CHILD FRONTIERS

FINAL REPORT

Assessment of the capacity and processes of Cambodia's national and intercountry adoption system

UNICEF Cambodia

May 2025

© United Nations Children's Fund (UNICEF), Cambodia

May 2025

The research was conducted by Kristen E. Cheney, PhD; Karen S. Rotabi-Casares, PhD; Soksophea Suong; Leisha Lister, International Legal Advisor; and Vimala Crispin. The report was commissioned by UNICEF Cambodia in consultation with the Ministry of Social Affairs, Veterans, and Youth Rehabilitation who engaged Child Frontiers to undertake this study in 2025. The opinions and statements presented in this report do not necessarily represent those of UNICEF. All efforts were made to ensure that the information presented in this report was accurate at the time of writing.

Child Frontiers Ltd.
Suite A 15/F Hillier Commercial Building
65-67 Bonham Strand East
Sheung Wan, Hong Kong

Child Frontiers is a registered company (No. 1275515)

CHILD FRONTIERS

Table of Contents

Abbreviations **2**

Executive Summary **3**

1. Introduction **6**
Study description 6

2. Background on Adoption **7**
Traditional Practice 7
Intercountry Adoption 7
Deinstitutionalization and Care Reform 9
Recent Child Protection Policy and Promotion of Domestic Adoption 10
The Legal Framework for Adoption in Cambodia 12
Domestic Adoption *12*
Intercountry Adoption *12*
The Interplay of Adoption Regulations *13*

3. General/Social Findings **14**

4. Government/NGO Findings **18**
Knowledge Gaps 18
Coordination, Collaboration, and Sustainability 19
Interministerial Cooperation and Coordination 20
Legal Gaps 21
Domestic Adoption *21*
Unclear Procedures for Protective Custody 22
Authority of RCIs 22
Registration and Monitoring of Care Facilities 22
Inconsistencies in Guardianship 23
Intercountry Adoption *23*
Recordkeeping and case management 27
Birth Registration and Identity Preservation *27*
Social Work Case Management *28*
Capacity Building 29
Child Participation 30

5. Summary **32**
Domestic Adoption 32
Intercountry Adoption 32
Overall Recommendations 32
Resources 33
Conclusion 33

Appendix: Validation Workshop Discussion Notes **34**

Abbreviations

BAKC	The Bar Association of the Kingdom of Cambodia
CCWC	Commune Committee for Women and Children
CNCC	Cambodia National Council for Children
CRVSID	(Law on) Civil Registration, Vital Statistics, and Identification
CSO	Community Service Organisation
DoSVY	Department of Social Youth and Veteran Affairs (Provincial)
HCIA	Hague Convention on Intercountry Adoption
ICA	Intercountry adoption
ICAA	Inter-Country Adoption Administration
INGO	International Non-government Organisation
MoSVY	Ministry of Social Affairs, Veterans, and Youth Rehabilitation (National)
MoU	Memorandum of Understanding
NGO	Non-government Organisation
NCPC	National Child Protection Commission
OSCaR	Open Source Case-management and Record-keeping
PAP	Prospective adoptive parent
RCI	Residential care institution
SASWO	District Office of Social Affairs and Social Welfare
SSWF	Social service workforce

Executive Summary

This report presents an independent assessment of Cambodia's national and intercountry adoption systems, with a focus on the country's progress in aligning adoption practices with international standards for child protection and family-based alternative care. Commissioned by UNICEF Cambodia in collaboration with the Ministry of Social Affairs, Veterans, and Youth Rehabilitation, the assessment evaluates the current capacity, processes, and legal frameworks governing adoption, and provides recommendations to strengthen the system in the context of Cambodia's ongoing care reform agenda.

The overall goal of this assessment is to inform the Government of Cambodia—specifically MoSVY—in the implementation of the adoption provisions in the 2024 Alternative Care Policy for Children in Cambodia.

Key Findings

Cambodia has made significant strides in reforming its child protection and adoption systems over the past two decades. The government, particularly, has worked closely with NGOs to establish a foundational legal and policy framework that prioritizes children's rights and welfare. Key legislative milestones include the ratification of the Hague Convention on Intercountry Adoption (HCIA) in 2007, the passage of the Law on Inter-Country Adoption in 2009, and the adoption of the 2024 Alternative Care Policy for Children, which emphasizes family-based care and domestic adoption over institutionalization and intercountry adoption.

Despite these advances, the assessment identifies ongoing challenges that hinder the effective implementation of adoption policies. These include:

- **Legal and Policy Gaps:** While the legislative framework has improved, gaps remain in the enforcement and operationalization of laws and policies, particularly in relation to minimum standards for alternative care and adoption procedures.
- **Resource Constraints:** Limited financial and human resources, as well as underdeveloped social service infrastructure, impede the capacity of government agencies and service providers to deliver quality adoption and child protection services.
- **Capacity and Training:** There is a need for enhanced training and professionalisation of the social service workforce, including accreditation and licensing, to ensure that duty bearers are equipped to manage complex adoption cases in line with best practices.
- **Coordination and Oversight:** Fragmented coordination between government bodies, NGOs, and other stakeholders, as well as weak monitoring and evaluation mechanisms, undermine the effectiveness of adoption processes and child protection interventions.

Historical Context and Reform Efforts

Historically, Cambodia's adoption system was characterized by informal kinship care arrangements, with extended families and communities stepping in to care for children in need. However, the rise of intercountry adoption (ICA) in the 1990s, coupled with the proliferation of residential care institutions (RCIs) and orphanage tourism, led to widespread concerns about child trafficking, profiteering, and the unnecessary institutionalization of children. In the absence of legal

and policy infrastructure to regulate ICA, Cambodia quickly became an 'intercountry adoption destination' with a reputation for quick adoptions and availability of healthy infants. These issues prompted the suspension of ICA in 2000, and subsequent reforms aimed at promoting family-based care and strengthening legal safeguards against exploitation. This raised alarm amongst child protection specialists, who detected that parents were being induced to relinquish their children, either through direct payment or promises of education, health, and other services.

The MoSVY's alternative care reform program had been implemented in 2016, achieved a significant reduction in the number of children living in RCIs, with a shift towards reintegration and community-based care, and unnecessary family separation. Nevertheless, challenges persist, including inconsistent reintegration practices and the continued influence of clientelism and patronage networks that facilitate the recruitment and institutionalization of children for profit.

Recent Policy Developments

The 2024 Alternative Care Policy for Children represents a pivotal shift in Cambodia's approach to child welfare, prioritizing family preservation, permanency, and domestic adoption as the preferred options for children without parental care. The policy aligns with the HCIA and the UN Guidelines on Alternative Care for Children and seeks to update and harmonize existing standards and procedures for alternative care and adoption. However, effective implementation will require sustained investment in capacity building, infrastructure, and cross-sectoral coordination.

The MoSVY has worked to professionalise the social service workforce through accreditation and licensing to assist children and families, but this effort is still in the initial stages.

Recommendations

For adoption to be safe and effective, there must be a functional, effective, rights-based, and inclusive child protection system in place. The assessment is therefore driven by the imperative to contextualize **adoption within the complete continuum of care** (the range of services and interventions designed to support children in families), **as part of a holistic and integrated child protection system.**

The report makes several key recommendations to address the identified challenges and further strengthen Cambodia's adoption system:

- **Maintain Suspension of ICA:** Continue the suspension of intercountry adoption activities until robust safeguards and oversight mechanisms are in place and prioritize strengthening domestic adoption in line with international standards.
- **Invest in Capacity Building:** Increase investment in the training, accreditation, and professionalization of the social service workforce to ensure effective case management and child protection.
- **Enhance Coordination:** Foster greater collaboration between government agencies, NGOs, and other stakeholders to streamline adoption processes and improve service delivery.

- **Strengthen Monitoring and Evaluation:** Develop and implement comprehensive monitoring and evaluation systems to track outcomes, identify gaps, and inform ongoing policy and practice improvements.
- **Update Standards and Guidelines:** Revise and update the Minimum Standards for Community-Based Alternative Care for Children to align with the 2024 Alternative Care Policy and ensure consistency in practice across the country.

Conclusion

Cambodia has demonstrated commendable commitment to reforming its adoption and child protection systems, with notable progress in legal and policy development, deinstitutionalization, and care reform. However, significant challenges remain in translating policy into practice, particularly in terms of resource allocation, capacity building, and effective oversight. Continued efforts to strengthen domestic adoption, prevent unnecessary family separation, and ensure that all children grow up in safe and nurturing family environments are essential for the realization of children's rights and the achievement of sustainable child protection outcomes in Cambodia.

1. Introduction

Child Frontiers was recruited by the UNICEF Cambodia Country Office and the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MoSVY) to conduct an "Assessment of the Capacity and Processes of Cambodia's National and Intercountry Adoption System". Currently, domestic adoption is being implemented based on the *Civil Code of Cambodia* (2007) for domestic adoptions, the *Law on Inter-Country Adoption* (2009), and the Prakas on Procedure for Implementation of Alternative Care Policy (2011). The overall goal of this assessment is to inform the Government of Cambodia—specifically MoSVY—in the implementation of the adoption provisions in the 2024 Alternative Care Policy for Children in Cambodia. The results will inform programme design, implementation, monitoring and policy formulation.

Specific objectives include:

1) Assess and map Cambodia's domestic and intercountry adoption systems as it operated under the more general child protection system.
2) Identify capacity gaps and areas for improvement in line with international standards and best practices.
3) Develop recommendations for strengthening the Cambodian domestic and intercountry adoption systems.
4) Mainstream child participation in all processes of consultation, vision, development and finalisation.

For adoption to be safe and effective, there must be a functional, effective, rights-based, and inclusive child protection system in place. The assessment is therefore driven by the imperative to contextualize adoption within the complete continuum of care (the range of services and interventions designed to support children in families), as part of a holistic and integrated child protection system. It therefore contains recommendations for how to strengthen adoption processes, practices, and programmes to contribute to child protection systems strengthening. This assessment supports the Government to strengthen capacities and procedures to manage adoption, ensuring the child protection system's alignment with international standards and best practices in domestic and intercountry adoption.

Study description

In the inception phase of the project, the assessment team conducted a review of the literature, including Government documentation. A reference group led by MoSVY was convened, which supported the design and coordination of the assessment, including suggested sites for data collection. We then engaged in intensive data collection in Cambodia January 9-17, 2025, in Phnom Penh, Battambang, and Svay Rieng. We spoke with local and national Government officials, NGOs engaged in alternative care, foster and adoptive families, adoption agencies, hospitals, residential care institutions (RCIs), and judges. Overall, we conducted 35 interviews. The initial impressions were reported to MoSVY and the Reference Group on January 20, 2025, for feedback, and several additional follow-up interviews were conducted accordingly.

2. Background on Adoption

Traditional Practice

Most children in Cambodia are cared for by their parents or extended family members. When a family experiences a shock or crisis, relatives or community members typically step in to provide care for children. In cases where mothers are not able to care for children, grandparents and other relatives often provide care, at least temporarily.[1] Some of the reasons given by study participants for family separation include parents' labor migration, poverty, domestic violence, and substance abuse. Study participants also reported that when infants are abandoned at birth, it is typically due to poverty, the stigma of unwed motherhood, and sometimes the child's disabilities or medical conditions.

