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Adopt Change Position Paper on Intercountry Adoption

OVERVIEW

Internationally, there are an estimated 13 million orphans who have lost both parents¹, and an estimated 8 million children who are growing up in institutions around the world².

There is an extensive body of research, some of which is highlighted in this paper, that indicates that institutionalisation is severely detrimental to a child's development and future prospects, contributing to difficulty forming attached relationships, developmental delays and poor health outcomes. These issues can then go on to impact future generations.

In light of this, we believe that wherever possible, all children deserve to be raised in a loving, permanent family and that institutions should only be used as a last resort for the care of vulnerable children.

Adopt Change supports the work of NGOs around the world in their capacity building ventures to support vulnerable children, their families and communities, including the Better Care Network³ and the Australian alliance ReThink Orphanages⁴, of which Adopt Change is a member.

It is important to recognise that there are a number of social, political and economic factors that contribute to children being orphaned or placed in orphanages, including poverty, HIV/AIDS, maternal mortality, unwanted pregnancy and children who are unaccompanied as a result of war and conflict. It is therefore vital to invest in capacity building ventures within country that address these issues. It is important that wherever possible, culturally appropriate family and community based care options within the child's country of origin should be explored as a priority. Adopt Change endorses the Better Care Network's continuum of care, which maps out a range of care options with a focus on prioritising family-based care. It highlights the importance of focusing resourcing and safeguarding of family-based care, and sets out a hierarchy of permanency options for vulnerable children. Here, birth family is the preferable outcome, and family strengthening mechanisms should be implemented to enable families to care and provide for their children, preventing unnecessary separation or enabling reunification.

Where reunification is not possible, other types of family-based care, including foster care, kinship care and local adoption should be considered when determining what is in the best interest of the child. These alternate types of family-based care are always

¹ UNICEF (2015): http://www.unicef.org/media/media_45279.html

² ReThink Orphanages (2016) <http://www.rethinkorphanages.org/about-us>

³ <http://www.bettercarenetwork.org/about-bcn>

⁴ <http://www.rethinkorphanages.org>

preferable over institutionalisation and must be supported in order for vulnerable children to have the opportunity to grow up in a loving family.⁵

Internationally, there has been a decline⁶ in intercountry adoption over the last ten years as countries prioritise and develop domestic solutions to caring for children who cannot be cared for by their birth families as mandated by the Hague Convention. Adopt Change supports children being considered for intercountry adoption where other forms of local permanent care options have been considered and have not been able to be utilised and where it is deemed in the best interests of the child. It is important to ensure the domestic and intercountry adoption practices are conducted ethically and put the child's needs at the centre. Intercountry Adoption is preferable to institutional care.

Adopt Change also supports the principles set out in the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption as a framework upon which intercountry adoption programs globally should be built⁷, and that all parties to the convention should continue to uphold their commitment. There are 96 contracting states to the Hague Convention⁸, and Adopt Change advocates for all countries to be party to the convention and uphold the intercountry adoption principles it sets out.

There are small numbers of children adopted through the Intercountry program: in 2014-15, only 83 intercountry adoptions in Australia were finalised⁹. Australia's intercountry adoption program is comprised of just 12 countries, which is small compared to other countries around the world. However, whilst there are aspects of Australia's systems and processes which could enable more children to grow up in permanent, loving families through intercountry adoption, an important factor contributing to these low numbers is the administration of adoption applications in the sending country. In all countries, it is the local department that determines which children are eligible for intercountry adoption, with the preference being to find families for children within their birth country.

IMPACT

Orphanage tourism

For many of the children growing up in institutions, community based care or adoptions may not be the most appropriate care for these children, as they have parents or family. Of the estimated 8 million children growing up in institutions around the world, it is estimated that 80% of these children may have parents or family¹⁰. Many parents are encouraged to place their children in orphanages as a way of them receiving food, shelter and an education. This however, separates them from their families, and does not build the capacity of the family to be economically sustainable and care for their own children.

