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The Innocenti Digest is compiled by the UNICEF International Child Development Centre to provide reliable and easily accessible information on a critical children's rights concern. It is designed as a working tool for executive decision-makers, programme managers and other practitioners in child-related fields.
INTRODUCTION

This Digest looks at intercountry adoption as one of a series of possible solutions for children unable to live with their families. Broadly accepted international instruments specify the conditions under which intercountry adoption is to be undertaken if the rights and best interests of the children concerned are to be protected and fully respected. Although substantial efforts are being made to implement the standards and procedures set, current practices are often in violation of these norms. This Digest, therefore, sets out to identify abuses of intercountry adoption as well as the measures required to combat such violations and to uphold ‘best practice’ in this sphere. Discussion of arguments for or against the concept or practice of intercountry adoption falls beyond its scope.

Historical overview

When it first began to be practised widely, in the aftermath of the Second World War, intercountry adoption was an ad hoc humanitarian response to the situation of children orphaned by war. Families in the United States mainly, but also in Canada, Australia and Europe, adopted orphans from Germany, Italy and Greece, all countries where emergency situations prevailed. To a lesser extent, children were also adopted from China and Japan. The Korean War in the 1950s created a new generation of abandoned or orphaned children welcomed into adoptive homes in the West. Many of these children were Amerasians, fathered and left behind by U.S. servicemen. Together with their mothers, they faced severe discrimination in their homelands, as did their Vietnamese counterparts a decade or so later. In the late 1960s, adoption became tinged with the ideology of ‘solidarity with the Third World’ then current in industrialized countries, implying practical manifestations of sharing responsibility for the burden facing the newly decolonized nations.

Initially, concerns about intercountry adoption were linked mainly to problems arising from the different legal systems in receiving countries and countries of origin. Also of concern were the perceived problems of adjustment of the children in their new environment and the ability of the adoptive parents to meet their special needs in this regard. Increasingly, the ethical issue was raised as to whether it is desirable to remove a child from his or her country rather than to provide necessary assistance and protection on the spot.

Consultations on such questions were already taking place at the international level in the mid-1950s. In 1960, a seminar on intercountry adoption, organized in Leysin, Switzerland, under the auspices of the European Office of the United Nations, formulated the first set of principles in this sphere.

Domestic, intercountry and international adoption

Adoption is a welfare and protection measure that enables an orphaned or definitively abandoned child to benefit from a permanent family. The practice of adoption can be subdivided into domestic (or in-country, or national) adoption, intercountry adoption and international adoption:

* A domestic adoption is an adoption that involves adoptive parents and a child of the same nationality and the same country of residence.
* An intercountry adoption is seen as one that involves a change in the child’s habitual country of residence, whatever the nationality of the adopting parents.
* An international adoption applies to an adoption that involves parents of a nationality other than that of the child, whether or not they reside — and continue to reside — in the child’s habitual country of residence.

Thus, a Brazilian girl adopted by Brazilian citizens living in Italy is involved in an intercountry but not an international adoption. If she were adopted by Italian citizens resident in Brazil, the form of adoption would be international but not intercountry. It would be both international and intercountry if she were adopted by Italian citizens in Italy.

The distinction is made in the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (see page 5) to limit the scope of this instrument to only those adoptions involving the child’s transfer to another country.

The Leysin principles underpinned all subsequent international instruments dealing with this subject. A World Conference on Adoption and Foster Care, held in Milan, Italy, in 1971, again drew international attention to the inadequacy of international regulations to safeguard the adopted children’s interests. It was later in the 1970s, however, that serious concerns began to be expressed over the ‘mass exportation’ of children from economically developing nations. A full-fledged and clear ‘demand’ for adoptive children had become apparent in the West and was accompanied by an ever-larger throng of agencies and intermediaries using more or less acceptable means to satisfy it. This trend was partly the result of the coming of age of the baby boom generation and the social pressure exerted on couples to have a child. Adoption as a practice had also become more socially acceptable than in the past.

In 1982, an important step was taken towards promoting internationally recognized standards for services to ensure the protection of children. Professionals from different countries worldwide endorsed the so-called Brighton Guidelines for intercountry adoption, which were based on the draft United Nations Declaration on Foster Placement and Adoption and prepared by various non-governmental organizations (NGOs), notably the International Council on Social Welfare (ICSW) and the International Social Service (ISS), as well as the United Nations Centre for Social Development and Humanitarian Affairs. (The Guidelines were subsequently revised and endorsed during an ICSW conference in Hong Kong in 1996.)

While demand for children in adoption has continued to rise in the industrialized world, fertility has fallen, and consequently the number of children who can be considered for domestic adoption has declined. Some of the demographic and social changes contributing to these dwindling numbers are the greater availability of contraceptive aids, the legalization of abortion, the higher workforce participation of women, the postponement of childbearing to later ages — and an increasing de-stigmatization of single motherhood, as well as state support for single mothers in many cases, leading to greatly reduced abandonment rates.

This ‘structural demand’ for children in adoption in high-income countries has been met with the ‘structural supply’ of children
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Main issues

Child welfare measures

If, despite appropriate assistance and support, a child’s family or extended family is unable or unwilling to ensure the child’s development, a form of alternative care needs to be found, which can include:

- Institutional placement: the simplest response to a child in need of care and protection, usually carried out because no viable alternatives have been set in place, because due account is not taken of existing alternatives, or because ongoing specialized care is required.
- Fostering: an authorized placement with a ‘foster’ family, supervised by the social services and usually involving financial compensation to cover the additional expenses incurred.
- Guardianship: in certain forms, a socio-legal process where a person, generally a relative, is appointed to take responsibility for the child and his or her property until the child reaches the age of majority.
- Kafala: a form of care under Islamic Law, recognized by legal act and considered definitive. Under kafala, the child does not take the name of the host family, nor does he or she acquire inheritance rights, reflecting the precept of Islamic Law whereby blood ties cannot be modified.
- Adoption: adoption can be ‘simple’, in which case the child maintains some financial and legal ties with his or her birth family (for instance, inheritance rights) and may even means that they irrevocably and completely terminate the relationship between the child and his or her birthparents, and create in its place an analogous relationship between the child and the adoptive parents.

Available for adoption abroad in low-income ones. Over the last several decades, increasing numbers of children have been abandoned and orphaned in the developing world in the wake of socio-economic change, especially the rapid urbanization in Latin America, Africa and certain Asian countries; the upheavals in Central and Eastern Europe; and the wars, ethnic conflicts and natural disasters that affect populations in different parts of the world.

Intercountry adoption, therefore, has come to represent in many ways the convergence of ‘demand’ and ‘supply’. One of the more recent and concrete expressions of this lies in the use of the Internet to promote adoption in ways that often involve the marketing of children — as well as spawning private adoptions and offering ‘shortcuts’ to the legal adoption process. The “language of economics” has, therefore, “made its appearance”, transforming a once purely humanitarian measure into “a more complex and controversial social phenomenon”. In other words, intercountry adoption, which should be viewed as one option among a series of child welfare measures for an individual child in need of care and protection, is no longer always the purely child welfare measure it was originally intended to be. In a certain number of cases, instead, it has become a lucrative profit-making activity, sometimes involving major financial interests and its own lobby, in which children are treated as commodities.

Statistics and flows

The only identified study seeking to gauge the global incidence of intercountry adoption, written by S. L. Kane and published in 1993, found that “at least” 170,000-180,000 children were involved in intercountry adoption in the 1980-1989 period. Intercountry adoption over that decade increased by 62%, and 30% of all children were drawn from only 10 countries. At the same time, the number of sending countries had jumped from 22 in 1960 to an astonishing 68 a decade later. The major sending region was Asia, followed by South America.

The country that had sent the most children abroad was Korea, which had recorded 61,235 adoptions in the period, followed by India (15,325) and Colombia (14,837). Kane encountered serious difficulties in quantifying intercountry adoptions. In several receiving countries (Australia, Ireland, Germany, the United Kingdom), the collection of statistics on intercountry adoption was not centralized. In other countries, such as the United States, data were probably slightly high as they related to the number of visas granted for adoption purposes rather than the actual number of children adopted from abroad. Statistics were not available in all in some other receiving countries (Israel), or were apparently only available for certain provinces (Quebec, Canada, Somalia). Some countries (Finland) had no breakdown by country of origin. Sending countries were even less likely than receiving countries to have reliable and complete statistics.

Today as in the past, the United States is the world’s foremost receiving country of foreign adoptive children, responsible for roughly half of all adoptions. (It does not, however, have the greatest number of foreign adopted children per capita, a record held by Sweden, a country of 8.8 million, which since the end of the 1960s has received some 40,000 foreign children). According to official data, U.S. parents adopted 85% more foreign children in 1997 than they did in 1993 (13,620 compared with 7,377), with a total of more than 50,000 foreign adoptions over the period. (At the same time, every year some 500 U.S. children — most of them African American — are reportedly adopted by families in Australia, Canada and Western Europe. Because the United States has no exit-visa requirements and therefore cannot keep count, the number could be far higher.) Other major receiving countries are Canada, France, Italy, the Netherlands, Sweden and Switzerland. As data from seven major receiving countries show, there has been a clear upward trend in the annual numbers of intercountry adoption over the 1993-1997 period.

Links are frequently forged between certain sending and receiving countries. Official data...
show, for instance, that from 1993 to 1997 U. S. families tended to look principally to Russia for children in adoption (10,442), followed by China (10,177) and Korea (8,406). Recently, Spain has preferred Colombia to all other countries of origin, although it maintains strong ties with India and China as well. Italy instead, over the 1993-1997 period, adopted foreign children mainly from Romania, Brazil and Russia. Some intercountry adoption is evident between Asian countries, one example being the adoption of Thai children by Malaysians.

The adoption policy of given countries of origin varies with the political and economic situation. Oftentimes moratoriums on intercountry adoption are called for to allow for investigation of abuses or the establishment of an adequate legal framework. (The latest example is the suspension of all adoptions from Guatemala, announced in December 1998 following widely publicized allegations of adoption fraud.) When borders are closed, demand tends to shift to other countries, a pattern particularly evident in Central and Eastern Europe.

Intercountry adoption was extremely rare during Socialist regimes, and was practically nonexistent in countries that were to see a surge of adoption during the 1990s transition. In Albania, faced with abuses of a small but unprecedented number of intercountry adoptions, the President took rapid action, prohibiting all foreign adoptions in mid-March 1992 and requesting international assistance in drafting new laws. The situation was far more dramatic in Romania, a country that had registered fewer than 30 intercountry adoptions in 1989 and witnessed the departure of more than 10,000 children from January 1990 until July 1991, when the President of Romania called a moratorium (which was to last nine months) because of the abuses and trafficking that were taking place. From this point onward, there has been a noticeable increase in intercountry adoption in other countries in the region such as Bulgaria and, especially, Russia.

