

UNDERSTANDING

Intercountry Adoption

A global, rights-based introduction



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Five messages that guide this resource

1		The child is a rights-holder A child is not an object of rescue, a charitable project or a solution to adult infertility. Adults may wish to parent, but no adult has a right to another person's child.
2		Adoption begins with separation Even where an adoptive family later provides love and stability, intercountry adoption begins with the loss or disruption of family, country, language, culture, community and legal continuity.
3		Hardship should trigger support Poverty, disability, discrimination, single parenthood, social stigma or lack of services should not themselves make a child adoptable. They should trigger assistance to the child and family.
4		Legal completion is not conclusive proof A court order, visa or new birth certificate proves that a legal process was completed. It does not necessarily prove that the child was lawfully, freely and ethically obtained at the beginning of the process.
5		Responsibility is lifelong Adoption does not end at placement. States, agencies and institutions remain responsible for records, identity, citizenship, information, support, investigation and remedy across the adoptee's life.

CORE PERSPECTIVE

Intercountry adoption is not only a way of forming a family. It is a child-protection, migration and legal process that begins with the separation of a child from their family, country, culture and existing identity. Any honest understanding must therefore begin with the child as a rights-holder and continue across the adoptee's entire life.

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About this resource

Who it is for, the perspective it takes and the boundaries of what it provides.

This resource is for anyone who wants a clear introduction to intercountry adoption: adoptees and their families, first families and relatives, prospective adoptive parents, professionals, educators, students, journalists, policy makers and members of the general public. It is written for a global audience. National laws and procedures differ, but the central rights questions travel across borders.

It is informed by the collective lived experience gathered by Lynelle Long through InterCountry Adoptee Voices (ICAV), a global adoptee-led network established in 1998. Over decades of peer support, writing, education and international advocacy, adoptees have repeatedly shown that adoption cannot be understood only as a legal event in childhood. It affects identity, family relationships, race, culture, language, records, citizenship, health, belonging, search, reunion, parenting and ageing. There is no single adoptee experience, and this resource does not claim to speak for every adopted person.

A rights-based approach asks a different first question from the familiar rescue story. Instead of asking whether adoption produced a loving family, it asks what rights the child and family held before separation; whether those rights were protected; whether separation was necessary; whether every less disruptive option was genuinely considered; and what responsibilities continue after placement. Love and rights are not opposites. A child may love their adoptive family and still have experienced profound loss or rights violations. A family may act in good faith and still participate unknowingly in a system that failed to verify the child's origins.

LIVED-EXPERIENCE LENS

Adoptees are not the outcome of an adoption program. We are people who grow up, interpret what happened to us, form relationships, search for information, encounter systems and decide for ourselves what adoption means in our lives.

What this resource does

- Explains intercountry adoption in plain language while preserving its legal and ethical complexity.
- Places family preservation, identity, consent, non-discrimination and accountability at the centre.
- Distinguishes adoption from other forms of care and from immigration or citizenship processes.
- Explains how lawful procedures can still depend on inaccurate or unlawfully obtained information.
- Recognises the lifelong and diverse experiences of adoptees, first families and adoptive families.
- Offers practical starting points for records, support, investigation and justice.

What it does not provide

This is general education, not legal, immigration, medical, psychological or case-specific advice. It cannot determine whether an individual adoption was legal or ethical. It does not assume that every adoption was unlawful, nor that a complete-looking file proves the process was sound. It does not rank people's suffering or require adoptees to adopt a positive, negative or neutral view of their own adoption.

The resource also does not treat the desire to adopt as the starting point of child protection. Adults may have legitimate and deeply felt reasons for wanting to parent. Those wishes must nevertheless remain

separate from the assessment of whether a particular child needs a new legal family across national borders.

RIGHTS LENS

In human-rights language, the child is the rights-holder. Governments, authorities, courts, agencies and adults are duty-bearers. Their role is not to secure a child for an approved adult, but to protect the rights and best interests of a child whose family situation has already been assessed independently.

