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Why is intercountry adoption declining worldwide?

Jean-François Mignot*

In 2013, there were three times fewer adoptions worldwide than in 2003. Moreover, most internationally adopted children now have “special needs”, which means that they are relatively old, are with siblings, or have a disability. This article looks at the causes and consequences of declining intercountry adoption over the last decade, in France and across the world.

Adoption is a legal institution that creates a parent-child relationship between an adopting individual or couple and an adopted person. In this article, we look at intercountry adoptions, in which the adopted child changes his or her usual country of residence, focusing on adoptions of children under age 18, who represent the majority of intercountry adoptees.

Today, of the almost 200 countries recognized by the United Nations, 170 authorize both domestic and intercountry adoption. [1] The conditions to be satisfied by potential adopters vary from one country to another. For example, 100 countries allow single people to adopt while 15 only authorize married couples to do so; 81 countries set a minimum age for adopting and 15 a maximum age. Intercountry adoption is prohibited in 30 countries. These include around twenty states under Islamic law, i.e. a large share of the world's countries with a Muslim majority (except for Indonesia, Turkey and Tunisia), most of which interpret Verses 4 and 5 of Sura 33 of the Quran to signify that children raised by adults other than their biological parents must not change their filiation. In these countries, domestic adoption of minors is replaced by *kafala*, a form of legal guardianship, [2] but intercountry adoption is forbidden. A dozen other countries authorize domestic adoption but specifically prohibit intercountry adoption, or impose very drastic restrictions (Nigeria, Namibia, Tanzania, Bangladesh, etc.).

Intercountry adoptions of minors across the world increased from around 2,500 per year in the 1950s and 1960s to more than 40,000 per year in the mid-2000s. [3] In this context of growth, the legal framework of intercountry adoption has progressively been strengthened in order to combat child trafficking (kidnapping of children for resale) and to promote children's interests more generally. The Hague Convention on Protection of Children and Co-operation

Sources of data on international adoption

In France, the *Mission de l'adoption internationale* of the Ministry of Foreign Affairs communicates the number of adoption visas granted each year to adopted minors. [4] Figures are available from 1979. As an adoption order cannot be pronounced less than six months after the adoptee's arrival in France, and as the adoption application may be turned down, the number of adoption visas awarded in a given year is not an accurate reflection of the number of intercountry adoptions pronounced in France during the same year. Annual numbers of adoption visas nonetheless give a good idea of variations over time. Institutions in other receiving countries compile statistics by recording entries of intercountry adoptees or the corresponding numbers of adoption orders. These national data were brought together by the United Nations for the year 2003 [1]. A British specialist in the demography of adoption has also compiled figures on intercountry adoption since 2003. [5]

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in Respect of Intercountry Adoption, opened for signature in 1993, has now been signed by around 90 countries, including France in 1998. It states that, in the best interests of the child, children should be adopted by their extended family wherever possible and, failing that, by families in the child's country of birth, with intercountry adoption being used only as a final recourse. It also stipulates that intercountry adoption in a signatory state must not give rise to improper financial gain, and must be organized through a central authority rather than on an individual basis. The Hague Convention has thus contributed to the decrease in intercountry adoptions. But to understand the current situation, we need to look back on the situation a decade ago.

Intercountry adoption of minors in 2003

In the early 2000s there were around 40,000 intercountry adoptions per year (Box). [1] [5] In theory, this annual flow involved 170 countries of origin and 170 receiving countries, although in fact, countries of origin were few in number, and receiving countries even fewer.

