



**KINGDOM OF CAMBODIA**  
**NATION RELIGION KING**

**Ministry of Social Affairs, Veterans  
and Youth Rehabilitation**



No. 1857 MoSVY

Phnom Penh, 04 August 2011

**PRAKAS**  
**ON PROCEDURES TO AUTHORIZE INTER-COUNTRY ADOPTION  
AGENCIES**

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**Minister of the Ministry of Social Affairs, Veterans and Youth Rehabilitation**

- Having seen the Constitution of the Kingdom of Cambodia,
- Having seen Royal Decree No. NS/RKT/0908/1055, dated 25 September 2008, on the Appointment of the Royal Government of the Kingdom of Cambodia,
- Having seen Royal Kram No. 02/NS/94, dated 20 July 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers,
- Having seen Royal Kram No. NS/RKM/0105/001, dated 17 January 2005, promulgating the Law on the Establishment of the Ministry of Social Affairs, Veterans, and Youth Rehabilitation,
- Having seen Royal Kram No. NS/RKM/0107/003, dated 22 January 2007, promulgating the Law on the Accession of the Kingdom of Cambodia to to the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption,
- Having seen Royal Kram No. NS/RKM/1209/024, dated 3 December 2009, promulgating the Law on Inter-Country Adoption,
- Having seen Sub-decree No. 54 ANKr.BK, dated 24 March 2011, on the Organization and Functioning of the Ministry of Social Affairs, Veterans, and Youth Rehabilitation,
- Noting the necessity of the Ministry,

## **HEREBY DECIDES:**

### **Article 1.**

This Prakas sets out the procedures to authorize inter-country adoption agencies to operate inter-country adoption in the Kingdom of Cambodia.

### **Article 2.**

Only agencies accredited by the receiving countries and authorized by the Ministry of Social Affairs, Veterans and Youth Rehabilitation and the competent authority of the receiving countries, in accordance with the law on inter-country adoption, shall be entitled to operate inter-country adoption in the Kingdom of Cambodia.

For receiving countries that do not have an inter-country adoption agency accredited by their Central Authority or competent authority in charge of inter-country adoption, the Central Authority or competent authority in charge of inter-country adoption of their countries may be entitled to operate inter-country adoption in the Kingdom of Cambodia, with the acknowledgement of the Embassy or representative of the receiving country, and with the consent of the Ministry of Foreign Affairs and International Cooperation and authorization by the Ministry of Social Affairs, Veterans and Youth Rehabilitation.

All inter-country adoptions shall proceed through accredited inter-country adoption agencies. For receiving countries that do have an accredited inter-country adoption agency, inter-country adoption shall proceed through their Central Authority or competent authority.

The accredited agency, central authority or competent authority of the receiving countries must appoint one or two representative(s) in the Kingdom of Cambodia to assist the Cambodian Central Authority during the adoption process, in accordance with paragraphs 9 and 10 of Article 6 and with Article 9 of this Prakas.

### **Article 3.**

The Central Authority or the competent authority of the receiving countries shall enter into an agreement with the Ministry of Social Affairs, Veterans and Youth Rehabilitation to determine the number of inter-country adoption agencies authorized to provide inter-country adoption services in the Kingdom of Cambodia, and the number of ICA agencies shall be limited to 1 (one) or 2 (two), unless it is necessary for the best interests of Cambodian children to have more.

### **Article 4.**

In order to obtain authorization to operate inter-country adoption from the Ministry of Social Affairs, Veterans and Youth Rehabilitation, inter-country adoption agencies shall meet the following criteria:

1. Has official accreditation from the competent authority of the receiving country.
2. Has authorization from the Central Authority or competent authority of the receiving country to operate inter-country adoption in the Kingdom of Cambodia.
3. Pursue only non-profit objectives and fulfill the conditions set forth in legal provisions concerning non-profit legal persons, associations or non-governmental organizations and other relevant legal provisions pertinent to the characteristics of such agencies.
4. Be directed and staffed by persons qualified by their ethical and moral standards and by training and experience, to work in the field of inter-country adoption.

**Article 5.**

Inter-country adoption agencies that operate inter-country adoption in the Kingdom of Cambodia shall fulfill the following conditions:

1. Must not run or use any orphanage as a source to supply orphaned infants and children for inter-country adoption.
2. The country of the agency must have diplomatic relations with the Kingdom of Cambodia.
3. Must respect and comply with the law on inter-country adoption and other existing legal provisions of the Kingdom of Cambodia, Convention on the Rights of the Child, Hague Convention on the Protection of Children and Cooperation in respect of Inter-Country Adoption, and other international legal instruments concerning inter-country adoption, ratified by or acceded to by the Kingdom of Cambodia and country of the agency.

