

**‘Restricted List’ – List of countries in respect of which special restrictions are in place.  
This list is published under section 62 of the Adoption and Children (Scotland) Act 2007**

Country/ Territory	Title of Order	Date Order in Force	Reasons	Step
Haiti	Special Restrictions on Adoptions from Abroad (Haiti) Order 2010	15 October 2010	<p>The order places on a statutory footing the suspension of adoptions from Haiti that is currently in place.</p> <p>The Hague Bureau concluded at the “Special commission on the practical operation of the Hague Convention of 29 May 1993 on Protection of Children and co-operation in Respect of Intercountry Adoption” in June 2010 that: in a disaster situation,</p> <ul style="list-style-type: none"> <li>• efforts to reunite a displaced child with his or her parents or family members must take priority;</li> <li>• no new adoption applications should be considered in the period after the disaster or before the authorities in that State are in a position to apply the necessary safeguards;</li> <li>• stressed the need for a common approach on the part of Central Authorities in dealing with such situations.</li> </ul> <p>UNICEF published a report in July 2010 assessing the situation pre and post earthquake. The report indicated that prior to the earthquake UNICEF was working with the Government of Haiti and other partners to improve standards and ensure that alternative care options were carefully considered in the best interest of the child but that proper safeguards are not always in place. The report suggests that, despite efforts to improve the infrastructure, the situation in Haiti is still very difficult and that the standards for safeguarding children have deteriorated.</p> <p>The Scottish Ministers are of the view that, because of practices taking place in Haiti, it would be contrary to public policy to further the bringing of children into the United Kingdom from Haiti as specified in section 62(1) of the Adoption and Children (Scotland) Act 2007</p>	None prescribed
Nepal	The Special Restrictions on Adoptions from Nepal (Scotland) Order 2010	3 May 2010	<p>The Order places on a statutory footing the suspension of adoptions from Nepal that is currently in place.</p> <p>UNICEF and <i>Terre des Hommes</i> joined forces in 2007 to collect information on intercountry adoptions in Nepal following changes in Nepal to resolve serious issues of malpractice and the introduction of a new adoption Act. Their findings were published in 2008 and were intended to assist Nepal in improving its procedures and legal framework.</p> <p>The Hague Bureau undertook a Technical Assistance mission to Nepal which investigated whether the recommendations of UNICEF had been implemented and the issues raised addressed prior to Nepal acceding to the Hague Convention. The report, published in February 2010, is highly critical and found that most of the problems identified by UNICEF in 2008 had not been resolved. The most serious concerns include;</p> <ul style="list-style-type: none"> <li>• the failure to adhere to the key principles of Article 21 of the UN Convention on the</li> </ul>	None prescribed

			<p>Rights of the Child such as the complete absence of the principle of best interests of the child;</p> <ul style="list-style-type: none"> <li>• lack of procedures to establish if a child is adoptable;</li> <li>• no procedures to find a permanent placement for the child in Nepal; and</li> <li>• no support for birth parents about the legal effects of relinquishing their child for adoption.</li> </ul> <p>Other concerns include;</p> <ul style="list-style-type: none"> <li>• an inadequate legal framework (despite recent legislation);</li> <li>• falsification of documents;</li> <li>• lack of transparency and accountability for the money brought into Nepal from intercountry adoptions.</li> </ul> <p>The Scottish Ministers are of the view that, because of practices taking place in Nepal, it would be contrary to public policy to further the bringing of children into the United Kingdom from Nepal as specified in section 62(1) of the Adoption and Children (Scotland) Act 2007.</p>	
Cambodia	Special Restrictions on Adoptions from Abroad (Cambodia) Order 2008	7 October 2008	<p>The Order places on a statutory footing the suspension of adoptions from Cambodia that is currently in place. On 22 June 2004, Margaret Hodge, the Minister of State for Children, Young People and Families at the (then) Department for Education and Skills, within the UK Government, announced a temporary suspension of adoptions of Cambodian children by UK residents. The suspension was introduced in response to evidence that the safeguards in the Cambodian adoption system were insufficient to prevent children being adopted without proper consents being given by their birth parents and improper financial gain being made by individuals involved in the adoption process. The specific areas of concern included:</p> <ul style="list-style-type: none"> <li>• evidence relating to the systematic falsification of Cambodian official documents related to the adoption of children;</li> <li>• evidence relating to the extensive involvement of adoption facilitators in the adoption procedure in Cambodia even though Cambodian law expressly forbids facilitators participating in the adoption process;</li> <li>• evidence relating to the procurement of children for intercountry adoption by facilitators, including by coercion and by paying birth mothers to give up their children; and</li> <li>• concern about the prevalence of child trafficking and corruption generally in Cambodia.</li> </ul> <p>On 27 September 2007, Kevin Brennan, the Parliamentary Under-Secretary of State at the Department for Children, Schools and Families, within</p>	None prescribed