⁵ Better Care Network (2015) *A Continuum of Care for Orphans and Vulnerable Children*, (<http://www.bettercarenetwork.org/sites/default/files/A%20Continuum%20of%20Care%20for%20Orphans%20and%20Vulnerable%20Children.pdf>)

⁶ Selman, P. (2015) *Twenty Years off the Hague Convention: a Statistical Review*, accessed at: <https://www.hcch.net/en/instruments/conventions/publications1/?dtid=32&cid=69>

⁷ <https://www.hcch.net/en/instruments/conventions/full-text/?cid=69>

⁸ <https://www.hcch.net/en/instruments/conventions/status-table/?cid=69>

⁹ Australian Institute of Health and Welfare (2015) <http://www.aihw.gov.au/adoptions/>

¹⁰ ReThink Orphanages (2015): <http://www.rethinkorphanages.org/about-us>

The proliferation of ‘voluntourism’ has encouraged participation in ‘orphanage tourism’, which has resulted in orphanages becoming viable business opportunities. The motivation of many volunteers may come from a desire to do good, however it has caused a number of negative consequences. Whilst most organisations and individuals who participate in volunteer programs at orphanages are well-meaning, often they are ill-informed about how this is inadvertently contributing to an industry that puts vulnerable children at risk, through creating a demand for ‘orphans’ and ‘orphanages’¹¹.

In response to this, Adopt Change has joined the ReThink Orphanages Working Group, which is a cross-sector network that aims to prevent the unnecessary institutionalisation of children by shifting the way Australia engages with overseas aid and development.

Child trafficking

By creating a demand for orphans and orphanages, children become vulnerable to child trafficking. When people experience poverty, natural disaster, war, or sickness, they become vulnerable to child traffickers who convince them to give up their child with the promise of a better life. As UNICEF highlights, child traffickers promise education, meals and a better future, however many of those children could end up being exploited or abused¹².

Children growing up in institutions

There is extensive evidence highlighting the negative health and welfare outcomes that children who grow up in orphanages experience¹³. Professionals from a wide range of disciplines recognise the significant negative impact that institutionalisation has on children, and there is a large body of evidence that highlights the ways in which children are affected. Through institutionalisation, children can experience disorders relating to attachment (the way in which bonds are formed with others), the ability to regulate, as well as physiological disorders.¹⁴

WHAT WE ARE CALLING FOR

Capacity building in-country

Australian Government and NGOs to engage in capacity building to ensure:

- that children are able to be cared for by their biological families, within their community or country as a priority
- that the policies and practices in countries that undertake intercountry adoption are ethical and comply with the Hague Convention
- that countries to have suitable child protection policy and practices
- the development of child protection and community based care within countries

¹¹ ReThink Orphanages (2016) *Fact Sheet: The Orphanage Industry*, <http://static1.squarespace.com/static/56dcfcc73c44d8dcc8546bd6/t/5716e75d45bf21d5fa878298/1461118814239/ReThink+Orphanages+Fact+Sheet+Orphanage+Industry-1.pdf>

¹² UNICEF (2015) http://www.unicef.org/media/media_82328.html

¹³ National Scientific Council on the Developing Child. (2012). *The Science of Neglect: The Persistent Absence of Responsive Care Disrupts the Developing Brain: Working Paper 12*. <http://www.developingchild.harvard.edu>

¹⁴ Purvis, K., Cross, D., Dansereau, D. and Parris, S. (2013) ‘Trust-Based Relational Intervention (TBRI): A Systemic Approach to Complex Developmental Trauma’ in *Child & Youth Services*, 34:4, 360-386, <http://www.tandfonline.com/doi/pdf/10.1080/0145935X.2013.859906>

Within Australia

- A **national adoption framework** that streamlines and harmonises legislation, policy and practise between states and territories, including the ability for single people and same sex couples to be eligible to apply for adoption.
- Australian Government to improve **access to information** for prospective adopters, particularly around visas, and streamline information services.
- A national **Centre of Excellence** in pre- and post- adoptive support, to provide services to adoptive families and children nationwide.
- **Transparency** throughout the case management process for prospective adoptive parents, particularly around the status of a child's case. This could be maintained via an online portal, which updates prospective adoptive parents on timeframes, as well as any documentation that is required as a part of the intercountry adoption process.
- Organisations within the NGO, education, travel and tourism sectors and individual travellers to engage with issues surrounding **ethical tourism**.
- Improve the availability of **search and find** and **family reunification** services.
- Encourage **attitudinal change** around adoption and out of home care through the sharing of positive stories, as well as removing barriers to adoption in the current systems. Negative views of adoption have a detrimental impact on a child's self esteem. Research shows that people are receptive to the notion that adoption is an important way of forming a family in today's society¹⁵.

¹⁵ See Adopt Change/Forward Scout report (2015) *Modern Families: Attitudes and Perceptions of Adoption in Australia*, accessed at <http://www.adoptchange.org.au/Research>