Official reply: 07 April 2017

**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

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**588. Mrs C Dudley (ACDP) to ask the Minister of Social Development:**

(1) Whether the Minister has been informed of the fact that delays in the issuing of approval of applications made in terms of Article 17 of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993, by the SA Central Authority is delaying adoption of adoptable children into screened and approved intercountry adoptive families, leaving children in institutionalised care for many months longer than necessary, thereby depriving children of their constitutional right to family care and compromising their well-being and development;

(2) whether she is aware that most intercountry placements are of children with disabilities or special needs;

(3) whether she has been informed that in the specific case of one 6-year old child with disabilities the refusal by her department to issue Article 17 approval has meant that the child was kept unnecessarily in institutionalised care for over three years since the court terminated the rights of the biological parents to consent to the adoption; if so, what are the relevant details;

(4) whether her department’s refusal to accept orders made by a court regarding adoptability and termination of the rights of biological parents, or consents properly given in court by biological parents will be investigated and urgently corrected and those responsible for delays held accountable? NW646E

**Reply:**

(1) There are no delays in issuing Article 17 of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993, by the SA Central Authority, for placing adoptable children with screened and approved intercountry prospective adoptive families except in cases where there are issues that needs further intervention.

(2) Intercountry placements are for all children including those with disabilities or special needs.

(3) The Department as the Central Authority did not refuse to issue Article 17 approval on a six year old child with disabilities. It is ensuring that all avenues in placing the child nationally are explored and exhausted before intercountry adoption is considered as this is in the best interest of the child to be placed locally.

(4) The department did not refuse to accept orders by a court regarding adoptability and termination of biological parents, or consents properly given in court by biological parents. The department is obliged to ensure that the subsidiarity principle is adhered to and reserves the right to question any decision of any party in the context for the fulfilment and the realization of children’s rights.