What intercountry adoption is

Definition, cross-border movement, legal forms and distinction from other care arrangements.

Intercountry adoption occurs when a child who is habitually resident in one country is adopted by a person or couple habitually resident in another country, and the child moves - or is expected to move - between those countries because of the adoption. Under the 1993 Hague Convention, the arrangement must create a permanent parent-child relationship. The place of birth, nationality and habitual residence may not always be the same, so national law and the facts of the case matter.

The process usually involves two connected but distinct changes. First, an adoption order creates a new legal parent-child relationship. Second, the child is authorised to enter and reside in the receiving country. A third question - citizenship - is often handled under separate law. An adoption may therefore be legally recognised while immigration or citizenship remains unresolved. The assumption that adoption automatically makes a child a citizen has caused serious harm in countries like the United States, where this is not guaranteed for those adopted prior to 1983.

Full or plenary adoption

Many intercountry adoptions are full or plenary adoptions. In broad terms, this creates a legal relationship with the adoptive parent or parents and ends, replaces or substantially extinguishes the previous legal parent-child relationship. A new birth certificate may be issued naming the adoptive parents, and the child may receive a new name and nationality. The exact legal effect differs by country. From a lived-experience perspective, this can feel less like adding a family and more like one legal identity being substituted for another.

Simple adoption and other preserving models

Some legal systems recognise simple adoption or comparable arrangements that create parental rights without completely extinguishing the child's existing legal family ties. These models may preserve aspects of inheritance, name, nationality or legal kinship. They vary greatly, and some may later be converted into full adoption. A rights-based assessment should ask which legal form protects the child while removing no more identity and family connection than is necessary.

IMPORTANT DISTINCTION

"Permanent care" does not have to mean permanent erasure. A child may need enduring safety and parental responsibility while still retaining an original birth record, nationality, legal kinship, family information and safe ongoing relationships.

How adoption differs from other arrangements

Arrangement	What makes it different
Guardianship	A person or authority is given responsibility to make decisions and care for a child, without necessarily ending the child's legal relationship with parents and relatives. It may be temporary or long term.

Arrangement	What makes it different
Kinship care	Care by relatives or people already connected to the child. It can be informal or legally authorised and may preserve family, community and cultural continuity.
Foster care	Care provided by approved carers under child-protection or welfare law. It is generally intended to be temporary or reviewable and does not ordinarily create a new legal birth identity.
Kafala	A recognised form of care in many Islamic legal traditions in which a family assumes responsibility for a child without creating the same legal filiation as adoption. Rules on name, inheritance, guardianship, travel and nationality differ by country.
Residential or institutional care	Care in an orphanage, children's home or other group setting. It is not a family placement and should not become the default because community and family support is unavailable.
Sponsorship, education or medical travel	Financial assistance or temporary travel does not transfer parenthood. Promises of schooling, treatment or a temporary stay must never be converted into adoption without informed and legally valid consent.
Domestic adoption	The child and adoptive parent or parents are habitually resident in the same country. It may still be transracial, transcultural or involve migration history, but it does not use the same cross-border cooperation framework.

Legal definitions vary. Always check the law of the child's country of origin, the receiving country and any country where an order was made.

What intercountry adoption is not

- It is not a humanitarian evacuation simply because a child crosses a border during war or disaster.
- It is not proof that the child was an orphan, had no relatives, or could not have remained safely within their family or country.
- It is not an entitlement created by adult approval, infertility treatment or waiting time.
- It is not completed merely by obtaining a visa, nor does an adoption order always secure citizenship.
- It is not a childhood-only event. Its legal, relational and identity effects continue throughout life.

Why children become separated from their families

The social, political and economic circumstances that often precede adoption.

Intercountry adoption is commonly explained from the point at which a child is declared adoptable. A rights-based account starts earlier. It asks why the child was separated, what pressures shaped the family's choices, which services were absent, who benefited from the separation and whether support could have kept the family safely together.

