



UNICEF Photo by SATYAN

Corinne Chaponnière
looks at the progress and needs.

From time to time, newspapers and press agencies bring to light child trafficking scandals, generally from Third World countries to the industrialised nations, involving adoption, pornography or prostitution rackets. The information that reaches us from the countries where this trafficking originates is all the more difficult to verify in that none of the "parties" concerned is – naturally – particularly inclined to boast about the fact, whether they be the mothers, the middle-men or the "clients".

So it is in an atmosphere of silence, and contending with a dearth of reliable statistics, that various international organisations have, for the past thirty years, been working to improve protection for children against all forms of commercial exploitation to which they can fall victim.

The question of adoption is central to these concerns, since it very often acts as a cover for transactions with somewhat less noble aims, and may indeed actually be at stake itself in view of the ever-increasing "demand" for children in the Western world. In the face of this phenomenon, everyone agrees that the interests of the child should be the prime consideration. At the same time, opinions differ as to the definition of these "interests" – and this is not the least of the problems.

For the past few years, the United Nations General Assembly has had on its agenda the problems that can arise in the sphere of international adoption. This item is scheduled for discussion during its forthcoming session (Autumn 1983). So we feel that this is an opportune moment to take stock of the situation as it stands today, and to examine the questions involved.

Although international — and inter-racial — adoption seems to have been "in fashion" during recent years, it is no new phenomenon. At the end of the Second World War, many children in several parts of the world had no home. They were not just orphans, but also children who had been abandoned for reasons that were imperative at that time: in many countries, the ramifications of the war had by no means been confined to the battle-fields. The presence of foreign troops brought with it an increase in the number of illegitimate children whose abandonment was fostered by the strong prejudices against unmarried mothers. In addition, the ruined economies of countries that had taken part in the war forced the poorest families to let one or more of their children go.

Thus it was that, in the early Fifties, a considerable number of trans-national adoptions took place from Greece, Italy and Japan, more especially to the USA.

Similarly, the Korean and Vietnam wars drew attention in the Western world to the existence of mixed-race children in those countries. More global phenomena as well, such as the urbanisation process and unprecedented population growth in the developing countries, led to the abandonment of large numbers of children towards whom Western couples began to turn more and more.

Shortage in the West

At the same time, in Europe and North America, diametrically opposite factors were to foster the interest of couples there in foreign children. Contraception and abortion on one hand, and the considerably improved status of single mothers on the other, resulted in a sharp reduction in the number of abandoned — and therefore "adoptable" — children. Furthermore, the development of the media helped to make certain countries aware of what was happening in other parts of the world that were less privileged: trans-national adoption in the Sixties and Seventies was looked upon as a form of "relief", or at least solidarity, in favour of countries that had been devastated by war and natural disasters which were widely reported in the media.

During the Seventies, international adoption developed significantly. In certain European countries, such as Sweden, the Netherlands, Switzerland, Belgium and France, the number of children arriving from the Third World doubled, tripled or even quintupled between 1973 and 1975 alone. Alongside this trend, increasingly frequent objections were raised in the "sending" countries against this mass exportation of children. Between 1975 and 1980, the countries most concerned reacted either by enacting laws that severely limited the number of children leaving the country, or by instituting stricter control over adoption conditions. National policies vary, reflecting each country's own customs and religion. Thus, during the same years, certain Moslem countries like Iraq and Kuwait widened their adoption practices (which had been inexistent until then, due to incompatibility with Islamic Law), whereas others such as India and Malaysia brought in restrictive legislation. A typical example of the variation in policy is that of

Korea which, in 1977, had made provisions for gradual reduction in the number of children to be adopted abroad, finally resulting in the total abolition of the practice. In 1981, however, the government reversed its previous decisions, because of the country's economic difficulties, and once more authorised children to leave... thereby unburdening itself of responsibility for the children concerned.

Given this wide variety of national legislation and practice, is it possible to try to distinguish between "good" and "bad" adoption policies, and "good" and "bad" intentions?

Small steps forward for big ideas

Possible or not, the attempt has been going on, painfully slowly, since the Fifties to institute international rules governing the practice. The first United Nations study was published in 1953, and concerned the problem of adoption between countries "with different legal systems". But it was the non-governmental organisations who took up the question in a more systematic way. In 1960, under the auspices of the European Office of the United Nations, a seminar was organised in Leysin (Switzerland), devoted entirely to international adoption, the preparatory work for which was carried out by International Social Service (ISS) and the International Union for Child Welfare (IUCW). It was there that, for the first time, a series of "principles" were defined, whose relevance is, moreover, virtually as great today. In line with the spirit of this seminar, two important conventions were then concluded during the Sixties: the Hague Convention in 1965 and the Strasbourg Convention in 1967. Using different methods (in one case, unifying national legislation, in the other fostering international agreement), the two conventions constitute an attempt to ensure not only greater legal safeguards in the adoption sphere, but also more effective protection for the child.