Reactions to the climbing numbers were sometimes fierce. In 1992, Dr. Alexandra Zugravescu, then head of the governmental Romanian Committee for Adoption, called the massive outflow of children from her country “a national tragedy”. Mrs. Shevardnadze, First Lady of Georgia, in an article that appeared in the New York Times in June 1997 entitled Hands Off Our Babies’, claimed she would halt all international adoptions from her country, even though the numbers of children involved were still modest. At the time, a ten-month de facto moratorium was already in effect, which ended in theory when President Shevardnadze signed a new law on international adoptions on October 17, 1997. Uncertainty over adoption procedures, however, delayed implementation of the new law for several months.

### The International Normative Framework

Although a quantitatively minor phenomenon when compared, for example, with other child welfare measures, intercountry adoption has provoked a great deal of attention in international legal circles, which is indicative of the importance and fundamental nature of the qualitative problems involved. The development of international law on this question has also reflected the rapidly increasing level of preoccupation about the large-scale abuses of the spirit and procedures of intercountry adoption.

In addition to the many agreements and conventions that exist at the regional level, particularly in Latin America and in Europe, a number of international declarations (which are legally non-binding) and conventions (which are binding), set out principles and standards regarding intercountry adoption. The principal ones are discussed below.

#### The United Nations Declaration

The 1986 United Nations Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption, Nationaly and Internationally (the United Nations Declaration) states that:

If a child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the country of origin, intercountry adoption may be considered as an alternative means of providing the child with a family (Art. 37).

It sets out the main concerns as essentially to ensure adequate counselling of all directly involved and professional observation of the relationship between the child and the prospective adoptive parents before the adoption takes place. The Declaration, moreover, stresses prevention of abduction and improper financial gain, as well as protection of the child’s legal and social interests. Interestingly, it contains no references to such phenomena in relation to domestic adoption.

#### The Convention on the Rights of the Child

The provision of the 1989 United Nations Convention on the Rights of the Child (CRC) specifically dealing with adoption is Article 21, which sets out the basic principles to be followed when considering domestic and intercountry adoption for a child (see back cover). The original draft of
this article began with the obligation of States parties to “facilitate” adoption. By the time the text of the article came up for a second reading, however, the United Nations Declaration had been approved and the 1980s had provided an unprecedented number of examples of gross abuses of intercountry adoption practice. The result was that in its final version, although Article 21 recognizes that “inter-country adoption may be considered as an alternative means of child’s care”, its original wording was changed completely to stress the State party’s duty to “ensure that the best interests of the child” are “the paramount consideration” in any adoption and that safeguards and procedures are fully respected. It is important to note that this is the only place in the CRC where the best interests of the child are the, and not just a, primary consideration.

Article 21 is by no means the only provision in the CRC with direct relevance to intercountry adoption, however. Thus, Article 35 specifically provides that there must be adequate protection from sale, trafficking and abduction of children. More broadly, Article 8 recognizes the child’s right from birth to an identity (name, nationality and family relations) and to protection from being unlawfully deprived of that identity. Article 7 establishes “as far as possible, the right to know and be cared for by his or her parents”. Article 12 stipulates the child’s right to have his or her views respected and to be heard in any judicial or administrative proceedings affecting the child. Article 20.3 stresses that, when decisions are made about alternative care “due regard shall be paid to the desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background”.

Article 23 on the need for periodic review of placement is also relevant since many children potentially eligible for adoption live in orphanages or other institutions, where they very often languish or are forgotten until adulthood. A periodic review of the child’s placement will ensure that, at the earliest possible time, decisions are taken by parents, guardians or the competent authorities relative to the child’s reunification with his or her birth family or extended family or permanent care by an adoptive family.

The CRC envisages intercountry adoption only when it has been established that no substitute family or other suitable caring environment is available in the child’s country of origin. This “subsidiarity” principle corresponds to the right of the child “deprived of his or her family environment . . . to special protection and assistance provided by the State” (i.e. the State in which the child has been living) (Art. 20.1).

The Hague Convention on Intercountry Adoption

The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the Hague Convention) was adopted on 29 May 1993 and entered into force on 1 May 1995. More than 60 countries and about 10 international NGOs took part in its drafting. It has as its principal objectives:

(a) to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law;
(b) to establish a system of cooperation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children;
(c) to secure the recognition in Contracting States of adoptions made in accordance with the Convention (Article 1).

The Hague Convention was therefore designed principally to set up a mechanism for international cooperation to give practical effect to the CRC provisions relating to intercountry adoption. (See pages 11, 14-15 for a more detailed discussion.) It provides for responsibilities and tasks to be shared between the States of origin and the receiving States, while respecting international and national law and intercountry adoptions, and national legislation. One of its basic premises is that adoption is not an individual affair, which can be left exclusively to the child’s birthparents or legal guardians, or to the prospective adoptive parents or other intermediaries, but rather a social and legal measure for the protection of children. Consequently, procedures for intercountry adoption should ultimately be the responsibility of the States involved, which must guarantee that adoption corresponds to the child’s best interests and respects his or her fundamental rights.

The Hague Convention essentially turns the ‘principle’ of subsidiarity into a rule, recognizing that “intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of Origin” (emphasis added). This Convention reflects an internationally recommended policy concerning different child care measures, which is — while recognizing that each child is special and that decisions affecting the child’s life must be based on a full respect for his or her uniqueness — sets out the following hierarchy of options, generally held to safeguard the long-term “best interests” of the child:

- family solutions (return to the birth family, foster care, adoption) should generally be preferred to institutional placement;
- permanent solutions (return to the birth family, adoption) should be preferred to provisional ones (institutional placement, foster care);
- national solutions (return to birth family, national adoption) should be preferred to international ones (intercountry adoption).

As at 24 November 1998, there were 28 Contracting States and a further 11 that had indicated their intention of ratifying by signing the treaty.

Contracting States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption

Sixteen “sending” countries (16) and 12 receiving countries (12) had ratified or acceded to the Hague Convention as of 24 November 1998.

- Andorra
- Australia
- Burkina Faso
- Burundi
- Canada
- Colombia
- Cyprus
- Costa Rica
- Denmark
- Ecuador
- El Salvador
- Finland
- France
- Lithuania
- Mexico
- Moldova
- Netherlands
- New Zealand
- Norway
- Paraguay
- Peru
- Philippines
- Poland
- Romania
- Spain
- Sri Lanka
- Sweden
- Venezuela

Source: http://www.ichc.net
**Main issues**

**ABUSES OF INTERCOUNTRY ADOPTION**

During the adoption process, violations of the most basic rights of the child can occur. These violations are often perpetrated under the cover of the supposedly humanitarian aim of the act and justified by the simplistic view that a child will somehow always be 'better off' in a materially rich country. Illegal acts and malpractice can involve criminal networks, intermediaries of all kinds, and couples prepared to carry out, accomplice to, tolerate, or simply ignore abuses in order to secure an adoption. The diversity of the methods used, and the wide range of actors that may play a role, demonstrate the vastness of the task of protecting the rights of the child in intercountry adoption. The challenge is all the greater in that, in many if not most cases, the resulting adoption bears all the hallmarks of a perfectly legal procedure.  

"Adoption for commercial purposes"—clearly a misnomer, since it is of course the procedure, not the purpose, that is "commercial"—is an area monitored by the Special Rapporteur of the United Nations Commission on Human Rights on the sale of children, child prostitution and child pornography. Child trafficking often involves the collusion of a large network of individuals (typically unknown to one another), who can range from "spotters" on the lookout for pregnant girls, to hospital personnel, doctors and midwives, to birth registrars, lawyers and passport and visa officials. This long chain of corruption can extend to receiving countries, where intermediaries are available to place the trafficked children. A 1994 report emphasized the clandestine market that had grown up around intercountry adoption in several former Communist countries. Reports of trafficking also came from Turkey and Greece. from Jordan and from various countries in Latin America.

**Methods and means**

As concerns over non-respect for standards and legal and procedural loopholes are gradually eliminated, so new methods are employed to circumvent established norms and laws in response to the continuing high demand for child adoptions. It would therefore be impossible to give a comprehensive listing of abuses, but the following are among the major methods whose use, singly or in various combinations, has been documented to date:

- **Selling children in policy or practice**
  - Attempts to persuade the competent national authorities to release more children for adoption or to make exceptions to certain laws or procedures in specific cases. Such attempts may go as far as applying highly questionable political and economic pressures.
  - Illegally obtaining children for adoption
    - Abduction of babies and infants by a variety of methods, ranging from simply kidnapping the child in the local marketplace to organizing his or her abduction by a baby-sitter. To cite just one example, in Tondures in 1992, senior government officials reportedly acted as receivers for infants abducted from poor families, hid the infants in ‘fattening centres’ (including one official’s own home), and afer a safe interval, sold them to foreign couples for $5,000 each. The scandal led the Government to call an immediate halt to intercountry adoptions.
  - Illegally obtaining children for adoption
    - Identifying potentially vulnerable mothers — especially adolescent single mothers — and inciting them to give up their future or newborn baby. This pressure may be exerted before the birth, at the maternity clinic or hospital or else in the institution. In some cases, it is ostensibly founded on the moral or religious opinion that a mother who has a child out of wedlock is not the most suitable person to bring up a child properly; in others, on the conviction that the child will necessarily be better off with a couple, especially if they are wealthier. Such pressure is sometimes reinforced by the offer of free pre- and postnatal care.
  - Illegally informing the mother that her baby was stillborn or died shortly after birth in order to enable the child’s anonymous removal from the maternity clinic.
  - Falsifying, or falsely obtaining, certificates of birth or death registration.
  - Providing false information to prospective adopters. The U.S. Bureau of Consular Affairs, for instance, cautions that one of the most common adoption ‘frauds’ involves intermediaries who offer a supposedly healthy child for adoption knowing that the child is seriously ill.
  - Illegally securing permission to adopt
    - Falsifying, or falsely obtaining, certificates of aptitude to adopt that are accepted by the authorities in the country of origin of the child to be adopted.
  - Corruption of local or central officials and judges in order to obtain favourable decisions. Corrupt judges may, for example, accept false documents purporting to contain the consent of the birthparents.
  - Illegally avoiding the adoption process
    - Making false birth or paternity declarations. Relatives or ‘fake’ mothers sometimes relinquish a child they are temporarily caring for, knowing that the adoption takes place. In countries where links with, or receive news of, the child once the adoption takes place. In countries where this information is not a ‘fait accompli’.
  - Officially registering an orphan’s birth in the hope that the birthmother will be too distressed to contest the registration or to make exceptions to certain laws or procedures in specific cases. Such attempts may go as far as applying highly questionable political and economic pressures.
**Consequences of illegal acts and malpractice for the child**

Demanding respect for the rights of the child in intercountry adoptions is not simply a moral stance or an end in itself. The practical ramifications that violations have for the child can be devastating. While intercountry adoptions that have involved illegal acts or malpractice are not bound to fail, the risks of failure, sooner or later, do increase very significantly.

