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EDITORIAL

The harsh reality of numbers

The statistics of the major receiving countries confirm once more the drop in the number of inter-country adoptions throughout the world. If the major countries of origin continue to be more or less the same, their evolution is notably different. The magnitude of demand in receiving countries still remains a huge unknown.

In 2008, the adoption situation became tenser for most receiving countries throughout the world. Even if some of them succeeded in keeping a number of adoptions more or less equivalent to the year 2007 (Netherlands and Sweden), most countries watched their number crash to varying degrees (Denmark:- 7.9%; USA:-11.1%, Germany:-12%, Spain: -13.4% Norway:-28.6% in Canada:-29.5%). It was only

France (with more than 33%) and Italy (more than 14%) who had recorded growths, but these two countries show an increase in the average age of children being adopted (from 5.25 in 2007 to 5.6 years of age in 2008 in Italy for example), and for Italy there was also an increase in the proportion of sibling adoptions (from 22.9% in 2007 to 25.7% in 2008, more than a quarter of the adoptions!).

Of course, our analysis remains limited given that the statistics of certain receiving

countries are not available, and very few central authorities give the public access to detailed information about the profile of adopted children. Nevertheless, this bulletin (see p.5) showcases a number of trends that makes it possible to give a relatively clear picture of the adoption context today for both receiving countries and countries of origin.

A kind of stability in countries of origin

As far as the countries of origin are concerned, the statistics show that very little changed in 2008. Whilst 2007 was characterised by an increase in the number of countries of origin, 2008 witnessed a decrease. For example, in 2008, France collaborated with 67 countries in 2008, that is seven less than in 2007. The larger countries of origin remain relatively the same, even if, as the graph shows on p.6, China and Russia have clearly lowered their quotas.

30,000 children

Inter-country adoption is also a matter of figures: how many candidates are on waiting lists, how many adoptable children are there, how much time will the adoption take? For the nine receiving countries presented in this bulletin, they represent more than 30,000 children (and therefore the same number of biological and adoptive families) which are hidden by the figures. Their destinies are sometimes (often?) influenced by very little: a law that changes, a closed waiting list, a

politically favourable context, etc. One can see that the machinery that deeply influences the present inter-country adoption environment has specific consequences for numerous children, even if they have nothing to do with the preparation of an individual life plan for a particular child.

And in the receiving countries?

If it is more or less possible to draw a clear picture of adopted children, the same can not be said for prospective adoptive parents. There is only scant usable information that would make it possible to understand better their situation from a global point of view, as one does with children. When one sees the number of inter-country adoptions diminish we conclude that the number of applicants on the waiting list must be considerably more. But is this really the case? In Norway for example, the number of intercountry adoptions has been divided by two in just seven years. Is this reduction based on the applicants themselves? Can one detect a weakening of the demand, in Norway or elsewhere? A better grasp of this decline in adoption seems more and more necessary so that the social workers and politicians can implement appropriate measures for the challenges to come.

The ISS/IRC team

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.

- **Monaco and Switzerland:** These countries have updated the contact details and persons within its Central Authority
- **Sweden:** This country has updated the details of its accredited bodies

Nepal: Central Authority to start processing intercountry adoption dossiers

The Nepalese government has announced that the Ministry of Women, Children and Social Welfare (MWCSW) will begin processing intercountry adoptions. A limit of 10 dossiers will be processed from each Embassy, Mission, or enlisted Agency in 2009. The procedures for processing dossiers are on the MWCSW website (eg: Telephone enquiry on the status of matching will not be entertained until and unless final decision on the child to be adopted has been made). The ISS/IRC is concerned that despite Nepal having signed THC-93 on 30 April 2009, it has not yet ratified the convention and its procedures do not yet sufficiently guarantee the protection of the rights of children. The ISS/IRC recommends that prospective adoptive parents wait before they undertake adoptions given Nepal's context where intercountry adoptions were suspended in 2007 due to considerable irregularities.