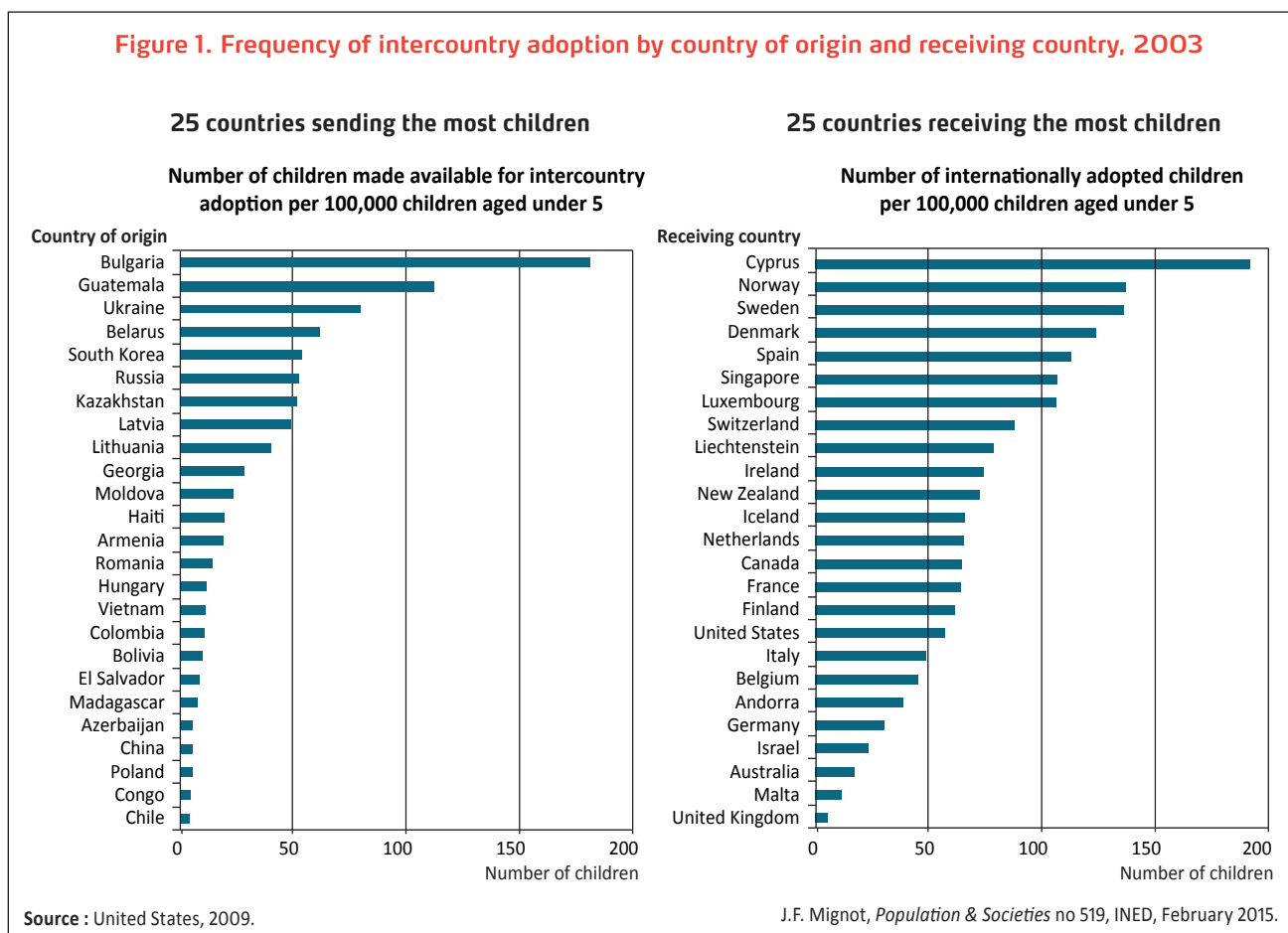
In 2003, 70% of intercountry adoptees came from one of the ten main countries of origin. In decreasing order, they included China, Russia, Guatemala, Ukraine and South Korea. The countries of origin with the highest ratio of intercountry adoptees aged 5 years to

the total number of children aged 5 in the country were Bulgaria (181 per 100,000), Guatemala (112) and Ukraine (79) (Figure 1). The ratios are smaller in South Korea (54 per 100,000), Russia (52 per 100,000) and China (just 6 per 100,000).