RCIs are commonly used as a proxy for social provisioning–especially schooling, with most children entering RCIs only once they reach school age (6-8 years old)--the vast majority of whom have at least one living parent.[2] These arrangements are often part of patron-client relationships cultivated between RCI directors (especially of RCIs operating in contravention of Cambodian policy requiring registration and licensing[3]) and parents, who are promised that their children will receive an education–possibly even the chance to study abroad–if they place their children in the RCI.[4] RCI staff can then exploit the children in their care to raise funds from donors.[5]

Intercountry Adoption

The cultivation of patronage amongst RCIs was boosted by the flood of intercountry adoptions (ICAs) in the 1990s. In the absence of a legal and policy infrastructure to regulate ICA, Cambodia quickly became an 'intercountry adoption destination' with a reputation for quick adoptions and availability of healthy infants.[6] This raised alarm among child protection specialists, who detected that parents were being induced to relinquish their children, either through direct payment or promises of education, health, and other services, as noted above. ICA was suspended in 2000 due to such irregularities.[7] A 2001 government sub-decree reopened the country to ICA–but it

---

[1] Muney R, Nguon S and Chhim T. (2024) Kinship and Foster Care: Understanding Current Practice in Cambodia. Phnom Penh: Family Care First, 133.

[2] Roby JL and Maskew T. (2012) Human Rights Considerations in Intercountry Adoption: The Children and Families of Cambodia and Marshall Islands. In: Gibbons J and Rotabi KS (eds) *Intercountry Adoption: Policies, Practices, and Outcomes.* Surrey: Ashgate, 55-66. p. 60.

Stark L, Rubenstein BL, Pak K, et al. (2017) National estimation of children in residential care institutions in Cambodia: a modelling study. *BMJ Open* 7(1): 1-8. p. 4.

[3] Kingdom of Cambodia. (2015) Sub-Decree on the Management of Residential Care Center. MoSVY *119 ANKr.BK.* Phnom Penh.

[4] Nhep R. (2024) Clientelism in Cambodian Residential Care Institutions. *Children's Geographies* 23(1): 16-33.

[5] Guiney T and Mostafanezhad M. (2015) The political economy of orphanage tourism in Cambodia. *Tourist Studies* 15(2): 132-155.

Nhep R, Deck S, van Doore K, et al. (2024) Detecting orphanage trafficking and exploitation. *Child Abuse & Neglect* 152: 106813.

[6] Roby, J. L. and T. Maskew (2012). Human Rights Considerations in Intercountry Adoption: The Children and Families of Cambodia and Marshall Islands. Intercountry Adoption: Policies, Practices, and Outcomes. J. Gibbons and K. S. Rotabi. Surrey, Ashgate: 55-66. p. 59-64.

[7] Roby, J. L. and T. Maskew (2012). Human Rights Considerations in Intercountry Adoption: The Children and Families of Cambodia and Marshall Islands. Intercountry Adoption: Policies, Practices, and Outcomes. J. Gibbons and K. S. Rotabi. Surrey, Ashgate: 55-66. p. 59-64.

only raised more concerns of profiteering and irregular adoption practices.[8] For these reasons, Australia, France, the UK, the US, and the Netherlands suspended ICAs from Cambodia starting in 2001.[9] But that did not stop the global demand for ICA from driving the adoption market–and thus child institutionalisation–in countries like Cambodia.[10]

In the 2000s, the demand for ICA, along with the emergent popularity of orphanage tourism and volunteering–tourists visiting and volunteering in RCIs as part of their holidays[11]–continued to incentivise unnecessary institutionalisation of children as it became profitable to certain parties.[12] RCI personnel still had undue influence in the community and secured protection for their unregistered RCIs, effectively shielding them from regulatory scrutiny.[13] This absence of checks and balances allowed the continued operation of substandard RCIs and perpetuated a cycle of inadequate child protection measures, despite the existence of new government regulations aimed at improving the situation.[14] These relationships severely undermined the government's ability to enforce the newly established standards. Between 2005 and 2010, the number of children in institutional care doubled,[15] despite government policy's promotion of family-based care.[16]

Legal scholars therefore started classifying the act of putting children (especially those with parental care) into RCIs with the intent to exploit them for profit as child trafficking, recommending this to be part of a wider global typology or classification.[17] According to Nhep and van Doore, "The inclusion of profit as a purpose for unlawful removal was a particularly progressive development in [Cambodian] law. It paved the way for all known forms of orphanage trafficking to be prosecutable offenses, including the unlawful removal of a child from family and placement in an orphanage for profit."[18] Cambodia has therefore taken action to address the issue.

---

[8] Roby, J. L. and T. Maskew (2012). Human Rights Considerations in Intercountry Adoption: The Children and Families of Cambodia and Marshall Islands. Intercountry Adoption: Policies, Practices, and Outcomes. J. Gibbons and K. S. Rotabi. Surrey, Ashgate: 55-66. p. 59-64.

[9] https://www.cambodianess.com/article/international-adoptions-in-cambodia-the-ghost-of-illegalities
See also Wittner KM. (2003) Curbing Child-Trafficking in Intercountry Adoptions: Will International Treaties and Adoption Moratoriums Accomplish the Job in Cambodia? *Pacific Rim Law & Policy Journal* 12(2): 595-630.
Smolin DM. (2005) Intercountry Adoption as Child Trafficking. *Valparaiso Law Review* 39(2): 281-325.

[10] Cheney, K. E. and S. Ucembe (2019). The Orphan Industrial Complex: the charitable commodification of children and its consequences for child protection. Disadvantaged Childhoods and Humanitarian Intervention: Processes of Affective Commodification. K. Cheney and A. Sinervo. London, Palgrave MacMillan.

[11] https://bettercarenetwork.org/about-bcn/what-we-do/key-initiatives/rethink-orphanages/problem-with-visiting-and-volunteering-in-orphanages

[12] Walker C and Hartley M. (2013) Cambodia's Orphan-Industrial Complex. *The Atlantic.*

[13] Nhep, R. and K. van Doore (2023). Implementing the Legal Framework for the Prosecution of Orphanage Trafficking: A Cambodia Case Study. Brisbane, Griffith University**:** 11.

[14] Vuković, D. and M. Babović (2018). "The Trap of Neo-patrimonialism: Social Accountability and Good Governance in Cambodia." Asian Studies Review **42**(1): 144-160.

[15] Flanagan K. (2020) Promising Practices —Strengthening Families and Systems to Prevent and Reduce the Institutional Care of Children. In: Cheer JM, Mathews L, van Doore KE, et al. (eds) *Modern Day Slavery and Orphanage Tourism.* Boston: CABI, 63-82. p. 77.

[16] Ministry of Social Affairs Veterans and Youth Rehabilitation. (2006) Policy on Alternative Care for Children. Phnom Penh: Ministry of Social Affairs, Veterans and Youth Rehabilitation 30.

[17] Van Doore KE. (2016) Paper Orphans: Exploring Child Trafficking for the Purpose of Orphanages. *International Journal of Children's Rights* 24(2): 378-407.

[18] Nhep R and van Doore K. (2023) Implementing the Legal Framework for the Prosecution of Orphanage Trafficking: A Cambodia Case Study. Brisbane: Griffith University, 11. p. 2.

Cambodia ratified the Hague Convention on Intercountry Adoption (HCIA) in 2007, and in 2009, the Government of Cambodia passed a new intercountry adoption law, but its implementation was slowed by a continuing lack of infrastructure.[19] In 2011, the law came into force, ceasing all ICAs by foreigners living inside and outside of Cambodia. Intercountry adoption continues to be suspended; however, study participants reported a number of cases of foreign nationals living in Cambodia adopting domestically through the Civil Code.[20] Furthermore, correspondence between the Deputy Prime Minister, the Minister of Foreign Affairs and International Cooperation and the Minister of MoSVY in 2020 and 2021 agrees in principle to resume ICA from early 2020.[21] Since this time, the Government of Cambodia has made significant efforts to strengthen the legal framework and child protection processes to ensure that if/when ICAs fully re-open, they occur in line with Cambodian law and the country's obligations under the HCIA.

Nevertheless, ICA, orphanage tourism, and clientelism continued to act as pull factors for child institutionalisation. As recently as 2017, it was estimated that 48,775 children–nearly one of every 100 children in Cambodia–were living in 639 RCIs.[22] Most had a living parent and were school-aged, with more than half between 13 and 17 years of age.[23] This has raised persistent concerns for child health, protection, and national development.

Reintegration of Children from RCIs and Care Reform

In 2016, the Government of Cambodia embarked on a deinstitutionalisation program aiming to reduce the number of children in residential care by at least 30 percent by 2018.[24] Community service organisations (CSOs) and international non-government organisations (INGOs) such as Friends International and Save the Children cooperated with MoSVY to implement the Alternative Care Action Plan to reduce the number of children living in RCIs. They developed tools, training, and guidelines for case management for child reintegration, case management, and follow-up. By 2023, only about 7,000 children were still living in approximately 270 RCIs.[25] They achieved this

[19] Roby, J. L. and T. Maskew (2012). Human Rights Considerations in Intercountry Adoption: The Children and Families of Cambodia and Marshall Islands. Intercountry Adoption: Policies, Practices, and Outcomes. J. Gibbons and K. S. Rotabi. Surrey, Ashgate: 55-66. p. 63.
Fronek, P., R. Common, K. S. Rotabi and J. Statham (2019). "Identifying and Addressing Risk in the Implementation of Alternative Care Policies in Cambodia." Journal of Human Rights and Social Work 4(2): 140-144.

[20] Those expatriates living in Cambodia should have gone through the HCIA but were able to complete domestic adoptions through the courts, under the Civil Code. Because of the ban on ICA, they find that they cannot leave Cambodia with their adopted children.

[21] Letter dated 15 January 2021 from the Minister of MoSVY to the Deputy Prime Minister and the Minister of Foreign Affairs and International Cooperation

[22] Stark L, Rubenstein BL, Pak K, et al. (2017) National estimation of children in residential care institutions in Cambodia: a modelling study. *BMJ Open* 7(1): 1-8. It should be noted that a 2017 MoSVY mapping of RCIs put this number at closer to 26,000–but they noted that 77% of those children had at least one living parent.

[23] Stark L, Rubenstein BL, Pak K, et al. (2017) National estimation of children in residential care institutions in Cambodia: a modelling study. *BMJ Open* 7(1): 1-8.

[24] https://open.unicef.org/sites/transparency/files/2020-06/Cambodia-TP5-2018.pdf, p. 6.