Source: MWCSW website <http://www.mowcsw.gov.np/opensection.php?secid=463>, US Dept of State <http://adoption.state.gov/news/nepal.html> and France, MAI http://www.diplomatie.gouv.fr/fr/actions-france_830/adoption-internationale_2605/actualites_3230/nepal-20.07.2009_75533.html

El Salvador: First Law on the Comprehensive Protection of Children and Adolescents

El Salvador's legislative Assembly has recently and unanimously approved the first law on the Comprehensive Protection of Children and Adolescents, which represents a significant step forward in the recognition of and compliance with the rights of children and adolescents.

The 27 March 2009 is an important date in the history of the rights of children and adolescents in El Salvador. The unanimous adoption of the Law on the Comprehensive Protection of Children and Adolescents* on that same day allows for the harmonisation of the legislative framework, which protects children and adolescents, as recommended by the Committee on the Rights of the Child. Furthermore, it recognises children and adolescents as true subjects of rights and duties. Among its guiding principles, the law includes the primary and fundamental role of the family and the shared responsibility of the family, the State and society. At the same time, it also establishes a national system of comprehensive protection of children and adolescents, which respects international standards and provides for a range of protection measures in cases where there is a violation of the rights of children and adolescents. This article attempts to offer a brief overview of the measures included in the law.

Family strengthening and prevention of abandonment

The new Law on the Comprehensive Protection of Children and Adolescents recognises and strengthens the fundamental right of the child and adolescent to live, be brought up and develop in his nuclear or extended family of origin. It stipulates that family separation may only take place in exceptional cases and initiates the right of the child to develop in a substitute family. It clearly establishes the shared responsibility of the family, the State and society in complying with these rights. It also specifies that the State has the 'compulsory and unavoidable' obligation to create conditions for the family to be able to fulfil its role adequately, by means of policies, plans, programs and actions. Concretely, it is incumbent upon the State to support families with resources in order to give them the means necessary to exercise their parental responsibilities. Furthermore in relation to women, the law insists on the State's

intervention from the pre-natal stage with a view to preventing any form of abandonment.

However, when the family cannot guarantee the rights of its child/ren, it is also the State's duty to re-establish these rights through a range of alternative measures.

Temporary protection measures and application rules

In its Book II, El Salvador's new law establishes a true national system of comprehensive protection of children and adolescents, which complies with the principles enshrined in the Convention on the Rights of the Child and the Draft Guidelines for the alternative care of children. This system includes a series of administrative and judicial protection measures, which promote keeping the child in a family environment, whether it is his own or a substitute environment. Furthermore, among the judicial measures, the law establishes two types of measures: temporary and permanent.

In cases of family separation, the child will be temporarily entrusted to a foster family, the latter being part of his extended family or an external family. It is important to note that the law provides for the supervision, by the State, of both types of family placements, thereby implementing the Guidelines' recommendations, in accordance with which, some control must be exercised over cases of informal care of children. Only in *exceptional cases*, one will resort to institutional care, and *for the shortest possible duration*. These temporary measures must be reviewed periodically: every six months in cases of foster care, and every three months in cases of institutional placement. However, the law does not set out maximum time limits for these placements; thus, the ISS hopes that these will be provided for in future regulations. Indeed, the establishment of such time limits is important for compliance with the child's fundamental

right to have a permanent family life-plan, which allows him to fully develop.

Permanent protection measures

When the child cannot be reintegrated into his family, the law suggests adoption with a view to providing him with a permanent family. It specifies that adoptions must be carried out within the framework provided by applicable international laws (Convention on the Rights of the Child and Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption) and national laws (Family Code and Law on Family Procedure). Furthermore, it condemns any type of payment or financial compensation, which may be obtained through adoption.

With regard to prospective adoptive parents, the law gives priority to foster families, and this raises some issues. Adoption and foster care are two very different processes. This is evidenced by the conditions of selection of foster parents and of adoptive parents, which are very different. Except in exceptional cases led by the best interests of the child, foster parents should not be allowed to automatically become adoptive parents, as they have not gone through the whole process of selection and preparation for the adoption, which is essential in guaranteeing compliance with the rights of the child. In addition, this type of measure entails a risk of creating another path to child adoption, which would be less demanding than the typical adoption regime and, in fact, riskier.

