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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.

Can 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

IRC NEWS

- **Project on distance training and exchange of experiences – New Fact Sheets on the ISS/IRC website** 

Two new training Fact Sheets (N° 33 and 34) have been issued. They address the global, as well as legal and procedural, context of intercountry adoption. These are available from the ISS/IRC website: www.iss-ssi.org/Resource_Centre/Tronc_DI/tronc_di_fic.html.

ACTORS IN MATTERS OF ADOPTION

Source: Permanent Bureau of The Hague Conference: http://hcch.e-vision.nl/index_en.php?act=conventions.authorities&cid=69.

- **Australia:** This country has amended the contact details of the Commonwealth Central Authority, as well as those of its contact persons.
- **Dominican Republic:** This country has named its Competent Authority: National Council for Childhood and Adolescence.
- **Germany:** This country has amended the contact details of its federal Central Authority: Bundesamt für Justiz, Bundeszentralstelle für Auslandsadoption, Adenauerallee 99-103, 53113 Bonn ; Tel : +49 (228) 99 410 5414 or 5415 ; Fax : +49 (228) 99 410 5402 ; E-mail : auslandsadoption@bfj.bund.de; www.bundesjustizamt.de. This country has also amended the contact details of the Central Authorities in the following Länder: Mecklenburg-Vorpommern, Saarland and Thüringen.
- **Hungary:** This country has amended the contact details of its Central Authority: Ministry of Social Affairs and Employment – Protection of Children and Youth; Postafiók 609, 1373 Budapest [Akadémia u.3, 1054 Budapest] ; Tel : +36 (1) 475 5700 or 5800 ; Fax : +36 (1) 312 9255 ; Contact : Zsuzsanna Agoston, agoston.zsuzsanna@szmm.gov.hu.
- **Mali:** This country has named its Central Authority: Direction Nationale de la Promotion de l'Enfant et de la Famille ; Rue 394, Porte 107, Bamako, Torokorabougou, BP 2688, Bamako ; Tel : +225 28 53 54 or 28 56 50 ; Fax : +225 28 53 02 ; E-mail : dnpef@buoticservice.net.ml.

PRACTICE

COLOMBIA: Desperate search for parents

Too old, disabled ... or too black: over 4,500 Colombian children cannot find adoptive parents. The country's authorities have launched an appeal to foreign applicants.

Vincent Taillefumier, Bogota *

On the photo – taken a few weeks ago – David stares at the camera defiantly. At six years of age, the doctors say he is autistic, and the Colombian orphan has been waiting years for a family to adopt him. 'At the least

hint of stress, he closes up on himself', explains Luz Carmenza Gómez. As the correspondent in Bogota for the association AMI, which handles adoption files in Italy, she has had to multiply her contacts in order to find a couple ready to care for him.

Like David, over 4,500 Colombian minors, known as of “difficult adoption”, cannot find parents. This month, the Colombian Institute for Family Welfare (ICBF), responsible for the care of minors, has appealed for help for them. In the front row of those excluded: older children, and large and legally inseparable sibling groups. ‘We receive no requests to care for children over eight’, notes Ilvia Ruth Cardenas, in charge of adoptions at the ICBF. Some of the older couples eventually accept caring for them, such as Roberto and his wife, who at the age of almost 50, have taken a girl of eight into their care. But many of them are condemned to growing up in the institute’s homes.

In this heavy pile of painful cases, sick, disabled children, or those affected by a painful past, represent an important share. In a country where family planning has receded, an increasing number of adolescents become pregnant, mainly among the poorest classes. As pointed out by Luz Carmenza Gómez, whose association has welcomed several of them in a home, ‘their own parents often throw them out of their home, either due to shame, or in order to avoid feeding an additional mouth’.

Some of these babies end up being mistreated, sometimes abandoned close to rubbish dumps, as prey to illnesses, or bitten by animals in the slums.

Others, even if physically well treated, ‘suffer from psychological delays due to a lack of affection’, adds Carmenza Gomez. A specialist in «difficult adoption cases», this lawyer must also frequently go to areas on the Pacific coast, historically inhabited by the descendents of African slaves ... another category of long-term ICBF beneficiaries. As acknowledged by Ilvia Ruth Cardenas, ‘there is a total rejection of black children among Colombian adopters. Many would ideally like a blond, perfectly healthy baby’.

