

THE SPECIAL RESTRICTIONS ON ADOPTIONS FROM NIGERIA (SCOTLAND) ORDER 2021

Fairer Scotland Duty Assessment

February 2021

FAIRER SCOTLAND DUTY

ASSESSMENT NOT REQUIRED DECLARATION

Policy title	THE SPECIAL RESTRICTIONS ON ADOPTIONS FROM NIGERIA (SCOTLAND) ORDER 2021
Directorate: Division: team	Directorate of Children and Families,
Policy lead responsible for taking the decision	Dominic Brack

Rationale for decision
<p>The Special Restrictions on Adoptions from Nigeria (Scotland) Order 2021 provides that special restrictions are to apply for the time being in relation to the bringing of children from Nigeria into Scotland in the cases mentioned by section 62 of The Adoption and Children (Scotland) Act 2007 (the Act). This amounts to a restriction of intercountry adoptions from Nigeria as it prevents the Scottish Government from taking any step which it might otherwise have taken in processing such cases, unless it is satisfied that a case should be treated as an exception.</p> <p>The reason for making the Order is in response to significant child safeguarding concerns about integrity, practices and procedures in the Nigerian intercountry adoption system.</p> <p>This decision is based on evidence received through international partners, including Central Adoption Authorities and diplomatic missions, as well as media sources. There is a pattern of evidence that there are weak safeguards and unreliable documentation within the Nigerian intercountry adoption system which create significant safeguarding risks such as child trafficking and corruption.</p> <p>The information received by the Scottish Government indicates that there are adoption practices and procedures taking place in the Nigerian intercountry adoption system that cause significant risk to the welfare and safeguarding of prospective adoptive children in Nigeria. As such, restrictions are deemed appropriate on the basis that it would be contrary to public policy to further the bringing of these children into the UK. The special restriction requires that any adoption from Nigeria will need to follow the exceptions procedure (more details below). The special restriction is a child safeguarding measure which</p>

will increase Scottish authorities' oversight of adoptions of children from Nigeria and be a deterrent to using intercountry adoption as a potential route for child trafficking.

The special restriction does not provide for new policy or revise existing policy and is technical in nature. It utilises pre-existing legislation and processes to provide a pathway to safeguard children subject to the intercountry adoption process in Nigeria. The exceptions procedure, that will become the means by which intercountry adoptions from Nigeria will be processed draws on regulations set out in the Adoptions with a Foreign Element (Special Restrictions on Adoptions from Abroad) Regulations 2008. The duty on the Scottish Government to implement a special restriction order is set out in the Adoption and Children (Scotland) Act 2007.

As the special restriction is being implemented as a result of pre-existing legislation, an assessment under the Fairer Scotland Duty is not required because the SSI does not represent a strategic decision, and its provisions should not have any direct implications for inequalities arising from socio-economic disadvantage.

I confirm that the decision to not carry out a Fairer Scotland assessment has been authorised by:

Name and job title of Deputy Director (or equivalent)	Date authorisation given
Bill Scott Watson Deputy Director Strategy, GIRFEC and Promise Division	20/1/21



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