The child’s right to an identity implicitly includes the right to the truth about his or her own history. Article 30 of the Hague Convention requires Contracting States to preserve “information concerning the child’s origin” and to permit access to this information “in so far as is permitted by the law of that State”. Whenever illegal procedures are resorted to during the process of intercountry adoption, the child’s identity is likely to be jeopardized. In cases of child trafficking, for example, knowledge about the abducted children’s families, their ethnic roots and their medical histories are forever lost. Often child traffickers try to cover their tracks by moving kidnapped children to other countries before arranging for their adoption abroad. Hence, one report describes a criminal ring that kidnapped Guatemalan children, obtained forged birth certificates and passports, transported the children to El Salvador and Honduras, and from there arranged for their adoption in third countries. These children and others like them will never know anything about their origins, not even where they were born.

It is increasingly being acknowledged that being barred from knowledge about one’s past can have a negative effect. Research has shown that many adopted children need to know as much as possible about their real identity in order to build balanced personalities. This greater awareness has led to more openness about the adoptive child’s family background. In some countries, records have been unsealed. Indeed, small but growing numbers of adoptive parents establish and maintain communication about the adoptive child’s family background. This new practice, known as “open” adoption as opposed to “exclusive” adoption, is especially viable in the case of older adoptive children.

The child’s national identity is also at risk. Cases have been reported of the export of pregnant women to countries where procedures are less regulated. In the early 1990s, a criminal ring that brought Romanian, Albanian, Yugoslav and other nationals to Budapest, Hungary, to give birth, others relinquished their newborn children to waiting foreign parents, mainly from the United States, while the enterprise intermediaries pocketed most of the fees paid. When the Government dismantled this particular operation, difficulties arose over the national identities of the children involved, who were born in Hungary but of foreign mothers.

Children brought into a country illegally — as was the case, mentioned earlier, of some Romanian children in Ireland — will often find themselves in a ‘limbo’. If they have lost their original nationality as a result of the adoption procedure in their birth country — one not recognized in the receiving country because of irregularities — they will be faced with the precariousness of statelessness.

National identities may also be unclear in cases of adoption disruption, which is more likely when safeguards such as counseling for the prospective adoptive parents, homestudies and careful matching of children with families, are not respected. A study of 57 unsuccessful intercountry adoptions in Switzerland found that in more than half of the cases the child had never acquiredSwiss citizenship, which is granted only after a two-year probationary period in cases of intercountry adoption. For one former ‘street child’, adopted in Colombia by a Swiss family when he was 10 but then, given unsolvable conflicts, placed in an institution, this meant that even after 13 years of residence in Switzerland, he could not be covered by accident insurance or considered for apprenticeships and would likely remain a ‘foreigner’ in what he had come to consider his homeland. It is application for naturalization was refused on the grounds that he had contract debts and come into conflict with the law.

The fate of children who are disabled or seriously ill (especially those affected by HIV/AIDS and other incurable diseases) has often been tragic. In some cases, they were presented as healthy children to their prospective adoptive parents; in others, the adopters were aware of the special needs but, not having received counseling or gone through the matching process, had not realized the caring implications. Many such children have been rejected and either have ended up in institutions in countries far from their own or, in some cases, have been quite simply returned to their country of origin.

**Consequences of abuses for children in general**

The consequences of abusive actions in adoption reach far beyond the individual child directly concerned.

First and foremost, allowing such actions to persist either by ignoring them or, even worse, attempting to justify them as being essentially ‘in the child’s best interests’, perpetuates the idea that fundamental decisions about children’s lives can be made without reference to the law, at whim, and often in connection with financial consideration to boot. It thus reflects a general attitude towards children that is in total contradiction with the very essence of the Convention on the Rights of the Child.

Second, the evidence of significant numbers of abusive intercountry adoptions potentially affects all children who have been, or are at risk of being, abandoned in the country in question. In a context of irregular adoptions, institutions are likely to thrive whose main, or even sole, function is to expedite foreign adoptions, and whose funding is directly proportionate to the number of children ‘processed’. These so-called orphanages have few incentives to look for domestic solutions for children when so much can be gained by sending them abroad. They may make only halfhearted efforts to find the child’s natural family, or neglect to ascertain whether or not the child had been placed in care temporarily because of an emergency situation.

Additionally, when adoption scandals erupt, it is not unusual for countries of origin to prohibit intercountry adoption entirely, a measure that may adversely affect children properly identified as requiring this form of care. This is especially significant in countries where there is a stigma attached to adoption. A advocacy effects aimed at creating a more positive environment for domestic adoptions in these countries are likely to suffer a setback when irregularities are uncovered, which will result in more children being kept in institutionalized care.

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**Main issues**

**High-Risk Situations**

Abuses in intercountry adoption are, not surprisingly, more likely in countries where there are no effective legislation and administrative structures and/or no coherent and workable child and family welfare policy. Abuses are especially prevalent in ‘private’ adoptions and during periods of armed conflict, natural disasters, socio-political upheaval and economic crisis. Intercountry foster placement and respite care, a new and largely unregulated phenomenon, also presents serious risks.
Main issues

Legislation
A sound legislative base is fundamental — though of course not sufficient — for preventing abuses of intercountry adoption. Children in countries where legislative provisions are nonexistent, inadequate or plagued with gaps and loopholes are at a greater risk. The absence of relevant legislation in many former Communist countries thus created a climate favourable to child trafficking and other abuses in the early 1990s. Albania, Bulgaria, Latvia and Poland, among others, had no legal provisions specifically regulating intercountry adoption. But it is not only the strictly-defined field of adoption itself — both domestic and intercountry — that needs to be regulated by law. Children who do not legally exist are especially vulnerable to child trafficking and illegal adoption, yet according to UNICEF, every year as many as 40 million infants, about one third of all births, are not registered. In many countries, there are no laws making birth registration compulsory. Yet it is not only the strict legal definition of adoption that needs to be regulated by law. The concept of ‘agency’ adoptions. The meaning of ‘parent-initiated’ adoptions (also known as ‘independent’, ‘direct’, ‘non-agency’ or ‘private’ adoptions) and ‘independent’, ‘parent-initiated’ adoptions (also known as ‘independent’, ‘direct’, ‘non-agency’ or ‘private’ adoptions) and ‘private’ adoptions (also known as ‘independent’, ‘direct’, ‘non-agency’ or ‘private’ adoptions) and ‘private’ adoptions (also known as ‘independent’, ‘direct’, ‘non-agency’ or ‘private’ adoptions) is crucial in determining the treatment of children in the context of ‘private’ adoptions. The Committee on the Rights of the Child, the body responsible for monitoring compliance with the CRC, has frequently made this distinction. Reviewing the initial report of Paraguay, for instance, it urged that, considering the many abuses that had occurred, including the sale of children, authority for international adoption “must be centralized and not left in the hands of profit-seeking lawyers”. A Russian newspaper discussing the various possibilities that exist for corruption concludes that it is hard to know the facts since much of what goes on is a “private affair.” When prospective adoptive parents decide to act directly — or more usually through intermediaries such as law firms — the possibilities for enforcing safeguards are dramatically reduced. They also run serious risks themselves.

Child and family welfare policy
In countries where there is no official policy that actively promotes maintaining the child in his or her birth family, including support to the family where necessary, the consequent recourse to abandonment and the ‘subjective’ criteria used in child placement: in the absence of laws and regulations, and are in good health to the private homes — in other words, those children suitable for international adoption. “getParents are not help the procedures and safeguards should be relaxed. It is important that the prospective adoptive par-ents be helped to understand that the procedures are designed to protect the interests and rights of the children, not as arbitrary obstacles to adop-tion. They should also never forget that ‘adoptive parents’ who demand ‘up-front’ fees of more than $500, claim to know ‘shortcuts’, suggest travel before a child has been assigned, or exert pressures to ‘reserve’ a child by means of a constant ‘down payment’.” Prepayment for nonexistent or ineligible children is a common adoption fraud. In many cases, it appears, ‘private’ adoptions are initiated precisely because of the strict procedures that are applied to intercountry adoptions. They can be arranged for persons whom adoption agencies have deemed unsuitable as prospective adoptive parents, for whatever rea-son, or who refuse to wait months or years for a child to be allocated to them through official channels. This has led some groups to claim that it is excessive bureaucracy and regulation that foster the ‘underground trade’, and that therefore the procedures and safeguards should be relaxed. It is important that the prospective adoptive par-ents, yet that involves, for example, the ‘subjective criteria’ used in child placement: “In general, judges and those children who do not have families, are under the age of two years and are in good health to the private homes — in other words, those children suitable for interna-tional adoption.” Guatemalan couples are automatically turned down when they apply to these homes, given their obvious inability to compete with foreign clients. Judges also tend to be too hasty in declaring a child abandoned, not giving enough consideration to the difficulties an impoverished mother may be experiencing in travelling to and from the children’s home.

Private adoptions
A distinction is generally made between ‘private’ adoptions (also known as ‘independent’, ‘direct’, ‘non-agency’ or ‘private-initiated’ adoptions) and ‘agency’ adoptions. The meaning of these two terms varies significantly from country to country, depending on what the concept of ‘agency’ is. Therefore, in some countries, a ‘private adoption’ would be one not arranged through the Government. In others, it would be one not arranged through the Government or an agency licensed by the Government. In others still, it would be an adoption not arranged through the Government or any kind of agency (whether licensed or not). Since two Governments are involved, a number of hybrids are possible. One example could be adoptions that are handled by a State-licensed agency in the receiving country but that involve non-licensed intermediaries in the country of origin.

Courts and administrative structures
The absence or insufficiency of courts and administrative services in a position to ensure the proper implementation of enacted legislation signifi-cantly increases risk. In some countries, judicial systems are so overloaded that the court decision on an intercountry adoption is reduced to a rubber-stamping exercise rather than a care-ful examination of the situation and documenta-tion. There may be no judges with special compet-ence in this sphere. Equally, social service depart-ments may be unable to carry out the tasks necessary to help children remain with their fami-lies wherever possible, to identify local alterna-tives where needed, or to make appropriate preparations, including counselling and reports, when an adoption procedure is envisaged.
Emergence, conflict and post-conflict situations

All the above risk factors are compounded significantly in emergency situations or those that are perceived as such. Here, the heightened vulnerability of the children and their families, coupled with a sometimes sensationalist stance by the media and the urge of outsiders seeking to help in their own ways, constitutes a breeding ground for abuse and malpractice in intercountry adoption.

The situation of children in conflict and post-conflict situations, in particular, is so complex that intercountry adoption is highly inadvisable. To begin with, recognized authorities may not be in control of all the national territory and will invariably lack the means to ensure basic services. Thus, existing judicial and administrative structures are likely to have broken down or to be severely restricted. Everything from birth registration to court decisions may be virtually impossible to ensure.