This month, the ICBF – which, by law, must satisfy the requests of the country’s citizens as a priority – has had to launch this month

an appeal for help from foreign organisations. Among other initiatives, children could be sent to holiday camps, where they could make the acquaintance of a new language, a new culture, and possibly new parents. ‘We must assume that the older ones will doubtlessly no longer find a family’, admits the lady in charge. But for all the others, the institution is relying on foreigners ‘generally much more open to adoption’.

Europe and North America are already the main destinations for young Colombians. Of the 2,700 adoptees of last year, only a thousand found a family in their country of origin. ‘Colombia does not help its prospective adoptive parents very much’, adds Ilvia Cardenas. For the new parents from Bogota or Cali, there are no family allowances: it is useless to encourage birth rates in a country where the population has increased by 12% in 13 years.

Parents in the northern hemisphere, however, are not all able to bear the past of a child of “difficult adoption”. Associations, such as AMI, organise real role-playing activities to prepare them for the little «moral war » of the first months, as described by Luz Carmenza Gomez. ‘You have to bridge the gap between the child as imagined by the adoptive parents, and the real one, with his/her scars, nightmares and mistrust of adults. For that, you need people with conviction’.

The battle would be worth the trouble: little David, she continues, has at last found Italian parents. The adopted “autistic child” is talking more and more.

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INTERDISCIPLINARY APPROACH

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Effects of the institutionalisation of children: The Bucharest Early Intervention Project

A research on the evidence that foster care is more favourable than institutional care for young children.

The Better Care Network co-hosted, last January, a discussion day on institutional care and its alternatives at the George Washington University (USA). Among others, a new research by the Bucharest Early Intervention Project (BEIP) was presented. This research analysed the question of what evidences that foster care is better than institutional care for young children.

Most of the studies, carried out in the last 50 years, comparing children in foster care with children in institutions, found that children in foster care develop better. Although foster care has increased a lot in developed countries, in many parts of the world institutions are still the most common form of care for orphans and abandoned children.

Focus and evidences of the study

The BEIP is the first random control intervention trial with institutionalised children. It was carried in the Romanian context where, according to the sources of the BEIP, at least 30,000 children live in institutions. The study examined the effects of institutionalisation on the behavioural development of young children and the possible responses to it, mainly through early intervention and placement of the child in foster care. The foster care proposed in this study was unique and of high quality. The study focused on the emotional expression and attention, attachment, impulsivity and response inhibition, and psychiatric disorders.

The study evidenced that children raised in orphanages have significantly low IQs, compromised brain development, and are at a dramatically increased risk of a variety of social and behavioural abnormalities, including: disturbances and delays in social/emotional development, aggressive behaviour problems, inattention, hyperactivity and syndromes that mimic autism. According to the BEIP, taking children out of the institutions and placing them in alternative family care enhances the children's IQ and

brain development. As stressed by the findings: "the earlier, the better".

Institute for Child Development

In order to continue the work of the BEIP and to ensure long-term improvements, the BEIP and its Romanian partners have decided to create the Institute for Child Development (ICD). The objectives of ICD – a non-political, science-based national resource serving the needs of Romania's most vulnerable children – are to disseminate and to create a modern and effective child health system in Romania, to train new generations of professionals, to provide clinical services and to establish a model system for other countries, which wish to improve the health and welfare of abandoned or disadvantaged children.

The challenges of the ICD are to improve communication between Romania and the USA, to obtain long-term funding in order to expand and to develop the exchange programme between the two countries, and to persuade the Romanian Government to give the necessary support for this programme.

Sources: Caring for orphaned, abandoned and maltreated children: Bucarest Early Intervention Project, Presentation by C Nelson, N Fox, C Zeanah, and D Jonson, at the Better Care Network Discussion Day, 10 January 2007, Washington DC

www.crin.org/docs/PPT%20BEIP%20Group.pdf); 'Designing research to study the effects of institutionalization on brain and behavioral development: The Bucarest Early Intervention Project', C Zeanah, C Nelson, N Fox, A Smyke, P Marshall, S Parker, and S Koga, in *Development and Psychopathology*, 15 (2003) 885-907 (www.crin.org/docs/BEIP%20Study%201.pdf);

'Attachment in institutionalized and community children in Romania', C Zeanah, A Smyke, S Koga, and E Carlson, in *Child Development*, September/October 2005, Vol. 76, N° 5, pp. 1015-1028

www.crin.org/docs/BEIP%20Study%202.pdf).