Some children genuinely cannot be cared for by their parents because of death, disappearance, severe violence, abuse, neglect, incapacity or circumstances that cannot be made safe. Even then, the existence of parental crisis does not establish that overseas adoption is the only or best solution. Family tracing, kinship options, domestic family-based care and the child's own views remain relevant.

Common conditions that increase separation

- Poverty, debt, insecure housing, unemployment, food insecurity and lack of income support.
- Gender inequality, violence against women, lack of reproductive autonomy and the social punishment of unmarried mothers.
- Disability discrimination and the absence of accessible health, education, respite and community services for children or parents with disability.
- War, occupation, displacement, disaster, epidemic and political instability, especially where family tracing systems are weak.
- Racial, ethnic, caste, religious or Indigenous discrimination, including policies that remove children from marginalised communities.
- Punitive population policies, migration restrictions or rules that make it difficult to register a child's birth or legal identity.
- Institutionalisation systems that admit children because families need short-term help, then treat residence in an institution as evidence of abandonment or adoptability.
- Limited access to contraception, safe maternity care, counselling, legal advice, family violence services or social welfare.
- Pressure from relatives, officials, religious institutions, hospitals, orphanages, brokers or agencies.
- Adult demand for young, healthy children, combined with fees, donations, aid or business models that reward the production of adoption files.

HUMAN-RIGHTS PRINCIPLE

The UN Guidelines for the Alternative Care of Children state that financial and material poverty - or conditions directly and uniquely attributable to poverty - should never, by themselves, justify removing a child from parental care, placing a child in alternative care, or preventing their reintegration with their family. Instead, poverty should be treated as a signal that the family requires appropriate support.

Relinquishment does not occur in a vacuum

A signature can record a decision without showing whether the person had a meaningful choice. Consent may be formally witnessed yet shaped by hunger, homelessness, shame, threats,

misinformation or the belief that adoption is temporary. A parent may be told that the child will receive an education and return, that contact will continue, or that refusal is impossible. Genuine consent requires accurate information, time, independent counselling, freedom from payment or pressure, and the ability to reconsider within the law.

The language of “abandonment” can obscure these circumstances. A child left at a hospital, police station, temple, foundling site or institution may have been deliberately abandoned; they may also have been separated through coercion, informal caregiving, disaster, trafficking, family planning enforcement or a parent’s attempt to secure temporary care. The label must not replace investigation.

Disability and discrimination

Children with disability are over-represented in institutions and alternative care in many countries, often because families cannot obtain support. International disability rights standards reject separation solely because of the disability of a child or parent. The proper response to inaccessible services is to make support available, not to convert social exclusion into adoptability.

The role of demand

Intercountry adoption is often described as a system responding to children in need. It is also shaped by demand from receiving countries. When the number of approved applicants, agency capacity or financial expectations exceeds the number of children who genuinely require overseas adoption, pressure can move backwards through the system. Children may be recruited, consent may be accelerated, family tracing may be superficial, or categories such as “orphan” and “abandoned” may be used too broadly.

LIVED-EXPERIENCE LENS

Many adoptees grow up hearing that there was “no other option.” Later access to family testimony, DNA matches or original records may reveal options that were never explored. The duty to preserve family cannot be replaced by an assumption made after the child has already been removed.

A short global history

From post-war child rescue to a large cross-border system—and its recent decline.

Intercountry adoption did not emerge as one carefully designed global child-protection system. It developed through war, missionary and humanitarian activity, private networks, changing family ideals, migration law and the demand of receiving countries. Its history is therefore uneven. Different countries entered the system for different reasons, and many early practices operated before strong international safeguards existed.

Post-war Europe and the language of rescue

After the Second World War, significant numbers of children displaced or orphaned in Greece, Germany, and Italy were sent abroad to families in other countries. These movements helped establish the modern idea that international placement could be a permanent humanitarian response. The rescue narrative was powerful, but it often simplified children's identities and family situations and assumed that movement to a wealthier country was inherently beneficial.

