Financial and other support to countries of origin linked to intercountry adoption

A guide for prospective adoptive parent(s), adoptive families and older adoptees

Avoiding unintended risks associated with well-intentioned acts
International Social Service (ISS) is a professional non-governmental organisation, founded in Geneva in 1924, whose network covers some 100 countries. The network assists national entities, children and families facing cross border issues. ISS plays an active role in advocating and drafting international texts on the rights of children in need of alternative care and adoption as well as protections for children born through surrogacy.

In 1993, the International Reference Centre for the Rights of Children Deprived of their Family (ISS/IRC) was established within the ISS, General Secretariat. The fundamental mission of the Centre is to share, disseminate and promote ethical experiences regarding intercountry adoption and more broadly, the protection of children deprived of their family or at risk of being so.


For more information www.iss-ssi.org and refer to section ‘What we do’.
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Glossary

Adoption Accredited Body (AAB): intermediary designated by the Central Adoption Authority through an accreditation process to implement certain stages of the adoption process in principle for prospective adoptive parents, but may also provide search and reunification services in the country of origin. In the past, these AAB’s were referred to as agencies.

Central Adoption Authority: Authority responsible for implementing and supervising adoption processes, with mandatory functions. It can delegate some of its responsibilities to AABs.

Country of origin: country where the child was adopted from (i.e. had his or her habitual residence).

Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993 Hague Convention): the main convention that regulates intercountry adoption procedures and explains the core principles, rights and duties related to this subject.

Receiving country: destination country for the adopted child.

Residential care institution (RCI): place where the child is likely to have been living before his or her adoption.

United Nations Convention on the Rights of the Child 1989: the leading convention that governs all matters related to children and provides the basis for the 1993 HC.

You will find this symbol throughout this guide, which indicates that further information is available in the resources section on pages 36–38.
Introduction

While intercountry adoption (ICA) as a child protection measure can bring many benefits to children, it is not without risks – as outlined in ISS’s first publication on ICA and its risks, a Guide for Prospective Adopters. One major risk relates to financial and other support to countries of origin, which is the focus of this complementary guide.

Such support may occur prior to, during or after the finalisation of the adoption. The support may be for the benefit of the child to be adopted and/or children in the protection system. The support can take on many forms such as contributions, donations, development projects etc. This support should be distinguished from costs and fees linked to ICA (see Section 2: Types of support).

Support, when appropriate, should be provided in the framework of international standards (see Section 1) and based on the real needs of children (see Section 9). According to international standards, the State has the main responsibility for meeting these needs and preference should be in supporting families to care for their children even when there are limited structures in place.

In reality, despite all efforts, some children may enter alternative care. While family-based care should be prioritised, in many countries residential care is the predominant option being offered to children deprived of their families. Irrespective of care setting being offered, it is important to ensure appropriate quality care is provided ensuring stability and continuity. It is often with this aim that adoptive families and adult adoptees seek to support the children living in institutions.

While support is invariably well-intentioned, certain types of support can have unintended consequences, putting children at risk. This danger is most evident when support requested or provided is directly linked to the finalisation of an adoption. This linkage can create a pull factor for children to be unnecessarily declared adoptable. The danger occurs when authorities and/or residential care institutions (RCI) have an expectation of such support.

The risk of children being declared ‘paper’ orphans, despite having at least one biological parent alive, is even greater in ICAs due to the potential gains for countries of origin, which generally have scarce resources. In the worst cases, it can and has led to illicit practices where children have been drawn into the adoption process without the consent of their parents.

The purpose of this new guide is to provide indications of when forms of support would be risky or helpful. While it is not possible to provide an all-encompassing solution to ensure your support does not have unintended risky consequences, this guide seeks to provide you with help to mitigate and respond to these challenges. This guide importantly identifies appropriate forms of support that meet real needs but are not linked to the processing of adoptions.

This guide highlights in red the danger signals you could potentially encounter through various types of support.

In orange, representing the need to act with prudence, are questions that you should ask yourself, your central authority or your adoption accredited body. These questions should not be left unanswered.
Under the CRC, States are responsible for affording the family ‘the necessary protection and assistance’ in order to fully assume its responsibilities in caring for children. This includes for example prioritising family support, strengthening the social workforce to minimise unnecessary separation, and promoting reintegration.

When despite all efforts, separation from parental care is deemed necessary, a range of suitable care options should be available according to the UN Guidelines for the Alternative Care of Children (UN Guidelines). Having a range of options enables individualised responses to the needs, circumstances and wishes of children. Priority should be given to family-based care such as kinship care, foster care and kafalah. In terms of residential care, while the UN Guidelines calls for the elimination of large-scale RCIs, the use of small group homes in specific situations may be appropriate.