Nevertheless, this law is a major step forward for El Salvador's children and adolescents. Now, its second major challenge is its implementation, which will require a considerable new commitment by the State, in particular through the provision of adequate human and financial resources.

* The electronic version of this law is available at the ISS/IRC.

PRACTICE

The drop in the number of inter-country adoptions around the world that began in 2005 continued in 2008.

The statistics show a general decrease in the annual number of adoptions, which appears to reciprocate an interdependence in the wake of the decisions taken by certain countries of origin.

	2001	2002	2003	2004	2005	2006	2007	2008
USA*	19'237	20'099	21'616	22'884	22'728	20'679	19'613	17'433
Italy	1'797	2'225	2'772	3'402	2'874	3'188	3'420	3'977
France	3'095	3'551	3'995	4'079	4'136	3'977	3'162	3'271
Spain	3'428	3'625	3'951	5'541	5'423	4'472	3'648	3'156
Germany	1'789	1'919	1'720	1'632	1'453	1'388	1'432	1251
Canada	1'874	1'926	2'180	1'955	1'871	1'535	1'712	1'208
Sweden	1'044	1'107	1'046	1'109	1'083	879	800	793
Netherlands	1'122	1'130	1'154	1'307	1'185	816	782	767
Denmark	631	609	522	527	586	448	429	395
Switzerland	543	558	722	658	452	455	394	279
Norway	713	747	714	706	582	448	426	304
Total	34'730	36'938	39'670	43'142	41'921	38'285	35'818	32'791

Sources: CIC (Canada), Department of Family Affairs (Danemark), Mission de l'Adoption Internationale (France), Commissione per le Adozioni Internazionali (Italy), Dutch Ministry of Justice (Pays-Bas), Bufdir (Norvège), Ministerio de Trabajo y Asuntos Sociales (Spain), Swedish National Board of Intercountry Adoptions, MIA (Sweden), Autorité centrale fédérale en matière d'adoption internationale (Switzerland), Statistisches Bundesamt (Germany), US Department of State (USA).

* Fiscal years (From the last October to September for the year mentioned)

According to the statistics from countries, the reduction in inter-country adoptions numbers that began between 2000 and 2005, continued into 2008 for the great majority of States, with the exception of Italy and France. The figures in the table above show a global reduction of about 8% by comparison with the preceding year. The figures in 'bold' indicate the year where the largest numbers of adoptions were carried out.

Disparate approaches among the countries of origin

China, Russia and Ethiopia remain the most important countries of origin in terms of children adopted per year (more than 3,000). Guatemala is a rather a special case as it also entered this group last year. The 2008 figures are mainly concerned with transitory cases with the United States as reforms are currently underway to ensure the implementation of The Hague Convention. With regard to the three leading countries, the

numbers clearly show that both China and Russia have reduced their annual number of inter-country adoptions in a very important fashion, carrying out less than half the adoptions in 2008 and 2006 (see Graph no. 2 on p.6).

For the same period there is an inverse trend for Ethiopia (more than 80%) and Ukraine (more than 50%), who witnessed their numbers exploding. Therefore it appears that an interdependency between countries is continuing (ie: if adoption numbers fall in one country of origin, this will mean an increase in another) at the expense of countries which still have an inadequate system of child protection, and where inter-country adoption is not an issue that gets the necessary political attention.

