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EDITORIAL

**Intercountry adoption may only find its balance if countries of origin and receiving countries take the necessary steps**

*Although countries of origin increasingly take more steps to protect themselves against the pressure from receiving countries, which "lack children", the latter must now find the means of better managing the flow of their prospective adoptive parents.*

**C**an intercountry adoption achieve a balance? Can new practices lead to a more harmonious general situation? Most of all, how can children be protected from the tensions, which are increasingly distorting the adoption landscape worldwide (see Editorial, Monthly Review 3/2007)? There is certainly more than merely one answer to these questions, and it therefore remains extremely difficult to develop. The implementation of, and compliance with, the 1989 Convention on the Rights of the Child, and that of the 1993 Hague Convention on intercountry adoption, are indispensable for guaranteeing the best interests of children, but remain insufficient as long as all the actors involved fail to take real steps to tackle the growing imbalance between the number of children offered for intercountry adoption, and the number of prospective adoptive parents.

**Ever stricter countries of origin**

In order to protect themselves from the ever-increasing pressure of the demand for adoptable children, some countries of origin have chosen to impose annual quotas. Every year, these countries inform the authorities of receiving States of the number of children they wish to place for adoption. Thailand and

Ukraine have opted for this solution. This method shall make it possible to avoid receiving an unmanageable number of applications, to which it would be impossible to reply in any case.

Other States – such as Lithuania or the Philippines in relation to their children with special needs, or the State of Porto Alegre in Brazil for all its children – no longer accept applications from prospective adoptive parents. Instead, they send the files of children in need of intercountry adoption to receiving States, for the latter to proceed with matching.

Some countries of origin – such as recently China (see Monthly Review 1/2007) – have chosen to toughen their requirements for prospective adoptive parents. Even though these countries remain inundated by applications from prospective adoptive parents, the number of intercountry adoptions involving them will certainly decrease.

These measures ensure that countries of origin and their adoptable children are protected against the pressure of receiving countries and their prospective adoptive parents. However, as long as receiving countries fail to play their part by reducing their demand for children, these measures

will have harmful secondary effects. These limitations may, in particular, raise an ever-stronger competition among receiving countries. The rigidity of the rules of countries of origin may also lead to corruption and trafficking in children, in order to satisfy those least scrupulous applicants.

### **The receiving countries' turn to take steps**

Confronted with this situation, it becomes urgent for receiving countries to take steps to manage the flow of their prospective adopters. In particular, when they issue approvals to prospective adoptive parents, it is paramount that the authorities of receiving countries do not lose sight of the number of intercountry adoptions carried out on average every year. Without necessarily establishing a strict correlation between these two elements, it is important that the number of applicants benefiting from an approval is not disproportionately higher than the number of intercountry adoptions carried out on average each year in this same country. Such a discrepancy induces pressure, which is as difficult to manage for countries of origin as for receiving countries. Furthermore, it raises important frustrations among the numerous applicants and may result in abuses.

In view of these elements, a sharper selection of prospective adoptive parents is probably unavoidable. Such a step is certainly difficult to take for receiving countries, subject to important political and public pressure, but the figures show that it is becoming increasingly necessary for guaranteeing the best interests of the child. On this subject, it is worth reminding that healthy babies are increasingly and more frequently adopted in their country of origin; the children affected by intercountry adoption frequently display special characteristics, which require more targeted and specific care abilities. In this context, the highly controversial question of an upper age limit

for adoption applicants would deserve open and constructive consideration.

For those adoption applicants who already possess an approval, accredited adoption bodies also have a regulatory role to play. Indeed, their intervention may be an asset in turning the logic of supply and demand on its head, as well as in reducing the pressure and abuses aggravated by the arrival in the country of origin of numerous foreign prospective adopters, who are not supervised. However, for this to occur, the number and the professional and ethical profile of accredited agencies must be established, starting with the needs of the children of the country of origin, and not with the demand of adopters or intermediaries (see Monthly Review N° 65).

The development of alternatives to intercountry adoption within receiving countries may constitute another element of the answer. Some receiving countries have many institutionalised children for whom few family-type and permanent life plans are drawn. The development of new policies for these children could therefore respond to this double demand. Finally, child sponsorship could also constitute a good alternative for some couples, whose capacity to care for a child is sometimes at the limit of the minimum requirements.

### **Indispensable work for guaranteeing the best interests of the child**

Intercountry adoption will only find its balance, if each actor plays its part. We are aware that initiating such steps requires real political courage, as well as genuine training efforts by receiving countries. Although adoption professionals are often aware of this phenomenon, it is becoming increasingly urgent to inform the public about it, and to offer other means of supporting children in need.

The IRC team