In 2003, 90% of international adoptees went to one of the ten main receiving countries. In decreasing order, they included the United States, France, Spain, Italy and Germany. Note that the United States alone receives a full 50% of all internationally adopted children and that, between them, the United States, France and Spain account for two-thirds of the total. By contrast, in Portugal and the United Kingdom (where domestic child adoption is frequent) and Japan (where adoptions almost exclusively concern Japanese adults) intercountry adoption is rare; these three countries account for less than 2% of intercountry adoptions. The receiving countries with the highest ratio of intercountry adoptees aged 5 years to the total number of children aged 5 in the country were Cyprus (192 per 100,000), Norway (138) and Sweden (137) (Figure 1).

While at global level 85% of child adoptions are domestic, 61 % of child adoptions in the main receiving countries are intercountry. There are wide variations, however. At one extreme, 95% of adoptions in Belgium, 94% in Luxembourg and 90% in France are intercountry, while at the other, the percentage is just 1% in Portugal

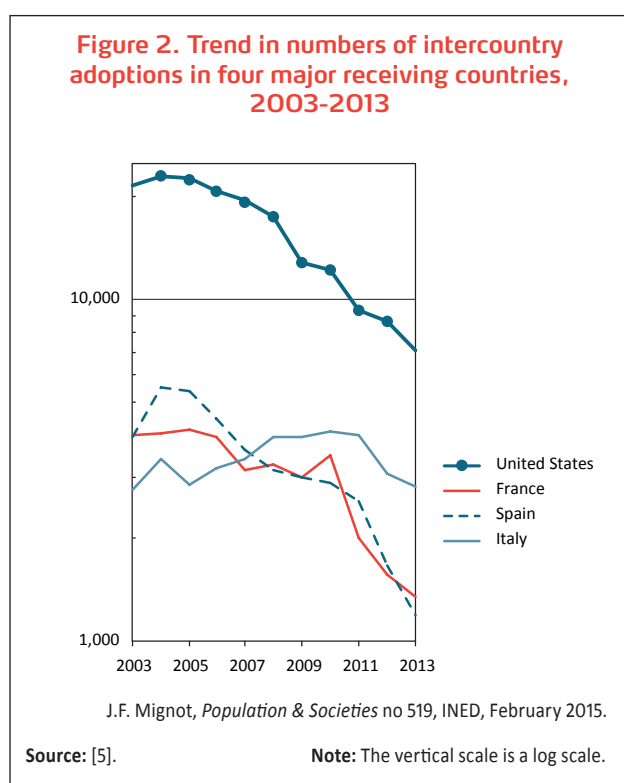
Figure 1. Frequency of intercountry adoption by country of origin and receiving country, 2003



and 5% in the United Kingdom. The receiving countries today are the same as in 2003, but the countries of origin have changed, and the number of intercountry adoptions has fallen dramatically.

A two-thirds decrease in intercountry adoptions since 2004 across the world

In the receiving countries with the largest numbers of intercountry adoptions, and quite certainly across the whole world, the annual number of intercountry child adoptions has fallen by almost two-thirds since 2004, dropping by 64%, from 42,194 to 15,188, between 2004 and 2013 in the top ten adopting countries (Figure 2). Compared with 2004, the number of adoptions in 2013 fell by “just” 17% in Italy (where the decrease was smallest) and 36% in Canada, but by 79% in Spain, and 80% in Norway (where the decrease was largest). In France, the number fell by 67%.



Between 2004 and 2013, China and Russia continued to be the two main countries of origin, but the number of internationally adopted children fell by three-quarters in both countries (from 13,415 to 3,400 in China, and from 7,737 to 1,767 in Russia). While in Guatemala and South Korea, and to a lesser extent Ukraine, the number of children available for intercountry adoption decreased steadily, Ethiopia filled the breach until 2009, but the numbers in that country then started to fall off likewise. By 2013, in global terms, intercountry adoptions had returned to the level recorded in the early 1980s.

What are the reasons behind this fall?

There are several explanations for the sharp decrease in intercountry adoptions across the world, but all share a common feature: it is not “demand” from couples or individuals wishing to adopt that has fallen, but rather the “supply” of internationally adoptable minors, creating a worldwide shortage.