Korea, Vietnam and the creation of a durable system to expansion through Asia

The Korean and Vietnam Wars became major turning points for adoptions of children from Asia. From the 1950s, children from South Korea and Vietnam were sent abroad, initially children of mixed racial heritage and children affected by war. Over time, a temporary response became a highly organised and enduring system involving government, welfare institutions and adoption agencies.

The mass evacuation sanctioned by governments of Operation Babylift in 1975 - moved children rapidly across borders. Some children were genuine orphans; others had living family, uncertain identity or incomplete consent. These events show why emergency movement and adoption must be separated: evacuation may be necessary for immediate safety, while permanent family severance requires time, tracing and reliable legal assessment.

South Korea became the largest country of origin across the history of modern intercountry adoption, and Korean adoptee activism has been central to exposing falsified records, coercion, weak oversight and the lifelong consequences of mass placement.

Adoption programs expanded through the rest of Asia, including India, Thailand, the Philippines, Taiwan, and Sri Lanka.

Latin America, private intermediaries and trafficking concerns

From the 1970s onward, significant numbers of children were adopted from countries including Colombia, Chile, Guatemala, Brazil, Bolivia, Peru and El Salvador. Political repression, conflict, poverty, social inequality and weak civil registration shaped many cases. Investigations and family searches have since documented child theft, false abandonment declarations, coerced consent, baby farming, bribery and the use of legal professionals or institutions to give unlawful origins a lawful appearance.

Eastern Europe after state socialism

The collapse of state socialist systems and the exposure of large institutions in Romania and other parts of Eastern Europe led to a rapid rise in overseas adoption. Images of institutional deprivation generated urgent international demand. Children's needs were real, but rapid expansion also produced

corruption, private payments, poor assessment, inaccurate health information and adoptions that proceeded before domestic family support and alternatives were developed.

China and the era of large, standardised programs

China became one of the largest countries of origin from the 1990s, particularly for girls during the period of restrictive population policies. Its centralised program was often described as predictable and low risk. Later adoptee and family searches, research and trafficking cases complicated that narrative, showing that an official file could conceal forced separation, child procurement or inaccurate claims of abandonment. China ended most foreign adoptions in 2024, with limited exceptions reported for some relative cases.

Africa and changing routes

As programs closed or slowed elsewhere, adoptions expanded from countries including Ethiopia, Uganda, Democratic Republic of the Congo, Liberia, Ghana and Nigeria. In some settings, families believed they were arranging education or temporary overseas care rather than permanent adoption. Concerns about orphanage recruitment, improper payments, falsified documents and limited post-adoption contact led several states to suspend or restrict programs.

Why receiving-country demand grew

Several developments increased demand: fewer infants became available for domestic adoption; reproductive technologies did not meet every adult's wish to parent; intercountry adoption became socially accepted; agencies and religious networks promoted adoption as rescue; and media images presented overseas children as waiting for families. The United States became the largest receiving country, with substantial receiving populations also in France, Spain, Italy, Canada, the Netherlands, Sweden, Denmark, Norway, Belgium, Germany, Switzerland, Australia and elsewhere.

Peak, decline and re-evaluation

Global intercountry adoptions rose to roughly 45,000 in 2004. International Social Service recorded 2,754 intercountry adoptions across reporting receiving countries in 2024. The decline reflects multiple factors: improved domestic options in some countries of origin; demographic change; program closures and moratoria; stronger scrutiny; long waiting times; concern about trafficking and illicit practice; and a broader shift toward family preservation and domestic family-based care.

Declining numbers do not resolve historical harm. Large adult adoptee populations continue to seek records, citizenship, family, truth and accountability. National inquiries in Europe and Asia, civil claims, truth and reconciliation processes and adoptee-led advocacy have moved the public debate from *How can more adoptions occur?* toward *Were children and families protected, and what must States now repair?*

HISTORY MATTERS

Practices once described as normal, humanitarian or legally compliant may later be recognised as coercive, discriminatory or unethical. Historical context can explain why a practice occurred; it does not remove the rights of those affected or the responsibility to investigate.