International standards then make it clear that when efforts to secure such local family-based options and national adoptions for the child have been exhausted, ICA may be considered. Together the CRC and the 1993 Hague Convention as the main international standards ensure that ICA is truly in the child’s best interests.

One of the main objectives of the 1993 Hague Convention is the prevention of the abduction, sale and traffic in children and their illicit procurement. To this end, the essential features of a well-regulated system include in all cases, a clear separation of ICA from contributions, donations and development aid/co-operation projects. It requires regulated, reasonable and transparent costs.
Questions to ask (yourself) to avoid the above risks:

- Have I asked my central adoption authority and/or AAB about the existence of the above dangers?
- Is my support helping families to care for their children?
- If separation is necessary, is my support helping children have access to appropriate alternative care?
- Have I mitigated the general risks related to ICA?
- Are the conditions in the country of origin in which I am undertaking an ICA facilitating an illicit practice, including the sale of children? (see 2016 report of UN Special Rapporteur on Sale and Sexual Exploitation of Children) (1)
These professionals may charge reasonable and lawful costs for the services provided (see Section 11). Costs refer to a collective term related to the amount requested to obtain a specific service or group of services (e.g., translation costs, administrative costs) to complete the adoption.

This Guide seeks to provide direction related to financial and other support that is not linked to a particular service. Providing such support to children in the country of origin may be unhelpful and can lead to specific risks (see Section 3). The HCCH Note on Financial Aspects of Intercountry Adoption (HCCH note) provides the following definitions:

**Contributions:** As defined by the HCCH Note contributions encompass two types of payments by PAPs:

1. Contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system; and
2. Contributions demanded by the Adoption Accredited Body, which may be for particular children’s institutions (e.g., for maintenance costs for the child) or for the co-operation projects of the AAB in the State of origin

**Donations:** As defined by the HCCH Note, donations are ‘voluntary ad hoc payments or gifts of material goods from PAPs or AABs for the well-being of children in institutions. Donations are usually given to the child institution connected to the parents’ adopted child. The donation might also be given by an AAB to a specific fund in the State of origin.’ Donations may be one off or if recurrent similar to ‘sponsorship’ schemes.

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**Section 2**

**Types of support to children in the country of origin**

As adoption is a very important decision in a child’s life, professionals are needed to ensure it is truly in his or her best interests.
Development aid/co-operation projects (projects)
HCCH Note defines cooperation projects as: ‘programmes or projects with the aim of strengthening the child protection system in a State of origin. These are mostly focused on capacity building and training of stakeholders and should ideally be self-sustainable. Such co-operation projects are considered as a category of development aid’.

HCCH Note defines development aid as ‘aid in the form of money, technical assistance or essential supplies of goods or services, aiming to reduce inequalities and to help a developing nation become more self-sufficient in a mid and long-term perspective …it is generally provided through official channels or receives official authorisation. The aid could be provided directly by government aid agencies, or through international intergovernmental and non-governmental organisations, foundations or other similar groups or professionals. In the context of intercountry adoption, this aid mainly focuses on child protection’.

Volunteering in institutions (see Section 6)

Danger signals!
• Support is influencing a specific adoption (eg. donation is requested in order for your adoption to proceed)

Questions to ask (yourself) to avoid the above risks:
• Am I clear about the motivations behind the request (see Section 10)?
• Is my support creating more adoptions in favour of my receiving country and/or accredited body?
However, when support (donations, contributions and development aid, etc) is linked in any way with ICAs, it can be particularly risky for children.

The level of risk is exacerbated when there is an enabling environment for illicit practices that can result in illegal adoptions and at times the sale of children. The UN Special Rapporteur on sale and sexual exploitation of children (UN SR) notes in her 2016 report that ‘situations of poverty and economic hardship, the lack of birth registration and discrimination, including gender based discrimination and violence, are prominent root causes of and risk factors for illegal adoption, abandonments and relinquishments. An overarching enabling factor for illegal adoptions is weak or inexistent child protection systems at the national and local levels.’ Misunderstanding children’s needs also contribute to such an enabling environment (see Section 9).

