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NEWSLETTER

Historical study into illicit practices in intercountry adoption in France

At the start of February, the University of Angers published [a historical study](#), conducted by Yves Denéchère and Fábio Macedo and funded by the French Central Adoption Authority, into illicit practices in intercountry adoption in France. This is a separate study to the interministerial investigation into intercountry adoption practices instigated in France in November 2022 (see Monthly Review No 263).

Numerous country reports on illicit practices have been published in recent years. However, this French report is different to the others in that it 'has not been commissioned by any authority and is not intended to draw conclusions; it is instead the result of a fact-finding mission that lays the foundations for future studies in humanities and social science' (p.17).¹

The study provided an opportunity to create a database of various publications on this topic, which is accessible [here](#).

Historical context in France (p. 7 onwards)

The study is divided into several sections, the first focusing on the historical development of adoption in France. As in many 'receiving' countries, intercountry adoption really started to develop in France in the 1960s and 1970s: 'expansion in adoption of infants by infertile Western couples, increase in child protection policies aiming to provide families for orphaned or abandoned children, gradual replacement of informal or traditional adoption practices by legally governed processes, military occupations in Europe and Asia and humanitarian operations focusing on child

populations – in principle those without families – affected by war and/or poor development' (p. 7).

Statistics kept by the Ministry for Europe and Foreign Affairs show that, between 1979 (when records began) and 2022, 100,191 children of foreign nationality who had been adopted, or were in the process of being adopted, were issued with visas to enter France. However, the authors point out that this figure does not give the full story, as there is no comprehensive statistical record including, for example, adoptions carried out prior to 1979 or entries into France by foreign national children without a French visa in their original passport.

Scientific literature review (p. 19 onwards)

Following this historical overview, the study catalogues academic studies into illicit practices in intercountry adoption. Certain countries of origin stand out – such as Guatemala, which has been the subject of 14 studies, Brazil (9 studies), Chad (8), Viet Nam (8) and El Salvador (7). There have also been studies into receiving countries, for example the United States (50 publications) and France (28).

In terms of the timeline, 16 studies cover the period prior to 1945. According to the authors, this 'shows that since its infancy the process has been subject to irregularities, at a time when there were admittedly no regulations and when illicit practices occurred in

¹ All quotes are unofficial translations. See also the following article written by the authors: Denéchère, Y. and Macedo, F. (2023 – The conversation), [Adoption internationale en France : des pratiques illicites systémiques ?](#) [Intercountry adoption in France: Have there been systemic illicit practices?]

French intercountry adoption, including within France' (p. 25). Between 1945 and 1969, during the early days of intercountry adoption, 30 reports were prepared, mostly in connection with Asian countries. These were followed by 63 reports over the period 1970-1999, 'without doubt the most problematic period for illicit practices, at the time when intercountry adoption was becoming a social phenomenon in France and there were increasing numbers of source countries on all continents. There was growing supply and demand and irregularities were increasingly common' (p.25).

Finally, there have been at least 101 publications of this type since the start of the 21st century, indicating growing scientific interest in the topic. In 2021 alone, 22 studies into illicit practices were published.

Over recent years, there has also been a proliferation in testimonies from adoptees, reporting 'dubious circumstances and illicit practices in their adoption processes' (p. 28). It should be emphasised that the authors see 'this renewed interest in scientific research into illicit adoption practices having coincided with activism by adoptee associations, including *La Voix des adoptés* and *Reconnaissance des adoptions illégales à l'international en France* (France), *Racines Perdues* (Belgium and Europe), *Back to the Roots* (Switzerland), *Brazil Baby Affair* (Netherlands), and international associations such as *Chilean Adoptees Worldwide*, *InterCountry Adoptee Voices* (ICAV) and the *Voices Against Illegal Adoption coalition*' (p. 30).

Commentary on information sources (p. 43 onwards)

A large section of the study focuses on exploring the archives of various authorities up to 2006, mostly those of the Ministry for Europe and Foreign Affairs. Additional sources include other ministries involved, Adoption Accredited Bodies, and associations for adopters, for adoptees and for parents by country of origin.