Key sources for this overview include Peter Selman's global adoption statistics, International Social Service's annual global statistics, scholarship on Korean adoption, national inquiry reports and adoptee-led historical research.

How intercountry adoption is facilitated

Hague and non-Hague pathways; government, agency, private, relative and expatriate cases; adoption versus migration and citizenship.

There is no single worldwide procedure. An adoption may involve two national legal systems, a treaty framework, government departments, an accredited body or agency, courts, immigration authorities, diplomatic posts and private professionals. The pathway used affects the safeguards available, but no pathway removes the need to verify the child's identity, family situation, adoptability and consent.

Hague Convention pathways

Where both the country of origin and receiving country are parties to the 1993 Hague Convention and the case falls within its scope, designated Central Authorities must cooperate. The country of origin determines that the child is adoptable, considers domestic possibilities, secures required consents and prepares a report on the child. The receiving country assesses prospective parents and confirms that the child will be authorised to enter and reside. Both countries must agree that the placement may proceed before the child is entrusted to the applicants. A certificate under Article 23 supports recognition of the adoption in other Convention countries.

At the time of writing, the HCCH status table lists 107 Contracting Parties. Being a party to the Convention is important, but it is not a quality guarantee. Implementation, resources, verification, independence, financial controls and access to remedy differ widely.

Non-Hague pathways

If one or both countries are not parties, the adoption may proceed under national law, a bilateral arrangement or another recognised process. Receiving countries should still apply equivalent child-protection standards: family preservation, subsidiarity, informed consent, prohibition of improper gain, accurate records and independent assessment. The absence of a treaty increases the importance of transparent responsibility and reliable cross-border cooperation.

Common facilitation models

Model	Key features and risks
Government or Central Authority	Public authorities manage referrals, approvals and intergovernmental communication. This can reduce private conflicts of interest but does not eliminate weak verification or institutional pressure.
Accredited agency or body	A licensed organisation performs functions authorised by a state, such as applicant preparation, dossier work, matching support or post-adoption reporting. Accreditation must be active, transparent and monitored.
Private or independent adoption	Applicants use lawyers, facilitators or direct contacts rather than a full government or accredited-agency program. Some countries prohibit or tightly limit this because safeguards and accountability can be fragmented.
Relative or intrafamily adoption	A relative adopts a child across borders. The family connection may support continuity, but the case still requires assessment of consent, the child's views, legal effects, migration, citizenship and whether adoption is the least rights-restrictive option.

Model	Key features and risks
Expatriate adoption	A person living abroad adopts under the local law of that country and later seeks recognition, a visa or citizenship in their home country. These cases may sit outside the home country's standard program and require careful legal advice.
Special-needs or older-child program	Programs may prioritise older children, sibling groups or children with health or disability needs. Labels must be accurate, non-stigmatising and accompanied by full information, suitable support and a genuine assessment of domestic options.

Adoption, immigration and citizenship are different decisions

- 1. Child-protection decision:** Is separation necessary, is the child legally adoptable, and is intercountry adoption in this child's rights and best interests?
- 2. Adoption decision:** Which court or authority creates or recognises the legal parent-child relationship, and what happens to the child's original legal ties?
- 3. Immigration decisions:** Have all legal requirements in the child's country of origin been completed, including adoptability and valid consent or relinquishment, and is the child authorized to leave? Has the receiving country confirmed the child may enter and reside there permanently before travel occurs?
- 4. Citizenship decision:** Does the child automatically acquire citizenship, need a separate application, retain original citizenship or risk losing it?

These decisions should be coordinated before placement, not left to the adoptee to resolve in adulthood. Citizenship should be secure, documented and reviewable, with no gap that can lead to statelessness, deportation or exclusion from education, health care, voting or travel.

PRACTICE CHECKPOINT

Before a child travels, responsible authorities should be able to answer in writing: What legal status will the child hold on arrival? When and how will citizenship be obtained? Will original nationality be retained? Who is responsible if recognition, immigration or citizenship fails?