**Article 6.**

To apply for authorization from the Ministry of Social Affairs, Veterans and Youth Rehabilitation to operate inter-country adoption in the Kingdom of Cambodia, the inter-country adoption agency shall provide the following documents, in accordance with Articles 48, 49, 50 and 52 of the Law on Inter-country Adoption:

1. Application of the agency with the signature of the chief of the agency and 5,000 (Five Thousand) Riels Stamp in tax. The application shall be certified by the chief of the agency as to the accuracy of all information contained in the file.
2. Copy of documents authorizing the establishment of the inter-county adoption agency as a non-profit organization, properly certified by the Central Authority or competent authority of the agency's country.
3. Copy of the letter of accreditation of the agency, certified by the Central Authority or competent authority of the agency's country.
4. Letter of the central authority or competent authority of the country of the agency authorizing the agency to operate inter-country adoption in the Kingdom of Cambodia. These letters must remain valid for official use.
5. Statute and internal regulations of the agency.
6. Brief document about the history, activities, programs and services of the agency, list of staff members and their qualifications, including evidence proving that the agency possesses at least 5 (five) years experience in the area of inter-country adoption.
7. An independently audited financial report of the last fiscal year, including sources of funds, adoption fees and expenses concerning adoption.
8. Brief curriculum vitae of the agency's board of directors or management team, with 4 x 6 centimeters photos attached.
9. Brief curriculum vitae of one or two staff members authorized to represent the agency in inter-country adoption affairs in the Kingdom of Cambodia, with 4 x 6 centimeters photo attached.
10. Documentary evidence proving that the representative(s) mentioned in item 9 above is/are not listed in the criminal record of their country of origin and last country of residence, if different.
11. A copy of previous or current agreement(s) with the Ministry of Social Affairs, Veterans and Youth Rehabilitation on the provision of humanitarian aid or support to orphans in the Kingdom of Cambodia.

12. Bilateral Agreement on Inter-country Adoption Cooperation between the Kingdom of Cambodia (Ministry of Foreign Affairs and International Cooperation) and the country of the agency, if that country is not a signatory to the Hague Convention.
13. Other documents that the Ministry of Social Affairs, Veterans and Youth Rehabilitation deems necessary for the best interests of the child and for the proper assessment of the application.

The application and all files/dossiers shall be sent through the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia and a copy of such shall be submitted to the Embassy or representative of the country of the agency based in the Kingdom of Cambodia.

All files/dossiers shall be made in English or French and shall be translated into Khmer.

**Article 7.**

Once all application files/dossiers reach the Ministry of Social Affairs, Veterans and Youth Rehabilitation, the Inter-country Adoption Administration shall contact the agency to pay the fee of 500 (five hundred) U.S. Dollars for administrative services to review the dossiers. Such payment is not refundable.

**Article 8.**

The Ministry of Social Affairs, Veterans and Youth Rehabilitation shall respond in writing to the agency with regard to the Ministry's decision within 60 (sixty) working days from the receipt of the 500 (five hundred) U.S. Dollars administration service fee.

If the agency's application is approved, the agency shall enter into a contract on inter-country adoption cooperation with the Ministry of Social Affairs, Veterans and Youth Rehabilitation. The Ministry will issue a Prakas to authorize and license the agency, which shall pay the fee of 2,500 (two thousand five hundred) U.S. Dollars for the licensing service. The Prakas shall state the obligations and permitted activities of the agency and other conditions for the authorization and licensing.

In case the application is denied, the Ministry will respond, giving clear reasons of such denial, to the agency.

**Article 9.**

The inter-country adoption agency shall assign one or two representative(s) who are Cambodian citizens or foreigners, for the inter-country adoption process in the Kingdom of Cambodia. In case of two representatives, one shall be Cambodian or both shall be Cambodian. The two representatives shall be authorized by the Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Central Authority or competent authority of the agency's country. The same conditions in paragraph 1 and 3 of Article 5 of this Prakas, which apply to accredited agencies, shall apply to representative(s) of the agency.

Only representative(s) whose name(s) are listed in the application file is/are entitled to represent the agency in the inter-country adoption process.

In case the authorized representative is sought to be replaced by another person, the chief of the agency shall submit an application to the Ministry of Social Affairs, Veterans and Youth

Rehabilitation for authorization of the new representative. The new representative shall not act as the representative of the agency, until he or she has been approved by the Ministry of Social Affairs, Veterans and Youth Rehabilitation.

**Article 10.**

An authorization for an inter-country adoption agency to operate inter-country adoption in the Kingdom of Cambodia shall be granted for 2 (two) years, and may be renewed provided the Ministry of Social Affairs, Veterans and Youth Rehabilitation considers the services of the inter-country adoption agency still necessary in the Kingdom of Cambodia.