			<p>the UK Government, announced a review of the suspension introduced in 2004, the purpose of which was to update the information on which the suspension was based, to find out what concerns, if any, remain valid and whether there are any other concerns about practices taking place.</p> <p>On 2 April 2008 following that review, the Parliamentary Under Secretary-Secretary of State announced that the suspension remained in place. Evidence from the review demonstrated that:</p> <ul style="list-style-type: none"> <li>• adoption legislation, practice and procedure in Cambodia remain insufficient to ensure the proper protection of children and their families;</li> <li>• lifting the suspension would expose Cambodian children and their families to an increased risk of improper practices that are contrary to the principles of the Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption (the Hague Convention) and the United Nations Convention on the Rights of the Child.</li> </ul> <p>The Cambodian government has requested assistance in this area from the Secretariat of the Hague Convention. However, there is no evidence to demonstrate that there have been substantive changes to practice on the ground since the announcement of the outcome of the review. The Scottish Ministers are of the view that, because of practices taking place in Cambodia, it would be contrary to public policy to further the bringing of children into the United Kingdom from Cambodia as specified in section 62(1) of the Adoption and Children (Scotland) Act 2007.</p>	
Guatemala	Special Restrictions on Adoptions from Abroad (Guatemala) Order 2008	7 October 2008	<p>The Order places on a statutory footing the suspension of adoptions from Guatemala currently in place. On 6 December 2007, the Parliamentary Under-Secretary of State at the Department for Children, Schools and Families, within the UK Government, announced an immediate suspension of adoptions of Guatemalan children by UK residents in response to concerns about adoption practice in Guatemala.</p> <p>The suspension was introduced in response to evidence demonstrating that: there are insufficient safeguards in the Guatemalan adoption system to prevent children being adopted without proper consents being given and improper financial gain being made by individuals in the adoption process. In particular: there is a trade in babies being sold for overseas adoption; and mothers being paid, or otherwise encouraged, to give up children for adoption. Such practices are contrary to the principles of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption and the United Nations Convention on the Rights of the Child.</p> <p>Although Guatemala has recently passed legislation implementing the Hague Convention, there is no</p>	None prescribed

			<p>evidence to demonstrate this has resulted in substantive changes in practices in connection with the adoption of children or the eradication of the improper practices which occasioned the statement of 6 December 2007. The Scottish Ministers are of the view that, because of practices taking place in Guatemala, it would be contrary to public policy to further the bringing of children into the United Kingdom from Guatemala as specified in section 62(1) of the Adoption and Children (Scotland) Act 2007.</p>	
Ethiopia	The Special Restrictions on Adoptions from Ethiopia (Scotland) Order 2018	8 November 2018	<p>The order places on a statutory footing the suspension of adoptions from Ethiopia</p> <p>This order has been laid in response to significant child safeguarding concerns about practices and procedures in the Ethiopian intercountry adoption system. This decision is based on evidence that the UK Government alerted the Scottish Government to, received through international partners including Central Adoption Authorities and diplomatic missions. The evidence shows a pattern of unethical practice and procedural irregularities within the Ethiopian system. This includes private orphanages receiving remuneration in relation to child placement decisions and false claims in relation to children available for adoption. There is also a lack of certainty around the legal guarantees in the Ethiopian adoption process regarding issues such as child matching. The Ethiopian Government has failed to provide satisfactory reassurance, guarantees or clarification that pending and future intercountry adoption applications will be able to be processed and finalised in line with satisfactory international standards. As a result, there is a lack of confidence that adoptions from Ethiopia meet the requirements we expect in regards to the adoption process and to ensure adoption is the best outcome for the children. The Special Restrictions on Adoptions from Ethiopia Order provides that special restrictions are to apply for the time being in relation to the bringing of children into Scotland</p>	