Temporary measures are needed until all efforts have been made to trace families and it is formally established that the child is adoptable. Family members may have distanced themselves from their child to minimize the child’s risks. Refugee parents, in particular, may have abandoned their child after a period of extreme deprivation, which has left them uncertain about their future ability to guarantee the child’s survival. Separation may also have been involuntary. One example of the kind of children’s rights violations that can occur in such situations was ‘Operation Babylift’ out of Vietnam between 1963 and 1976, which involved about 3,000 children, many of whom mistakenly considered as ‘orphans’.

Responding to the emergency situation in Rwanda in 1994, the International Committee of the Red Cross issued an unequivocal statement:

Children in an emergency context are not available for adoption. Since most unaccompanied children are not orphans, what they need is suitable interim care with a view to possible reunification with their families, not adoption. Adoption should not be considered unless a reasonable time (normally at least two years) has passed during which all feasible steps to trace parents or other surviving family members have been taken.

Once it has been determined that a child is ‘adoptable’, consideration must be given to the possibility of placing the child with his or her extended family and, in the case of refugee children, within the refugee community or with families in the country from which the child has fled. Intercountry adoption should only be contemplated after repatriation and other placement options have been excluded. Refugee children and other internationally displaced children are also the subject of a 1994 Hague Conference Recommendation, which urges particular care to ensure that:

- all reasonable measures have been taken in order to trace and reunite the child with his or her parents or family members where the child is separated from them; and
- the repatriation of the child to his or her country, for purposes of such reunion, would not be feasible or desirable, because of the fact that the child cannot receive appropriate care, or benefit from satisfactory protection, in that country.

Socio-political upheaval and abrupt economic change

Events during the 1990s in Central and Eastern Europe demonstrated as never before the risks of abuses in intercountry adoption that can be created by drastic changes in the socio-political climate and the sudden descent of a significant proportion of the population into material poverty. While some factors might be considered rather specific to the context of events in this region — such as the sudden demise of the State as provider, widespread prior reliance on institutional care, and the inexpediency of the new authorities in confronting certain international issues such as intercountry adoption — there can be no doubt that many elements constitute risks of a far more general nature. These range from ensuring the rule of law to dealing with massive influxes of foreign organizations, as well as the special vulnerability of families experiencing severe financial hardship for the first time.

An upturn in the economy may also spark gross abuses. This was apparently the case of Vietnam in 1993, where economic recovery had created a dis-equilibrium in ‘supply’ and ‘demand’, with far more ‘clients’ for children in adoption than there were children available. To meet requests and thereby ensure the continuity of a business built up over the years, local intermediaries began pressuring mothers to abandon their children.

Intercountry foster placement and respite care

Intercountry foster placement has grown over the past few years, currently involving some tens of thousands of children a year (in Italy alone, some 60,000 children were received during the summer of 1997). These may be children living in institutions, children with relatively severe medical problems or child victims of armed conflicts and other disasters. Children from Central and Eastern Europe — from orphanages, victims of the Chernobyl disaster, and children threatened by war in ex-Yugoslavia — have been particularly prevalent.

Placing a child with a family living in another country is generally a temporary measure for a set period. It has the advantage of offering the child a period away from the environment of his or her everyday life, enabling the child to regain physical and psychological strength or to receive needed medical care. It has the drawback of returning the child to that very same problem environment after he or she has experienced several weeks or months of a very different, ostensibly more favourable, way of living. This can create unease in the child and may prove more harmful than the benefits of the stay abroad. The child may, for example, return with a low esteem for his or her parents, their traditional way of thinking and doing things, and their inability to provide the kind of lifestyle the child has known abroad.

A major risk is represented by the fact that, at present, in most receiving countries international fostering is organized by volunteer groups. It does not benefit from the same safeguards as national fostering does, nor does it receive the kind of attention it merits from local authorities. Foster families receiving children from abroad are, in general, not scrupulously screened or given any prior training in fostering, or any supervision during fostering. Often families merely ‘sign up’ and a child is assigned to them on the basis of their ranking on a list. A further risk, particularly relevant to this Digest, is that intercountry foster placement is sometimes used to circumvent part of the normal legal procedures for intercountry adoption: the child does not go back to his or her home country once the scheduled stay is over, and the host family embarks on adoption proceedings in their country of residence. In such a situation, the child can continue to live with parents who may even be found, eventually, to be ‘unsuitable’.

The new Hague Convention of 19 October 1996 on the Protection of Children contains
special safeguards and procedures for intercountry foster care to take place in appropriate circumstances and under appropriate conditions. Of particular relevance is Article 33 which provides for consultation concerning a decision by authorities in one State to place a child in care in another State. Other articles set out procedures for the provision of assistance in locating missing children (Art. 31) and for the relocation of seriously ill or at-risk children from one State to another (Art. 36).

PROMOTING A FAMILY-FOCUSED APPROACH

The ‘abandoned’ birthmother

Many birthmothers of children adopted abroad are only children themselves. Often extremely poor and marginalized within their own societies, these child-mothers may have little choice but to abandon their offspring.

A 1993 study of adoptions from major Latin American cities found that typical birthmothers:
- were aged between 14 and 18;
- had only one or two years of primary schooling and were functionally illiterate;
- lived below the poverty line;
- were unemployed or active in the informal sector as street vendors, beggars or prostitutes;
- came from broken homes;
- had histories of neglect, abuse and abandonment;
- lived in ‘macho’ societies;
- had had no access to sexual education;
- were totally unprepared for the responsibilities of motherhood.

Their situation was diametrically opposed to that of the older, more educated, wealthier and better-off adoptive mothers. Devising policies to support and protect the birthmother is a priority in a context of high abandonment rates. Guidelines drawn up by international NGOs emphasize that birthparents should be offered psycho-social services by professionally qualified workers before and after the birth of the child. As a first priority, birthparents should be directed to services and other resources, such as child welfare centres and centres for the support of unwed mothers, that could enable them to bring up their own child. They should also be protected from being coerced into planning for their children’s future before the child is born and be given sufficient time to reconsider their decision before it becomes irrevocable. In addition, after relinquishing the child, birthparents should have access to counselling and support services.

Efforts to address the root causes of abandonment are also needed and should be closely linked to the commitment nearly all countries in the world have made by ratifying the CRC to combat discrimination, including on the basis of sex and status at birth. In countries where gender discrimination is more severe or the societal attitude towards children born out of wedlock extremely hostile, greater understanding of and respect for children’s rights must be fostered, by schools, the media, NGOs and church groups, among others. Measures are also required to provide girls with relevant and accessible education, encourage family planning and promote good parenting, including an emphasis on the importance of responsible paternity.

Since a source of ‘unwanted’ babies is violence against women, legal and administrative measures are needed to combat abuses, protect victims and punish the perpetrators. Governments should also make greater efforts to tackle poverty, a major cause of abandonment, through the creation of job opportunities, increases in the minimum wage, and the provision of adequate social safety nets (unemployment benefits, maternity leave, free medical care for families in difficulty, family allowances, etc.).

Institutionalization and intercountry adoption

To some degree, and in response to a variety of situations, institutional or residential placements of some kind are used as a ‘welfare’ measure throughout the world. The use of institutional care was especially prevalent in the former Communist States of Central and Eastern Europe, where domestic adoption was often not an option, mainly because of professional inertia and fear of adopting children with unknown origins. Inadequate institutional care for children has always been of particular concern.

In many countries, the ‘expendability’ of the girl child. Official data from the Dutch Government, for example, show that, in 1996, 28 out of 36 intercountry adoptions from India involved girls; in 1997, the figure was 40 out of a total of 58, or nearly 70%. The share from China, where a policy of one child per family is in force, was 90% in 1996, and 93% in 1997 (94 girls out of 105 children). While these numbers are small, the scale of the problem can be recognized by considering that in the two-year 1996-1997 period, over 700 Indian children and nearly 7,000 Chinese children, again overwhelmingly girls, were adopted by U.S. parents alone.

The devalued status of girls and women

In many countries of origin, the girl child suffers from severe discrimination. At times gender discrimination is so destructive that it has altered the natural ratio of men to women in the total population. This is the case in South and West Asia, China and North Africa, where an estimated 60 million women are actually ‘missing’ from the population because of selective foetal abortion, infanticide, discriminatory feeding practices or neglect.

The predominance of female adoptees from certain countries is another expression of the ‘expendability’ of the girl child. Official data from the Dutch Government, for example, show that, in 1996, 28 out of 36 intercountry adoptions from India involved girls; in 1997, the figure was 40 out of a total of 58, or nearly 70%. The share from China, where a policy of one child per family is in force, was 90% in 1996, and 93% in 1997 (94 girls out of 105 children). While these numbers are small, the scale of the problem can be recognized by considering that in the two-year 1996-1997 period, over 700 Indian children and nearly 7,000 Chinese children, again overwhelmingly girls, were adopted by U.S. parents alone.
WHEN THE ANSWER IS INTERCOUNTRY ADOPTION

A synopsis of good practice

A child’s eligibility for intercountry adoption should be decided upon by the competent authorities of the State where the child habitually resides (the country of origin). The procedure should be carried out by the authorities themselves or ‘accredited’ nonprofit professional bodies, not by other intermediaries. Strict regulations and procedures to protect those children’s rights and interests are vital; prospective adoptive parents, in particular, must be helped to understand this and be warned against trying to adopt without due regard for them. Thus, the onus for ensuring the appropriate use of intercountry adoption should also be provided.

Main issues

Domestic adoption

If it is established beyond reasonable doubt that the birth family cannot guarantee the psycho-social development and the physical and emotional integrity of the child, competent child welfare bodies should look for a substitute family within the country. Domestic adoption must be given priority because child protection measures should be such as to minimize cultural, social and psychological trauma to the child. Campaigns to promote domestic adoption are needed to raise awareness of the real needs and rights of the children concerned. The same safeguards that apply to intercountry adoption are also applicable to domestic adoptions; this includes studies to establish the adoptability of the child and the suitability of the prospective adoptive parents, matching carried out by competent authorities or authorized bodies, counselling of all parties concerned and the maintenance of information on the child’s family and medical history.

Domestic adoption

The reintegration of the child in his or her birth family is in principle the best possible alternative for institutionalized children. Specialized services must initiate attempts to secure this as soon as a child is taken into institutional care. The reintegration process should entail:

- locating members of the birth family, including the extended family and particularly the grandparents, if necessary by means of a police inquiry;
- analysing the specific problems of the family and the child;
- providing financial, social or psychological support to the family, where necessary including family therapy (for instance, psychotherapy, drug or alcohol rehabilitation);
- identifying those families where reintegration is possible;
- providing, if necessary, for a transitory period of placement in a foster family or an institution, in order to give time to the family to solve its problems; and encouraging and facilitating contact between the family and the child during that period.

In any case, the child must be prepared for the change and allowed to participate, to the extent possible, in devising the reintegration plan established in consultation with the family. Support for the family and child after reintegration should also be provided.

