



THE QUESTION OF ADOPTIONS: AN EMOTIONAL DILEMMA FOR UKRAINE

by Nina Komar

Until recently in Ukraine, existing state legislation on marriage and the family dating back to the 1930's dealt with the question of adoptions quite adequately, since adoptions of Ukrainian children by foreigners had never been an issue. With the dissolution of the Soviet Union, many foreigners, and not always exclusively the Ukrainian diaspora, expressed interest in adopting children from Ukraine. For a while, even without a state law in place, foreign adoptions took place at the local or oblast levels in Ukraine, with final permission coming on a case-by-case basis from Kyiv. Then, in late 1994, a baby-selling scandal rocked Ukraine and effectively put a complete moratorium on even legitimate foreign adoptions.

The urgency for state legislation to regulate the adoption process for both foreign and domestic adoptions resulted in legislation being introduced to the Verkhovna Rada in early 1995, but a second reading of the draft, entitled "On the Institution of Reforms and Amendments to the Laws on Marriage and Family in Ukraine" was put off until this fall. The draft law proposes the creation of a National Center for Adoptions in Kyiv, and all applications by foreigners to adopt any child in Ukraine would ultimately have to be approved by this Centre. However, as with the old system, all adoptions would continue to originate at the local oblast government agencies. The draft law would give priority to Ukrainian citizens for the adoption of Ukrainian children, stipulating that only if a child has not been adopted by a Ukrainian citizen for one year would that child become eligible for adoption by foreigners. In addition, no child under 2 months or over the age of 16 would be eligible for adoption. A special provision has also tentatively been proposed for foreign adoptions of children with specific medical conditions, and this may provide an opening to move certain foreign adoptions through more quickly.

of orphans in Ukraine are given in the range of tens of thousands.

Given the current economic hardships being endured by the Ukrainian population, it is hard to imagine many citizens willing to bear the additional burden of raising adopted children. While the concern about the consequences of foreign adoptions and the "... outflow of ... the nation's future..." may well be legitimate in the long run, it is hoped that legislators will acknowledge the current desperate plight of these children and that this situation will be addressed in the pending legislation.

Meanwhile, Canadians and all non-Ukrainian citizens considering adopting a child from Ukraine would be well-advised to deal only with reputable professionals in what is an extremely sensitive subject for Ukrainians.

Laws Soon on Adoptions: Ukraine's Deputy PM Ivan Kuras

Excerpts from an interview with the Monitor

Although I can't give exact figures, I estimate that there are tens of thousands of children awaiting adoption in Ukraine, creating a big problem for various authorities and organizations. Until last year all questions of adoption were being solved according to existing laws and regulations by local government, with some participation of the central government. Recently, some unpleasant developments have occurred that attracted a lot of public attention.

An adoption scandal in Lviv has resulted in arrests among doctors and government officials. A year ago, in July, our Parliament passed a moratorium on adoptions until an appropriate law can be passed. We have discovered that our state never had such legislation; we followed the legislation on marriage and family dating back from the 30s. We have already prepared a draft document and brought it to attention of the Verkhovna Rada back in December 1994, but for whatever reason, it still has not been considered. I can only say it is probably going to be examined this fall.

During this past year, we have been approached by many high-ranking officials and ambassadors on this question. Lately there was an extremely complicated situation with Italian families who lived for 4 or 5 months in Odessa and were already closely acquainted with certain children. It was a very complex procedure and we decided to register these children as having gone on a health-related trip. They went there with proper legalized documents, so there are no violations whatsoever...

I think that as soon as this law will be adopted all these requests will be accordingly taken care of and handled in such a manner as in other countries. Ukraine's adoption law is being drafted taking into account the experience of other countries in this area. My opinion is that any conscientious citizen would be opposed to the outflow of a competent part of society, of our nation's future. But we can make special cases, especially when we are talking about orphans and sick children.



In any society undergoing economic trauma, it is always women, children, and the old who suffer most.

The other, equally disturbing side of this social problem is the relative ease with which children can find themselves in orphanages in Ukraine. It is not unusual for a child to be placed in an orphanage under some flimsy pretext, while both birth-parents continue living together and visiting him or her in the orphanage. As a result, estimates of the numbers