

18 July 2011, Nairobi — When Purity Masyuki finally got her twin daughters' adoption certificates, she could hardly contain herself with joy.

These two papers, which mean nothing to most Kenyans, meant the world to her three year old girls, who she adopted two years ago.

"These papers mean that my daughters finally have an identity; it also means that the law recognises me as their parent," says the 30 year-old counsellor.

An adoption certificate is a document issued to every adopted child, and by law, is equivalent to a birth certificate, which every Kenyan needs as proof of identity.

Surrounding Purity's joy however, is the fear that her children will always be required to explain and justify themselves whenever they produce this document, which she equates to a rose laced with thorns.

Yes, it is an identity for a child, but an identity that is often questioned. "The adoption certificate may be equivalent to a birth certificate, but the fact is that the word "adopted", which inspires so much stigma in our society, is attached to it," she explains.

When she adopted her daughters, they were so sickly, that one of them had to be admitted into Intensive Care Unit for two weeks.

As the hospital bill continued to rise, some relatives and friends, who could not understand why she chose to adopt "sick children", told her that she had made an unwise decision, and even urged her to transfer them to a cheaper hospital.

"Had they been my biological children, would these people have asked me to take them to a

hospital where they might not have received quality care?"

Purity wonders, explaining that this is just a mild picture of the ugly face of stigma, towards adopted children.

Since she was yet to complete the legal process required to get the adoption certificates at the time, she could not enrol her children into her employer's medical scheme.

This mother says that though there is nothing she can do about those who know that her children are adopted, and are uncomfortable with this fact, there is something that can be done to save them, and other adopted children, from having to explain themselves whenever they present their adoption certificates - issue them with birth certificates.

Frederick Kimemia echoes Purity's sentiments. A birth certificate, he says, will offer adopted children the kind of identity that a birth certificate cannot give.

He says this with good reason. One evening, three years ago, his seven year old daughter came home from school crying.

A classmate had just told her that she did not have a father, that the man she was always talking about was not her real father.

"She was inconsolable, and wanted to know why her classmate had made that comment," Kimemia, who has a biological son, recalls.

She was only seven months when he and his wife adopted her, and they were the only parents she had ever known.

"We hadn't disclosed to her that she was adopted, since she was only four, and we did not think she was ready for it, or mature enough to understand what adoption means," he explains.

Afraid of the damage that this untimely revelation had done, Kimemia reassured her that he was her father, and that he would always be.

Fortunately, this confirmation was enough to calm her down. However, afraid that something similar would happen, these parents enrolled her in another school.

"There's still so much stigma attached to adoption. Adopted children are still viewed as second class citizens by some, and I don't think our laws are doing enough to address this stigma," says the 36 year-old health management consultant, who also chairs the Adoptive Parents Association of Kenya (APK).

This widespread stigma, Kimemia points out, is what motivates some parents to go to the extent of bribing to get a birth certificate, which, according to him, "opens doors more smoothly".

According to APK, only about 65 per cent of adoptive parents in Kenya have adoption certificates.

"Normally obtaining an adoption certificate takes six months, but due to inefficient court processes, it could take years to get one," he says.

For instance, although Kimemia applied for his daughter's adoption certificate in 2007, he is yet to get one, thanks to a misplaced. He filed his application afresh, a few days ago.

Kimemia also feels that adoptive parents should be entitled to bonding leave. "There is no institution we have come across that has clear policies on employees getting leave, should they adopt" he says.

Only three, out of APK's registered 300 members, have received 'bonding leave' from their employers.

This, Kimemia points out, means that even though the law is silent on whether bonding leave should be granted to adoptive parents, employers are at liberty to include such privileges in their policies.

His argument for bonding leave is that some parents adopt newly-born infants, some as young as six weeks old, who like other children that age, need exclusive care for at least three months.

Take Lucy Mbugua for instance. When she took her then six months old adopted daughter home in July 2008, she requested her then employer to give her time off to "bond" with her child.

"My employer flatly rejected my request, since, according to them, I hadn't given birth," narrates Lucy .

But since she was keen on spending time with her child, she decided to take her annual leave instead.

This 48 year-old parent says that the inclusion of 'bonding leave' in the Employment Act would be a significant step towards recognising the rights of adopted children.

Muteru Njama the Executive Director of Little Angels Children's Network, one of the certified adoption societies in the country, says that most adoptive parents would want to take care of their children themselves, at least during their first few months of life.

"Unfortunately, they're unable to do so because their employers are unwilling to grant them leave."

He continues, "Even for older children who may not require specialised attention, there is still need for the parent to spend some time with them, so that they can get attached to each other."

It is for such reasons that APK is working to ensure that every child being put up for adoption gets issued with a birth certificate, which they feel will open up more opportunities for them in future.

The organisation intends to approach the judiciary, and put their case forward.

"The aim of getting all the children in homes birth certificates is not to hide that the child has been adopted, rather, to reduce the stigma and discrimination that comes with a document that seems not to be enough identity for a child," Kimemia emphasises.

### **What the law says**

The constitution of Kenya has it that an adoption certificate is enough proof of identity for a child.

It replaces a birth certificate in accordance with a legal procedure defined by section 169 of the Children's Act.

However, the notion on the ground is that the only way that a parent can prove that a child belongs to them is through a birth certificate.

However, family lawyer, Judy Thogori, says that neither of these documents is superior to the

other.

"Should the adoptive parent die, and there is no will, the biological and adopted children are entitled to equally inherit whatever property is left behind, as per the Law of Succession," she says.

Jane Serwanga, senior counsel at Fida-Kenya, says that issuance of birth certificates to adopted children is not the solution to the stigma that arises in organisations where proof of parentage is required.

"Thought an adoption certificate and a birth certificate are issued under different circumstances, these children are entitled to the same rights."

She adds, "It is for the society to rise to the occasion and not discriminate against adopted children. A change of attitude towards adoption is needed."

She also feels that it is important for parents to disclose their child's status before they hear it from other sources.

Source: [allAfrica](#)