Family reintegration

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CHILDREN AND ADOPTION: WHICH RIGHTS AND WHOSE?

by Chantal Saclier, International Social Service

Having lived for several years in developing countries, where I was able to observe the conditions in which children live and are looked after in institutions, and having worked for some time on matters relating to intercountry adoption while living in receiving countries, I can appreciate the complexity of the issues involved. At present, speaking of children’s rights when talking about intercountry adoption forces us to confront a highly uncomfortable situation. In the name of the child, everyone raises his or her banner and simplifies the issues to the extreme, whereas, in this field, the rights of the children concerned are not always so clear-cut and obvious. The passions the topic unleashes, in both countries of origin and receiving countries, distort information, confuse peoples thinking and make action difficult and risky. Often there is a tendency to consider only one aspect of the problem, filtered through the prism of the side of the planet on which one lives. Everyone defends his or her personal convictions or interests, forgetting that at stake are the lives of human beings, and young and particularly vulnerable ones at that.

One might start by making two statements in terms of the interests of the children concerned. Adoption can offer a permanent and appropriate family to children who have been definitively deprived of their family environment or cannot, in their own best interests, be allowed to remain in it. Adoption is, then, an opportunity that should be offered to such children when it appears to be the right solution for them. Often, however, these two irrefutable statements are reinterpreted and transformed into the following highly questionable conclusion, one that can be used to cover up a host of practices that are contrary to the child’s best interests: “Since there are many children suffering in institutions and many families keen to adopt in more privileged countries, international adoption should be encouraged and promoted.”

We are indeed facing a paradoxical situation.

On the one hand, many thousands of children at present live in institutions in conditions that give great cause for concern. For a portion of these, adoption (domestic and intercountry) is an option that ought to be implemented because they are in need of a permanent family environment. However, for many reasons, some of which have been stated earlier in this discussion, they are kept in institutions.

On the other hand, thousands of couples or individuals from ‘receiving countries’ regard intercountry adoption as the only solution left at the end of a long, painful road that has typically included unsuccessful fertility treatment, applications for domestic adoption turned down or placement on long waiting lists.

We can therefore understand how easy it is to reach the conclusion mentioned above. But really contradicts it.

In fact, a growing number of children who have been adopted were not in need of a substitute family: children sought directly in their birth family, who may or may not have passed through an institution; children who could have continued growing up in that family had it been given modest support or had the demand from adoptive parents and the money they were prepared to pay not exerted pressure on mothers and encouraged abuses or a variety of criminal acts; even children who would not have been conceived were it not for the lure of money to be gained through intercountry adoption.

Certainly, the great numbers of children placed in institutions and kept there for years is one of today’s most poignant tragedies. But international adoption can also turn into a tragedy for the children involved and their families.

In the last two decades, intercountry adoption has progressively changed. From its initial purpose of providing a family environment for children, it has now become more demand-driven. Increasingly in industrialized countries, intercountry adoption is viewed as a way for childless couples to satisfy their urge for a child. Growing numbers of intercountry adoptions, in fact, involve countries where children can be found who correspond to criteria set by prospective adoptive parents: very young children whose physical appearance is as similar as possible to their own, and who have no physical or mental disabilities or serious illnesses. This trend has contributed to the development in the West of a tendentious philosophy of a ‘right to a child’, which often goes so far as to violate the rights of the child. To meet the demand for children, abuses and trafficking flourish: psychological pressure on vulnerable mothers; negotiations with birth families; adoptions organized before birth; false maternity or paternity certificates; abduction of children; children conceived for adoption; political and economic pressure on governments.

Indeed, a booming trade has grown in the purchase and sale of children in connection with intercountry adoptions. It originates with the continuous pressure exerted by couples in economically advanced countries and the fact that they frequently can be induced to pay very large sums of money to satisfy their desire to have a child. All too often in these cases, adoption, whether intercountry or domestic, becomes an act of selfishness, an expression of an inability to frustrate by putting the burden on others who are less economically privileged. This trade also depends on the venality of officials, professionals and intermediaries who see adoption as a way of getting rich quick, either through corruption or by overcharging for services rendered. And it is fuelled by the lure of profit in populations destabilized by poverty or the breakdown of their societies.

The child whose rights are being stepped on has become an object, a tradable commodity. In such cases, who can still dare call adoption an act of love? An act of generosity in the midst of the drama of poverty or loneliness? That is what it can and should be, but it is, alas, ever less so.
What are children’s rights in intercountry adoption?

If children are to be set at the centre of all measures aimed at protecting them and respecting their rights, then three lines of action seem to me to need priority for children at risk or in a situation of neglect or abandonment:

1. Neglect and abandonment of children are mainly the consequences of poverty and destitution. Large families, lack of education, absence of birth control, the breakdown of the nuclear family, a weakening of the role of the extended family, intramariel violence, alcoholism and drug addiction, health problems, and so on, are all direct consequences of poverty and destitution. From a human rights perspective, it is impossible to be satisfied with considering adoption as the answer for neglected or abandoned children. It is imperative that action be taken so that children are not abandoned but can remain with their families.

Implementing children’s rights means fighting for national and global policies that bring about social justice, that is, that improve the economic and educational level of impoverished populations.

2. Worldwide, and particularly in low-income countries, placement in institutions often constitutes the automatic response to children in need of care and protection. In most cases, institutional placement has very adverse effects on the child’s development. It does not foster the psychological, emotional, social, intellectual or even physical development of the child. In many countries, moreover, because institutions are underfunded and poorly managed and their staff lack training and adequate supervision, they fail to meet even children’s most basic needs. Some people in these countries are fiercely opposed to intercountry adoption on the grounds that children have a right to be brought up in their own communities, but, at the same time, they are willing to accept that children languish in institutions where their other fundamental rights are ignored or violated. In a world where population movements are unceasing, is it not more respectful to offer a child a family that will help him or her to develop, in whatever country, rather than condemn that child to an orphanage culture?

Implementing children’s rights means fighting to raise awareness, to promote policies and to promulgate legislation that favours family-based alternatives for children; limiting the role of the institution to temporary care aimed at facilitating the reintegration of the child into his or her family as a priority, and otherwise his or her permanent placement in a substitute family; promoting and improving in-community and in-country adoption; monitoring and improving intercountry adoption procedures.

3. Adoption, and particularly, though not only, intercountry adoption, can involve practices that generate high risks for children and their birth families (especially their mothers), abuses, trafficking and criminal acts such as sale and purchase, or abduction. Too often adoption is a means for couples and individuals (nationals and foreigners) to satisfy their desire for a child, but without giving paramount attention to the child’s best interests. Adoption must, and must only, be a measure for the protection of the child. It is not a matter for individuals only. It is a social and legal measure for the protection of children and has to be under the responsibility of the State or States involved.

Implementing children’s rights means fighting against the growing philosophy biased towards the ‘right to a child’; opting for adoption only when it is in the best interests of the child; improving ethical criteria; being exacting when accrediting and monitoring intermediaries; implementing procedures that ensure that the prospective adoptive family matches the child’s needs and characteristics; improving laws and practices; training staff and judges involved in the procedures; taking very drastic measures to fight against profit-making in adoption-related matters, and against the abduction of, sale of or trafficking in children.

The International Social Service is an international NGO dedicated to helping individuals and families with personal or social problems resulting from voluntary or forced migration, including intercountry adoption. Its national branches, affiliated offices and correspondents in over 100 countries facilitate communication between social services to resolve these problems.

Chantal Saclier is Program Manager at ISS’s Geneva headquarters, responsible for planning and coordinating the activities of the ISS International Resource Center on the Protection of Children in Adoption. The purpose of the ISS/IRC is to promote and improve the implementation of the rights of children who are in situations of neglect or at risk of abandonment as well as of children considered for or already in substitute family care, particularly adoption. (See page 21 for further details.)
country adoption lies on both countries of origin and receiving countries, and their cooperation throughout the many stages of the adoption procedure is essential. To facilitate this cooperation, the Hague Convention on Intercountry Adoption provides that each Contracting State should establish a national Central Authority with overall responsibility for protecting children potentially or actually involved in an intercountry adoption. The Central Authority may act through another public authority or an accredited body. In the case of accredited bodies, the State has an obligation to supervise their composition, operation, and the financial conditions they apply.

Aptitude of the child
The Central Authority of the country of origin must ensure that competent authorities establish the child's adoptability — that is, legal eligibility and psychological, medical and social suitability for adoption — and that a report is completed before the prospective adoptive parents have contact with the child's birthparents or other legal representatives and before consideration is given to matching the child with any given prospective adoptive family. The report should certify that:
- birthparents have been clearly informed of the consequences of adoption (and, in particular, that in cases of intercountry adoption, the child will leave the country and that all links with the birth family will be definitively severed) and have been helped with necessary counseling;
- the birthparents, and particularly the birthmother, have given their consent to adoption only after the birth of the child (a blanket consent not naming specific adoptive parents limits the risks of trafficking);
- the consent of persons, institutions and authorities responsible for the child has been freely given before adoption and has not been induced by payment or compensation of any kind;
- the child, according to age and degree of maturity, has received counseling and is informed of the consequences of adoption, and his or her opinions and wishes have been taken into consideration.

Eligibility and suitability of the prospective adoptive parents
The Central Authority of the receiving country must similarly ensure, through a homestudy, that the prospective adoptive parents are recognized as qualified and eligible to adopt. Again, suitability is not just a legal or economic concept, but also has psychological, social and medical dimensions. Since the goal of adoption is to give an orphaned, abandoned or otherwise traumatized child the family best placed to respond to his or her needs, it is essential to determine that the prospective adoptive family is qualified and capable of ensuring, in a permanent and satisfying way, care and respect for a child with such a past. Often the prospective adoptive parents also come to adopt after a traumatizing past (infertility, unsuccessful medically assisted procreation, the death of a child) and may not have fully come to terms with their grief: they must be capable of not shifting this burden to an eventual adopted child.

Several receiving countries have made it mandatory for prospective adoptive parents to complete a specific training course before a homestudy can be carried out. Preparation is aimed at helping prospective adoptive parents understand the differences and similarities between being birthparents and adoptive parents, to face squarely their own motivations for wishing to adopt a child and to explore their expectations (both realistic and unrealistic) about an eventual adopted child. They also learn about the child's possible experiences in his or her country of origin and their impact on the child's future development and adjustment; what adoption means to the child, including a discussion of separation and grieving; what the warning signals of unsuccessful bonding are; what discrimination foreign adoptees are likely to face and ways to deal with it — in other words, they are given information about the stages, rewards and possible stumbling blocks in the adoptive relationship and how to deal with them. This information helps them assess their own ability to assume responsibility for an adoptive child.

A chaining good matching
Matching must be the quest for an appropriate adoptive family for a given child, taking account of this child's history, characteristics and needs. Matching should take place after the adoptability of the child and the eligibility and suitability of the prospective adoptive family have been established. It should be decided on the basis of detailed reports on both the child and the prospective adoptive parents, periodically updated if the process is protracted. Matching is the primary responsibility of the country of origin, taking full account of a homestudy prepared and transmitted by the receiving State. Both the country of origin and the receiving country can ensure at this time, however, that their public policies are respected regarding the personal circumstances of the adoptive parent(s) (for instance, by permitting a child to be placed with heterosexual married couples only, or by widening the categories of potential adopters to include, for example, single persons, or unmarried heterosexual or homosexual couples). As good matching is the key to a successful adoption, the decision should be made only by child welfare professionals who have received specific training on adoption matters. It should involve, as far as possible, a professional who knows the child, a professional who knows the selected family and representatives of the competent bodies involved in the adoption procedures in both countries.

