'You are never too small to make a difference.'

Greta Thunberg, 15 year-old Youth Climate Activist

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EDITORIAL

Is intercountry adoption the way to 'rescue orphans' from institutions?

Efforts to secure the human rights of children involved in intercountry adoption constantly come up against the many myths – or misconceptions – that surround this child protection measure. One particularly disturbing and tenacious example is the 'orphan rescue' claim.

Essentially, this claim relies on the simplistic affirmation that, given the number of 'orphans' in institutions in developing countries, opportunities for their adoption abroad should be increased substantially. This assigned relationship between institutions and intercountry adoption is not only highly misleading, but also regrettably ironic in its implications.

A legacy of the colonial era

The kinds of 'institutions' in question were introduced into Africa and many developing countries elsewhere during the colonial era. They were usually charitable establishments founded and funded by private persons or groups from the colonial power in question, not state-run facilities. They were – as is adoption itself, of course – alien to familiar and accepted community responses to children needing care, but they were perceived as offering material benefits greater than those of traditional coping arrangements.

Following independence, many of these institutions were able to remain operational since, in particular, they continued to receive support from foreign non-state actors. This, of course, ostensibly relieved the new national authorities of the financial burden that equivalent alternative care provision would have entailed. However, its secondary effect was also to relegate the development of State policy and programming in this area to a low level of priority.

As a result, alternative care in those countries has by default been left almost entirely to all kinds of private providers running residential facilities – and doing so largely unsupervised. These facilities widely refer to themselves as 'orphanages'. This term is highly effective in eliciting charitable donations but is manifestly inaccurate, since only rarely are more than 20% of the children cared for 'orphans'[1], and the proportion is usually far lower.

Institution's exponential growth and commercial motivation

In recent decades, the number of these institutions has grown steadily. In some countries, that growth has been exponential: in Uganda, from 35 in the mid-1990s to 800 in 2016, for example.

The essential reason behind this growth is not a spike in need, but the fact that setting up a residential facility has proven to be a highly successful business model. Private providers of residential care are able to access regular funding from foreign charitable sources, and in amounts that will likely increase in accordance with the number of children cared for[2]. This leads to the phenomenon of 'active recruitment' of children from their families with promises of giving them a

'better future' – which, in some cases, translates into adoption abroad, moreover.

These are not exaggerated concerns. The significance of the problem of the commercially-motivated intake of children into residential care is reflected in the way the issue is addressed in the 2009 UN Guidelines for the Alternative Care of Children. The Guidelines explicitly warn, inter alia, that: the provision of alternative care should never be undertaken to further the provider's economic goals (Para. 20); the ways in which care provision is funded should not encourage unnecessary placements (Para. 108); and the recruitment and solicitation of children for placement should be prohibited (Para. 127).

Irony of the 'orphan rescue'

Against this background, the grating irony of the 'orphan rescue' discourse has at least four facets.

First, citizens and groups from countries that have been undertaking a deliberate and evidence-based move to deinstitutionalise alternative care systems for several decades, apparently still feel encouraged and justified to support the maintenance and growth of institutional care as a response elsewhere.

Second, the resulting institutional placement of children leads to calls – from those or similar actors – for more of these very same children 'languishing in institutions' to be made available for adoption abroad.

Third, some agencies mediating intercountry adoptions are involved in setting up or funding by various means the institutions from which these adoptions are to be carried out.

Fourth, it has frequently been shown that those countries where intercountry adoption has been developed witnessed a simultaneous increase in the number of institutions and 'orphans' – until it discontinued the intercountry adoption of its children, Ethiopia was one clear example of such a phenomenon.

In sum, therefore, the superficially persuasive argument of 'orphan rescue' relies heavily for its justification on an entrenched self-perpetuating cycle of 'orphan creation'.

Breaking this cycle requires more than steps by a country's authorities to regulate residential care provision more strictly. A key element of the response must also be to reduce massively the incentives for private providers to establish, run and increase the capacity of 'orphanages'. A pre-condition for this is stemming the flow of funding that they can access from foreign sources, including individual donors, charities, visiting tourists, 'voluntourists'[3], agencies and adoptive parents. All need to be convinced, from their various standpoints, that supporting 'orphanages' simply creates 'orphans' – and that the idea of then going on to somehow 'rescue' these children is not only disingenuous but also incompatible with international child protection standards.

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