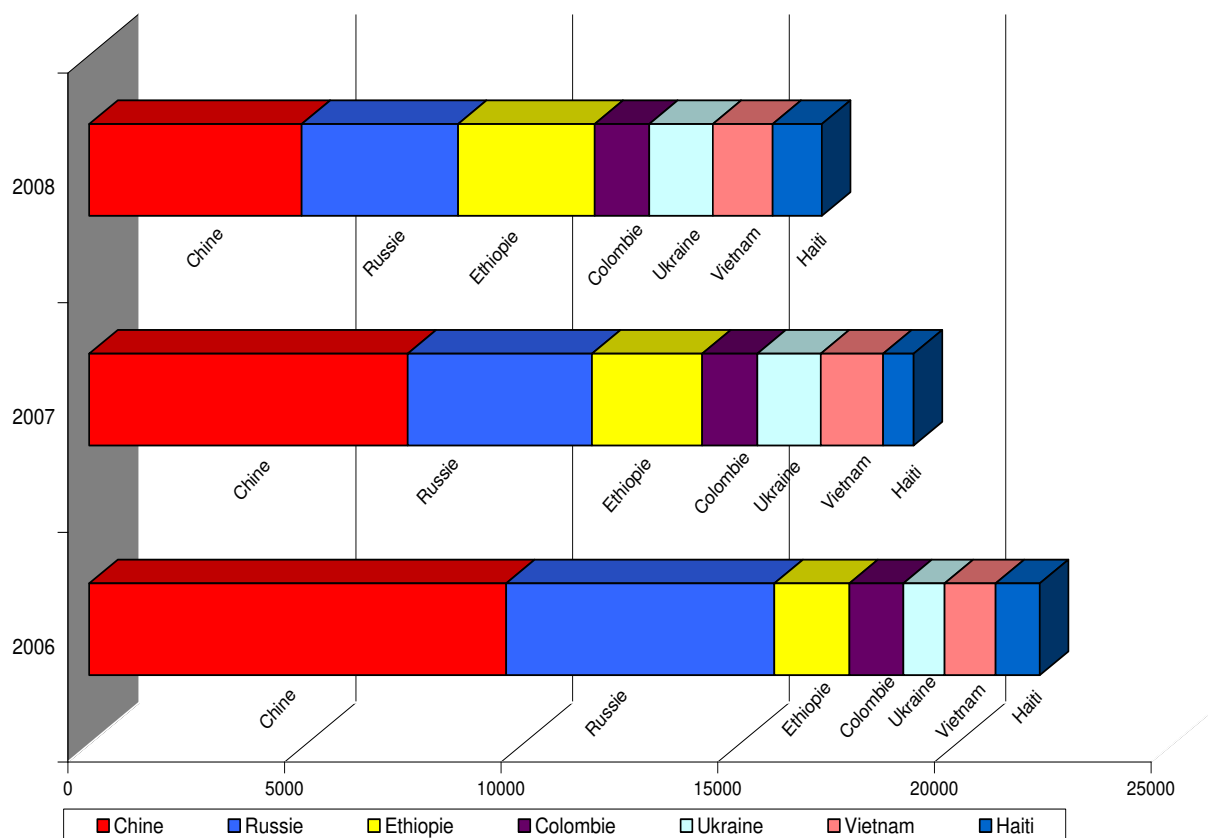
One finds the same problems in the category of countries of origin that carry out more than a thousand inter-country adoptions per year, like Haiti and Vietnam, whose figures are equally higher (more than 10%).

Furthermore, Colombia, India and South Korea seem to have achieved a similar cruising speed, probably reflecting their needs and capacity to manage files.

Appearing later in the statistics, are countries of origin that have between 500 and 1,000 inter-country adoptions per year, like Kazakhstan, Nepal, Brazil, Philippines, Poland, Bolivia, etc. Finally we note that a certain number of countries of origin occupy a relatively important place for receiving countries, such as Taiwan, Liberia, Nigeria, Mexico and Ghana, and Kyrgyzstan for the United States; Cambodia, Bulgaria and Hungary for Italy, Mali and the Ivory Coast for France and Peru for Spain. We also find Thailand in the statistics of every one of these countries.