The proposed matching should be presented to the selected prospective adoptive family for approval.

Preparing the child and the birth family for the adoption
It is desirable for contact to be established before the matching is made and a short period of time...
alotted before the adoption is finalized to enable the child and the prospective adoptive family to get to know each other. As far as possible, according to age and maturity, children should be associated with defining the life plan proposed for them, in particular adoption. Once adoption is contemplated, the child, even when very young, must be prepared for the upcoming changes: leaving known surroundings and familiar faces; travelling; changing eating habits; meeting physically different people who do not speak his or her language or who act differently from previously known adults. Where both the birth family is known, care should be taken to furnish it with psychosocial support to enable it to accept the separation from the child positively. The family should also be prepared for the possibility — increasingly common — that the child will seek out his or her origins or reaching adolescence or adulthood.

Adoption

One of the greatest advantages of the Hague Convention is that it provides for the automatic recognition by all Contracting States of adoptions made under the Convention, whether in the sending country or country of origin. This is an important guarantee for the child as it secures his or her adoptive status. When adoption proceedings are held in a country of origin that is not a Contracting State, instead, depending on the national law in force, a child may be legally adopted without there having been an official exchange of reports concerning the adoptability of the child and the eligibility and suitability of the prospective adoptive parent(s). This situation is causing serious problems in some receiving countries. In Spain, for example, which is a party to the Hague Convention, legislation has been in force since 1996 requiring that a home study be performed by accredited authorities in Spain before an adoption can be officially recognized. When individuals ignore this or other requirements, delays in registering the adoption occur. There is also a risk that the adoptive parents could eventually be deemed ‘unsuitable’. Delays are also common when Spanish couples obtain guardianship orders for children from countries such as India and Chile — neither of which is yet a party to the Hague Convention — and then have to proceed with adoption once they have returned to Spain with the child. In both cases, months can go by before the adoption is recognized — an administrative limit that, apart from its implications for such matters as inheritance rights, work entitlements and taxes, interferes with the serenity of the newly formed family. The Government of Spain is now taking steps to address these problems, which will, of course, become less frequent as more countries ratify the Hague Convention.

Improving criteria for accreditation and authorization

The agencies involved in the adoption process, whether national or international, have a key role in making adoption a measure of protection for the child. Their accreditation in their country of residence and their authorization by the other countries where they operate should therefore be accorded on the basis of exacting criteria, and subject to periodic renewal after checks.

Ethical criteria should be taken into account, and accreditation should be given only if the ethics and practice of the agency comply with international norms. Here, too, it is important to consider not just the agency concerned but also its partners or representatives in the other countries with which it works. Financial aspects of the agency itself and its partners or representatives in other countries should be carefully examined before awarding or renewing accreditation. Each country must set criteria to define what costs and fees are to be regarded as ‘reasonable’. Central Authorities should also be prepared for the possibility — increasingly common — that the child will seek out his or her origins or reaching adolescence or adulthood.

Experience has shown that, in this as in other fields, appropriate legislation is certainly necessary, but in no way sufficient. A wide range of protagonists at all levels have responsibilities — direct and indirect, formal and informal — in promoting and facilitating the proper functioning of intercountry adoptions in strict conformance with relevant standards and principles.

The Hague Convention

The Hague Conference on Private International Law is a permanent intergovernmental organization whose mandate is “to work for the progressive unification of the rules of private international law” (Statute, Article 1). Under the Hague Convention on Intercountry Adoption, its Secretary General is required to convene regular sessions of a Special Commission to review the practical operation of the treaty. This system is akin to a kind of ‘self-regulating’ mechanism to monitor each State’s respect for the treaty in practice. Together with experts from other international organizations, the Permanent Bureau of the Conference also advises individual governments on bringing legislation and procedures into line with the Convention and maintains a list of contact details of all Central Authorities and accredited bodies to facilitate cooperation.

While responsibilities regarding the use of adoption only as a bona fide protection measure exist for a wide range of protagonists, under the Hague Convention there are five other actors with whom the ultimate responsibility unequivocally lies:

- the governments of the countries of origin;
- the central authorities;
- the judiciary;
- the governments of the receiving countries;
- the intercountry adoption agencies.

By far the heaviest obligation is that borne by the governments of the countries of origin. This is not only natural, given that the authorities are responsible for the welfare and protection of all children within their jurisdic-
Intercountry adoption is a serious problem in many countries when there is a clear risk of adoption abuse. If agreed procedures have not been respected or if there is clear responsibility to ensure that their own citizens, they must have adequate means to prevent abuses by disseminating appropriate information to its own citizens. They must make every effort to prevent abuses by disseminating appropriate information to their own citizens. They must also be prepared to take a firm stand when there is a clear risk of adoption abuse.

In many countries, adoption is a judicial decision. The judiciary is obviously also essential to law enforcement. A prerequisite for them to fulfill this role is that the child’s case file be fully and properly prepared and that the recommendation on matching be well documented. Many judges are, however, apparently not fully informed about the requirements of adoption law. For several possible reasons, they do not always interpret national and international law in the spirit in which it was devised. Decisions may seem inconsistent. While fully respecting the independence of the judiciary, the authorities must be prepared to question lower-court decisions in the highest courts of the land if those decisions are deemed to be in contradiction with the spirit or letter of the law.

Governments of receiving countries have the clear responsibility to ensure that their own services — consular in the country of origin, central authority on the domestic level — work optimally and that the relationship of mutual confidence that is basic to the kind of cooperation envisaged under the Hague Convention can exist. They must have high and strictly applied standards for the accreditation of agencies and for the homestudy of prospective adoptive parents. In addition, they should make every effort to prevent abuses by disseminating appropriate information to their own citizens. They must also be prepared to take a firm stand when agreed procedures have not been respected or when there is a clear risk of adoption abuse. Where consular services recognize that the trafficking of children is a serious problem in their country, for example, they could require that birthmothers and children undergo DNA testing to confirm the parental relationship. This measure has recently been taken by some Governments to restore public confidence in the adoption process in specific countries of origin.

Intercountry adoption agencies, defined broadly, are the final group of actors under the Hague Convention. In practice, these agencies vary enormously in size, structure, experience, qualification and motivation — so much so that, in certain countries, the criteria for their accreditation might well be perceived as anything but clear. It is known that agencies in some countries have exerted considerable pressure to secure their accreditation, or have had pressure exerted on their behalf, and that some undeniably do not conform to accepted standards in practice. Intercountry adoption agencies have obligations to live up to, and are bound to work within the framework of the principles laid down in the CRC and the Hague Convention when the country they are working in is a State party to either one. A prerequisite for intercountry adoption to respect the rights and interests of the children concerned is that all these actors agree on, and rigorously abide by, the common bases of the two Conventions provide. If just one fails to do so, there may already be a significant problem in preventing abuses. If two or more fail, major abuses will be virtually unavoidable, and children will become involved in the adoption procedures without regard to their best interests or human rights.

Other potential actors

The Committee on the Rights of the Child is at present the only international body with responsibility for monitoring respect for standards relating to intercountry adoption. It has always paid close attention to adoption issues when reviewing States Parties’ reports on implementation of the CRC, and has voiced deep concern on the question in relation to several country situations. The Committee also consistently urges all States involved in intercountry adoption to ratify the Hague Convention if they have not already done so. The UN Working Group on Contemporary Forms of Slavery has added to its agenda a specific item devoted to ‘illegal adoptions’. Since the Working Group’s recommendations are usually passed up via the Subcommission to the Commission on Human Rights, the results of its debates on this question can have significant ramifications in terms of international policy and commitment.

UNICEF increasingly provides advice and technical assistance on intercountry adoption issues to governments, the Committee on the Rights of the Child and NGOs. A small but growing number of its field offices are supporting efforts to ensure that all children’s rights are respected in the adoption process. New procedures in cases of suspected illicit procedures have been proposed, including an active role in finding out the facts, transmitting this information to appropriate regional and Headquarters advisors, requesting government action/cooperation (e.g. halting adoptions or freezing departures) and making a public statement. Other potential actors

Lawyers — and should — make a significant contribution by refusing to carry out tasks in the adoption procedure that go beyond their formal role as legal representatives, and declining to take on adoption cases in which they believe required procedures have not been scrupulously respected.

Finally, the media have an important role to play, in both countries of origin and, particularly, receiving countries. Media attention to the condition of children in conflict and post-conflict situations and other dramatic circumstances such as sudden and brutal economic change, often prompts a massive response from couples abroad who are seeking to adopt a child, and can lead to children’s rights violations when attempts are made to meet this demand without reference to internationally accepted standards, procedures and guidelines. The media may contribute to and maintain that high level of demand by wrongly suggesting, explicitly or by omission, that children in institutions or emergency centres are adoptable ‘orphans’. Some media descriptions of countries of origin are highly negative, even sensationalist, with no thought given to what effect such disparagement will have on older foreign adoptees who are struggling with issues of personal and national identity. At the same time, responsible media attention to the subject of intercountry adoption has helped to promote a fuller understanding of the various ways in which children’s rights can either be violated or fulfilled in the adoption process.
This section contains information about the Central Authorities that have been established thus far by Contracting States of the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption. It also lists some of the major intergovernmental organizations and international and regional NGOs working on issues relating to intercountry adoption.

This listing is not meant to be comprehensive; nor does it represent a prioritization or ranking of organizations, but merely a first attempt to provide signposts in a highly complex field. It is hoped that the contacts listed will serve as links to organizations of various other types — international and national professional organizations, academic and other institutes, national NGOs and national bodies — whose work may be relevant to the topic. Some Internet information has also been included, which reflects websites available in December 1998; this information is of, course, subject to change.