Requests for support prior to the adoption being finalised may well be related to illicit practices designed to influence a specific adoption or to generate more proposals of children to a receiving state or an AAB. Illicit practices also occur when support is demanded at a late stage in the adoption process by an official, an intermediary or a person in the RCI, suggesting that a payment must be made in order for the adoption to continue. This reality is complicated when the purpose and use of ‘adoption-related payments’ may not be justified. Contributions to RCIs in the form of ‘care costs’ or ‘medical costs’ or any other ‘cost’ for children whose adoption order is being finalised increase the risk of illegal adoptions. The UN SR notes in her 2016 report that ‘such costs, which are generally not fixed and often far exceed the local expenditures, are an indication that a profit-driven scheme is involved’.

Such requests for support often put PAPs in a delicate position, as the finalisation of the adoption may seem to depend on it. Refusing to provide such support may not in fact jeopardise your adoption, especially if you have a trustworthy AAB, prepared to take an ethical stand. But breaking the cycle...
of illicit practices – and thus combatting illegal adoptions – requires saying no even if that risk exists (see Section 10).

Once the adoption is finalised, a risky link occurs when support to national child protection systems and/or RCIs create dependency on income deriving from ICA. There may be a particular temptation for countries of origin to make sure that more children are available for ICA with the prospect of receiving significant sums through development aid and cooperation programmes. While, at best, the intention of the authorities may be noble, other less honourable intentions exist when systems are weak, and corruption exists. This can result in children being inappropriately declared adoptable and adopted. It also incorrectly places the burden on the adoptive family to strengthen a child protection system that is the responsibility of the country of origin.

Danger signals!
- Support is influencing a specific adoption
- Support is creating more adoption opportunities in favour of the giver and/or receiving country

Questions to ask (yourself) to avoid the above risks:
- When risks arise, have I turned to my Central Adoption Authority or AAB for advice?
- Will the child I am adopting feel like they were bought?
Section 4
Examples of support risks before adoption is finalised

As PAP(s) you should be particularly cautious of risky opportunities that may arise prior to the adoption being finalised.

Two common examples are given below. Adoption related costs that are not known in advance are risky. Without an itemised list in advance, ‘additional’ requests may be made. These costs become risky when higher than for comparable work undertaken, often blurring the line between what could arguably be an acceptable fee and an inappropriate contribution. For example, you may be asked after matching to pay for the child’s care costs. Such fees should be compared with standard costs of living in that country. When such costs are disproportionately high, there is a risk that the costs are linked to the finalisation of the adoption and child’s transfer. When this occurs, this may lead to the sale of children or undue profiteering.

Development aid/cooperation programs that support single mothers and families at risk, while at the same time undertaking ICAs, are problematic. Such programs may have a conflict of interest working in biological families to care for their own children as there will invariably be a temptation to prioritise ICA, given greater monetary benefits.

Danger signals!
• ‘Additional’ requests for costs and/or support
• Costs are significantly higher than comparable work in country of origin

Questions to ask (yourself) to avoid the above risks:
• Is the cost justified for the finalisation of the adoption?
• Is my Central Authority aware of all the support I am asked to give?
Danger signals!

• I am providing support based solely on my emotions
• Contribution and/or donation is mandatory

Questions to ask (yourself) to avoid the above risks:

• Does the person requesting the support have a conflict of interest (see Section 10)?

Section 5

Examples of support risks after adoption is finalised

As an adoptive family and/or older adoptee, you should be particularly cautious of opportunities to provide support after the adoption is finalised, presented during visits to the country of origin.

Even if the support will not affect the finalisation of a specific adoption case, it may influence proposals of adoptable children to a receiving country and/or accredited adoption body. Two common scenarios are listed below.

When visiting the RCI where the child was adopted, you are likely to be affected by the poor living conditions of the other children. In some countries of origin, there may be a mandatory request for contributions for care costs of the children. While transparent, the pull factor of significant amounts of money should not be underestimated as a means of drawing children needlessly into the ICA system (see Section 3). In other countries, the request may be indirect. For example, the RCI Director may mention plans to improve the facilities, which are not feasible due to lack of funds. Through this interaction, there is an implicit request to provide a donation to the RCI. While not compulsory, such donations can feed into the expectation of ‘extra’ funds for every ICA processed.
While mostly well-intentioned, such volunteerism (aka ‘voluntourism’) may have adverse effects on children as a result of the direct contact permitted by the RCI. The Better Volunteering initiative (BV initiative) notes the following risks:

- Disrupted attachment as children form bonds with volunteers who will leave
- Disrupts children’s routine such as education
- Volunteers often do not have appropriate skills
- Creates confusion with culture and identity
- Volunteers create incentives for parents to place children in an orphanage
- Normalising access to vulnerable children

The BV Initiative notes that volunteers can also contribute to the commodification of children. Children may be seen as something to be ‘experienced’ by a visitor, and they can be encouraged to act ‘poor’ or perform for visitors to solicit donations (see Section 3).