[25] Sources:
https://www.unicef.org/cambodia/media/1341/file/Residential%20care%20facilities%20in%20Cambodia%20Inforgraphic%20English.pdf
https://www.unicef.org/cambodia/press-releases/revised-alternative-care-policy-prioritises-family-based-care-all-children-cambodia
It should be noted that the 2023 UNICEF Situation Analysis states that 5,440 children were in residential care in 2021, so the numbers have fluctuated over time, rather than indicating a steady reduction. See https://www.unicef.org/cambodia/reports/analysis-situation-children-and-adolescents-cambodia-2023

aim, though "Inconsistent approaches and some ill-considered and premature reintegrations [which] have placed children in high-risk environments without rigorous assessment and the provision of needed services."[26]

The government has also made great strides in care reform and child protection more broadly, including strengthening anti-trafficking laws. As a result, illegal adoption and orphanage trafficking can now be prosecuted under Cambodian law, though prosecutions to date have been limited due to difficulty in detecting illicit practices.[27]

Policies relevant to adoption:

- *Policy on Alternative Care for Children (2006)*
- *Minimum Standards for Community-Based Alternative Care for Children* (2008)
- *Law on Intercountry Adoption (2009)*
- *Prakas on Procedures to Implement the Policy on Alternative Care for Children (2011)*
- *Prakas on The Guide to Implement Intercountry Adoption Procedure for Children in Need of Special Care and Children with Special Needs (2014)*
- *Prakas on Procedures to Authorize Intercountry Adoption Agencies (2023)*
- *Guidebook on Implementation of Domestic Adoption (2023)*
- *Minimum Standards for Alternative Care for Children in Care Facilities (2024)*

Nhep has demonstrated how continuing "clientelism operates as a distinct driver of child institutionalisation, specifically facilitating the recruitment of children, their unlawful removal, irregular admission, prolonged institutionalisation, and how regulatory oversight is evaded" in Cambodia, arguing that it must be addressed "in the context of child protection and care reforms in Cambodia and strengthening child rights governance"[28] , which the government continues to do under the care reform plan.

Recent Child Protection Policy and Promotion of Domestic Adoption

To that end, the Cambodian Government has promulgated legislation to prevent violence, neglect and exploitation of children. The National Child Protection Commission (NCPC) was established in 2015 to strengthen the child protection system and eliminate all forms of child abuse, violence and neglect, and a National Policy on Child Protection Systems was adopted in 2019. Sub-Decrees No. 119, on the Management of Residential Care Institutions (2015), and No. 34, on Transfer of Functions for "Management of State-Run Residential Care Institutions" (2017), also provided the legal framework for alternative care reform.[29]

In 2024, the Cambodian Government, in clear response to documented violations, enacted new Minimum Standards for Alternative Care for Children in Care Facilities which marked a significant

[26] Fronek P, Common R, Rotabi KS, et al. (2019) Identifying and Addressing Risk in the Implementation of Alternative Care Policies in Cambodia. *Journal of Human Rights and Social Work* 4(2): 140-144, p. 142.
[27] Nhep R, Deck S, van Doore K, et al. (2024) Detecting orphanage trafficking and exploitation. *Child Abuse & Neglect* 152: 106813.
[28] Nhep R. (2024) Clientelism in Cambodian Residential Care Institutions. *Children's Geographies* 23(1): 16-33. p. 16.
[29] MoSVY. (2023) ACTION PLAN ON IMPROVING ALTERNATIVE CARE FOR CHILDREN 2023-2027. Phnom Penh: Ministry of Social Affairs, Veterans and Youth Rehabilitation, 26. p. 1.

shift in the country's approach to children's care. This new policy prioritises family-based care and domestic adoption over institutional care and ICA, in line with the HCIA and the 2010 UN Guidelines on Alternative Care for Children. The policy aims to reform the existing care system and strengthen child protection measures across the country. However, the effectiveness of these new provisions remains uncertain, as Cambodia faces challenges in implementation due to limited resources and underdeveloped social service infrastructure.[30] While the new framework shows promise in enhancing adoption practices and child welfare, there is a consensus amongst stakeholders that there is a need to operationalise the policy effectively.

~~Furthermore, there is a need to update the Minimum Standards for Community-Based Alternative Care for Children (2008) to comply with the 2024 Alternative Care Policy for Children.[31] The present study is designed to support the government by providing suggestions for best practices to enforce and operationalise these reforms and address existing constraints, particularly in relation to adoption.~~

Recent government policies have emphasised permanency (ensuring that children have a stable, permanent, and safe living situation) and family preservation, meaning that **adoption is to be considered as a *last resort*** to achieve permanency. The Government of Cambodia has also worked to professionalise the social service workforce (SSWF) through accreditation and licensing to assist children and families, but this effort is still in the initial stages.

In parallel, CSOs and INGOs started promoting domestic adoption as a means of providing for children without parental care. In 2017, the NGO Children in Families started domestic adoptions from their foster care programs and have completed approximately 50 adoptions to date. After a successful pilot project in Battambang Province (2019-21), MoSVY in partnership with Holt International Children's Services, scaled up the domestic adoption to four more provinces. By December 2024, there were 12 domestic adoption cases approved by the court. The project also increased the capacity and skills around domestic adoption procedures for national and provincial government authorities, the courts, CSOs, and residential care facilities to ensure successful adoption placement. Finally, it raised the Cambodian public's awareness about domestic adoption and the need for permanent families for waiting children.[32]

Also very promising is the development of national foster care and kinship care systems, undertaken with the creation of policy and procedures that support family-based alternative care. The Family Care First initiative has documented different aspects of the systems emergence,[33] including the recruitment and training of foster parents undertaken with guidance from the 2021 Prakas on the Procedures to Implement Kinship and Foster Care. Today, however, over a third

[30] Observation based on our interviews with Government and NGO representatives.
[31] There are currently efforts to formulate the Implementation Procedure for the Alternative Care Policy. A 2024 Minimum Standards for Alternativa Care for Children in the Care Facility is also being finalized at the time of writing this report.
[32] Holt International (2021). EVALUATION REPORT: Pilot project "Promoting Permanency Planning for Children through Domestic Adoption, Cambodia", Holt International Children's Services: 35.
[33] Muney R, Nguon S and Chhim T. (2024) Kinship and Foster Care: Understanding Current Practice in Cambodia. Phnom Penh: Family Care First, 133.

of the country's provinces lack foster care or kinship care programs, despite a need to further expand these services. As foster care is part of the continuum of care that often precedes child adoption, these developments are critically important in the larger scheme of child protection for children without parental care.

The Legal Framework for Adoption in Cambodia

Adoption in Cambodia is currently governed by two primary legal frameworks: the Civil Code of Cambodia (2007) for domestic adoptions, and the Law on Inter-Country Adoption (2009). These laws outline the procedures, requirements, and limitations for adoptions in Cambodia, with a focus on protecting the rights and welfare of children.

Domestic Adoption

Under the Civil Code of Cambodia, two types of domestic adoption are recognized: Full Adoption and Simple Adoption.[34] Full Adoption completely severs legal ties between the adopted child and their biological parents, granting the child all the rights of a natural-born child within the adoptive family. This form of adoption requires parental consent unless the biological parents are deemed unfit or unavailable. Additionally, a trial period is mandated before the adoption is finalized, and dissolution is only allowed under specific circumstances. In contrast, Simple Adoption preserves the legal relationship between the child and their biological parents while also establishing a legal parent-child relationship with the adoptive parents. Like Full Adoption, Simple Adoption requires consent unless the biological parents are deemed unfit or unavailable and can be dissolved if necessary. Both forms of adoption involve strict court oversight and specific eligibility requirements for prospective adopters.

To further promote domestic adoption while addressing concerns about ICAs, new guidelines were introduced in 2023. The Ministry of Justice (MoJ) developed Explanatory Notes for implementing domestic adoption under Civil Code procedures, while MoSVY released a *Guidebook on Domestic Adoption Implementation*. These guidelines explicitly prohibit foreign nationals residing in Cambodia from adopting Cambodian children through domestic adoption procedures outlined in the Civil Code. Instead, such cases must follow ICA processes as stipulated in the 2009 ICA law.

Intercountry Adoption

While the Civil Code provides a framework for domestic adoptions, it is silent on the issue of ICAs. This legal ambiguity has historically allowed expatriates to adopt Cambodian children under domestic adoption procedures and later obtain an adoption visa through their country of origin's migration laws. However, this practice has been significantly impacted by the subsequent legislative changes made under the HCIA to restrict ICA.

[34] MoSVY. (2011) Prakas on procedures to implement the policy on alternative care for children. Phnom Penh: Ministry of Social Affairs, Veterans and Youth Rehabilitation 23.

In December 2009, Cambodia enacted the Law on Inter-Country Adoption to safeguard the rights and interests of children adopted by foreign citizens, including expatriates. It came into force in 2011. As noted above, this law introduced major reforms to previous adoption practices under the Civil Code. Notably, it mandated that all ICAs must be facilitated by authorised agencies, effectively barring private companies and orphanages from directly handling such cases. MoSVY was designated as the Central Authority responsible for ICAs. To support this role, an Intercountry Adoption Administration (ICAA) was established to maintain a confidential list of eligible children and to oversee applications.

The Interplay of Adoption Regulations

The 2024 Draft Child Protection Law seeks to further regulate domestic adoption services in Cambodia by tasking MoSVY with establishing adoption services across all provinces. However, this draft law does not differentiate between domestic adoption and ICAs and is silent on provisions for expatriate adoptive parents who have completed adoptions under the Civil Code.

The interplay between domestic adoption laws under the Civil Code and ICA regulations highlights the ongoing challenges that require careful consideration to balance child welfare with the needs of adoptive families. Stakeholders point out that changes to the Civil Code cannot be made easily and are therefore unlikely. Thus, more effort needs to be placed on ensuring that prospective adoptive parents, particularly expatriates and foreigners, are provided with adequate information on the adoption process. Judges and lawyers also need information and clarification on the different processes for Cambodian nationals and foreigners as well as the Department of Social Youth and Veterans Affairs (DoSVY) and the role they play in ensuring the best interests of the child are made and presented to the court.

3. General/Social Findings

Overall, we noted that Cambodian society is generally willing and able to support children separated from family. Kinship care is common, and there are indications that informal fostering and 'traditional' (non-legal) adoptions are still taking place, though efforts have been made to promote legal domestic adoption. NGOs who initiated foster care programs were normally able to recruit foster families for children in need of alternative care, and many were interested in long-term fostering to create permanency for children who could not be reunited with their birth families. As mentioned above, Children in Families reported 49 domestic adoptions to date from their foster care program, plus another four currently in process.

Our study inquired about factors that can lead to children's separation from family. Poverty was identified as the main issue that leads to child abandonment–recognizing that poverty is also a driver of domestic violence, abuse, and neglect, any of which can lead to family separation. Parents' labor migration was also commonly mentioned as a factor. Some respondents also mentioned divorce as a cause of family separation.

We did not encounter significant stigma about adoption–in fact, the few adoptive families we talked to reported overwhelmingly positive responses from their communities. However, stigma regarding single/teen motherhood and disability–two major reasons for infant relinquishment and abandonment–persists. Young mothers (some of them children themselves) and women having children out of wedlock fear ostracisation and are thus assumed to be more likely to abandon newborns, either in hospital or in the community. Children born with developmental disabilities or physical impairments[35] may also be seen as a burden with which the families are unable to cope, especially if their conditions could yield high medical bills, putting such children at higher risk of abandonment. They were likewise seen as a burden that few adoptive families would be willing to take on. NGOs report that foster and kinship care providers are generally open to caring for children with special needs, but they face barriers of time, cost, training, and lack of family support.[36]

One major impediment to implementing the adoption procedures under the 2024 Alternative Care Policy for Children is that the general population lacks knowledge of the legal adoption process, and misinformation persists in forming attitudes and behaviors. Many Cambodians still think that adoption involves getting on a hospital waiting list and arranging to receive abandoned babies through hospital personnel. Many informants told us that children are clandestinely 'adopted' in this manner. If hospital personnel notify prospective parents on their waitlist that a newborn has been abandoned at the hospital, those parents may then pay an 'appreciation' to the hospital staff member for notifying them and arrange to take the infant from the hospital. They then register the child in their family book at the commune as their biological child.[37]

[35] Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

[36] Muney R, Nguon S and Chhim T. (2024) Kinship and Foster Care: Understanding Current Practice in Cambodia. Phnom Penh: Family Care First, 133.

