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EDITORIAL

2011 statistics: The decline continues 

As it does every year, the ISS/IRC has compiled the statistics from the 12 leading receiving countries in matters of intercountry adoption and provides an analysis of the resulting trends.

With a total of just under 22,000 intercountry adoptions for the 12 leading receiving countries (see table below), the decline initiated in 2004 is continuing inexorably. The United States registers even lower levels (9,319), as are Spain and France. For these countries, it is clear that situations of transition – entirely or partially linked to the ratification of the HC-1993, and which are currently prevailing in Haiti, Vietnam, Kazakhstan and Guatemala to a certain extent – are an important element to take into consideration.

The equation 'ratification of the HC-1993 = decrease of intercountry adoptions' holds true once more, but, with due respect for its critics, the effective implementation of the Convention in the country of origin is ultimately real progress, in

particular through the development of alternative support measures at national level.

It is worth highlighting, in this regard, that in real terms, the year 2011 marks, for the first time, near parity between adoptions subject to the HC-1993 and those outside the framework of the Convention (10 non-Hague countries of origin make up 49.5% of all cases).

For the receiving countries, this initial observation is, of course, hardly satisfactory, and the waiting lists risk becoming quite a bit longer still. However, a significant decrease in the number of applicants for intercountry adoption in several receiving countries is becoming noticeable. This may be explained by a better public understanding of the current constraints of

intercountry adoption, and perhaps by a greater appeal of medically-assisted reproduction methods, in particular the use of foreign surrogates, which has been discussed in previous Monthly Reviews.

Policies implemented in countries of origin

The directions of social policy

taken by major countries of origin, such as China, Russia, Ukraine and South Korea, also play a significant role in the change in the total number of intercountry adoptions. By declaring their intention to support domestic adoption, and by promoting the adoption of children with special needs, these countries have put the brakes on the development of intercountry adoptions.

Country of origin	2010	2011
China	4,672	4,098
Ethiopia	3,977	3,144
Russia	3,158	3,017
Ukraine	1,091	1,054
South Korea	991	920
Colombia	1,549	1,522
Vietnam	1,243	620
Haiti	1,361	142
Guatemala	55	32
India	473	688
Philippines	413	472
Brazil	373	359
Poland	307	304
Taiwan	310	311
Kazakhstan	434	179
Thailand	124	258
South Africa	71	120
Nigeria	236	218
Bulgaria	230	259
Mali	123	154
DRC	166	339
Ghana	128	107
U.S.A	147	97
Latvia	120	116
Hungary	117	154

remains uncertain: with a decrease of 20%

There is also a purely political will to change the country's image, so as to no longer be perceived, especially nationally, as a 'provider' of children.

The situation in Ethiopia – the second country of origin on the general list –

compared to 2010, the country seems to be showing signs of its willingness to better regulate its procedures and to slow down the rhythm, but

core decisions (the ratification of the HC-1993, the obtaining of consents, the situation in the provinces) are yet to follow.

A constant volume

Several countries have implemented systems

capable of managing a relatively constant number of intercountry adoptions each year, as is the case of Colombia, the Philippines, Brazil, Poland, Taiwan, South Africa, Bulgaria, Mali, Latvia, Hungary, etc. This consistency may be viewed as a guarantee, insofar as it demonstrates the ability of these countries to manage intercountry adoptions steadily, without suffering from too many internal or external difficulties.

The figures for India and Thailand are an enigma, since they have practically doubled between 2010 and 2011, in spite of the more restrictive policies adopted in these two countries.

A concern: The Democratic Republic of Congo

With 339 intercountry adoptions in 2011, the Democratic Republic of Congo has increased its number of children adopted through intercountry adoption tenfold in a period of four years (2008: 36 cases recorded). Consistent reports also indicate that intermediaries are increasingly active and do not hesitate to promote the adoption of Congolese children. These two elements must be interpreted as early-warning signs of a sharp increase in adoptions in the DRC, in what should be considered as a 'post-conflict' context, and which cannot offer the necessary guarantees for the processing of large-scale adoption. The ISS/IRC is closely monitoring these developments and hopes to soon be able to carry out a mission locally. It calls upon receiving countries to exercise restraint in the potential development of procedures with the DRC.

