

FACTFILE

Intercountry Adoption

What is the issue?

- When is intercountry adoption (ICA) acceptable? What are the concerns?

Key points

- There will always be children who need, and benefit from, adoption, in, from and to countries that recognise the practice.
- Illegal and unethical practices have increasingly plagued intercountry adoption.
- There has been concern that when applicants cannot adopt in their own country, the focus shifts to other countries - the emphasis may then be placed on parents' wish to find children to adopt, rather than on the best interests of the child.
- The number of people seeking to adopt outweighs the number of children in need of adoption and declared “adoptable”.
- In contrast, older children and those with disabilities remain hard to place, and they far outnumber the number of willing parents.
- The Convention on the Rights of the Child (CRC) is the basic standard-setting text on adoption. The 1993 Hague Convention focuses on protecting children in intercountry adoption. National adoption in Europe is covered by the European Convention on the Adoption of Children (Revised) of 2008.
- The standards and safeguards they establish are essentially directed towards ensuring four things: i) that the adoptability of children is always determined in the right way ii) that intercountry adoption is considered and carried out for the right reasons iii) that each child is adopted by the right person(s) iv) that the adoption is carried out in the right way.
- Children’s rights must be fully respected during the whole adoption process, especially the principle of the best interests of the child and the right to express his/her own views
- Intercountry adoption must only be carried out through accredited and authorised agencies. Non-regulated adoptions should be banned.
- A mechanism of regular and independent control of accredited agencies should be established to prevent/address cases of abuse or neglect and prevent improper financial gain.
- States must prevent any risk of children becoming stateless in the intercountry adoption process by ensuring that they will receive the nationality of their adoptive parents

Key quotes

- “Member states should ensure a better protection of children in the adoption process. In spite of international agreements, the realities of adoption still vary widely among European countries giving raise to serious human rights concerns”: Council of Europe Commissioner for Human Rights, Thomas Hammarberg.
- “If prospective adopters do not receive accurate and dispassionate information on intercountry adoption needs, they will not be able to adjust their plans and expectations accordingly”: Nigel Cantwell, International adoption expert.
- “No one has the right to adopt – the best interest of the child must be the decisive consideration.”: Council of Europe Commissioner for Human Rights, Thomas Hammarberg

Material, including quotes, mostly sourced from the Council of Europe's Commissioner for Human Rights issue paper Adoption and Children: a Human Rights Perspective, <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1780157&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>