The interest of the United Nations for the question, at a global level, was only slightly stirred again in 1972. At the initiative of a delegate from Liberia, the General Assembly adopted a resolution calling for a UN Conference and an international convention on legislation relating to adoption. Over the following five years, information was collected from 67 Member States regarding their national policies, practices and legislation in the sphere of child welfare and adoption. In 1978, a group of experts met in Geneva, and at last adopted a "draft declaration on the social and legal principles applicable to adoption and foster-care at the national and international levels": the text incorporated a number of general principles on child welfare, and confirmed the preference for placing a child in a family rather than in an institution.

Since that time, however, the draft declaration has been left to wander in the maze of UN procedures. It has been on the agenda of several General Assembly sessions since

p. 3▷

then, to be sure. But it has never yet been considered, having found itself systematically relegated to the forgotten realms of the 80th or 82nd item on the agenda...

The interests of the child

Yet no one doubts the need for international regulations. In adoption procedures, each "party" left in a state of uncertainty constitutes an open door for potential abuses. Ever since the first "war-children" arrived in the USA, the *leitmotiv* has always been the interests of the child. But today, it is realised that that very same priority has provided a justification for interpretations that are often authoritarian, not to say ethnocentric, from a cultural, social as well as religious standpoint.

Who is in a position to judge the interests of the child? Poverty is still considered a "good reason" to remove a child to another country, as can be seen from certain recent brochures put out by international adoption agencies, all concerned to "generously offer a place in our community to a human being without parents, without a home, without defence" ("International Adoption").

On the opposite side of the fence are those who place almost total priority on keeping the child in his own country and doing everything possible to resolve his situation *on the spot*. Thus, the Council of Europe, in a brochure on the problem, considers inter-country adoption to be the "ultimate solution", and expresses its concern about the "pressure exerted" during the last ten years by numerous European couples wishing to adopt a child, in which it sees the risk that, in the end, the interests of the child will take second place behind the "need" to find children for adoptive parents. Illustrating this concern, the brochure mentions in particular the case of Korea as having been pushed into placing abandoned children abroad, which is "nothing more than an easy way out".

Pressure from the West

If it is not easy to be clear about where the child's interests lie, it can nonetheless be said that they should always take precedence over those of prospective adopters. Some organisations, like International Social Service, only provide assistance in the search for homes for children with specific problems, refusing to become involved in the opposite process of finding children for prospective adopters.

One might object that there must be *two parties* in any adoption procedure. But it would seem that the very existence of a "demand", perceived as such, in Western countries, acts as a stimulus to the creation of child "markets" in certain Third World countries. At all events, there is not a shadow of doubt that it is in response to this demand that traffic in children for adoption occurs. Even more dramatic and significant in this respect is the discovery of "baby-farms", which proves that the demand for *babies* in particular, can give rise to barely-imaginable exploitative practices: children placed in orphanages are often too old in the eyes of certain prospective adopters, and the need to fulfil their desires has certainly, in many cases, resulted

in all kinds of pressure being applied on the most deprived mothers.

Why a convention?

The risks of "commercial" abuses in international adoption will not disappear with the signing of a convention: the mere possibility of making a profit (simply because the demand and supply creates a market) will remain attractive to a whole range of traffickers. To be sure, the draft declaration drawn up by the group of experts and submitted by the UN *Economic and Social Council* to the General Assembly provides a number of necessary basic principles – including the one defined in Leysin, 23 years ago, which states that "inter-country adoption is the ultimate solution" and which remains valid today. But it is in the "Draft guidelines on international adoption procedures" that are to be found the best guarantees of potential control over adoption practices. The guidelines, worked out by the *International Council on Social Welfare* in collaboration with other competent organisations, define in very precise

CAUSES OF CONCERN

The following situations exemplify the reasons behind DCI's – and others' – concern over the ease with which international adoption can be transformed into child trafficking.