The ISS/IRC Team
October 2012

France: The European Court of Human Rights does not declare France guilty of having denied a case of intercountry adoption under kafalah

In the *Harroudj Judgement* of 4 October 2012 (ECtHR, 4 October 2012, *Harroudj v France*, App. N° 43631/09), issued by the ECtHR, and analysed from a legal perspective by the *Revue des Droits de l'Homme*, the ECtHR recognised that France was not guilty of having denied the adoption of an Algerian girl under kafalah, because France did not violate article 8 of the Convention in the procedure. Thus, even though it grants validity to the French mechanism, the European jurisdiction also clarifies the importance of the respect by receiving countries for the laws of the countries of origin subject to the institution of Sharia Law, the kafalah. The ISS/IRC welcomes this judgement which, unequivocally, promotes the respect for the laws of countries of origin in adoption cases, as provided for by the 1993 Hague Convention.

Source: European Court of Human Rights, <http://hudoc.echr.coe.int/sites/eng-press/pages/search.aspx?i=003-4105598-4825262>; *Revue des Droits de l'Homme*, <http://revdh.org/2012/10/08/adoption-internationale-kafala-regard-europeen/>.

Italy: The European Court of Human Rights condemns Italy for having violated the right to respect for private life in a case of search of origins

In the *Godelli Judgement* of 25 September 2012 (ECtHR, 25 September 2012, *Godelli v Italy*, App. N° 33783/09), issued by the European Court of Human Rights (ECtHR), and also analysed from a legal perspective by the *Revue des Droits de l'Homme*, the ECtHR sanctions Italy for not ensuring the respect of article 8 (right to respect for private life) within the framework of its legal system in cases of search of origins. Thus, the European judges outlaw all those mechanisms that, absolutely and definitively, prohibit children born through anonymous birth from accessing their origins. The ISS/IRC welcomes this judgement because it recognises, as a matter of priority, the right of children to access their origins (see Monthly Review 9/2012).

Source: European Court of Human Rights, <http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-113332>; *Revue des Droits de l'Homme*, <http://revdh.org/2012/09/29/accouchement-anonyme-droit-a-connaissance-des-origines/>.

INTERDISCIPLINARY RESOURCES

Canada: Statement on communicable diseases and intercountry adoptions

This 17-page statement is a useful resource that examines the various health risks that children and prospective adoptive parents may be susceptible to during the intercountry adoption process.

The Public Health Agency of Canada commissioned the Committee to Advise on Tropical Medicine and Travel (CATMAT) to provide advice relating to tropical infectious disease and health risks associated with international travel in the context of intercountry adoptions. This short article examines parts of CATMAT's response in the form of a 'Statement on international adoption'¹ published in December 2010.

Some key messages

The statement clearly emphasises the importance of involving a knowledgeable medical practitioner throughout the intercountry adoption process, 'both in advance of the adoption to help

educate about the medical issues, decipher foreign medical terminology, and provide a risk assessment, as well as provide medical assessments post-adoption.' In practice, unfortunately this is not yet mandatory, let alone the norm (see ISS/SAI's study in Monthly Review 9/2010).

Among other issues, the paper explains the need for pre-adoption consultation, whilst of course conceding the reality of practical obstacles for undertaking the latter. One advantage of such consultations is that many infectious diseases such as tuberculosis, hepatitis A/B and measles can potentially be prevented from being transmitted from children to their adoptive families and others.

The statement also rationalises the need for post-adoption medical assessments once a child arrives in the receiving State (within a few weeks). One reason is that vaccination measures may be inadequate and therefore in Canada, the child may require a repetition of all immunisations. A full physical examination may help identify conditions such as plagiocephaly (abnormally shaped head), prenatal drug or alcohol exposure, rickets, scabies or lice, etc, which may need some treatment.

In addition to this initial assessment, multiple arguments are provided for as to why longitudinal care is important, noting that adoption is a life-long process. Therefore, issues such as attachment and monitoring of developmental milestones are discussed.

Valuable introductory tool

The ISS/IRC recommends this Statement as an excellent introduction into addressing the issues linked to communicable diseases and intercountry adoptions, where significant work remains. There are multiple references to more comprehensive studies and existing resources for professionals to use, to assist with the preparation and integration of both the child and prospective adoptive parents.

¹ Committee to Advise on Tropical Medicine and Travel, 'Statement on International Adoption', *Canada Communicable Disease Report*, Vol. 36, ACS-15, December 2010, <http://origin.phac-aspc.gc.ca/publicat/ccdr-rmtc/10vol36/acs-15/index-eng.php>.

'Positively Caring': Ensuring that positive choices can be made about the care of children affected by HIV

In November 2010, Every Child published a report on the treatment and care of children affected by AIDS based on research carried out in India, Malawi and the Ukraine. This report came to several conclusions, described below. On the basis of these conclusions, a number of recommendations have been drawn up.