The top 10, of the top five

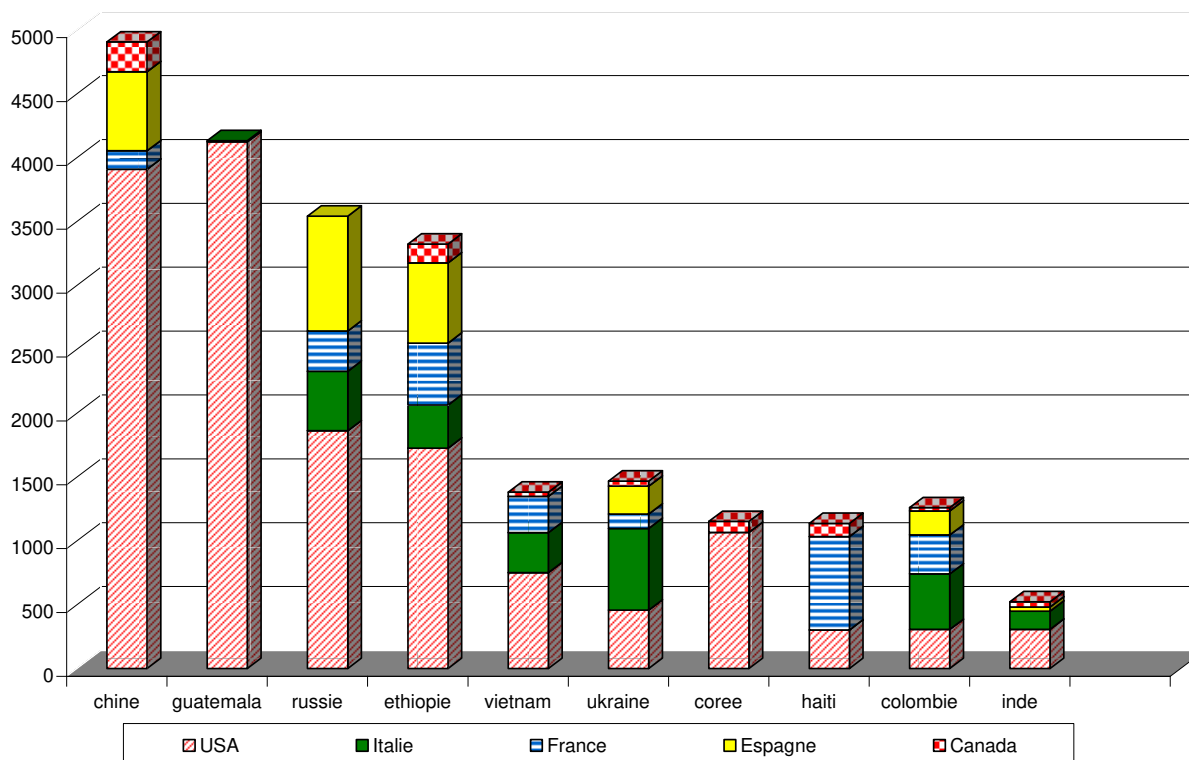
In analysing the spread of the 10 main countries of origin for the five large receiving countries that are; the United States, Italy, France, Spain and Canada, we note that in total, a list of 20 different countries of origin, amongst which 11 have ratified the Hague Convention of 2008, that is a little more than half. This proportion should nonetheless be increased with the signature of the Convention by Nepal and the commitment announced by Vietnam on the same subject. It differs however, from one receiving country to another, ranging from 50% in Italy, Spain and Canada, and 30% in France.



Where have the children gone?

The last graph below gives a picture of the part of the main receiving countries in the top 10 countries of origin. We note that Guatemala almost exclusively deals with the United States (there is only a very minor share for Italy), and that Spain is very present in Russia and Ethiopia, and that Italy is the

leading adopting country in Ukraine, as France is in Haiti. It is nevertheless important to recall that adoptions carried out outside THC-93 are supposed to benefit from the same guarantees as those supported by the convention, this all the more so when they have been initiated by receiving signatory States .



THE ISS/IRC's READING KIT

Reading Suggestion

Esta es nuestra historia, El libro de tu adopción [This is our story. The book about your adoption], Ana Berástegui and Blanca Gómez Bengoechea, Publisher: Ediciones SM, 2008.