[37] The lack of birth registration at hospitals facilitates this practice. Please see the section on birth registrations below.

Moreover, they tend to confuse foster care with adoption, not realizing that they need to go through the legal process of adoption to ensure the rights of the child to family and identity, and all the rights and privileges thereof. Few people are aware of the required legal procedures, and when they are, they do not like the idea of going to court. Potential adoptive parents, including foster parents who want to adopt the children in their care, tend to view the formal adoption process (i.e. court/legal process) negatively: they find it complicated and intimidating, believing that it takes too long and is expensive.[38]

To combat common misperceptions, it would be advantageous to conduct a study of common (mis)perceptions about adoption. This could inform an evidence-based awareness campaign that would help familiarize the public with adoption policy and procedure–particularly **adoption's place within the broader continuum of care** as laid out in the 2024 Policy on Alternative Care for Children.[39] There are several models available, such as in Figure 1,[40] which could be contextualized for Cambodia.

[38] Muney R, Nguon S and Chhim T. (2024) Kinship and Foster Care: Understanding Current Practice in Cambodia. Phnom Penh: Family Care First, 133.

[39] This was also recommended by the UNCRC in their 2022 Concluding Observations: United Nations Committee on the Rights of the Child (UNCRC). (2022) Concluding observations on the combined fourth to sixth periodic reports of Cambodia. United Nations, 17.

[40] https://www.faithtoaction.org/coc/

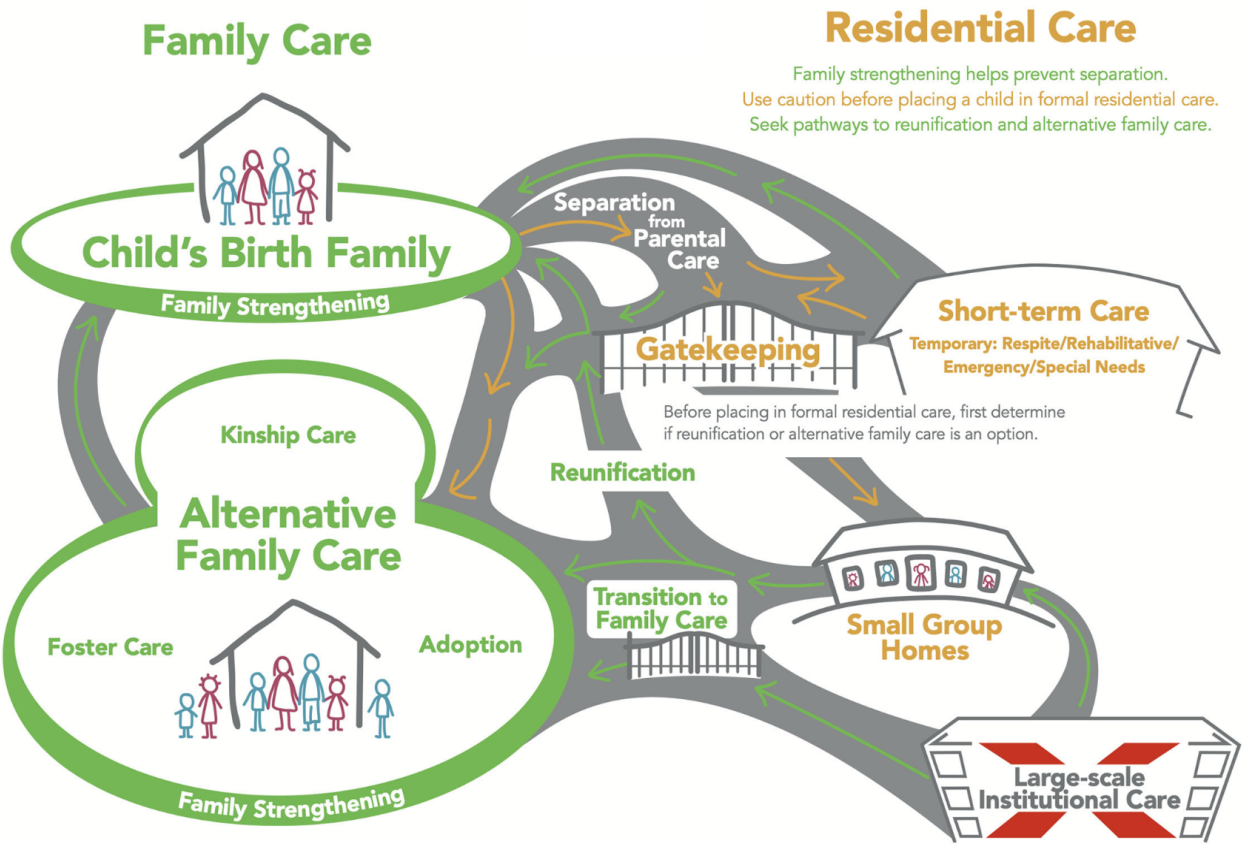


Figure 1: Continuum of Care (Source: Faith to Action)

However, one of the biggest barriers to implementing adoption policy identified by our participants was that **two routes to adoptions currently exist**: one defined by MoSVY's Alternative Care Policy for Children and Procedure for implementation and another through the Civil Code, which has priority but can bypass MoSVY's child protection measures—and therefore does not necessarily adhere to Cambodia's current child protection and alternative care policies. For example, though ICA was suspended, some foreign nationals residing in Cambodia have adopted Cambodian children through Civil Code procedures. This legal gap therefore sows confusion amongst potential adoptive parents and can have adverse consequences for adopted children as they grow up. We will return to this later when we address legal gaps.

Recommendations:

→ Conduct a study on dimensions of child abandonment, perceptions and attitudes about adoption (prior to adoption awareness campaign) to inform the development of a strategic plan for the prevention of child abandonment and an adoption awareness campaign.

→ Commission an adoption awareness raising campaign (face-to-face and through social media), encouraging families to foster and (legally) adopt–including children with special needs, boys, older kids, and others who have been difficult to place. Messaging can be based on the social perceptions study suggested above, to combat any misperceptions and

educate Cambodians and expatriates alike about the legal, economic, and social consequences of not following MoSVY's formal adoption policy on children and adoptive families.

→ MoSVY in collaboration with MoJ and MoH could run a sensitization program specifically for hospital personnel to prevent child abandonment and informal adoption practices by making them aware of the potential legal ramifications for them–as well as the potential harms to children's rights and well-being–and to raise awareness of the legal route to adoption. See more on ***interministerial cooperation and coordination*** below.

→ Ensure that courts implementing the civil code (which needs to be redefined to state that it applies only to Cambodian citizens) consistently involve MoSVY in the legal adoption process, ensuring that the draft child protection legislation is followed—and is specific about expatriate adoptions.

4. Government/NGO Findings

We noted several areas that the government and NGOs should address to strengthen adoption procedures: knowledge gaps, inter-ministerial coordination and collaboration, legal gaps, record keeping and case management, and capacity building.

Knowledge Gaps

Some government staff responsible for adoption–and alternative care and child protection more generally–acknowledged that they **lack adequate knowledge and skills** relevant to implementing adoption policy, especially at frontline commune (CCWC) and district (District Office of Social Affairs and Social Welfare - SASWO) as well as provincial (DoSVY) levels. They may also share some of the common public misperceptions about the procedure noted above. Others complained that they were not well informed of MoSVY activities and initiatives relevant to their work.

We also noted in our field visits that even government-run RCIs had very limited knowledge of or involvement in transitioning children in their care to kinship or foster care, nor were they involved with domestic adoptions–probably due to a lack of social workers on staff available to work on case management, which is currently the responsibility of SASWO in cooperation with DoSVY and CCWC. This indicates a major gap in permanency planning for children without parental care as prescribed in government policy.[41]

Because the root causes of family separation occur at the community level, it is essential that those frontline workers who are tasked with addressing it are informed and equipped with the necessary skills to deal effectively with children separated from their families. However, CCWC focal points are often overburdened with responsibilities, and even when given training, they may not retain the information or recall it when it is time to be deployed. It may therefore be more advantageous to conduct *practica*—guided practice designed to give CCWC, SASWO, and DoSVY contact persons supervised, practical knowledge of permanency planning procedures. These *practica* would walk them through the process of assisting children left without parental care, including assessment and placement in alternative care and, if no other options are feasible, domestic adoption.

One of the barriers to knowledge transfer that we identified was **frequent government staff turnover**, which inhibits good practice from taking hold by limiting the transfer of knowledge from one staff member to the next–particularly regarding the structural mechanisms for adoption at subnational levels. Moreover, decentralization efforts have resulted in new people in key staff positions without the requisite skills; they therefore need supervision and coaching for building capacity and self-esteem to fulfill their duties concerning child protection. Training and technical support as well as complementary structural positions would help alleviate this gap.

[41] This is prescribed in the Civil Code, Article 1013 (Trial period of care): "In considering whether to establish the full adoption, the court shall take into account the circumstances of the prospective adopter(s) having had the care and custody of the child to be adopted for a period of not less than 6 months, in principle."

Recommendations:

→ Arrange *practica* for district and local-level staff to walk them through procedures for dealing with children without parental care, up to and including adoption

→ Ensure that MoSVY keeps stakeholders informed about new developments and changes in policy in a clear and timely manner

→ Engage RCIs in family reunification, fostering, and adoption programming to open a pipeline from institutional to family-based care

Coordination, Collaboration, and Sustainability

As mentioned above, the Government of Cambodia–particularly MoSVY–have shown good will and positive initiative in care reform over the past decade. NGOs have stepped up to support the Government's implementation of international best practices and standards. They have also spearheaded many child protection and alternative care programs such as foster care and domestic adoption. Local officials therefore often defer to NGOs for essential care needs for children left without parental care. However, this may not be sustainable in the long run with a rapidly shifting donor funding landscape.

To be sustainable, it is imperative to **increase government investment in alternative care** programs. At present, there is a worldwide funding crisis triggered by USAID and other donors' sudden withdrawal of foreign aid, and many organisations are laying off staff. When NGOs–who are currently primarily responsible for such programs as foster care–run out of funding, they may leave Cambodia without having imparted the necessary skills at local and national levels for the continuation and advancement of such essential programs. To be ready, particularly for subnational (commune) implementation, gaps in collaboration, especially between districts and communes, must be addressed.

We therefore recommend that MoSVY cooperate with NGOs to hand over essential services to the local/national SSWF. NGO funding could continue to be used to build capacity, but a phasing out of NGO support could give credence to MoSVY advocating for additional budget allocation to streamline such programs as family preservation services, formal kinship care, foster care, and domestic adoption services under local government portfolios. This would also generate a more robust Cambodian SSWF, an economic benefit to the country: by being trained in adoption procedure, social service providers would be poised to respond effectively to adoption needs while also enabling social service providers to holistically respond to a range of child protection challenges. In addition, MoSVY can better gate-keep such processes as licensing of RCIs, foster care, and domestic adoption programs, while also integrating these services to **create a pipeline to permanency** for children in need of parental care. In addition, these services can be integrated with disability programming such as parental support to prevent abandonment, applying the evidence of how disabled children do better in family-based care.