The report, *Positively Caring, ensuring that positive choices can be made about the care of children affected by HIV*, focuses on the discrimination experienced by children and families affected by AIDS, there being a lack of appropriate protection and support for these families. After assessing the situation on the ground, the report outlines different avenues of exploration and concrete steps that could be taken with a view to tackling this issue.

Alarming conclusions

One of the report's findings is that children affected by AIDS are less likely to be looked after than healthy children. Often, these children are orphaned at a very young age and are the victims of discrimination or misinformation, preventing them from being taken care of by either their extended family, a children's home or from being adopted. In the case of children whose parents are affected by AIDS, the study shows that both parents and children prefer to stay together, and if this is not possible, that the children should stay with their grandparents.

Secondly, the study found that families affected by AIDS needed to receive more support than that given to other families. This is because the discrimination to which they are subjected often makes it impossible for them to work or to receive basic healthcare or appropriate medical treatment.

Moreover, the study underlines the importance of recognising the amazing work of the many families that have managed to support and look after the children in their care under very difficult circumstances.

On another level, it would seem vitally important to identify the different challenges associated with the various types of family unit that care for children with special needs. For example, grandparents are often extremely generous to their grandchildren on an emotional, human level, whilst at the same time having very few financial resources. With regards to children looked after by their uncles, aunts or in-laws, it would seem essential that they be protected against the various kinds of abuse to which they could be subjected.

Recommendations for the future

On the basis of these findings, the report makes several recommendations to United Nations agencies, governments, NGOs and donors:

- Firstly, children affected by AIDS should have access to the same opportunities as other children. They should stay with their family unless it is in their best interests to live elsewhere.
- Extreme prudence should be used when considering whether to place children in institutional care.

- Different categories of family should receive different levels of support. This would ensure the most vulnerable families (including families brought up by grandparents and single mothers) receive additional financial, medical and psychological support.
- The children in question should have access to education, medical treatment and welfare services.
- A preventive approach to help children and adolescents protect themselves from HIV infection should be implemented by institutions that provide

residential care for children and those working with teenagers.

- Lastly, public awareness campaigns should be run to help reduce discrimination against those affected by AIDS, especially children, women and young girls.

Source: EveryChild, *Positively Caring, ensuring that positive choices can be made about the care of children affected by HIV*, November 2010, <http://www.crin.org/docs/Positively%20Caring%20FINAL.pdf>.

READERS' FORUM

Adolescence: A revealing time in adoption

Nino Rizzo, a Psychologist, trained Psychotherapist with the Federation of Swiss Psychologists and a Consultant for Espace Adoption, shares with us his analysis of the various issues and challenges of adoption during the crucial period of adolescence. Based on his daily experience, he throws new light on the critical role that the adoptive parents and the preparatory work play when meeting the child, who is to be adopted.

Adolescence and identity: Aspects

Adolescence is a tremendous time of physical, mental and social growth at the same time, a unique opportunity to revisit childhood and prepare to enter adult life. Moreover, for a time, the two worlds, of childhood and adulthood, coexist within the same body and the same mind, in a sort of forced cohabitation before scores are finally settled between two existential modes that must eventually separate. At least in theory.

In reality, this is often not the case. The adult that leaves the process of adolescence will have, primarily, built himself on the child's positive and enriching experiences, and will therefore keep a lasting impression of them. In addition, he will bring with him all the trauma and things left unfinished that as a child he did not have the means to develop and assimilate. As the honest and faithful heir of this formerly bruised child, he will carry these wounds with a deep desire to, if possible, heal them, but in any case with the will to continue to think of them or even to act, when the thought is unbearable.

Awareness of the abandonment experience: What are the challenges?

Abandonment, the first and necessary stage for adoption to happen, is one of these traumatic experiences that adolescence will unearth from the past, recorded somewhere not really known in the deepest part of his being. In reality, it would be fairer to say that the scars of the initial trauma

from severing links with the biological mother will be felt whether he wants it or not.

In the best case, the adolescent feels and recognises this open and unfinished thing from his early childhood, and puts it to one side, i.e. he keeps it in a corner of his dormant consciousness, hoping to return to it later. It is often when he first experiences parenthood, sometimes on grounds of his first romantic relationships, or at the time of other significant and evocative personal experiences, that the young adult will want, and be ready, to unpack this package stored deep down inside and be able to begin assessing and analysing it. Sadness, anger, the wish for reparation and the fear of losing everything will accompany him along this difficult path to truth and peace.