Interview with Pierre Lévy-Soussan, from France

This month, the ISS/IRC offers a clarification, by the psychiatrist and psychoanalyst Pierre Lévy-Soussan, on the trafficking of Bulgarian babies, whose perpetrators have recently been tried in France. This specialist in matters of filiation rules helps us to understand the implications of this situation for the establishment of the filiation of the children who are victims of this trafficking.

Case summary: About ten Bulgarian and forty French nationals, mostly from the gypsy community, took part in the trafficking of newborn Bulgarian babies, and were convicted of trafficking in human beings last February. In total, the accused French nationals bought 22 babies between 2004 and 2005. In most of these cases, the “buying” father organised the fraud at the registry’s office, on his own, and by directly recognising the child. In other cases, the Bulgarian biological mother contributed by giving birth, using the “buying” mother’s name. The biological mothers each received some hundreds of Euros. The intermediaries kept the remaining money. Except in two cases, the courts handed the children back to the “buying” parents.

Name and surname: Pierre Lévy-Soussan
(levysoussan@free.fr)

Place of residence and work: Paris, France.

Professional duties/responsibilities:
Psychiatrist, Psychoanalyst, Chief Physician,
Consultant for the Adoption Family
International Consulting Group.

1. Could you briefly explain the main lines of the process of determination of adoptive filiation?

Filiation may take three forms: biological, legal and psychological.

Biological filiation arises from procreation, through the intervention of «the body’s products » from both sexes, resulting in the creation of a child. The biological tie, however, is not sufficient for “being a parent”; every woman who gives birth does not necessarily feel she is the child’s mother (Marinopoulos, 2005). The biological axis makes it possible to accede to parenthood without being a guarantee for its future development.

Legal filiation stems from the legislative framework, which defines the rules of filiation. The law provides a framework, which makes it possible to regulate the living by establishing it. The laws on filiation name the father and mother, and the child as the son or daughter of both sexes. Going beyond the biological, thanks to legislation, is possible only if the child is in a situation where the couple is “potentially procreative”, with filiation landmarks, which respect the difference between the sexes, the generations and the prohibitions of incest. Thus, the legal consequences among people may exist without any biological ties – such as in adoption or from medical help in

procreation – given the value of legal fiction in supporting the psychological truth of family members (Lévy-Soussan, 2006).

The psychological filiation constitutes a subjective construction of its own truth, which enables to consider oneself a father, mother, son or daughter. The psychological filiation develops with time, as it is never a given. It is constituted by the reciprocal wish and need of the parents and of the child.

The value of the psychological truth of this construction allows going beyond the reality of the biological, depending upon the symbolic effects conveyed by the cultural and social meanings of filiation. Hence the importance of the psychological axis of filiation, which enables the three elements at the basis of all societies to join together: the biological, the social and the unconscious dimension inherent to human beings. Filiation establishes itself at the psychological level by leaning on a legal framework, which names the parents, in compliance, or not, with the biological tie, in a situation that is genuinely or potentially procreative.

When there is a lack of biological filiation, the two remaining axes are sufficient to guarantee a filiation, but they will be challenged by the child. Any infringement upon the legal axis or any vulnerability of the psychological axis of filiation will have

implications for the child and for the development of his/her filiation.

2. In situations such as those experienced by the Bulgarian children, could a solid filiation be developed?

It seems to me difficult to develop ties of filiation with a child when there is an infringement upon the legal axis. One cannot be a parent when one buys a child.

It is not a matter of illegal adoption, but rather a matter of purchase of a child and of participating in the trafficking of children, which is sanctioned by law.

It is very important for the future of adoption that associations, agencies and professionals involved in adoption, react through the media, in order for this type of stories not to be assimilated to an adoption story, which would have to be solved later, but to an illegal act preventing all future parenthood.

3. If so, how?

When the law validates such situations – leaving the children with a law-breaking couple, it makes future filiation impossible for the child and jeopardises his/her psychological future.

The only filiation a child could build for him or herself is when he/she is with parents, who have not infringed any law to come to him/her.