Ninety days prior to the expiration of the authorization, the agency may reapply to the Ministry of Social Affairs, Veterans and Youth Rehabilitation, to renew the authorization to operate inter-country adoption in the Kingdom of Cambodia and send a copy of the application to the Ministry of Foreign Affairs and International Cooperation. The agency shall prepare and fill out again all expired documents mentioned in Article 6 of this Prakas, and shall pay the fee of 500 (five hundred) U.S. Dollars for administrative services to review the dossiers. Such payment is not refundable.

Prior to approving the renewal of the authorization, the Ministry of Social Affairs, Veterans and Youth Rehabilitation may assign the official(s) of the Central Authority for Inter-Country Adoption to assess the work of the agency. In case necessary, an assessment may be carried out in the country of the agency, to visit the living conditions of adopted Cambodian children. The inter-country adoption agency shall facilitate with the Central Authority or competent authority of its country to or ease up the assessment.

**Article 11.**

An inter-country adoption agency that intends to terminate its operation shall write an official notification to the Ministry of Social Affairs, Veterans and Youth Rehabilitation within 60 (sixty) working days before the date of termination of its operation. A copy of such notification shall also be sent to the Ministry of Foreign Affairs and International Cooperation. In such case, the agency's country may have a new agency to replace the agency that terminated its activities. The new agency shall complete the application procedures as set out in this Prakas.

**Article 12.**

An inter-country adoption agency shall pay expenses, fees and contributions on behalf of the applicants, in relation to the number of children adopted. Such amount will be used for the support of administrative services, file management, documents translation; for the support of various options of alternative care for children and general support of state-run orphanages across the country; and for other necessary services related to inter-country adoption. The amount shall be determined by a joint Prakas of the Ministry of Economy and Finance and the Ministry of Social Affairs, Veterans and Youth Rehabilitation.

**Article 13.**

An authorized inter-country adoption agency may provide humanitarian aid for various projects that are not related to inter-country adoption. The agency must prepare an annual report on all humanitarian projects and submit it to the Central Authority for Inter-country Adoption, and, in all cases, maintain a clear separation of inter-country adoption from contributions, donations and development aid.

#### **Article 14.**

Notwithstanding penalty provisions stated in the law on inter-country adoption and other existing laws, the Ministry of Social Affairs, Veterans and Youth Rehabilitation may suspend or revoke an authorization or refuse to renew an authorization, if an inter-country adoption agency or its representative(s) are proven to have engaged in any of the acts stated in this Article.

Inter-country adoption agencies and their representative(s) operating in the Kingdom of Cambodia are prohibited from carrying out the following acts:

1. The direct act of provoking, for profit-making purpose, the parent(s) to abandon an already-born or a yet-to-be-born child in order to be offered for inter-country adoption;
2. The act of serving one-self as an intermediary/middle person between a couple who desire to adopt a child through inter-country adoption and a parent(s) who desires to abandon his/her/their already-born or yet-to-be-born child, for profit making purpose;
3. The act of serving one-self as an intermediary/middle person between a couple who desire to adopt a child through inter-country adoption and a woman accepting to bear a pregnancy of the child and to deliver this child to the adopter afterward, for profit making purpose;
4. Falsifying or being an accomplice in falsifying extremely difficult situations in order to obtain consent from biological parent(s) or guardian for minor of a child by coercion, threat, fraud or inducement through payment, gift, compensation or advantage of any kind;
5. Obtaining the consent of parent(s) or guardian for minor of a child by coercion, threat, fraud or inducement, through providing or promising to provide payment, gift, compensation or advantage or any kind;
6. Releasing in whole or in part the dossiers and records concerning any specific inter-country adoption case, without authorization from the Ministry of Social Affairs, Veterans and Youth Rehabilitation or competent court;
7. Imposing or accepting directly or indirectly any consideration, money, goods or services in exchange for an allocation of a child for adoption;
8. Making a false statement or concealing any important information required by the law in relation to inter-country adoption, the establishment and functioning of non-profit organizations, or other requirements set forth in this Prakas.
9. Offering money, goods, or services to any official or representative of the Inter-Country Adoption Administration, the Ministry of Social Affairs, Veterans and Youth Rehabilitation, Central Authority for Inter-country Adoption, or other relevant officials to give preference in inter-country adoption procedures to any adopters; it is also prohibited to accept money, goods or services for this purpose;
10. Advertising or publishing the identity or photograph of a child who is subject of adoption to influence any individual to apply for adoption;
11. Failure to perform any act required by the law in relation to inter-country adoption, the establishment and functioning of non-profit organizations, or other requirements set forth in this Prakas.
12. Appointing or designating any representative without the approval of the Ministry of Social Affairs, Veterans and Youth Rehabilitation;
13. Engaging in matching arrangement or in any contact between the adopter(s) and biological parent(s) or guardian for minor of the child, for the purpose of pre-identifying a child to be adopted;

14. Failure to maintain, in all cases, a clear separation of inter-country adoption from contributions, donations and development aid.
15. Any other act in violation of this law, minimum standards on alternative care for children and other existing legal provisions of the Kingdom of Cambodia.