- According to the periodical *Human Rights in Thailand* (April-June 1982), a Thai Embassy official in Malaysia revealed on 19 March 1982 that "several hundred" Thai children had been sold in Malaysia and that the Embassy had had to send them back to Thailand to be cared for by the Southern Provincial Public Welfare Office. It was alleged that the children had been taken to Malaysia by two methods: firstly by stealing the children and selling them, for US\$ 800 or more to childless Chinese-Malaysian couples; secondly, by "buying" the children directly from their parents and sending them to Malaysia for adoption without the approval of the Provincial Public Welfare Officer. The children were stopped at the border and sent back to Thailand.
- Early in 1983, DCI was requested – by the head of a French adoption agency – to try to obtain information about two men with addresses in El Salvador, who had visited her office offering children from Central America for adoption against the sum of 10,000 French francs (approx. \$ 1,300) per child.
- In the first week of May 1982, the Swiss press devoted considerable space to the discovery of "baby-farms" in Sri Lanka, one agent for which was a Swiss woman operating a private adoption agency. The "farms" house women who have become pregnant with the sole objective of selling their babies to the organisers of the adoption scheme.

terms acceptable conditions for international adoption from the point of view of the child, the biological parents, and the adoptive parents. In addition, very clear rules are laid down for the operation of adoption agencies, and they provide for strict control on the part of the authorities. These guidelines, which are far from being implemented in every country, could be of assistance to governments adhering to the principles of the UN Declaration. If they are respected, one could reasonably expect a significant improvement in the protection of children eligible for adoption.

All that remains is to hope that the United Nations General Assembly manages to deal with this question at its forthcoming session in October 1983. Although little account is made of it, adoption remains an "explosive" subject. Witness, for example, the new title that has been given *en route* to the draft declaration put before the UN General Assembly: the "principles... applicable to adoption" have become the "principles... applicable to the protection and welfare of children, approached especially from the stand-

point of adoption practices"! Will so many precautions and periphrases make the discussions easier, or will they at last encourage UN member governments to take an interest in the interests of the child?

Maybe we shall know this Autumn.

(C.C.)

Documents consulted

"Le Contrôle des placements en Europe d'enfants venant du tiers monde", *Council of Europe*, Social Affairs, 1980.

"Intercountry adoption", *International Council on Social Welfare*, Seminar of Brighton, September 1982.

"Adoption and Foster Placement of Children", *United Nations*, 1980.

"Problems concerning the Adoption of Children from Countries of the Third World", *International Social Service, German Branch*, 1982.

- By strange coincidence, the following week, communiqués from *Reuters* and *Agence France Presse* (AFP) described the discovery of elements of a network in Taiwan designed to procure — by kidnapping or purchase — babies and young children to meet the adoption demand in Europe, North America and Australia. The reports suggested that they were sold into adoption by the intermediaries for up to US \$ 5,000. Estimated numbers of the children concerned reached over 60 per year, and the main receiving countries were listed as Australia, Sweden and Finland — although Canada, Denmark, France, the Federal Republic of Germany, Italy, Switzerland and the USA were also said to be involved. *Reuters* mentioned police beliefs that the intermediaries had lists of parents who wanted to adopt Asiatic children and who could choose their child via an illustrated catalogue, for which they pay US\$ 200 a month until the child is "delivered", complete with identity papers. As a result of the investigation, reported *Le Monde* on 23 August 1982, forty-two people were charged with involvement in the illegal trafficking of children from Taiwan.

- On 2 August 1982, the *Turkish Daily News* reported on investigations into a baby trafficking ring headed by a Turkish gynaecologist. One of the methods used to "supply" babies was to announce to mothers who had just given birth that their baby had died. The babies were sold to couples in Turkey and abroad, particularly the Federal Republic of Germany, it was claimed.

- In November 1982, the French weekly *L'Express* quoted the police chief of Lima as alleging that some sixty Peruvian children had been adopted illegally in France, Italy, the Netherlands and Sweden, after being suddenly taken away from their mothers by

a bogus agency purporting to be concerned with "assistance to unmarried mothers and child welfare".

- In his 1982 report commissioned by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr Benjamin Whitaker noted that "growing concern is being expressed at the (...) practice of the sale of children for adoption, generally by developing to advanced countries. A lawyer was recently charged in Bogota with buying two children for \$ 600 and then selling them illegally for adoption for \$ 10,000 each, and was accused of having sold 500 Colombian and 100 Peruvian children in this way. (...) Ecuador has recently forbidden the adoption of children by foreigners in an attempt to stop such exploitation, but in Central America many children, left as orphans after their parents had been killed in guerilla fighting, remain vulnerable. *Terre des Hommes* has called attention to unregulated private agencies in the Netherlands and the Federal Republic of Germany which offer babies from poorer countries for adoption by mail order."

- Finally, it is worthwhile noting the reference made to the problem by Mr. Jean Fernand-Laurent in his Special Report to ECOSOC (see page 6), where he states:

"The international traffic in young children for adoption, which is also a form of traffic in persons, is in itself a subject that should be given separate treatment in a specific study. The Sub-Commission on Prevention of Discrimination and Protection of Minorities stated specifically, in paragraph 14 of resolution 1982/15, 'that a report on the causes and implications of the sale of children, including commercially motivated (and especially transnational) adoptions, should be prepared'."