In other situations, the adolescent is left surprised and overwhelmed by the emotional intensity of the trauma's return and is not able to contain it through his thoughts. Taking action then presents itself as the only way to clear out unimaginable and intolerable suffering from his mind. Acting on his own body or on the social environment are, then, the most direct and relieving shortcuts when faced with a deaf and blind pain whose only visible element is destructive anger.

The adoptive parents' role on the path back to themselves

What about the adoptive parents? How can they understand and support their child when he struggles through a particularly complex and worrying adolescence?

Preparatory work for the meeting with the child who will be adopted is, in my view, essential on the part of the adoptive parents. More specifically, it seems fundamental to me that they should think of themselves as orphans in the same way as this child that they are going to receive: one is an orphan of parents; the others are orphans of children.

Adoption is a meeting between people, who have been deprived of the most precious thing: the joy of having a child or the joy of growing up with relatives.

Adoptive parents and adopted children have deep wounds that they will try to heal in each other. They have everything they need for a good and restorative meeting for all, but they carry with them such deep personal suffering that, at any

moment, it risks making them unsuitable for each other.

Linking the need for mutual understanding and love

It is true that mental suffering generates sensitivity and is a source of empathy towards other human beings. It is also very true that it leads to one's closing up and rejection as soon as the slightest threat of new wounds appears on the horizon.

I believe it is here more than anywhere else that the image of two hedgehogs, that love each other and are close but bite and hurt each other when they get closer, is applicable. The spines of the adoptive parents and of the adopted children, which make such a delicate and dangerous connection, are their own mirrored personal injuries as orphans: they seem to look at each other, dying to get closer and needing that warmth, but: how can they do this without hurting each other? That can be learned, certainly, and love, while fundamental, is not always enough.

Republic of South Korea: The difficult situation faced by unwed mothers

Despite the favorable economic situation of South Korea, the country continues to be one of the largest countries of origin in intercountry adoption. As the following testimony of Choi Hyoung Sook (KUMFA) and Jane Jeong Trenka (TRACK) shows, the situation faced by unwed mothers and their children can explain such a phenomenon.*

The Korean international adoption program is the world's largest, continuously running programme, with up to 200,000 children having been sent for adoption to Western countries, both in private arrangements and through agencies, since the 1950-1953 Korean War. The programme has been popularly touted as the 'Cadillac' of international adoptions for its supposed ethical procedures and healthy babies. However, in light of Korea's current economy, many people from outside Korea have been left wondering why Korea is still the world's fourth-largest sending country at international level. Adoption agencies popularly cite Korea's Confucian culture as the cause. This may be a part of the reason, but another very tangible factor is the Korean government's policy decisions around unwed mothers and their children.

Lack of government financial support for unwed mothers

About 120,000 of all international Korean adoptees have been children of unwed mothers.

Since the 1990s, the rate has been of about 90% of international adoptees each year. The rate is 85% of recorded domestic adoptions, and it is presumed that the thousands of infants, who fall off the statistical charts and are 'secretly' adopted each year, are also the children of unwed mothers. In a secret adoption, the child is registered as the biological child of a married couple, not an adopted child, who was born to an unwed mother. Therefore, the adoption is not recorded and there is a possibility for child-selling.

While the Ministry of Health and Welfare allows private Korean adoption agencies to charge over nine million won per overseas adoption, its domestic rates of support for families per month, per child, show that its priorities are not responding to the child's human rights: for instance, foster care families (usually used as a pre-adoption arrangement) receive 250,000 won (around USD 222); domestic adoptive parents receive 100,000 won (around USD 89) and single parents receive 50,000 won (around USD 44). Furthermore, the legislation according to which

fathers have to pay child support is not enforced by the state. On the other hand, under the National Basic Livelihood Security System, impoverished people may not receive government support unless they have either no family, or the whole family, including siblings, is in poverty. Unwed mothers are often cut off from their families for birthing and raising their children, meaning they get no support from either their family or the government.

Influence of counseling services for unwed mothers on their final decision

In addition to the above-mentioned lack of financial support, the adoption counseling services offered to unwed mothers tend to encourage separation from their newborns instead of helping them keep and raise them. In a paper entitled *Adoption Counseling Services Experiences by Unwed Mothers in Korea*, Choi Hyoung Sook, an unwed mother raising her child, presented research conducted through her organisation, Korean Unwed Mothers Support Network (KUMFA), which has an online membership of 1,102 people. Of these members, she interviewed five unwed mothers, who had received counseling from the agencies. Their testimonies provide a good representation of the feelings and difficulties faced by this population. All five women had been counseled to relinquish their children for adoption, but later withdrew their children from the adoption agency, and are now raising them in Korea.