Section 6
Specific support risk – ‘orphanage’ volunteerism?

As you visit the country of origin, you may have an opportunity to visit an RCI. Due to the visible needs, you may have a desire to volunteer in an RCI to care for children instead of providing support as in Section 2.
Section 7
What should I do if I face any of these support risks?

If you have been confronted with any of the above risks, it is important that you inform your Central Adoption Authority about the situation and seek their advice about whether the support request is legitimate.

In parallel, you should rely on your AAB and/or its representative to respond ethically to this situation. While this notification act may jeopardise the finalisation of your adoption, it can ensure that your adoption is in line with international standards. In other words, it is one guarantee that your adoption is truly in the child’s best interests and does not result in his or her sale. Likewise, it may safeguard future adoptions by breaking the cycle of unwarranted expectations and illicit practices. You may even make the painful decision to terminate the finalisation of the adoption at this point. However challenging now, it will be much more problematic if illegalities are later discovered, as many adoptees testify.

Once your adoption is finalised, you should comply with any reporting procedures put in place by your Central adoption Authority. For example, it will be helpful if you outline any challenges that you faced in the 

Danger signals!
• I am providing risky support to finalise my adoption
• I am hesitant to inform my Central Adoption Authority and/or AAB about requests for support

Questions to ask (yourself) to avoid the above risks:
• Am I acting ethically in response to risks that I am facing?
It is firstly important to ensure that your support is meeting a real need and is not based on a preconceived idea (see Section 9). It is secondly essential that you ensure that the person who is requesting the support does not have a conflict of interest (see Section 10). Thirdly, it is vital that you carefully select the country in which you would like to undertake an ICA as a PAP (see Section 11). This should include verification that an enabling environment leading to illicit practices does not exist or at least is minimal. Lastly, you should judiciously decide what you will support, with some certainty that it is having true benefits and avoiding the adverse consequences mentioned in this Guide (see Section 12).

Danger signals!
- Payment of money outside official established fees
- Estimation of fees is not provided prior to ICA
- Lack of transparency in payments

Questions to ask (yourself) to avoid the above risks:
- How have I mitigated against the risks (Sections 3–6)?
- How have I ensured that the support I am providing is within an appropriate framework (Sections 8–11)?

Section 8
Is there a better way I can provide support?

Having taken into account the various risks involved in providing support to a country (see Sections 3–6), some support may be appropriate when there is no link ICA.
Section 9
Understanding real needs of children

Visiting countries of origin, including large scale RCIs, often kindles emotions including the desire to help the children living in less than ideal conditions.

Such help should address real needs and not be influenced by common misconceptions, such as:

Idea 1 All children in RCIs are orphans
The great majority of children living in RCIs have at least one living biological parent. The main reason for children living in RCIs is lack of family support and poverty, coupled with discriminatory challenges such as race, gender, disability etc.

Idea 2 Children will die in RCIs if my support is not provided
While cases of children dying do exist, these are limited. The causes of death are rarely linked to lack of financial support but more occupational health hazards and staff abuse. Support should be directed at appropriate reintegration programs.

Idea 3 Large scale RCIs are a safe environment for children
The international community is unanimous about the harmful effects of large scale RCIs (see characteristics in introduction) especially for children under three. Yet these institutions continue to thrive as they provide a quick solution for children in need of care and generate income for countries of origin, when funded externally.

Danger signals!
- Belief that large scale RCIs are beneficial
- Funding of large scale RCIs comes primarily from abroad

Questions to ask (yourself) to avoid the above risks:
- Is my contribution drawing children into large scale RCIs?
- What is the most effective way to support children to live in their families or another family environment?
The person/organisation may have a conflict of interest if the support provided directly benefits them.

In some countries it will be the Central Adoption Authorities in the country of origin that will directly ask for support by way of contributions and development aid/cooperation program, to support the child protection and adoption system.

In other instances, it will be the adoption accredited bodies in the receiving country that you are directly working with. This can include contributions such as care costs for the child.

In other cases, it will be the Director of the RCI, staff at the RCI or other third parties requesting donations.

Danger signals!

• Finalisation of the adoption is contingent on provision of support (e.g., "delays" in processing adoption arise)
• RCI Director or staff member has an affluent lifestyle
• Requests vary for each receiving country

Questions to ask (yourself) to avoid the above risks

• Is there an accountability system in place to ensure that all contributions and donations are transparent and bona fide?
• What evidence do I have that the person requesting support does not have a conflict of interest?
Therefore, it is important that you select carefully the country of origin that adopt from, ideally one with a robust child protection framework. The first ISS/IRC publication on ICA and its risks, a Guide for Prospective Adopters provides indicators for such a framework.