Because commune-level staff are overburdened, we would recommend exploring the **establishment of an Alternative Care Panel system**, along the lines of the Ugandan model.[42] Established in 2012, the Uganda Alternative Care Panel was piloted as a gate-keeping administrative mechanism to process foster care and adoption placements in the best interests of the child. According to Fronek et al,

> *The purpose of the interprofessional alternative care panel is to provide expert professional consultation and planning in complex cases…with a view to rolling panels out across Cambodia. The panel's gatekeeping role emphasizes the importance of skilled interventions that are focused first on child and family assessments, family preservation and strengthening, and supported kinship care in compliance with national and international standards.*[43]

There is currently a structure for reviewing adoptions at the national level (MoSVY), but district-level Alternative Care Panels composed of various care professionals would create more front-line community involvement in permanency planning for children in need of parental care.[44] Panels could thus provide a space for input by relevant stakeholders (relatives, social workers, judges, hospital staff, CCWC, DoSVY, et al) for broader alternative care needs. They would also share the responsibility currently placed solely on CCWC focal points, who are overburdened, have little training, and have high turnover. Conducting an assessment of how to model such panels to be most effective and in line with Cambodian policy, existing structures, and international standards would be helpful.

Interministerial Cooperation and Coordination

MoSVY also expressed that they would like to increase cooperation with other ministries–including Justice, Health, and Interior–for more effective implementation of adoption and other child protection procedures. These could include:

- Justice: to sensitise judges and lawyers to the adoption process; see what can be done to expedite domestic adoption process; and close the 'Civil Code loophole'. Though it may be a long and complicated process, it is crucial that the Civil Code be changed to reflect new child protection policy, including clarity on adoption procedures. Specifically, it should be made explicit that the Civil Code is only applicable to Cambodian nationals and not expatriates.

- Health: to sensitise hospital staff to the proper channels for placing abandoned babies in family care, develop hospital abandonment guidelines, deploy social workers to intervene in abandonment cases, and register all live births.

[42] https://www.futurelearn.com/info/courses/alternative-care/0/steps/29813
[43] Fronek P, Common R, Rotabi KS, et al. (2019) Identifying and Addressing Risk in the Implementation of Alternative Care Policies in Cambodia. *Journal of Human Rights and Social Work* 4(2): 140-144, p. 142.
[44] It would need to consistent with the guidebook for implementation of domestic adoption, in which DoSVY establishes panels for matching children with families.

- Interior: to sensitise CCWC and other staff under the Ministry to relevant issues pertaining to adoption procedure, including the issuing of birth certificates and birth registration (see below)

We concur that it is important to foster more inter-ministerial cooperation and coordination to close crucial gaps in adoption implementation. A **multi-sectoral training of professionals** (judges, MoSVY/DoSVY officials, MoI and MoH staff) on transparent, child-centered procedures—including timely decisions and strict compliance with adoption laws—is critical. All policies must prioritise the child's best interests, with regular evaluations to ensure alignment with international standards. This could be part of an overall strategic plan.

Recommendations:

→ Increase government investment in alternative care and adoption programming for long-term sustainability

→ Explore the possibility of establishing an Alternative Care Panel model for Cambodia through an assessment of how to contextualise such a model within the current system.

→ Create a strategic plan that prioritizes fostering more inter-ministerial cooperation between MoSVY and the Ministries of Justice, Health, and Interior, including multi-sectoral training on adoption laws and procedures. This training for the SSWF would be a benefit-added to the country, above and beyond adoption practices as social service providers sharpen their overall practice skills.

Legal Gaps

Domestic Adoption

As mentioned above, domestic adoption in Cambodia is currently governed by two primary legal frameworks, creating confusion and loopholes that pose threats to the rights of the child. Cambodia's Civil Code has several gaps regarding domestic adoption procedures. Specifically, it lacks detailed provisions for:

- Recruitment and assessment of prospective adoptive families: The Civil Code does not outline how to identify and evaluate potential adoptive families, which is crucial for ensuring that children are placed in suitable homes.
- Matching procedures: There are no guidelines on how to match children with appropriate adoptive families, which can lead to mismatches and potential harm to the child. Only children legally declared adoptable (after exhausting family-based options) should be eligible for adoption.
- Support during trial period: The Civil Code does not provide for support mechanisms during the trial or foster care period before a permanent adoption is finalised. This support is essential for helping both the child and the prospective adoptive family adjust to their new roles.

- Transition to permanent adoption: The process of transitioning from a trial or foster care arrangement to a permanent adoption is not clearly defined, leaving room for confusion and potential legal issues.

Some of these gaps have been partially addressed by the Prakas on Procedures on Alternative Care noted above. Despite this, comprehensive legislation specifically focused on domestic adoption and linked to social welfare policy remains necessary to fully address these procedural gaps. The current system lacks clarity and consistency, leading to gaps in legal protections and care provisions. Gaps include:

Unclear Procedures for Protective Custody

- Authority and legal process: The procedures for taking emergency protective custody of children are unclear, particularly regarding which authority has the primary mandate in cases of domestic or family violence. Article 7 of the Prakas on Procedures on Alternative Care gives power to the CCWC to 'make a temporary placement in a safe setting with relatives or community based foster care' however the *Law on The Protection of Domestic Violence and the Protection of Victims* gives power to the Ministry of Women to intervene (Art.10) and the 'Authorities' although not specifically defined but is taken as the judicial police, to provide 'temporary shelter' (art.13). These different authorities can lead to confusion about who exercises temporary legal guardianship before a court case is filed.
- Abandoned children: In contrast, there is clarity for abandoned children, where the Director of the Department of Social Affairs, Veterans and Youth (DoSVY) is granted temporary legal guardianship. However, this clarity does not extend to other situations.

Authority of RCIs

- Legal ambiguity: The law is unclear about the authority of residential care facilities providing emergency shelter and care to child victims of neglect, abuse, trafficking, or exploitation. While the Prakas on Minimum Standards for the Protection of Trafficking Victims allows shelters to keep child victims, it lacks specificity on the extent of this authority, particularly if it is against the child's or parents' will.
- Vulnerability to accusations: This ambiguity leaves shelters vulnerable to accusations of illegal confinement and kidnapping, highlighting the need for clearer legal provisions.

Registration and Monitoring of Care Facilities

- Registration guidelines: Guidelines for opening residential care facilities are not well-defined. Many organisations are inappropriately registered and thus not monitored. Registration can occur with various ministries, but it is not a legal requirement with the Ministry of Social Affairs, Veterans and Youth (MoSVY).
- Lack of standardised procedures: MoSVY has Minimum Standards for responding to complaints of abuse and neglect within care facilities, however these standards are still weak and require strengthening to ensure that responses are not ad hoc or case-by-case.

Inconsistencies in Guardianship

- Civil Code vs. Minimum Standards: There is an inconsistency between the Civil Code and the Minimum Standards on Alternative Care. The Civil Code (1013) requires court approval for adoption after a minimum of 6 months in care, while the Prakas on Procedures to Implement Kinship Care and Foster Care (2021) enables the CCWC to identify and select kinship and foster carers.[45] Therefore, the CCWC can make decisions where children go, and the adoption is a result of that process.

Recommendations:

→ MOU with MOJ and MOSVY to clarify and harmonize the legal framework governing emergency protective custody of children in cases of domestic or family violence. This should include clearly defining the roles and responsibilities of the CCWC, the Ministry of Women's Affairs, and judicial police, and establishing a unified procedure for assigning temporary legal guardianship prior to court intervention.

→ In consultation with the MoJ and MoSVY, develop an Adoption Judicial Benchbook for judges and prosecutors based on the *Child Protection Sector Strategic Implementation Plan - Practical Guidebook for Adoption* that provides guidance on the application of the law, including:

- stipulating that adoption law (under the Civil Code) only applies to Cambodian nationals and not expatriates or foreign nationals wishing to adopt Cambodian children (they should be referred to ICA law)
- the role of DoSVY in all adoption cases. A directive from MoJ to all judges is required advising that decisions about adoption cannot be made without DoSVY and professional social worker documentation.
- a practical checklist for all stages of the process
- a requirement that data is collected and published
- the establishment of a system in which prospective adoptive parents can register their adoption applications

→ Develop a community information package for RCIs that clearly explains the process of domestic adoption.

→ MoJ should inform judges–and the Bar Association of the Kingdom of Cambodia (BAKC) should inform lawyers–about the MoSVY adoption procedures and cooperate with MoSVY to bring the Civil Code into line with updated adoption and other child protection procedures.

Intercountry Adoption

The legal framework for ICA faces several challenges. First, as mentioned, it is unclear whether Civil Code provisions on adoption can be applied to adoption of Cambodian children by foreigners staying temporarily or habitually in Cambodia, or whether the ICA Law should be applied to them. Meanwhile, Civil Code provisions for domestic adoption are being used for adoption by foreign nationals resident in Cambodia, effectively creating a loophole around the ICA ban. This has significant implications: when expatriates who have adopted Cambodian children this way

[45] Article 14.1.

complete their missions in Cambodia, many find themselves unable to take their adopted children with them due to visa complications. They are subsequently required by their home countries to initiate ICA processes under the HCIA law, which is presently suspended, leaving them in limbo. It is therefore critical that court staff, lawyers and, most importantly, judges do not continue to hear these cases. **Cases involving foreign nationals—including those residing in Cambodia—should be directed to the ICA law.**

The study revealed a lack of clarity among respondents about the current status of ICA in Cambodia. During interviews for this study, many government officials believed and stated that the ICA program remains officially suspended. However, interministerial correspondence reveals that, in February 2020, MoSVY sought permission from the Deputy Prime Minister to reinstate ICA, specifically targeting children with disabilities, those with special needs, and children from particularly vulnerable circumstances.[46] In response, the Deputy Prime Minister granted conditional approval for the resumption of ICA, provided that its implementation aligned with the principles and safeguards outlined in the HCIA.[47] This approval signaled an endorsement of ICA's reinstatement, contingent on MoSVY's ability to ensure that the process upheld international standards and prioritised the best interests of the child.

In a 2024 letter prepared by MoSVY[48] in response to an enquiry from the Spanish Central Authority, the Ministry acknowledged that *"Cambodia [had] not yet reached a level of readiness to safely and ethically resume inter-country adoption practices*." The letter identified several key concerns, including the lack of a robust child protection system, the incomplete implementation of monitoring and enforcement mechanisms, and limited capacity to ensure that children's best interests are upheld. It further advised that "*the reopening of inter-country adoption will only be considered when there is evidence that the necessary conditions are in place to guarantee the safety, rights, and well-being of children.*"

A range of ongoing activities suggest that preparations are underway for the resumption of ICA in practice. For example, these actions include the drafting of memoranda of understanding for ICA—one of which is currently in effect with Italy, and another reportedly under development with Malta—as well as the licensing of foreign adoption agencies. Notably, three Italian agencies have already been licensed to conduct intercountry adoptions. Cambodian authorities are also accepting applications from foreign prospective adoptive parents, with at least one application currently being processed by the ICAA. Respondents indicated that assessments are underway to determine the eligibility of at least six children for international adoption. These developments have led licensed agencies to conclude that ICA is, in practice, operational in Cambodia.