**Article 15.**

The Inter-Country Adoption Administration shall thoroughly monitor inter-country adoption services of an inter-country adoption agency, every 6 (six) months.

After a thorough investigation, if there is evidence that indicates that the inter-country adoption agency has violated the Law on Inter-country Adoption, provisions concerning non-profit legal persons, associations or non-governmental organizations, the Inter-Country Adoption Administration shall report to the Minister of Social Affairs, Veterans and Youth Rehabilitation to take actions in accordance with existing laws and legal provisions.

Accredited agencies shall submit their annual report of their activities to the Ministry of Social Affairs, Veterans and Youth Rehabilitation.

**Article 16.**

In case of receiving a report, complaint or reliable information concerning violation of the law or irregularities in the activities involving inter-country adoption of any agency or its representative(s), the Inter-Country Adoption Administration, with the assistance of other competent Cambodian authorities, may conduct an investigation of the agency or its representative(s), as necessary. If it finds that the report, complaint or information contains legal and factual basis, the Inter-Country Adoption Administration shall notify the concerned agency in writing, with attachment of a copy of the complaint, summary report and its request, and require the agency to provide a response or clarification within 30 (thirty) working days from the date of receipt of the notification by the agency.

Within 15 (fifteen) working days from the date of receipt of the agency's clarification or the agency's failure to respond or clarify within the duration specified in paragraph 1 of this Article, the Inter-Country Adoption Administration, shall report in writing to the Minister of Social Affairs, Veterans and Youth Rehabilitation to make a decision.

**Article 17.**

Depending on the scope of violation of the law or in case the agency fails to respond or clarify, the Minister of Social Affairs, Veterans and Youth Rehabilitation may, if necessary, temporarily suspend the authorization of the agency, and prohibit the agency to operate for a maximum period of 60 (sixty) working days. If there is evidence proving that the agency has seriously violated the law, the Minister of Social Affairs, Veterans and Youth Rehabilitation may terminate the authorization immediately. Measures shall be taken to ensure that no child suffers from the suspension or termination of the authorization of the agency.

**Article 18.**

If necessary, the Ministry of Social Affairs, Veterans and Youth Rehabilitation, through the Ministry of Foreign Affairs and International Cooperation, may request the Central Authority or competent authority in charge of inter-country adoption of the receiving country to conduct an

inspection of the inter-country adoption agency in the receiving country. No one may prevent, deter, intimidate or interfere with an inspection that is lawfully conducted.

Based on the results of the inspection, the Ministry of Social Affairs, Veterans and Youth Rehabilitation may decide to suspend, revoke or refuse to renew the authorization, depending on the circumstances or evidence proving the violation, and shall notify the agency, Central Authority or competent authority in charge of inter-country adoption of the agency's country, of its decision, in writing, and send a copy of such decision to the Ministry of Foreign Affairs and International Cooperation.

**Article 19.**

Receipt of applications for authorization of an inter-country adoption agency of the receiving country will begin after the conclusion/signing of an agreement between the Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Central Authority or competent authority of the receiving country on the determination of the number of inter-country adoption agencies to operate inter-country adoption in the Kingdom of Cambodia.

**Article 20.**

Prakas No. 06 MoSVY, dated 26 February 2007, on the Authorization of Inter-country Adoption Agencies, and any legal provisions contrary to this Prakas shall be deemed null and void.

**Article 21.**

Chief of the Minister's Cabinet, General Director of Administration and Finance, General Director of Technical Affairs, Inspector General of the General Inspectorate, Director of Administration and Personnel Department, Director of Finance and Supply Department, Director of Internal Audit Department, Director of Child Welfare Department, the Inter-country Adoption Administration, Directors of Capital/Provincial Departments of Social Affairs, Veterans and Youth Rehabilitation and relevant entities shall effectively implement this Prakas from the date of signature.

**Minister**

(signed and stamped)

**Ith Sam Heng**

**Copied to:**

- Ministry of Royal Palace
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- General Secretariat of the Royal Government
- Council of Ministers
- Cabinet of Samdech Akak Moha Sena Padey Techo **HUN SEN**, Prime Minister
- The cabinet of Lok Chumteav **Men Sam Orn**, Permanent Deputy Prime Minister
- Ministry of Foreign Affairs and International Cooperation
- Ministry of Interior
- Ministry of Justice
- Relevant ministries
- As in Article 21
- Document-Archive