



DEFENSE DES ENFANTS INTERNATIONAL  
DEFENCE FOR CHILDREN INTERNATIONAL  
DEFENSA DE NIÑAS Y NIÑOS INTERNACIONAL

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## DCI-France

41 rue de la République, 93200 Saint-Denis

01 48 30 81 98

[www.dei-france.org](http://www.dei-france.org) ; [contact@dei-france.org](mailto:contact@dei-france.org)

## Press Release 2010-1

Saint-Denis, 19 January 2010

### HAITI : HOLD ON TO REASON IN THESE EMOTIONAL TIMES

#### **The greatest vigilance is called for**

#### **in the face of the risk of illegal adoptions and other instances of child trafficking.**

The terrible earthquake that took place in Haiti has evoked immense sympathy throughout the world, but respect of the law must not be forgotten. One thinks of course of the most basic human rights that are affected: the right to survival, to medical care, to food and shelter and to security. The first priority is clearly to locate survivors in the rubble and free them, to provide medical care, nourishment and shelter, to reestablish vital services and to reconstruct homes. The States, in addition to numerous humanitarian associations working on the ground, are supporting or replacing the public institutions of Haiti. DCI-France pays tribute to them all.

One also thinks immediately of children, the most impacted and therefore the most vulnerable. Calls and proposals for the adoption of children deemed « orphans » are emotionally thrown about, with a view toward removing these children from the horrors of the catastrophe. As a result, **it is feared – as was the case following the December 2004 Tsunami – that children found alone in the street will be rounded up and taken from their countries « for foreign adoption », although it is most often the case that they were only momentarily separated from their parents or extended family members.**

**DCI-France is calling attention to the dangers of these practices, which are sometimes carried out in good will by humanitarian organisations, but more often by illegal adoption networks, and still worse by other perpetrators of child trafficking.**

DCI-France calls on all actors to not allow pure emotion to be their guide, and to prioritise the respect of the law in the superior interests of Haitian children :

- Respect the international Convention on the Rights of the Child and its relative protocol concerning child trafficking, which is dedicated to the right of children **to not be separated from their parents, for those who live with their families** (or a foster

family) **in their country, as far as it is possible, and of course the right to not be a victim of trafficking.**

- Respect **The Hague Convention concerning international adoptions**, which defines the conditions for the transfer of a child <sup>11</sup>.

A child victim must be taken care of on location and not displaced under any circumstances unless his or her identity and filiation are legally established and unless a judicial authority has entrusted him or her to a verified recipient organisation.

ALL COUNTRIES having ratified the Hague Convention must refuse to accept aboard their planes Haitian children whose family status is uncertain, unless the child is wounded and evacuated for medical reasons.

DCI-France therefore asks:

- Haitian authorities and foreign governments, as well as humanitarian associations working on the ground, to reunite lone children with their families and to show respect to the rules of international law, most notably by closely monitoring the departures of children from Haitian territory
- Airline pilot associations and maritime companies to refuse to board children who do not hold the documents required by the International Hague Convention of 1993 concerning international adoption
- Journalists to relay this warning to all
- Parents waiting to adopt to not allow themselves to be abused by organisations proposing the false adoption of a little ‘Haitian orphan’.

**Despite the chaos caused by the earthquake, the future of Haitian children must be rebuilt, with the help of a chain of solidarity around the world. The rebuilding must take place first and foremost in Haiti. It is only afterwards that children who are legally recognised as orphans or entrusted to adoption, if no other surrogate family home is found instate, may become the objects of international adoption procedure.**

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Press contact : Sophie Ribot-Astier 06 64 74 20 26

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<sup>11</sup> Article 19 of The HAGUE Convention of 29 May 1993 sets forth:

#### Article 19

1. The transfer of the child to the receiving State may only be carried out if the requirements of Article 17 have been satisfied.

2. The Central Authorities of both States shall ensure that this transfer takes place in secure and appropriate circumstances and, if possible, in the company of the adoptive or prospective adoptive parents.

3. If the transfer of the child does not take place, the reports referred to in Articles 15 and 16 are to be sent back to the authorities who forwarded them."

For its part, Article 17 states :

"Any decision in the State of origin that a child should be entrusted to prospective adoptive parents may only be made if:

- a) the Central Authority of that State has ensured that the prospective adoptive parents agree;
- b) the Central Authority of the receiving State has approved such decision, where such approval is required by the law of that State or the Central Authority of the State of origin;
- c) the Central Authorities of both States have agreed that the adoption may proceed; and
- d) it has been determined, in accordance with Article 5, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorised to enter and reside permanently in the receiving State."