After performing this broad analysis, the authors report that 'the labelling of the archive boxes makes it difficult to conduct detailed and accurate investigations at this point. However, it indicates the extent of the problem of illicit practices, as well as the number of parties and countries involved. Almost every box we have opened has unearthed examples and given us cause to reflect' (p.133).

The authors recommend that these findings are cross-referenced with:

- Listening to and analysing testimonies from all parties to intercountry adoption, 'with the aim of

gathering statements from adoptees, adoptive parents, biological families [...], officials from organisations [...], French policy-makers and state officials, international observers, journalists, investigators and whistleblowers' (p.133).

- Gaining insight from countries of origin and other receiving countries. 'Certain details about intercountry adoption in specific receiving countries could shed light on the practices that were taking place in France, as in some cases the same intermediaries were operating in the countries of origin' (p. 133). In terms of the countries of origin, it is essential to establish a 'connected history [which means] being able to carry out proper research abroad, by going to the countries of origin, working with their own researchers, and consulting birth families, intermediaries and local services' (p. 134).

Once again, the authors highlight the fact that adoptees, either as individual or as groups, sometimes achieve results, and that collaboration – for example between researchers and individuals involved – would improve understanding of the past and present realities of intercountry adoption.

Analysis and avenues for research (p. 135 onwards)

In the final section, the authors try to address the following questions: 'In each era, what was known about illicit practices? Did the parties to intercountry adoption do what was required to eradicate them? Can we attribute responsibility now?'

- *Numerous and frequent warnings* (p.136): 'The study confirmed that there have been very numerous and very frequent warnings about irregularities in general (ethical or regulatory) and about illicit practices [...] since the 1980s. The recurrent, and even repeated, warnings indicate that this remained a significant issue at least until the 2000s. The archives for more recent periods are not accessible, but other sources prove that it continued, although to a lesser extent. These warning signals came from all parties involved in intercountry adoption.' The authors also mention the multiple warnings and reports about illicit practices and illegal adoptions issued by the Permanent Bureau of the Hague and the ISS, as well as by adoptee associations and collectives.
- *Motivations of parties* (p.137): As mentioned above, there were numerous warnings from all parties involved in intercountry adoption. It is important to understand that each party was acting 'according to its own motivations. The motivations sometimes conflicted with each other and sometimes converged, depending on the

context or situation. Their motivations entailed taking different positions, or sometimes stances, on illicit practices – denouncing them (always in public) or sometimes accommodating them.

- *The state, private interests and responsibilities* (p.140): 'The state, in its role as regulator, is of course the primary party when it comes to responsibilities, and it was first and foremost its officials who knew about and regularly denounced illicit practices. [...] But from what point, what specific action, can we consider there is an irregularity in intercountry adoption, in other words individual or group behaviour that deviates from the standards? This concept of irregularity is partly relative. Something that is irregular for one individual or society is not necessarily so for another; something that is considered irregular at one time may no longer be at a later date, and vice versa: something that is not seen as irregular at a given time may be seen as such a few years later as the regulatory framework develops. [...] Should the state have done more? Without doubt. However, if other parties working in intercountry adoption place all responsibility with state services, this may be seen to contradict the

expertise they claim. [...] All parties involved in intercountry adoption and the relevant state services should reflect on their past attitudes in this area.'

- *Visibility or invisibility of the issue and the parties involved* (p.144): 'Many countries have been affected by illicit practices, at one time or another. However, 'countries of origin feature in the sources we consulted due to the facts, but also due to the zeal or at least interest in intercountry adoption of the French diplomatic and consular staff deployed to these countries or of the ministry officials'.
- *Links between search for origins and discovery of illicit practices* (p.145): 'Proven cases of illicit practices have often come to light during a search for origins, and the individuals involved have thus played the role of whistleblowers.' From a structural perspective, the authors also highlight the lack of an official mechanism in France to support the search for origins for intercountry adoptees, the need for which was recalled in the [Conclusions and recommendations of the Special Commission in 2022](#) (see in particular para. 31).



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