The reasons for this shortage are structural, demographic or economic. First, declining mortality and rising living standards in traditional countries of origin are reducing the number of orphans. Second, the diffusion of contraception and induced abortion, and the weakening of stigma associated with nonmarital births are reducing the number of unwanted births and abandoned children. Last, thanks to rising prosperity, governments are now able to implement social and family policies to support orphaned or abandoned children, and more sterile couples are interested in adopting a child. As a consequence, the number of children available for intercountry adoption is declining, and countries of origin can refuse a large number of applicants.

Since the mid-2000s, several political and legal decisions have heightened the shortage of adoptable children. [3] [6] For example, while in the past China allowed single women or members of a lesbian couple to adopt a child internationally, since 2006, access has been limited to married heterosexual couples who hold a high school diploma, are in employment and are not morbidly obese.[6] In Russia, which has not signed the Hague Convention (unlike China), the number of minors available for intercountry adoption has fallen sharply since 2005 in the wake of several scandals (such as the case of Artiom Saveliev who was rejected by his American adoptive mother and sent back to Russia in 2011), some of which have wounded national pride. Other countries have placed a moratorium on intercountry adoption so that they can bring their practices into line with the Hague Convention and eradicate child trafficking. This is the case in Romania and Bulgaria, which signed a treaty of accession to the European Union in 2005, in Guatemala since 2009 and in Vietnam since its ratification of the Hague Convention in 2011. In South Korea – the main country of origin of international adoptees from the 1950s to the 1980s – the number of intercountry adoptions has been falling since 2011, and in Colombia and Ukraine since 2012.

The shortage of adoptable children is observed not only in western countries, but increasingly in other regions of the world. In the traditional countries of origin, the majority of children available for intercountry adoption now have “special needs”. This means that they are relatively old, are with siblings, or have a mental or physical disability.

Fewer international adoptions in France too

In France, intercountry adoptions increased from the 1970s to the mid 2000s, rising from 971 in 1979 to 4,136 in 2005. [4][7][8] For French people interested in plenary adoption, (1) international adoption gradually made up for the shortage of adoptable children in France: [9] in the second half of the 2000s, 83% of plenary adoptions in France were intercountry. [10] But from 2005 to 2013, the number of intercountry adoptions fell from 4,136 to 1,343, down to the level of the early 1980s. Moreover, as in most other receiving countries, the share of intercountry adoptees with “special needs” has increased sharply, reaching 70% if they are defined as children who are over 5, who are with siblings, or who have a disability. [4]. In 2013, one-third of intercountry adoptees were over five, and one-quarter had a disability.

Conclusion

The worldwide decline in intercountry adoptions since 2003 raises several questions. First, is this decline good news for children? It certainly reflects a decrease in the number of abandoned children. But is the falling number of intercountry adoptions offset by an increase in domestic adoptions, more favourable for the children’s wellbeing, or is it paralleled by a growing number of children in institutional care? Second, is it really in the best interests of older children to be adopted in a foreign country, when they have spent their whole life in their country of origin? In any event, the decline in intercountry adoptions will inevitably have knock-on effects in receiving countries such as France, with an increase in demand for assisted reproductive technologies (ART) and surrogate parenthood.

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(1) There are two types of adoption under French law: plenary adoption and simple adoption. In plenary adoption, the adopted child breaks all legal ties with his or her biological parents and the adoptive parents become the child’s only parents; this is not the case in simple adoption, where the adoptee (generally an adult) has two sets of parents.

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Abstract

In the early 2000s there were around 40,000 intercountry child adoptions worldwide, most of them concentrated in a few countries of origin (China and Russia) and a handful of receiving countries (headed by the United States). Between 2004 and 2013, the number fell by two-thirds in France and throughout the world. The shortage of adoptable children is due to a decline in the number of orphaned or abandoned children and an increase in domestic adoptions in countries of origin, but also to a range of political measures to eradicate child trafficking through stricter controls on intercountry adoption. Most of the children available for international adoption now have “special needs”.