



PRIVATE INTERNATIONAL LAW IN AFRICA

Dr Tracy Lelei
Abertay University, Dundee, Scotland

**“Intercountry Adoption in Africa:
the relevance and applicability of the Hague
Adoption Convention 1993 -
Nigeria and South Africa as case studies”**

Monday, 24 June 2024, 2:00 p.m. – 3:30 p.m. (CEST)

The virtual workshop will be held as a video conference via Zoom.
Please register no later than Friday, 21 June 2024 for the workshop
using this [LINK](#).

You will receive the login details on Friday afternoon.

Ralf Michaels
(Max Planck Institute for Comparative and International Private Law, Hamburg)

in cooperation with

Justin Monsenepwo Mwakwaye
(University of Goma)



About the speaker:

Dr Tracy Lelei is a lecturer in Law at Abertay University, United Kingdom. She qualified as a Barrister and Solicitor of the Supreme Court of Nigeria in 2007. Her law practice focused on Family Law and Human Rights Law for several years before beginning her career in academia. Dr Tracy Lelei's principal research focuses on family aspects of Private International Law, particularly intercountry adoption of children from Africa, cross-border surrogacy in Africa, and children's rights. She earned her law degree from Rivers State University and obtained both an LL.M. and a doctoral degree from the University of Dundee.

About the topic:

The recent focus on Africa for the intercountry adoption (ICA) of children has brought with it not just the benefit of orphaned or vulnerable children finding families again but an introduction of illicit practices and abuses such as abduction, child trafficking and the outright sale of children (D.M Smolin, 'Intercountry Adoption and Poverty: A Human Rights Analysis,'). Africa remains ill-prepared socio-culturally, legislatively, economically, and otherwise, to handle the demands in the number of ICAs from its continent. (The African Child Policy Forum, 2012).

There is, therefore, an urgent need to effectively regulate ICA in Africa. This is not an abstract legal issue requiring a politically correct debate globally without action. It is a critical issue involving the lives of vulnerable children, the protection of their best interests where ICA takes place, the protection of the rights of biological parents and that of the adoptive parents.

The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption 1993 (HCIA) which is the most elaborate Convention on ICA has significant positive implications in this regard. The HCIA aims to lay down safeguards that guarantee the best interests of the child and the protection of his/her fundamental rights where ICA takes place, to prevent the abduction, sale of, or trafficking in children, through a system of inter-country co-operation. Despite its significance, African States have been reluctant to accede to the HCIA and those that have ratified/ acceded to the HCIA struggle with implementation due to peculiar ideological and practical challenges in Africa.

Dr Tracy Lelei will reflect on these challenges and consider possible action points to make the HCIA more adaptable and accessible to African States, aiming for increased accessions, easier implementation, and greater impact in Africa.

About the virtual workshop series:

There is a growing interest in the study of private international law in Africa. In an environment of growing international transactions in both civil and commercial matters, private international law can play a significant role in Africa in addressing issues such as globalization, regional economic integration, immigration, etc. The series intends to discuss new scholarly work on private international law in Africa and advance solutions on how the current framework of that field can be improved on the continent.