An important indicator is the necessity of established fees, as requested by authorities and/or AABs. Fees for the actual costs incurred for processing the adoption may be legitimately requested (eg, administrative costs and translations). An itemised list of the costs likely to arise should be provided in advance to PAPs. You may consult the HCCH table on costs.

You should ensure that all payments of costs and fees are made by bank transfer with official receipts. Payments in cash should be prohibited. Once fees are paid, other support should not be required to finalise the specific adoption. Given the risks with contributions, donations, development aid etc. linked to ICA, you would do well to avoid countries that have such expectations and requirements.

Danger signals!
- Estimation of official fees is not provided prior to ICA
- ‘Informal costs’ are used to finalise the adoption (eg, extra fees without official receipts and/or cash payments)

Questions to ask (yourself) to avoid the above risks:
- Are the fees linked to an actual cost?
- Are the costs comparable to similar services rendered in the country of origin?
Undoubtedly, the most effective channels for doing so are bona fide NGOs working in specific relevant fields, rather than private initiatives or organisations with a broad mandate. You may look among NGOs with programmes that aim to:

- Help families remain together (eg, by providing financial or material aid, providing counselling, enabling them to access basic or targeted services)
- Promote family-based alternative care when children cannot remain with their own parents for whatever reason (eg, kinship care, fostering, etc.)
- Persuade donors to divert their contributions away from ‘orphanages’ and other RCIs to preventive programmes and more appropriate forms of alternative care
- Combat ‘voluntourism’ programmes that place inexperienced foreign volunteers in care-giving roles in residential facilities for children

Several well-established international NGOs are dedicated to one or more of these objectives. You could also contact the UNICEF office of the country concerned to learn of local NGOs that are its approved partners. Alternatively, support can be provided to your country’s development aid program that carries out some of the above work.

Danger signals!
- NGO works with single mothers and have ICA programs
- NGO asks for cash payments

Questions to ask (yourself) to avoid the above risks:
- Is there accountability of how my support has been used?
General resources

Better Care Network | Information about children deprived of their families in multiple countries.
bettercarenetwork.org

Central Authority | Your interlocutor for all questions in relation to the adoption, various actors, choice of a country and its situation etc. Contact details and addresses of the Authorities of Hague Convention Contracting States at:
hcch.net/index_en.php?act=conventions.authorities&cid=60

Committee on the Rights of the Child | You can find the text of the convention and in the section ‘sessions’, information about the situation of children in countries and possible concerns. This information is usually found in the State’s periodic report and the Committee’s recommendations.
hw2sl.ohchr.org/english/bodies/crc/index.htm

Hague Conference of International Private Law | You can find the text of the 1993 Hague Convention, documents related to its applications, information about procedures in various countries, etc.
hcch.net

International Social Service | International Reference Center for general information about intercountry adoption and the protection of children deprived of their families, regarding legal, ethical and practical questions, etc. You should also regularly visit:
iss-ssi.org/index.php/en/news1

International Family Mediation
ifm-mfi.org

Schuster Institute for Investigative Journalism | Information about illegal adoption cases denounced before courts or in the media.
brandeis.edu/investigate/about/index

UNICEF | General information about the situation of children in the country.
unicef.org

Specific resources related to financial and other support

HCCH publications

Note on financial aspects of ICA
assets.hcch.net/upload/wop/note33fa2015_en.pdf

Summary of good practices of the financial aspects of ICA
assets.hcch.net/upload/wop/list33fa2015_en.pdf

Expert’s group on financial aspects of ICA
hcch.net/en/publications-and-studies/details4/?pid=6310

Table on costs
hcch.net/en/instruments/conventions/specialised-sections/intercountry-adoption

ISS/IRC publications

ICA and its risks, a Guide for Prospective Adopters
iss-ssi.org/images/Publications_ISS/ENG/SSI_brocurePDF_A4_ENG_.pdf

Responding to Illegal Adoptions: A professional handbook

UN SR on sale and sexual exploitation

2016 HRC report
www.ohchr.org/EN/Issues/Children/Pages/IllegalAdoptions.aspx
Resources for international volunteering with organisations working with children

- Action for Global Justice
comhlamh.org

- Campus Compact
compact.org/global-sl

- Learning Service
learningservice.info

- Orphanages Not the Solution
orphanages.no

- ReThink Orphanages
rethinkorphanages.org

- ChildSafe Movement
thinkchildsafe.org
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