babies, because it is impossible to adopt a child using legal ways. Expecting one queue requires a long period of time. People use services of this woman. That woman worked as a nurse and having assisted pregnant women in giving birth in her house, later sold babies per 200-300 US dollars. After that this woman's action was detected and she was later imprisoned."

Presently, according to the official information obtained from the country's Ministry of Internal Affairs, ten criminal cases of selling and buying children were registered within four months of 2012 throughout the country, which are less than 7 cases as compared to this period of last years.

“Investigation and the course of analyzing criminal case related to selling and buying minors shows that similar crimes are committed by single women and mothers living alone, pursuing the aim of hiding pregnancy state and babies born beyond marriage”, - as stated in the Ministry of Internal Affairs.

As informed through the MIA’s website, a case of selling and buying a newborn baby has been revealed as the result of commissioning operative investigations by employees of Internal Affairs Department of Vahdat town. A girl born in 1993, not married, gave birth to a son on 9 March 2012 in maternity hospital No. 1 of Dushanbe and due to being unmarried, gave her baby to a woman for adoption.

“But that woman sells this baby in exchange of 3,000 Russian rubles to another citizen born in 1949, a pensioner”, as provided in the MIA’s website.

Similar clear examples are numerous in maternity hospitals. However, there are fewer cases revealed by personnel of internal affairs. On the other hand namely legal child adoption procedure urges child-seeking people to choose this way.

Besides, Zardova Guli says herself is another example in accomplishing this benevolent deed. When she was chairman of one of residence building blocks in Dushanbe, childless women appealed her that if a newborn baby is found in garbage bins, deliver them without making any acts and documents:

“We did similar jobs several times. We did it bearing in mind that they go to orphanages and children’s home, suffer many difficulties and expect their turn to come for many years. Of course, I gave found children to those families really in need of a child. There are families who took several babies and brought them up.

When we found similar newborn babies, we did not inform area inspector about it, is it necessary to deliver them to orphanages? If a baby was dead, then we inform them about this case.”

### **Expecting one’s queue and taking a child “without one’s queue”**

One of the child adoption difficulties is expecting one’s queue, through which a large number of people willing to adopt a child are awaiting their

turn many years. As one employees of the children's home No. 1 of Dushanbe said: "There is a large queue here for child adoption. Many adopted children are taken from us. 130 children aged from 5 day to 6-7 years old stay in here. However, all resolve child adoption issues from the legal viewpoint, then visit us", said one of our interlocutors following a short conversation, who abstained from mentioning his name and more details..

But Zardova Guli states that since people do not trust orphanages too much, therefore they consult with area inspectors, nurses and community leaders in case of finding abandoned newborn infants and or poor families, who cannot cope with fostering a child, to hand them over to childless families.

Reinforcing this, Zardova Guli exemplifies cases of being direct witness of similar events: "Similar cases a numerous now, for example, a girl becomes illegally pregnant or women, who are unable to foster their children due to poverty, request finding a childless person, give "white consent" taking certain amount of money and take adopted child."

However, these people are unaware that their action is considered a crime. But Manzura Salomova states concerning the issue of documenting child adoption that it requires a total of 15 days, sometimes even a one-month time. After issuance of court decision and Commission's referral letter a child adopting family can go to the children's home and take its chosen infant.

Besides, according to her, prior to adopting a child, family is acquainted with the baby first. This acquaintance is organized by Commission's representative. Commission's chief specialist gives referral letter to go and see a child, if liked, they can take a baby later.

She said in this regard: "Extension of documentation sometimes depends on the court, sometimes it take three months, sometimes the duration is extended even more."

Regarding the issue of giving a name to so called "illegally" adopted children Zardova Guli has confidently mentioned that giving a name and obtaining a birth certificate is very easy. Namely, a certificate is taken from any maternity hospital stating that this woman gave birth during a certain

time and hour and based on it, birth certificate is obtained from Registry Office.

“These certificates are sold by any physician in exchange of 100-150 Somonis,” stated our interlocutor.

### **Neutrality after long due troubles**

Guardianship Office of city and district governments performs all responsibilities in this direction in Tajikistan. But after overcoming many difficulties and taking a child, the Office inquires no more about how an adopted child is living on.

Marjona’s adopted children is a bright example of it, who says they don’t have any shortage, however she is personally in amazement for a thing that responsible bodies put them so much into trouble prior to child adoption, but after taking children they don’t visit them even a time to verify their circumstances.

She added: “I wish to say nothing about state allowances and or any privileges, however this indifference shown by responsible bodies in terms of adopted children astonishes me. For example, my children reached the age of 1,7 years old, but no one came to see them from the Office.”

This is following a state of affairs when prior to taking a child, responsible bodies pretend as if children’s fate is really very important for them. In other countries for those people, who take orphan infants under one’s education and upbringing or adopt a child, not only a number of privileges and good financial support is allocated by the state, neutral position is not expressed against children’s fortune as well, but how in Tajikistan?

According to responsible persons, when a family adopts a child, it would become impossible to verify the child’s education, upbringing as well as condition. Because it already becomes a family secret and their control and intervention would have revealed this “secret”.

Representative of the Guardianship Office under the Education Department of Firdausi District in Dushanbe, Abduqayum Sharipov said in this regard: “After child adoption, wherever our Office finds out cases of child rights violation, we endeavour to help those children. However, we do not periodically go to control adopted children. Because the court has already declared their parental decision, s/he is considered as their own

children. It is impossible for the Office to control over children's education and care. Because, if a child finds out that s/he is an adopted one, s/he will suffer psychologically and mentally."

According to Abduqayum Sharipov the Guardianship Office controls only those children, for example, whose parents are have ceased and with the decision of the Office, one of their close and trusted relatives is assigned as guardian or trustee. In this case reference information is submitted every three months.

But it is stipulated in Tajikistan legislation: until children's reaching maturity age, namely 16 years old, special Commission of the Guardianship Office resolutely controls living condition of those families who adopted a child. Willing people shall apply to Education Department of every cities and districts and should stay queue of these structures.

### **Denial from child adoption**

In his message delivered last year, President Emomali Rahmon stated that there are 84 boarding schools operating throughout the country, indicating an increase of 43 boarding schools as compared to pre-independence time, its number of students reaching 8300 people. 2000 people make up girls from this total number.

Psychologists say that family environment for child's education is more favourable than that of boarding schools. Therefore, if responsible bodies accept President's last year message and simplify the child adoption procedure, then these huge numbers of infants in orphanages do not grow up without feeling parental kindness and care.

Our hero Marjona brought a family as an example, who after suffering so many troubles, denied the intention to adopt a child. Because they didn't have familiar prosecutor or lawyer to help them as Marjona and her husband had.

*Saida Qurbonova*

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