The United Nations Committee on the Rights of the Child (2022) has echoed similar concerns, particularly regarding the significant number of unlawful international adoptions that have occurred in Cambodia since 2000 and the lack of adequate redress. The Committee urged the Cambodian government to:

[46] Letter dated 18 February 2020 from MoSVY to the Deputy Prime Minister
[47] Letter dated 20 February 2020 from the Deputy Prime Minister to MoSVY
[48] Letter dated 14 June 2024 from MoSVY to the Central Authority of the Kingdom of Spain

- *Investigate and prosecute individuals involved in illegal adoptions and child trafficking.*
- *Ensure all adopted children have access to their origins.*
- *Promote domestic adoption through public awareness.*
- *Develop a national database of adoptable children and suitable families; and*
- *Train professionals to ensure transparent, timely, and ethical adoption processes.* [49]

To meet these obligations, Cambodia should **strengthen its legal frameworks** (Penal Code, and ICA Law) **to include stricter criminal penalties for adoption-related offences**, including improper financial gain. In line with the Committee's recommendations, Cambodia still needs to improve transparency and efficiency in the adoption process by creating and maintaining accurate records of adoptions, including details of biological parents when available, and ensuring all adopted children can access their biological origins.

The study underscores the need for the Cambodian government to enhance and prioritise **domestic** adoption, to ensure all children are provided with safe, permanent homes in Cambodia. Encouraging foster care and domestic adoption is key to reducing the need for ICAs and potential associated unlawful activities. Promoting domestic adoption via public awareness campaigns, standardised processes, and a centralised adoption database would help provide permanency for children in need without resorting to ICAs that may reintroduce elevated risk of illicit activities.

ICA has declined globally in recent years due to similar patterns of corruption being repeated around the world – despite international treaties and moratoria designed to curb trafficking in adoption.[50] Countries with long histories of ICA, like China, have recently closed their ICA programs precisely to be “in line” with international standards.[51] South Korea just released a Truth and Reconciliation Commission report finding widespread ICA abuses.[52] Even these two countries, whose ICA programs have been held up as having exceptionally high standards, have come to the conclusion that illicit practices are unavoidable and damaging to children’s rights (and to the adults they become). Moreover, receiving countries such as Belgium, the Netherlands, and Switzerland have placed moratoria on ICA due to an inability to eliminate illicit practices.[53]

These moratoria are largely due to adult adoptees’ concerted activism in pushing governments to acknowledge systemic abuses that have had profound consequences for their rights and wellbeing throughout their lives. Such violations have clearly shown that **ICAs cannot guarantee**

[49] United Nations Committee on the Rights of the Child (UNCRC). (2022) Concluding observations on the combined fourth to sixth periodic reports of Cambodia. United Nations, 17.

[50] Wittner KM. (2003) Curbing Child-Trafficking in Intercountry Adoptions: Will International Treaties and Adoption Moratoriums Accomplish the Job in Cambodia? *Pacific Rim Law & Policy Journal* 12(2): 595-630.
Cheney KE. (2023) Why The Hague Convention Is Not Enough: Addressing Enabling Environments for Criminality in Intercountry Adoption. In: Nelen H and Siegel D (eds) *Organized Crime in the 21st Century.* Cham, Switzerland: Springer Nature, 191-206.

[51] https://www.reuters.com/world/china/china-stops-foreign-adoptions-its-children-after-three-decades-2024-09-06/

[52] https://apnews.com/article/south-korea-adoptions-responsibility-fraud-abuse-67970ea6e153e7cbb63d5b4bc29325f4

[53] https://www.swissinfo.ch/eng/foreign-affairs/why-countries-are-banning-international-adoptions/88858045

the best interests of the child.[54] Other sending and receiving countries have conducted similar investigations and are likely to follow suit.[55]

Moreover, despite great strides made in countering trafficking and addressing gaps in the ICA system, the Special Rapporteur on the situation of human rights in Cambodia, Vitit Muntarbhorn, has recently expressed ongoing concern about reopening ICA.[56] The research revealed concerns that if Cambodia were to resume ICAs at this time, the government could quickly lose all the progress made in protecting children from adoption-related abuses. In keeping with international standards and aligned with regional positioning, the government should consider, as a priority, strengthening and investing in its domestic programs and ensuring that all children are provided with a safe and permanent family in Cambodia. As a result, the government can simultaneously and progressively work towards transitioning away from ICA activities in line with the global and regional trend.

Study respondents remain concerned that the continued **drafting of MoUs, agency licensing, accepting applications from prospective adoptive parents, and determinations of eligibility for ICA for individual children** creates and encourages a new system that regularises and potentially increases ICA at a time when there remain, as stated by the Minister of MoSVY only a year ago, significant legal gaps and well-documented problematic practices identified with both domestic adoption and ICA.

The 2009 ICA law needs to be updated to be compliant with all newer adoption legislation. We recommend that, at that point, it would be prudent and timely to reconvene a review to determine whether it is indeed necessary to reopen the ICA program to ensure permanency for Cambodian children; whether it is possible to ensure the best interests of adopted children; and whether it is in line with current international standards.

Recommendations:

→ Through an official statement, clarify the current status of ICA, and the circumstances in which adoptions will be permitted.

→ Clarify that the Civil Code only applies to Cambodian nationals wishing to adopt. Expatriates living in Cambodia and wishing to adopt Cambodian children must be referred to ICA law.

→ Direct administrative efforts toward establishing high-quality, compliant practices for foster care and domestic adoption, rather than creating MOUs, policies, or procedures that will, even unintentionally, encourage ICA.

[54] Committee Investigating Intercountry Adoption. (2021) Committee on the Investigation of Intercountry Adoption Report ['Joustra Report', unofficial translation]. The Hague: Ministry of Justice and Security, 29.

[55] Child Identity Protection. (2025) Advocacy note: Need to reinforce efforts to respond to systemic illicit intercountry adoption practices. Child Identity Protection. https://www.child-identity.org/wp-content/uploads/2025/02/Advocacy-note-ICAs-final-10-Feb-2025.pdf

[56] Special Rapporteur on the situation of human rights in Cambodia. (2024) Report of the Special Rapporteur on the situation of human rights in Cambodia. Geneva: UNHRC, 26.

Recordkeeping and case management

Effective and ethical adoption work requires consistent record keeping. This is inclusive of all case notes–behavioral interactions between social worker and child/family–as well as standardized forms such as those for case management intake and assessment. Other key records include the social history summary of the child, medical records as relevant, as well as other items related to prospective families to include their home study that is necessary for family-child matching purposes. All this documentation should be standardized for all cases and managed in electronic format such that it is accessible in a database; as a result, *all* professionals involved in the case can query the system as needed. The discussion about case management below (p. 27), further elaborates on electronic records keeping.

MoSVY is apparently using over 20 different paper forms right now. Streamlining those forms and moving them online, in a database, is in line with international practices. This should also be linked to the recently established Child Protection Information Management System (CPIMS) to ensure full case histories for individual children.

Birth Registration and Identity Preservation

A 2019 analysis of child protection legislation by the Cambodia National Council for Children (CNCC) revealed that Cambodia's legislation lacks clear provisions ensuring accurate recording and preservation of children's biological parents' identities, especially in domestic adoption cases.[57] Cambodia has made some strides in protecting children's identity through various legislative and policy measures. The 2024 Civil Registration, Vital Statistics, and Identification (CRVSID) law and ongoing efforts to improve birth registration and legal identity systems are positive steps. The CRVSID law aims to ensure universal legal identity and complete registration of births and deaths for all individuals in Cambodia by establishing a decentralized system for district and provincial-level civil registries to allow for better accessibility; removes registration fees; and most importantly introduces a unique identification code issued at birth registration, which will be used as a lifelong personal identification code.[58] The introduction of this law will assist with addressing the illicit practice of false birth certificates, which can enable child trafficking into adoption.

However, to fully align with international standards and ensure universal coverage for all children born in Cambodia (regardless of their parents' status), we recommend additional legislative and policy changes. The current legislation lacks sufficient procedures to **protect the identity of abandoned or adopted children**, making them vulnerable to abuse, such as child trafficking and illegal adoptions. For example, only parents, relatives, or neighbors who witnessed the birth can apply for registration. Medical practitioners or midwives are not authorized to do so, limiting registration options if authorized individuals are unavailable. This facilitates some of the illicit domestic adoption practices from hospitals mentioned above.

[57] Cambodia National Council for Children (CNCC). (2019) Report on Gap Analysis of Child Protection Legislation in the Kingdom of Cambodia. Phnom Penh: CNCC, 41.

[58] https://www.biometricupdate.com/202503/crvs-law-reshapes-governance-and-social-protection-in-cambodia

Social Work Case Management

Our study indicated that there were some gaps concerning case management for children at risk of separation or in need of parent care. This is because **different case management systems** are used by various child protection actors: Open Source Case-management and Record-keeping (OSCaR) is primarily used by NGOs, while Primero is utilized by MoSVY with technical of UNICEF.[59] It is important to note that Primero is the only emergent case management system used globally by UNICEF, other UN agencies, and international NGOs and there is no other universal information management system. And, while it was not developed specifically for adoption social work, it has potential to be used in this manner as it could be extended in this manner.

However, NGOs say OSCaR is easier to use, as they report that they can keep more detailed records there. The Government says Primero is easier—and yet several years ago, they were frustrated with Primero: the system (interfacing device) froze, and they lost information, resorting to paper records instead. On one hand, paper was inconvenient; on the other, it is conducive to working with the courts, as they are paper-based and thus could not integrate digital information from Primero. However, NGOs say the government does not keep good records as a result, and this can slow permanency placements for children in need. Moreover, Primero does not incorporate permanency planning and placement, so it may be inadequate for adoption cases. Study participants mentioned that *neither* system necessarily includes all the documentation needed to complete current adoption procedures. They also pointed out that data protection is lacking, as officials sometimes send documents through Telegram (an insecure messaging system commonly used in Cambodia). While the two systems can interface, it was reported that referrals made by the government to NGOs are most often done in paper form. As a result, the use of these two systems is not optimal for making efficient case referrals across systems. Whatever system is used, it needs to be compatible with the local context, including the technical capacity and knowledge of the SSWF.

The larger issue is that the alternative care workflow process, whichever system in which it is managed, **does not consider adoption, monitoring, follow-up, or post-adoption support.** It will therefore be advantageous to consider a single case management system that can streamline processes from the point of social service intervention, from child separation and all the way through the care continuum to adoption and post-adoption follow-up. We recommend that stakeholders come together to determine which elements are needed for good adoption case management (in accordance with existing law, policy, and procedure) and make recommendations about how best they can combine elements of current systems into one system in line with the continuum of care. This could result in a merging of the two systems to make one system to which both NGOs and government have access, or it could mean creating or adopting a different system altogether.

[59] Primero has been funded by USAID, raising questions about its sustainability in the current funding environment. This funding dilemma should be assessed and considered when deciding which system is most useful and sustainable for the continuum of child permanency planning.

Recommendations:

→ Establish a memorandum of understanding between the Ministry of Health, the Ministry of Social Affairs, Veterans and Youth Rehabilitation, Ministry of Justice, and the Ministry of Interior to implement procedures that protect the identities of abandoned or adopted children by ensuring mandatory birth registration, including registration by medical personnel.

→ Conduct an in-depth study to determine how best to streamline case management for alternative care and adoption (some preliminary suggestions here)

→ Determine if there are any other new or emergent case management systems being used by MoSVY and/or other child protection entities globally.