4. What risks may such practices raise for "illegally adopted" children?

In this example, it is not a matter of adoption. The fact that newspapers describe this couple as "adoptive parents" clearly shows to what extent collective thinking may mistreat children and adoption in general.

Adoption is a filiation concept, with its rules, its duties and its conditions, as much psychological as material. Not complying with these rules and laws is a form of mistreatment of the child.

5. What professional or other support would you suggest for the children and their "family"?

No professional support can transform individuals into parents when they buy a child by violating all the laws, which regulate filiation and parenthood.

6. In such a situation, how may the relationship between the children and their family of origin

be managed? What role should be given to the latter and what attitude should be adopted towards them?

In situations of theft or trafficking in children, the only ones with a chance of coping with it are those placed with the ASE (French Social Assistance for Children), and benefiting from their status as wards of court, and who will be adoptable by a prospective adoptive family. The latter should have important skills to help the child to develop his/her life story, through a past that has been made even more difficult as a result of the business he has been subjected to. On the one hand, I am pessimistic for the other children, who have remained in the home of a "buying couple", and on the other

READING SUGGESTIONS

Adoption internationale: le dispositif français (Inter-country adoption: the French mechanisms), *Accueillir* (quarterly review of SSAE [Social service of support to emigrants], N° 239, September 2006, Paris, 44 pp.

This issue of the SSAE quarterly review describes, on the basis of the 2004 report of the Children's Ombudsperson, the new mechanisms introduced in cooperation with the Agence Française de l'Adoption (AFA - French Adoption Agency) to respond to an increasing demand from parents, whilst protecting the rights of the child.

A second part deals with the right to asylum, the care and services for seekers, its externalisation to the borders of Europe by the countries concerned, and the distinction between refugees and migrants.

Also worth reading is Issue N° 240 of the same review *Accueillir* (December 2006): **Les mineurs étrangers isolés en Europe** (Foreign minors isolated in Europe). This issue includes, among others, a table on the complexity of child and adolescent migration, and on the difficulties in providing care for them in several European countries.

The SSAE has also recently published a special issue with Pro Asile, entitled **Asile et immigration aux frontières de l'Europe** (Asylum and immigration at the borders of Europe), which compiles the proceedings of the conference, which these two organisations convened in Paris on 23 October 2006, on the externalisation of European policies in matters of asylum and immigration.

These reviews may be ordered from the SSAE Secretariat: +33 (0)1 53 61 53 00 or secretariat@ssae.fr.

hand, I am scandalised by a society unable to protect children in a world of adults, who consider them to be mere objects.

7. What other message would you wish to send to the readers of our Review?

On many occasions, couples may face moments when they are offered to infringe laws in order to gain access to a child. It is then a matter of having a sufficiently sound

integrity to never support such actions, which will not only destabilise the filiation path, but may even make it impracticable, leading to a failed adoption.

Bibliography: Marinopoulos Sophie *Dans l'intime des mères* (In the intimacy of mothers), Fayard, 2007; Lévy-Soussan Pierre *Eloge du secret* (Praising secrecy), Hachette, 2006.

FORTHCOMING CONFERENCES, SEMINARS, SYMPOSIA AND COURSES

- **Philippines:** *9th Global Consultation on Child Welfare Services – Adoption: Opening windows for development*, 17-20 September 2007, Tagaytay City. This consultation, held by the Intercountry Adoption Board and the Association of Child Caring Agencies of the Philippines, is designed to be a conference where local and international adoption specialists meet to reflect, learn and understand issues and concerns affecting Filipino children, their caregivers, their counterpart foreign adoption agencies and adoptive families. For further information and registration forms, see <http://www.icab.gov.ph/page51.html> or contact Ms Imelda Ronda or Ms Marivir Tungol, # 2 Chicago Corner Ermin Garcia Streets, Barangay Pinagkaisahan, Cubao, Quezon City, Philippines; Tel: +632 7264551 or 7264568 or 7219782; Fax: +632 727 2026; E-mail: adoption@icab.gov.ph.

As a reminder, this Monthly Review is distributed to a selected network of Authorities and professionals. It is not aimed at being posted on an internet website without the authorisation of ISS/IRC.

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www.iss-ssi.org/Resource_Centre/Resource_Center_EN/About_ISS-IRC/about_iss-irc.html. See Activities.

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