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Above suspicion**All involved in the international adoptions say everything is well within the law**

By Sylvia Lyall



Little Francois with his adoptive father Famh Juhasz

Since Pro Infante began operating in Kenya 18 months ago, lawyer Mrs S. M Kivuva, who is paid directly by the German agency, has processed all their 36 adoptions.

Mrs Kivuva declined to comment on why the German Embassy had suddenly declined to issue travel documents to the Kenyan children, saying: "I am only bothered in handling the legal bit of the adoption procedure and not the embassy."

She said she received various translated documents from the German couples, which included their marriage certificates, passports, a report about their backgrounds, financial statements and a clean police record, which she then presented to the court.

Asked why the cases took only a few weeks to be completed, Mrs. Kivuva said: "The parents cannot stay in Kenya for three months because they could lose their jobs back home."

She said that by the time the parents come to Kenya, they have gone through the adoption process in Germany. "Once these children are adopted, they no longer belong to Kenya but to the new German parents."

Mrs Kivuva added that when the children went to Germany, Sisters of Charity in Germany carried out a check on their welfare. "Sr Fidence, the mother superior of Huruma charity home, told me that the sisters in Germany follow up on these children. This is okay," she said.

Mrs Kivuva said she did not appoint a 'guardian ad litem' for the German parents and that the parents go to see Sr Fidence at the Mission of charity for that purpose.

Mrs Kivuva said she received Sh60,000 for processing each adoption. "However, some of these parents pay me directly if by the time they come here, they have not paid the money to Pro Infante."

But Sr Fidence said the home did not deal with money. "We only accept donations," she said.

High Court judge Mr Justice V.V. Patel, who has handled about eight cases of adoptions to Germany in the past three months, said he was "particularly happy" with German applicants because they brought all the required documents and

reports from their country. These, he said, were well organised, making the process easier and faster for him.

He said that even though Cap 143, which deals with adoption, states that the child should live with its foster family for at least three months before adoption, the court could use its discretion to grant an adoption order within three to four weeks, in consideration of the child's welfare.

"I only have to be satisfied that the German applicants are of sober habits, good background, financially stable, and that they understand the full meaning of adoption before granting them an adoption order," he said. "When I see these German parents cuddling the child, I also make a comment in the file that the applicants seem very fond of the child."

Mr Justice Patel said the registrar started bringing adoption matters to him even though he complained that he was very busy with criminal cases. He said that after an adoption case was filed in court he usually waited 10 days before granting an adoption order.

Asked whether he was worried that money could be exchanged in the adoption process, Mr Justice Patel said that "most of these children were abandoned by their parents in police stations, hospitals and even in the garbage. Why can they not be adopted to European couples where they can get a good chance in life instead of leading miserable lives in streets and turning out to be criminals".

He said that it was not for him to inquire further about the parents after he received the translated letters and documents from Germany which fulfilled all their requirements to adopt a child, including a letter of recommendation from Sr Fidence, the mother superior of the Sisters of Charity in Huruma.

Sr Fidence, who is of Rwandese origin, said she did not think there was anything illegal in the adoption of the children to Germany.

"If there is anything wrong with the law, I do not want to do it," she said. "They can come and close this place up. The children are the ones who will suffer.

"The authorities keep insisting that the child can only be adopted under special circumstances: What other special circumstances can there be for a child who was dumped by its mother in the garbage?"

Sr Fidence insisted that the adopting parents could not stay in Kenya for three months because they could lose their jobs in Germany and this would not be in the best interest of the child.

Asked what criteria she used in choosing a child for a parent, considering the distance and time factor, Sr Fidence said: "After receiving the parents' specifications through Pro Infante, we look at their pictures and try and match it as close as possible to that of a child. We don't allow them to choose a child."

She said that most of the children were brought to the home by the police after they were abandoned or dumped in the garbage.

"The police who bring many of the children, carry them in plastic paper bags after they pick them up in the garbage." She said that recently, a young child believed to have been aborted was brought to the home with the umbilical cord still intact.

The Mother Teresa Mission of Charity is situated in the slums of Huruma in Nairobi. Currently, there are 120 children in the home. The home has a nursery, which accommodates 25 infants while the other children, whose age are between one year and five, were kept in another ward. A few metres from the children's buildings is another block where mentally handicapped women and children live, together with the sick and abandoned.

The mission started its charity work in Kenya in 1969. So far the mission has three other homes, in Maralal, Otiende and on Thika Road. These homes take care of the disabled, sick and abandoned people.

Adoption agency dismisses criticism as jealousy and hidden racism

The German Embassy in Nairobi has always been very sceptical about the adoption process in Kenya, according to Pro Infante president Ms Carla Wiedeking.

"I estimate they think that Pro Infante is bribing the judges," she said. "I have never seen nor spoken to a judge in Kenya. The late Mother Teresa told me that she wanted to have only one adoption organisation and one lawyer in every country."

Mrs Wiedeking said that the reason why German couples could not stay in Kenya for three months was because they would lose their jobs back in Germany.

The follow-up on the welfare of adopted children was done by Pro Infante, she said, adding: "The German parents have to write a report twice a year to me for the next five years, explaining how the child develops. If we don't get these regular reports, we ask the local child welfare authorities to visit them."

On the allegations of criminal activities in India, Ms Wiedeking said: "I don't want to comment on the report by 'Terre des Hommes' and the 'Stern' magazine. What they are doing is their responsibility.

"I am a Roman Catholic and I try to live my religious life. All I want is the welfare of the children. In my point of view the motive of these attacks against Pro Infante is hidden racism and jealousy."

Ms Wiedeking said Pro Infante was not trafficking in children. Her organisation has so far placed 1,800 children with adoptive parents in Germany. Of these, 10 were re-adopted with second German families when they developed problems and the German parents found it difficult to handle problematic children.

"I don't exchange children but I try to find alternative solutions for them," she said.

Ms Wiedeking has herself adopted 14 children. 'Stern' magazine said that these 14 were problem children who were sent back to her after their adoptive parents said they could not manage them because they were difficult children unable to cope in their new environment.

Ms Wiedeking added that the media attacks on her organisation were "pure blackmail".

"I am tired of defending myself again and again," she said.

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