→ Streamline into one system that is most optimal for permanency planning. Following a child through the entire process of permanency planning, particularly when adoption is being considered, is essential for case management practice that includes all the steps that were taken for adoptability decisions.

→ Develop a roadmap to link all the pieces of the child protection system, including SSWF strengthening with training specifically on Primero, OSCaR, or other agreed-upon system. Continue UNICEF-government-NGO collaboration to realize fullest utilization of a case management system, including training throughout Cambodia to encourage consistent and exclusive system use by the SSWF.

→ Any system put into use must cover the entire continuum of care, with adoption as an option of last resort and post-adoption support as an aspect of that care.

Capacity Building

We noted that while significant progress in fostering and domestic adoption has been made, separation could more easily be prevented if more services are available and accessible, such as educational and medical services, as well as support for families of children with disabilities.

Capacity building should be provided to local authorities such as villages and communes and should more clearly focus on local-level roles and responsibilities in the continuum of care.[60] Local-level training should continue, so that the local authorities are aware of and prepared to support social service providers' work in case management for permanency planning, with special consideration for domestic adoption as a last resort. These elements of training should be incorporated into a standardized induction training for new social service workers. In addition, more advanced in-service training should build upon this baseline and add on training objectives for ethical engagement with children and families at risk of separation, with a focus on child adoption and its unique challenges. Moreover, DoSVY could conduct home studies with prospective adoptive parents (PAPs) and provide PAP preparation training to ensure ethical practice in domestic adoption. These conceptual areas should also be strengthened in the university curricula, specifically substitute care and child adoption as a speciality area of study, including pre-adoption counseling and post-adoption supports.

[60] Holt International. (2021) EVALUATION REPORT: Pilot project "Promoting Permanency Planning for Children through Domestic Adoption, Cambodia". Holt International Children's Services, 35. p. 14.

Finally, social workers must be adequately funded to carry out their work in communities, particularly outreach to find birth or adoptive families. Administrative policies and procedures with an orientation to case management for child protection are critical. Policies and procedures need to include social work practice competencies and social service organization standards that inform the actual direct practice in a service delivery framework.

Recommendations:

→ Continue **SSWF professionalization**, placing in appropriate posts with retainment as a priority to maintain knowledge within the government.

→ Training for social workers, working at the commune and village level, is essential to supporting the workforce, particularly adoption-specific training on the permanency planning continuum, with special consideration of ethical engagement. Training should include social history investigation, adoption appropriateness determination, matching with prospective parents, and counseling skills for working with children and families in the adoption process. Also, collaborating with local authorities (*how to/communication skills*) should be underscored.

→ **Information sharing**: NGOs tasked with assisting the government are not always well informed of decisions and actions taken that may affect their work, such as assessments being undertaken and policy changes. This creates unnecessary gaps in service provision, leads to frustration, and impacts processes in a way that is not helpful in terms of continuous care and overall quality.

→ Provide support for care leavers and post-adoption support.

→ Put financial and logistical resources in place to ensure that social service workers are adequately supported to carry out required outreach and home visiting.

→ Explore developing a foster care and adoption stand-alone course within local universities' social work certification programs.

Child Participation

The study noted that, despite stated intentions to mainstream participation, **systematic child participation** should be further prioritized. This is especially important in civil court decisions when potential adoptees should be involved - according to their evolving capacities - as primary stakeholders.

If the Cambodian government hopes to prioritize child participation, we recommend that they **develop a child participation plan**. This can be in respect of alternative care and adoption, but it could also be extended to include child protection more broadly, as well as areas such as law. A first step could be a mapping exercise and appreciative inquiry of good practice in child participation in adoption that can be scaled up. It might also include sensitization of adult stakeholders, including instruction on how to engage children of different ages. This would aid in creating spaces for children to voice their opinions, including in permanency placement decisions in and out of court. It might also be advantageous to enlist the expertise of children and youth such as care leavers and foster children in advocacy and advisory roles. These recommendations would help build a more robust and intentional child participation mainstreaming program.

Recommendations:

→ Conduct a mapping of child participation in policy.

→ Develop a child participation plan that includes adult sensitization and involving children/young people in advocacy and advisory roles.

5. Summary

The Government of Cambodia–particularly MoSVY–with the help of NGOs has made considerable progress in ensuring children's rights and protection in respect of family-based alternative care, specifically foster care and domestic adoption, striving to strengthen policy in line with international standards. If Cambodia continues to build its SSWF and service provision capacity, it has the ability to care for its own children**.**

Domestic Adoption

In this assessment, we have considered factors across the broader child protection and care continuum spectrum that could impact Cambodia's ability to carry out sound adoption policy according to current policy international best practices. To be clear, the marker of success in implementing adoption policy in line with international standards would be *preventive* rather than *expansive*, reducing the need for adoption by addressing the root problems leading to child abandonment. We recommend that Cambodia **continues to strengthen alternative care and domestic adoption practice** and **closes legal domestic adoption loopholes** (including the Civil Code loophole). Once these are achieved, it should lessen the need for adoption (domestic or intercountry), **leaving it only as an option of last resort to provide children with permanency.**

Intercountry Adoption

The caution with which Cambodia has approached ICA is laudable, given its troubled past. Considering the current situation, however–in which the system still lacks readiness, there are legal ambiguities and gaps that threaten children's rights and welfare, and the government's official position on the status of intercountry adoption is unclear–***we strongly advise against engaging in ICAs at this time***. Until gaps are addressed to ensure the safety and rights of children without parental care, there is a real risk that Cambodia could experience the same problems with illicit practices that it has in the past.

Instead, we encourage Cambodia to grasp the opportunity to **lead the way amongst ASEAN nations by taking an explicit stand against ICAs**–not only in line with international best standards in adoption and child protection but also in line with anti-trafficking efforts which Cambodia and other ASEAN nations have implemented.

Overall Recommendations

Given the number of specific recommendations throughout this report, we believe it would be advantageous to conduct a **mapping of adoption procedures** that could be used to clarify the process to relevant stakeholders.

It would also be helpful to develop a **strategic plan for implementation and capacity building** based on the detailed recommendations throughout the report. This should start with a stakeholder consultation to establish clear and agreed-upon priorities.

Resources

Of course, these efforts require resources, which are often lacking for child protection initiatives. To succeed in its alternative care ambitions, the Government of Cambodia needs more funding at the provincial, district, and commune levels to strengthen the necessary gatekeeping mechanisms. We therefore recommend that UNICEF supports MoSVY to advocate for additional budget allocation with the Ministry of Finance through **evidence-based advocacy training**. This could include a review of available information but might also involve such actions as a funding streams analysis, comprehensive resource mapping, and costing analyses.

Conclusion

Cambodia has demonstrated a commendable commitment to reforming its adoption and child protection systems, with notable progress in areas such as deinstitutionalisation, care reform, and the development of policies to strengthen the broader child protection framework. However, **significant challenges remain in translating these policies into effective practice**. Legal gaps, limited resources, inadequate infrastructure, and insufficient capacity and training for duty bearers continue to hinder progress—particularly in the areas of domestic and intercountry adoption.

The report underscores these persistent implementation challenges and - based on the Ministry's own assessment of its readiness to resume intercountry adoption - **recommends maintaining the current suspension of ICA activities.** Instead, it advocates for prioritising the strengthening of domestic adoption practices in line with the care continuum and international standards. Continued efforts are essential to prevent unnecessary family separation and to ensure that all children grow up in safe, nurturing, and permanent family environments. This will require enhanced coordination between government bodies and NGOs, increased investment in workforce training and infrastructure, and the establishment of stronger monitoring and evaluation mechanisms. These measures are critical for addressing current gaps and ensuring the realisation of children's rights through a sustainable, child-centred protection system in Cambodia.

Appendix: Validation Workshop Discussion Notes

GROUP 1: Bridging the legal gaps in adoption processes

Key recommendations

→ Close gaps between MoSVY policy and the Civil Code (which needs to be redefined to state that it applies only to Cambodian citizens) to streamline the legal adoption process, ensuring that the draft Child Protection Legislation is specific about expatriate adoptions.

→ In collaboration with the MoJ and MoSVY, develop (and publish online) an Adoption Judicial Benchbook for judges and prosecutors based on the *Child Protection Sector Strategic Implementation Plan - Practical Guidebook for Adoption* that provides guidance on the application of the law, including:

- stipulating that adoption law only applies to the different processes for Cambodian nationals and not expatriates or foreign nationals wishing to adopt Cambodian children (they should be referred to ICA law)
- the role of DoSVY in all adoption cases. A directive from MoJ to all judges is required advising that decisions about adoption cannot be made without DoSVY and professional social worker documentation.
- a practical checklist for all stages of the process
- a requirement that data is collected, analysed, anonymised and published
- the establishment of a system in which prospective adoptive parents must register their adoption applications
- references to links between orphanage tourism, and orphanage trafficking. Link to the Key Indicators of orphanage trafficking
- a separate section on ICA and the roles of the various stakeholders and the processes that must be followed (include implications for children and foreign nationals if processes are not followed).

→ MoJ should inform judges–and the Bar Association of the Kingdom of Cambodia (BAKC) should inform lawyers–about the MoSVY adoption procedures and cooperate with MoSVY to bring the Civil Code into line with updated adoption and other child protection procedures.

→ MoSVY in collaboration with MoJ and MoH conduct a sensitization program specifically for hospital personnel to prevent informal adoption practices by making them aware of the potential legal ramifications for them–as well as the potential harms to children's rights and well-being–and to raise awareness of the legal route to adoption.

→ Enhance procedures to protect the identity of abandoned or adopted children through obligatory birth registration, including by medical personnel.

→ Create a strategic plan that prioritizes fostering more inter-ministerial cooperation between MoSVY and the Ministries of Justice, Health, and Interior, including multi-sectoral training on adoption laws and procedures.

Guiding questions for discussion

What amendments to the law are necessary to close legal gaps and streamline the legal adoption process into one system? Who will lead?

How can we engage relevant ministries (Justice, Health, Interior) in closing gaps in the system, including those listed above? E.g. How do we develop an Adoption Judicial Benchbook for judges and prosecutors?

How can we foster more inter-ministerial cooperation between MoSVY and the Ministries of Justice, Health, and Interior, including multi-sectoral training on adoption laws and procedures?

How can we foster inter-ministerial collaboration to better inform/sensitize relevant intermediaries (e.g. judges, lawyers, hospital staff) of their roles in ensuring sound adoption procedures?

How do we ensure transparency and accountability in all adoption processes? Who will be responsible if there are future issues related to the adoptee?

Discussion Notes:

- No role of MoSVY and DoSVY stated in the civil code.
- No MoSVY's domestic adoption process in the civil code such as child assessment, PAP home study etc.

Recommendation: MoSVY and MoJ to include the social work/admin process for domestic adoption.

Suggestion:

- Amendment to the civil code – article related to domestic adoption. Gap analysis on the current civil code. Action plan: **MoSVY to send the gap analysis on the civil code to MoJ.** In this meantime, **MoSVY and MoJ should develop an inter-ministry Prakas on domestic adoption.**
- Work with hospital to prevent informal adoption in the hospitals – when there is an abandoned child. **Action plan: inter-ministry Prakas with MoH.**
    - Hospital issues a (fake?) birth letter for couples who wish to adopt a child– then, parents could register the child with commune council – not go through the legal process.
    - Civil code allows the foreign nationals to domestically adopt Cambodian child(ren). For many cases, the adoptive parents can't bring the adopted child to their birth country.
    - Recordkeeping = further explore how to record domestic adoption cases (**domestic adoption recordkeeping)**.
- Suggestion = **strengthen cooperation between the provincial courts and DoSVY.** Appoint the MoSVY & DoSVY focal point to cooperate with courts. Further explore the **Alternative Care Panel** – consisting of DoSVY, court etc.)