Central Authorities

Andorra
Adoption Service
Ministry of Health and Welfare
Avenue Principe Benlloch No 30, 4a planta
AND-La Vella
Andorra
Tel.: +376 829346
Fax: +376 829347
Contact: Loulou Gasset

Australia
Entry into force 1 December 1998
Burkina Faso
Ministère de l’Action Sociale et de la Famille
01 B.P. 315
Ouagadougou 01
Burkina Faso
Tel.: +226 306875
Fax: +226 306893
Contact: Fatoumata Ouattara

Canada
Canada has designated separate Central Authorities for the provinces of Alberta, British Columbia, Manitoba, New Brunswick, Prince Edward Island and Saskatchewan. The Central Authority at the federal level is:
Minister of Human Resources Development
National Adoption Desk
5th floor, Phase IV
Place du Portage
140 Promenade du Portage
Hull, Quebec J1A 1G9
Canada
Tel.: +1 819 9531121
Fax: +1 819 9530911
Contact: Lise Laviole, Manager

Colombia
Entry into force 1 November 1998
Costa Rica
Consejo Nacional de Adopciones
Patronato Nacional de la Infancia
P.O. Box 1000 1000
San José
Costa Rica
Tel.: +506 2 226260
Fax: +506 2 230311
E-mail: dalango@minobcasa.pres.go.cr
Contact: Marlen Gómez
President of the Junta directiva

Cyprus
Ministry of Labour and Social Insurance
1, Lord Byron Avenue
CY-3465 Nicosia
Cyprus
Tel.: +357 2 307241/2
Fax: +357 2 406093
Contact: Nicos Symeonides

Denmark
The Danish Ministry of Justice
Department of Private Law
(Civilretsdirektoratet)
Ebelagade 1
DK-2200 Copenhagen Ø
Tel.: +45 29271889
Fax: +45 29271889
Contact: Centralmyndigheden for adoption

Ecuador
Dirección Nacional de Protección de Menores Ministerio de Bienestar Social
Avenida Orellana 1725 y 9 de Octubre,
Quito
Ecuador
Tel.: +593 (2) 505883 - 544239
Fax: +593 (2) 505883
Contact: Dr. Victor Hugo Olmedo Cabrera
National Director

El Salvador
Entry into force 1 March 1999
Finland
The Finnish Board of Intercountry Adoption Affairs
Ministry of Social Affairs and Health
Kirkkokatu 14
SF-00170 Helsinki
Finland
Tel.: +358 (9) 1601
Fax: +358 (9) 1603816
Contact: Anne Hujala

France
Mission de l’adoption internationale
244 Boulevard Saint-Germain
75007 Paris 07 29
France
Tel.: +33 1 43 17 93 44
Fax: +33 1 43 17 93 44
E-mail: mail@diplomatie.fr
Contact: Gérard Castera, sous-directeur
Tel.: +33 1 43 17 90 67, Mie Isabelle Pouey,
consulisse.prejuridique, adjointe,
tel: +33 1 43 17 90 14,
E-mail: isabelle.pouey@diplomatie.fr

Lithuania
Agency of Children’s Rights Security
Lietuvos Respublikos Vaikų Teisės Apsaugos Tarnyba
Prin Socialines Apsauginių Darbo Ministerijos
A. Jozapavicius Street 10/A
2000 Vilnius
Lithuania
Tel.: +370 2 754149
Fax: +370 2 752985
Contact: Silvia J. Savickaité
(Director: Valdis Vadvikis)

Mexico
Secretaria de Relaciones Exteriores
Consultoría Jurídica
Hommero no. 213, Piso 17, Colonia Chapultepec
México, D.F. 11570 México
Mexico
Tel.: +52 (5) 3273218 or 3273219 or 52473 06
Fax: +52 (5) 3273201 or 3273210
Contact: Dra. C. Galvez Coto

Norway
Entry into force 1 August 1998

Netherlands
Ministry of Justice
P.O. Box 20301
NL-2500 The Hague
The Netherlands
Tel.: +31 70 3070759
Fax: +31 70 3070767
E-mail: jvrooman@best-dep.minjus.nl
Contact: Mr Jan Vroomans

New Zealand
Entry into force 1 January 1999

Perú
Oficina de Adopciones
(Technical Secretariat for Adoptions)
Ministerio de Promocion de la Mujer y del Desarrollo Humano (PROMUDEH)
J.R. Camana 636
Lima 1
Perú
Tel.: +511 428860
Fax: +511 420165
E-mail:
Intercountry Adoption
Norr Mälarstrand 6
Box 22086
Adoptions (NIA)
Swedish National Board of Intercountry
Fax: +94 (1) 327600
Tel.: +94 (1) 327600
Sri Lanka
Colombo 2
95, Sir Chittampalam A. Gardiner Mawatha
Department of Probation and Child Care Services
Head, Oficina de Adopciones
Dra. Patricia Caceres de Villacorta
Contact:
Website: www.promudeh.gob.pe/
Email: adoption@nia.se
Tel.: +46 08 6519292
Sweden
Stockholm
S-104 22 Stockholm
Contact: Birgitta Thunström,
Head of Section
Kerstin Brudner,
Information Officer

Venezuela
Ministerio de Relaciones Exteriores de la República de Venezuela
Dirección General Sectorial de Relaciones Consulares
División de Asuntos Especiales Terre M.R.E.
Conde A. Carmelitas, Piso 6
Caracas 1010
Venezuela
Fax: +58 (2) 862145/810691
Tel.: +58 (2) 8622430
Contact: Gloria de Marino

Intergovernmental and non-governmental organizations
Casa Alianza/Covenant House Latin America
Apartado 1374
2050 San Pedro
Costa Rica
Tel.: +506 253 5439
Fax: +506 224 5688
E-mail: bruce@casa-alianza.org
Contact: Bruce Harris, Executive Director, Latin American programmes
Year founded
1961 (First programme in Latin America)
1969 (Covenant House in the United States)
Geographical scope
Costa Rica, Guatemala, Honduras, Mexico, Nicaragua
Activities
In addition to its outreach services, shelters and homes for street children, has initiated a programme that helps street girls bond with and learn to care for their children. Services include individual and group therapy, child-care training, vocational training, as well as paediatric and gynaecological treatment. The Legal Aid Office in Guatemala has presented 18 criminal cases of anomalies in intercountry adoptions since September 1997, winning one, which resulted in the reunification of a mother with her one-year-old son.

Web home page
Information about intercountry adoption from Guatemala available in English, Spanish and French.
http://www.casa-alianza.org

Commission Internationale de l’État Civil
CIEC (International Commission on Civil Status)
Secretariat General
3 place Arnold
F-67000 Strasbourg
France
Tel.: +33 (0) 388 611862
Fax: +33 (0) 388 604679
Contact: Chantal Naid, Head of Administrative Services
Year founded
1894
Type of organization
Intergovernmental organization
Geographical scope
14 Member States: Austria, Belgium, France, Germany, Greece, Italy, Luxembourg, Netherlands, Poland, Portugal, Spain, Switzerland, Turkey, United Kingdom, Seven Observer States: Croatia, Holy See, Hungary, Lithuania, Russian Federation, Slovenia, Sweden.
Cooperating arrangements concluded with the Council of Europe, the European Union, The Hague Conference, promotes Private International Law, the United Nations High Commissioner for Refugees
Activities
Establishes and keeps up to date legislative and case-law documentation setting out the law of the various member States in matters relating to the status of persons, to the family and to nationality; carries out studies and work in particular by drawing up recommendations or draft conventions aimed at harmonizing the relevant provisions in force in the member States; seeks legal and technical means for improving the operation of civil registration in the member States; coordinates its activities with those of other international bodies that also deal with the law of persons and family law.
Information services
Provides texts of existing Conventions and Recommendations and Information on the basis of collected documentation. Working language is French.
Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX
United Kingdom
Tel.: +44 171 7476406
Fax: +44 171 7476405
E-mail: R.Nzerem@Commonwealth.INT
Web home page:
http://www.thecommonwealth.org
Contact: R. Nzerem, Director, Legal and Consitutional Affairs Division
Year founded
1966
Geographical scope
Global
Type of organization
NGO with Observer status with the Hague Conference on Private International Law.
Activities
Facilitates cooperation and consensus among member countries, builds bridges across traditional international divisions of opinion on particular issues, provides technical assistance on request to member States for sustainable development, promotes good governance in member countries, Has
worked over the years on issues relating to children, including the international abduction of children.

Information services
General information on the Commonwealth
Information services
of children.

Council of Europe
Directorate of Legal Affairs
Division on Private Law
F-67054 Strasbourg Cedex
France
Tel.: +33 (0) 3 88427948
Fax: +33 (0) 3 88427945
E-mail: maria.requena-huertas@daj.coe.fr
Contact
Marta Requena, Administrative Officer
Year founded
1949
Type of organization
Intergovernmental organization
Geographical scope
41 European member States

Activities
A committee of the Council of Europe is currently dealing with different questions concerning the legal status of children and, in this context, work will be carried out concerning adoption.

Web home page
Bilingual French/English webpage providing public access to information about the activities of the Council of Europe: legal texts and summaries, in English, of the Council’s treaties, including those relating to adoption; site search facilities; catalogue of publications; archive of press releases.
http://www.coe.fr

Defence for Children International (DCI)
P.O. Box 88
CH-1211 Geneva 20
Switzerland
Tel.: +41 22 7340558
Fax: +41 22 7401145
E-mail: dci-hq@pingnet.ch
Contact
William Duncan, First Secretary
Year founded
1979
Type of organization
NGO
Geographical scope
90 countries on all continents.

Activities
Although DCI has no specific focal point or programme on intercountry adoption at present, it is closely involved in the work of the Hague Conference on Private International Law and promotes the Hague Convention on Intercountry Adoption through its extensive network. Maintains documentation centre on children’s rights issues (nearly 13,000 items); publishes a newsletter on United Nations activities concerning the protection of the rights of the child and the international Children’s Rights Member.

Web home page
Contains newsletter, overview of recent periodic State Reports to the Committee on the Rights of the Child, and up-to-date information about the Committee’s agenda, list of member States Parties. Also contains full text of relevant instruments (CRC and the Hague Convention on Intercountry Adoption) and explanatory articles by experts in the field.
http://www.childhub.ch/webpub/dcihome

EurAdopt
Association of Authorized Adoption Organizations, Secretariat
Rue Léopold 186
2560 HT The Hague
Netherlands
Tel.: +31 (0) 70 350 6599
Fax: +31 (0) 70 354 7987
Contact
Lucie van Tuyl, Chair
Year founded
1984
Type of organization
NGO
Geographical scope
Members in Belgium, Cyprus, Denmark, Finland, France, Ireland, Italy, Luxembourg, Netherlands, Norway, Spain and Sweden.

Activities
Advocates intercountry adoption as an option in child welfare when pursued in the best interests of the child; establishes common Ethical Rules and promotes their application to intercountry adoptions; promotes cooperation between governments and organizations; shares knowledge in matters of intercountry adoption with participating organizations; works to improve legislation and other measures for the protection of the child.

Every two years, one EurAdopt member organizes a general meeting, including a conference for organizations, authorities and others involved in intercountry adoption.

Information services
Provides information on the EurAdopt Ethical Rules, the names of EurAdopt members, and information on the situation in the member countries concerning the ratification of the Hague Convention on Intercountry Adoption.

Web home page
Contains information about the organization, its objectives, structure and member organizations. Also contains ethical rules to which member organizations have agreed to adhere.
http://www.euradopt.org

Hague Conference on Private International Law (COPIDP)
G. Scheveningseweg
257 KT The Hague
Netherlands
Tel.: +31 (0) 70 3633003
Fax: +31 (0) 70 360487
E-mail: codip@cistron.nl
Contact
Ricardo Dominicé, Secretary General
Year founded
1993
Type of organization
Intergovernmental organization
Geographical scope

Activities
Advises on information systems for management of national child welfare institutions; provides training on social management of child welfare institutions; conducts research studies on comparative legislation; provides advisory services on codification of juvenile and family legislation; promotes regional legal instruments; provides training for adoption specialists; and evaluates child welfare systems.