In this research, some practices used by counseling services are reported by unwed mothers such as:

- Agency social workers make unwed mothers feel inferior to adoptive parents, leading mothers to believe that they cannot parent their children as well as adoptive parents.
- Mothers are asked within 30 minutes at the first counseling session to terminate parental rights. The Memorandum of Understanding (MoU) to terminate parental rights that is used by adoption agencies has no legal meaning under the Korean Civil Code. However, because the mothers do not know that the paper is meaningless when they go to the adoption agency with a crisis pregnancy, the MoU can be used by a worker to bully a mother who wants to get her child back, saying that the mother has already made up her mind and she may not change it

because she already signed the – legally meaningless – paper.

Unwed mothers also report that one reason they choose intercountry adoption is that they believe it will be ‘open’, meaning they can exchange letters and photos with the adoptive parents and talk on the phone with their child. In addition, the child will know he is adopted because he will likely be raised by white parents. On the other hand, one reason mothers choose domestic adoption is because most domestic adoptions are ‘secret’.

Governmental and civil initiatives to challenge these discriminatory situations

Choi notes that at one facility in South Korea, which provides support to unwed mothers throughout childbirth and childcare, 82% of the residents choose to raise their children. On the other hand, at maternity facilities run by adoption agencies, only 37% of mothers choose to raise their children. Recognising this problem, Korea’s Parliament passed a law in 2011 stipulating that adoption agencies may not establish or run maternity homes from 1 July 2015.

Unwed mothers’ homes that are currently run by adoption agencies should be closed or changed into social welfare facilities for one-parent families by the afore-mentioned date. In light of the legal changes, it is important for the international community involved in promoting ethical adoptions to monitor the adoption agencies, in order for them not to change their business model to simply offering ‘counseling’, instead of running full facilities for unwed mothers. Unwed mothers should be supported and given a fair chance to raise their children, just like married mothers.’

Choi Hyoung Sook (KUMFA)
and Jane Jeong Trenka
TRACK (Truth and Reconciliation for the
Adoption Community of Korea)

* ‘Unwed mother’ is a translation of the Korean word *mihonmo*, which is how the mothers from KUMFA identify themselves.

Source: Adoption Counseling Services Experienced by Unwed Mothers in Korea, by Choi Hyoung Sook of KUMFA, translated into English by Dr. Lee Mi-jeong of the Korean Women’s Development Institute, is available online at:
<http://justicespeaking.files.wordpress.com/2011/07/unwedadoptionkorea.pdf>.

READING SUGGESTIONS

Paris-Bogota, *Béatrice Gallot, Pascale Gardinier, Editions L'Harmattan, Paris, 2010, 37 pages.* 

The author – of French origin – is the adoptive mother of two Colombian children, Thomas and Angelique, aged nine and seven. Through this book, enriched by the collaboration of Béatrice Gallo, a Journalist, the author describes, through simple content and light pictures, the process of adoption as a long journey between two different worlds in search of love.

Convinced by the reciprocity of the adoptive relationship between parents and children, she highlights the importance of dialogue and trust between all the members of a united family, mainly through the bonds of the heart and the memory of the past, as a unique instrument that enables adopted children to live a happy present and to build a serene future.

Aimed mainly at adoptive parents and adopted children, this book is of great interest to all those persons, who play an active role on the learning path that is an adoption.

FORTHCOMING CONFERENCES, SEMINARS AND COURSES

- **France:** *Colloque GYPSY XIIème, "Ruptures..."* [GYPSY Conference 12th, "Breakups..."], GYPSY, Faculty of Medicine, Paris, 7 and 8 December 2012. For further information: <http://www.gypsy-colloque.com/upload/programme-gypsy-12-1.pdf>.
- **United Kingdom:** *New Aspirations for Adoption? Taking Adoption Forward Faster*, BAAF, Durham, 30 November 2012. For further information: <http://www.baaf.org.uk/training/allevants/2012-11-30t000000>
- **United Kingdom:** *The neuroscience of adoption and fostering, A day with Dr. Margot Sunderland*, BAAF, London, 24 January 2013. For further information: <http://www.baaf.org.uk/training/allevants/2013-01-24t000000>.



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