Two experts (one, a Doctor in Psychology and the other in Law) have created, through this book, a communication tool between parents and children, which enables them to 'build their family relationships on the basis of honesty, respect and affection'. It is a 'life book', which is designed to be filled in with the whole story of the adoption, and includes spaces for pictures, memories, feelings and wishes. Its objective is to help the child to understand the adoption process, to make it easier for parents and the child to talk naturally about their origins, and to leave a clear message for the present and the future: 'We are a family, because that is what adoption is about, it is to become parents and children forever'. This excellent publication also includes a short handbook to help parents fill in the life book and to read it with their children. Available in Spanish: www.oletuslibros.com/detalles.php?id=8395 .

Reading Suggestion

J'ai été volée à mes parents [I was stolen from my parents], Céline Giraud with Emilie Trevert, Flammarion, 2007

This work is based on the real story of Ms Giraud who was adopted from Peru into France when she was 16 days old. Growing up, Ms Giraud had always believed that she was abandoned by her biological parents because of their poverty. In an effort to search her family roots, at the age of 23, Ms Giraud uncovered that she was among 24 children who were kidnapped and 'sold' on the intercountry adoption market. This courageous and touching story shows how a young lady discovered the love of two women: that of her biological mother and her adoptive mother whilst also learning to deal with her feelings of anger and vengeance. This book is a challenge for all who work in the adoption field to ensure that the necessary measures are in place to ensure that children are not exploited and trafficked via the intercountry adoption process and that the persons responsible for the latter, are duly sanctioned. Ms Giraud also wants the book to be a warning for the huge number of prospective adoptive parents on waiting lists to avoid all risks of adopting a trafficked child, even if as the ISS/IRC notes would mean waiting longer.

Reading Suggestion

L'adoption, Collection Idées reçues [Adoption, A collection of received ideas], Fanny Cohen Herlem, 2nd Edition, Publisher : Editions Le Cavalier Bleu, 2009.

Fanny Cohen Herlem – a Psychiatrist, Child Psychiatrist and Psychoanalyst – clarifies the ideas received and the rumours relating to adoption for her readers. She helps them to distinguish between what is true and what is less so. According to the author, adoption has become a social phenomenon, which is often subject to controversy; in particular as the applicants often opt for intercountry adoption. Thus, she responds to various ideas received in relation to adoption, and touches upon historical, legal and psychological aspects, in particular the idea that 'it is very difficult to adopt a French child', 'adoption procedures are extremely long and complex', 'there is an adoption market', 'it is easier to adopt a child when he or she is young'. By responding to these received ideas, F Cohen Herlem provides detailed information about the various stages of this family adventure, from the wish to have a child to learning about the parental profession. She also offers a detached and in-depth perspective of what one knows or one what one believes they know.

FORTHCOMING CONFERENCES, SEMINARS, SYMPOSIA AND COURSES

- **France:** a) *Les adoptions tardives: aspects actuels, psychologiques, juridiques et cliniques* (Older adoptions: practical, psychological, legal and clinical aspects), COPES, Paris, 16 to 20 November. More information: www.lecopes.org; b) *Cycle de formation à l'approche piklérienne* (Development cycle viewed from the piklérienne approach), Association Pikler Lóczy, Paris, 12-13 October 2009, 16-17 November, 7-8 December. For more information: <http://www.pikler.fr>
- **United Kingdom:** a) *NAGALRO Autumn 2009 Conference: Trends in Social Work Practice with Black Families since the death of Victoria Climbié*, NAGALRO, Surrey, 5 October 2009. For further information, nagalro@globalnet.co.uk. b) *Birth mothers and their changing experiences of adoption: Implications for post adoption services*, Leeds, 5 November and London, 10 November. For information: www.baaf.org.uk, c) *21st century adoption: lessons for the future from research, practice and personal experience*, London, 12 November, For information: www.baaf.org.uk, d) *Family Futures: Empathy, Attachment and Making Trauma Safe Therapy*, London, 22-23 October. For more information: joanne@familyfutures.co.uk

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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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