Year founded
1863
Type of organization
International Organization
Geographical scope

Ethical Rules and promotes their application to intercountry adoption.

Web home page
Contains full texts of the multilateral treaties drawn up by the Hague Conference, information on their status and explanatory reports. Also provides details of Central Abridgments of the Hague Conventions in the different fields of private international law (international judicial and administrative cooperation; conflict of laws for contracts, tests, etc.; jurisdiction of courts and enforcement of judgments) plus their monitoring; produces practical Handbooks on the Hague Service and Evidence Conventions.
http://www.hcc.net

Inter-American Children’s Institute (IACI)
Instituto Interamericano del Niño (IIN)
A.v. 8 de Octubre 2024
1100 Montevideo
Uruguay
Tel.: +598 2 4873242
Fax: +598 2 4872150
E-mail: pinha@chasque.apt.org
Contact
Julio Rosenblatt, Coordinator, Inter-American Program on Information Concerning Children and Family Life (PRIFNA)
Year founded
1957
Type of organization
Intergovernmental organization
Geographical scope
Latin America and the Caribbean.

Activities
Advises on information systems for management of national child welfare institutions; provides training on social management of child welfare institutions; conducts research studies on comparative legislation; provides advisory services on codification of juvenile and family legislation; promotes regional legal instruments; provides training for adoption specialists; and evaluates child welfare systems.
Information services
Provides information relating to its studies.

International Association of Juvenile and Family Court Magistrates
Molenstraat 15
4801 SG Utrecht
The Netherlands
Tel.: +31 76 56 12 640
Fax: +31 76 56 12 640 or +31 76 53 11 169
E-mail: r.vandergees@ksp.nl
Contact: Jacob J. van der Goes, Secretary General
Year founded: 1926
Type of organization: NGO
Geographical scope: Global
Missions and activities:
- Provides services and publications on family law
- Supports judges in conflict resolution

International Federation of Human Rights (FIDH)
17, Passage de la Main d’Or
F-75011 Paris
France
Tel.: +33 1 43 52 51 14
Fax: +33 1 43 58 88 90
E-mail: fidh@fidh.org
Contact: Antoine Bernard, Executive Director
Year founded: 1922
Type of organization: NGO
Geographical scope: Global
Missions and activities:
- Provides information on human rights
- Supports human rights organizations
- Advocates for the protection of human rights

International Federation of Social Workers (IFSW)
P.O. Box 4649
Sollingen
N-0506 Oslo
Norway
Tel.: +47 23 06 152
Fax: +47 23 06 1114
E-mail: secretariat@ifsw.org
Contact: Tom Johannessen, Secretary General
Year founded: 1926, re-founded 1956
Type of organization: NGO
Geographical scope: Global
Missions and activities:
- Provides information on social work
- Supports social work organizations
- Advocates for social work globally

International Council on Social Welfare (ICSW)
380 St. Antoine W.
Montreal, Quebec
H2Y 3X7
Canada
Tel.: +1 514 287 9702
Fax: +1 514 287 3280
E-mail: icswintl@colba.net
Contact: Stephen King, Executive Director
Year founded: 1928
Type of organization: NGO
Geographical scope: Global
Missions and activities:
- Provides information on social work
- Supports social work organizations
- Advocates for social work globally

International Federation Terre des Hommes (IFTDH)
33, chemin Frank-Thomas CH-1208 Geneva
Switzerland
Tel.: +41 22 796 3372
Fax: +41 22 796 5310
E-mail: info@iftdh.org
Contact: Eylah Kadjar-Hamouda, Representative to the United Nations
Year founded: 1946
Type of organization: NGO
Geographical scope: Global
Missions and activities:
- Provides information on human rights
- Supports human rights organizations
- Advocates for the protection of human rights

Activities
- Promotes social work as a profession through cooperation and action on an international basis
- Supports national associations in promoting the participation of social workers in social planning and the formulation of social policies, nationally and internationally
- Encourages and facilitates contacts between social workers of all countries and provides a forum for discussion and the exchange of ideas and experience, through meetings, study visits, research projects, exchange of publications and other means of communication
- Represents the profession on an international level
- Preparing a policy statement on Intercountry Adoptions and Social Work, expected to be released in January 1999

Web home page
General information about IFTDH, schedule of conferences, regular and special publications on international social work.
http://www.iftdh.org

International Federation of Human Rights (FIDH)
Includes updates on ICSW’s international activities, WSSD implementation, overviews of its quarterly publications, and links to affiliated organizations.
http://www.icsw.org

International Federation of Social Workers (IFSW)
Provides information on human rights, lists of NGOs, and accredited as an NGO with UNICEF, in the ILO special list of NGOs

Web home page
http://www.ifsw.org

International Federation Terre des Hommes (IFTDH)
Provides information on human rights, list of NGOs, and accredited as an NGO with UNICEF

Web home page
http://www.iftdh.org
International Foster Care Organisation Limited (IFCO)
c/o National Foster Care Association
87 Blackfriars Road
London SE1 8HA
United Kingdom
Tel.: +44 171 601 6400
Fax: +44 171 601 6401
E-mail: ntca@fostercare.org.uk

Contact
Gerri McAndrew, President

Year founded
1981

Geographical scope
International

Type of organization
NGO

Activities
Arranges regional and international conferences, provides training and consultancy services.

Information services
Quarterly magazine. International Standards on Foster Care.

International Social Service (ISS or SSI)
32 quai du Seujet
CH-1211 Geneva
Switzerland
Tel.: +41 22 906 7709
Fax: +41 22 906 7701
E-mail: irc.iss@span.ch

Contact
Chantal Saclier, International Coordinator, International Resource Centre (IRC)

Year founded
1924

Type of organization
NGO

Geographical scope
International

Activities
In the field of adoption, carries out individual casework (searching for adoptees’ origins, checking validity of birth family’s consent on request from competent bodies, conducting home studies in certain countries, and advising in cases of adoption disruption), maintains an International Resource Centre on the protection of children in adoption (IRC/ISS); carries out research on legislation and good practice in adoption-related matters, produces publications and disseminates information that promote children’s rights in respect to adoption, gives professional support for carrying out situational analyses and running training programmes.

Information services
The ISS/IRC makes its information services available to Central Authorities, accredited bodies and children’s rights organizations, but not to the general public. Useful documents and information relating to intercountry adoption are, however, accessible through ISS’s website.

Web home page
http://www.childhub.ch/iss

International Society of Family Law (ISFL)
c/o Professor Lynn Wardle
Brigham Young University
Provo UT 84602
USA
Tel.: +1 801 378 2617
Fax: +1 801 378 5893 or 3595
E-mail: wardlel@lawgate.byu.edu

Contact
Lynn D. Wardle, ISFL Secretary-General

Year founded
1973

Type of organization
NGO

Geographical scope
International

Activities
Organizes world scholarly conferences every three years and regional conferences in between. Carries out an annual international survey and publishes a semi-annual newsletter.

Information services
Experts available for conferences and consultation

Web home page
http://www.law.byu.edu/ISFL/Main.html

On the Web
National Adoption Information Clearinghouse
On-line resource on all aspects of adoption, including infant, intercountry and special needs adoption, provided by the Administration for Children, Youth and Families, Department of Health and Human Services, Washington, DC.
http://www.calib.com/naic

Information about International Adoption
Site organized by the Ministry of Community and Social Services, Ontario, Canada. Provides general information about international adoption as well as country-specific details.
http://www.gov.on.ca/CSS/page/brochure/intadopt.html

Contact
Andrea Forin, Chief, General Legal Advice Section

Year founded
1951

Type of organization
Intergovernmental organization

Geographical scope
Worldwide

Activities
Protects refugees by promoting adherence to international agreements on refugees and constantly monitoring compliance by governments; assists refugees by coordinating the provision of shelter, food, water, sanitation and medical care in emergency situations; and seeks durable solutions for the problems of refugees through repatriation to their homeland, integration in first countries of asylum or resettlement to third countries. Has drawn up guidelines on adoption, especially during and after emergency phases, whose aim is to ensure that any adoption is undertaken only in the best interests of the child.

Web home page
Contains information about UNHCR’s activities, press releases and a searchable collection of full-text databases with up-to-date information on refugee populations worldwide. French and German language versions also available.
http://www.unhcr.ch
Selected readings


Opetetti, D., Comentarios a la Convención Interamericana sobre Conflictos de Leyes en Materia de Adopción de Menores, Instituto Interamericano del Niño, Montevideo, 1986.
THE CONVENTION ON THE RIGHTS OF THE CHILD

Article 20
1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, for example, foster placement, unsafe of Islamic Law, adoption, or if necessary placement in suitable institutions for the care of children. All decisions regarding such care shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural, and linguistic background.

Article 21
States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:
(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with the law and in conjunction with the justice system, that the adoption is permitted in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
(b) Recognize that intercountry adoption may be considered as an alternative means of a child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
(c) Ensure that the child concerned by intercountry adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
(d) Take all appropriate measures to ensure that, in intercountry adoption, the placement does not result in improper financial gain for those involved in it;
(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and, in the framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 35
States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the adoption of, the sale or trafficking in children for any purpose or in any form.

How to order: Up to 25 copies of this Digest and past issues are available free of charge. Bulk orders over 25 copies are available at the cost of distribution and handling. Please contact us for a written quotation. Send requests to:
International Child Development Centre
Piazza SS. Annunziata, 12
50022 Florence, Italy
Tel: +39 055 234 5288
Fax: +39 055 244 817
E-mail: orders@unicef-icdc.it

PAST ISSUES

This Digest provides information on the recent and expanding phenomenon of ombudsmen/commissions for children. It discusses the history of ombudsmen, patterns in the origin, development, mandate and status of the different types of ombudsman offices; the functions of ombudsmen in theory and practice; and characteristics essential to this kind of work. It ends with details of 18 existing ombudsmen/commissions for children and a selected bibliography on the topic.

This Digest explores interpersonal violence to and by children, using the Convention on the Rights of the Child as its framework. Sexual abuse and exploitation, children's involvement in armed conflict, the prevalence of violence involving children and the reasons that children become violent are among the main issues explored. The Digest ends with a discussion on strategies for combating violence involving children. Contact and programme details of regional and international NGOs working in this area, and a compilation of selected readings are also provided.

The third Innocenti Digest deals with the main issues connected with children and young people coming into conflict with the law and the justice system. It looks at standards and problem from arrest through to the court hearing and sentencing, use of custodial measures and ways of avoiding the child's unnecessary and counterproductive involvement in the formal justice system. It also covers prevention questions. Like previous publications in the series, it contains practical information on the major players and sources of further, more detailed information.