- Action Plan: the representatives of MoJ, MoI, MoH to pass on the results of the discussion to the Ministry's leadership
- Action plan: MoSVY to send the official letter to MoJ, MoH

GROUP 2: Awareness Campaign

Key recommendations

→ Conduct a study on dimensions of child abandonment, perceptions, and attitudes about adoption (prior to adoption awareness campaign).

→ Commission an adoption awareness raising campaign (face-to-face and through social media), encouraging families to foster and (legally) adopt–including children with special needs, boys, older kids, and others who have been difficult to place. Messaging can be based on the social perceptions study suggested above, to combat any misperceptions and educate Cambodians and expatriates alike about the legal, economic, and social consequences of not following MoSVY's formal adoption policy on children and adoptive families.

Guiding questions for discussion

What specific information do we know/need to know/better understand about child abandonment, and perceptions and attitudes about adoption to inform an awareness campaign? Are there any cultural (beliefs) considerations that should be factored into a marketing/awareness plan, e.g., beliefs about disability or suitability of older individuals or single individuals as appropriate parents?

How can we effectively popularize the idea of domestic adoption, encouraging families to foster and (legally) adopt–including children with special needs, boys, older kids, and others who have been difficult to place?

How can we effectively raise awareness of appropriate domestic adoption processes, to combat any misperceptions and educate Cambodians and expatriates alike about the legal, economic, and social consequences of not following MoSVY's formal adoption policy on children and adoptive families?

Discussion Notes:

1. Child abandonment awareness campaign

- Publicize through health centers, authorities and related institutions
- Publicize through social media (radio and Facebook)
- Publicize and educate about the best interests of the child procedure

2. Reasons for abandonment

- Poverty
- Love against tradition
- Migration
- Belief and religion
- Accidental pregnancy by sex workers
- Child/infant with disabilities

Foster care or full adoption and simple adoption

- Advantages of cultural and traditional care
  - No complicated legal procedures
  - Children/infants feel warm being cared for by their relatives and continue to live in their own communities
  - Attend school and live their lives as if they are living with their nuclear family
- Disadvantage
  - Do not have inheritance rights as biological child (as stipulated by law)

Advantages of foster care

- Child/infant receives temporary care for a short period of time
- Can lead to domestic adoption

Disadvantages of foster care

- Foster care has a time limit.
- Does not have inheritance rights as a biological child (as stipulated by law)
- High risk of infidelity

Encourage to establish of inter-ministerial foster care committee at sub-national level, with the participation of relevant institutions (MoSVY, MoJ, and MoI).

The consequences of domestic adoption procedures:

- Intercountry adoption programs are proceeded based on the domestic adoption process. Domestic adoption must be exhausted first in accordance with the applicable procedures before the child/infant's name is submitted through the Department of Child Protection. So that the child/infant can be eligible for the intercountry adoption program.

Programs recommended by responsible institutions and relevant partner NGOs:

- The implementation must be in compliance with laws and procedures
- Health issues fall on the guardians who are the parents

GROUP 3: Streamlining adoption case management

Key recommendations

→ Conduct an in-depth study to determine how best to streamline case management for alternative care and adoption.

→ Determine whether there are any other new or emergent case management systems being used by UNICEF and/or other child protection entities globally.

→ Streamline into one system that is most optimal for permanency planning. Following a child through the entire process of permanency planning, particularly when adoption is being considered, is essential for case management practice that includes all the steps that were taken for adoptability decisions.

→ Develop a roadmap to link all the pieces of the child protection system, including SSWF strengthening with training specifically on Primero, OSCaR, or other agreed-upon system. Continue UNICEF-government-NGO collaboration to realize fullest utilization of a case management system, including training throughout Cambodia to encourage consistent and exclusive system use by the SSWF.

→ Any system put into use must cover the entire continuum of care, with adoption as an option of last resort and post-adoption support as an aspect of that care.

Guiding questions for discussion

What is required to start developing a roadmap to link all the pieces of the child protection system?

How can we conduct an in-depth study to determine how best to streamline case management for alternative care and adoption? Are any other new or emergent case management systems being used by UNICEF and/or other child protection entities globally?

What components does a single system require to be optimal for permanency planning and covering the entire continuum of care, with adoption as an option of last resort and post-adoption support as an aspect of that care?

Do recent changes in donor funding impact whether Primero or OSCaR will be viable in the future?

Discussion Notes:

What is required to start developing roadmap:

- Create a guidebook on how to use Primero and make it available offline. Shorter the application.
- Strengthen capacity of Primero users at municipality/city and district level and increase number of people who are responsible. This can be 2 to 3 people responsible.
- Improve some functions such as alternative care and adoption etc.

- Strengthen the M&E system and implement it on a regular basis.
- Establish a group to solve problems related to implementation such as technicality in entering data (technical advisor and implementor)
- Broaden the implementation and utilize the case management systems of the government and NGOs for free or in the capacity that can be used.
- Continue to use forms in hard copy in order to prevent the loss of data when the system is error.

How to conduct an in-depth study to determine how best to streamline case management:

- Conduct a snapshot survey with case management system users.
- Document good practices from the experiences of the implementors of alternative care and adoption and compare those experiences.

Recent changes in donor funding impacting Primero or OSCaR

- There is a loss and reduction of funding that is required to stop or decrease the use of Primero or OSCaR.
- There is a reduction or stop implementing strengthening capacity activity of implementors and update the systems.

GROUP 4: Transitioning services from NGOs to Government

Key recommendations

→ Increase government ownership of alternative care and adoption programming for long-term sustainability

→ Explore the possibility of establishing an Alternative Care Panel model for Cambodia through an assessment of how to contextualise such a model within the current system.

Guiding questions for discussion

What actions are required to increase government ownership of alternative care and adoption programming for long-term sustainability? What would a phased approach look like, and what would be Govt/NGO roles?

How can NGOs and Government cooperate to create a strategic plan for transitioning NGO-run alternative care programs to government? What capacity building gaps will need to be met?

How might an Alternative Care Panel model work for Cambodia?

Discussion Notes:

- The government needs to increase the budget for implementation.
- Create a joint-action plan for the sub-national level to implement and strengthen capacity for implementors (officers).
- Need to have an M&E mechanism and implement it regularly.
- Identify government officers to be the case managers and be the ones responsible for it.

GROUP 5: Building Checks and Balances against ICA Abuses

Key recommendations

→ Halt all drafting of MoUs, agency licensing, accepting applications from prospective foreign adoptive parents, and determinations of eligibility for ICA for individual children, focusing instead on bolstering domestic adoption processes.

→ Clarify that Cambodia continues to be closed to ICA.

→ Close gaps between MoSVY policy and the Civil Code to streamline the legal adoption process, ensuring that the draft Child Protection Legislation is specific about expatriate adoptions.

→ Clarify that the Civil Code only applies to Cambodian nationals wishing to adopt. Expatriates living in Cambodia and wishing to adopt Cambodian children must be referred to ICA law.

Guiding questions for discussion:

How do we ensure that the legal gaps and issues identified with both domestic adoption and ICA are effectively addressed, including

- updating of the 2009 ICA law to be compliant with all newer adoption legislation?
- clarifying that the Civil Code only applies to Cambodian nationals wishing to adopt, and that expatriates must defer to ICA law?
- preventing resumption of illicit adoption practices, corruption, and payment incentives?
- addressing lack of birth registration in hospital, the subsequent potential for erasure of identifying information of the child, and other issues with the legal identity documents and registration?
- ensuring open and transparent practices in place, as well as penalties for adoption violations?
- tracking and publishing accurate data on children suitable for adoption?

How do we effectively halt all drafting of MoUs, agency licensing, accepting applications from prospective foreign adoptive parents, and determinations of eligibility for ICA for individual children, focusing instead on bolstering domestic adoption processes?

How do we draw on current international standards to support the need to bolster the domestic adoption system, so as to decrease the need to resort to ICA?

Guatemala is a good example of a country with a similar history of post-conflict ICA irregularities. They closed their ICA program, signed the Hague Convention, and got compliant, but they have remained closed to ICA as they have promoted their domestic adoption programs. Here is a chart with some of their other reforms that may be helpful. Could Cambodia create a similar roadmap?

Table: The Pre-Reform System of Adoption Verses the Reformed System Today in Guatemala (Source: Rotabi KS and Bromfield NF. (2017) *From Intercountry Adoption to Global Surrogacy: A Human Rights History and New Fertility Frontiers,* Abingdon: Routledge. p. 82.)

Pre-Reform or Old System	**Reformed System**
Voluntary relinquishment by notary (intervention of private attorneys)	Initiation of declaration of adoptability by the government Central Authority (intervention of government professionals)
Adoption agency selection of the child on behalf of prospective parent(s)	Government social workers/psychologists select a suitable child in systematic child-family matching process informed by social assessment sensitive to unique child history
The will of the prospective family prevails	The best interests of the child prevail
High cost of adoption	No cost for adoption
Guatemalan families were excluded, as they simply could not afford to participate in an expensive system	Guatemalan families are now the priority as per subsidiarity principle of the HCIA—completely free of cost
No socioeconomic studies of prospective parents	Psychological, legal, and socioeconomic assessment of prospective parents
No post-adoption monitoring required	Post-adoption monitoring is required
No database of adopted children	Central Authority now has a unit dedicated to collecting and managing this data, as per HCIA standards
No possibility of locating the family of origin of the child with formal information	Adopted children will have the possibility of knowing the family of origin through appropriate records keeping

How do we ensure transparency and accountability in all adoption processes? Who will be responsible if there are future issues related to the adoptee?

Discussion Notes:

Clarify that Cambodia continues to be closed to ICA.

- Cambodia is open to ICA.

Updating of the 2009 ICA law to be compliant with all newer adoption legislation?

- Any update to the ICA law should be done after the Child Protection Law is approved, because they could be connected.

Clarifying that the Civil Code only applies to Cambodian nationals wishing to adopt, and that expatriates must defer to ICA law?

- Related to the Civil Code and ICA Law, we should have a working group between MoJ and MoSVY to clarify who can adopt through the civil code.
- There is a 2016 Explanatory Note on the Civil Code on who can adopt but it is not comprehensive and not strong enough.

Preventing resumption of illicit adoption practices, corruption, and payment incentives?

- For adoption through MoSVY
  - Domestic adoption no need to pay any cost.
- For ICA (ICAA)
  - Joint Prakas between MoI and MoSVY

Addressing lack of birth registration in hospital, the subsequent potential for erasure of identifying information of the child, and other issues with the legal identity documents and registration?

- For children who born in the hospital need to issue the yellow book immediately
- Hospital should reach out to Local authorities for those who want to abandon their child.

Ensuring open and transparent practices in place, as well as penalties for adoption violations?

- State in the ICA law and other valid legal document in Cambodia

Tracking and publishing accurate data on children suitable for adoption?

- Record and publish the number of the children suitable for adoption (DA and ICA)