Emergency, conflict and disaster situations

Children displaced by war, disaster or mass migration are particularly vulnerable to disappearance, mistaken identity and trafficking. Immediate evacuation or temporary care may be necessary, but permanent adoption should not proceed until family tracing has been exhausted, identity has been reliably established, competent authorities can function and it is clear that reunification is not possible. Urgency must protect the child, not shorten safeguards.

Who is involved and who is responsible

The child or adoptee, families, states, authorities, agencies, courts and intermediaries.

Intercountry adoption is often presented as a relationship between an adoptive parent and a child. In reality, it is produced by a chain of decisions made by many people and institutions. A rights-based framework makes those responsibilities visible so that accountability does not disappear between countries or organisations.

The child and adult adoptee

The child is the primary rights-holder, not the person responsible for proving that the system worked. Children have rights to identity, family relations, nationality, non-discrimination, information, participation and protection from sale, trafficking and unlawful separation. Their views must be heard according to age and maturity. As the child becomes an adult, the right to truth and identity does not expire.

The family of origin

Parents and relatives hold rights and responsibilities before an adoption is considered. They should receive practical support, accurate information, independent legal advice where needed, culturally and linguistically accessible counselling, and freedom from coercion or payment. Families should be traced and consulted rather than presumed absent. Their privacy matters, but privacy should not be used to invent permanent secrecy or to deny the adoptee truthful information about their own identity.

The adoptive family

Prospective parents are applicants, not rights-holders in relation to a particular child. Their responsibilities include honest disclosure, rigorous preparation, respect for the child's identity and family connections, active support for racial and cultural belonging, preservation of records, securing citizenship, openness to complexity, and lifelong access to adoption-informed support. Approved status does not create a right to a referral or guarantee that an adoption will occur.

The state of origin

- Prevent unnecessary separation through family and community support.
- Register births and investigate the child's identity and family circumstances.
- Determine adoptability lawfully and independently.
- Trace relatives and consider safe domestic family-based alternatives.
- Secure informed consent and hear the child's views.
- Regulate institutions, agencies, fees, donations and intermediaries.
- Preserve records and assist with origin searches and family contact.

The receiving state

- Assess applicants for capacity to meet the needs of a particular child, not only general eligibility.
- Verify that the origin-state process and documents meet international and domestic standards rather than accepting them automatically.
- Ensure immigration, recognition and citizenship are secure before placement.
- Monitor agencies and financial arrangements, including work performed overseas.
- Provide lifelong, adoptee-accessible services and maintain records.

- Investigate credible allegations and cooperate with the country of origin and affected families.

Central Authorities and competent authorities

Central Authorities coordinate Convention responsibilities. Courts, child-protection bodies, civil registries and other competent authorities make or record legal decisions. Their functions differ, but responsibility cannot be reduced to checking whether every paper is present. Authorities must assess whether the underlying facts are reliable and whether conflicts of interest, financial incentives or known country risks require further inquiry.

Agencies, accredited bodies and professionals

Agencies, lawyers, social workers, translators, doctors, orphanages, facilitators and local partners may hold information that no single government sees. They must work within clear authorisation, disclose conflicts, charge transparent fees, protect personal information, preserve records and report concerns. Accreditation is a public trust, not a shield against scrutiny.

Immigration authorities, consulates and civil registries

These institutions may hold visa files, medical records, identity documents, entry records, passports, citizenship applications and communications between governments. They can be vital when adoption files are incomplete or contested. Their record-retention and disclosure rules should recognise that the information concerns the adoptee's identity and legal status.

ACCOUNTABILITY PRINCIPLE

When responsibility is divided, it is easy for every institution to say that another country, agency or court made the decisive choice. Shared responsibility should create more protection, not a chain in which no one is answerable.

The child's rights and international standards

How the UN human-rights treaties, Hague safeguards and related standards work together.

There is no single global law covering every part of intercountry adoption. Different international standards work together: UN human-rights treaties protect the child and family; the Hague Convention sets safeguards for cross-border adoption; and other guidance promotes family preservation and accountability. Hague compliance is important, but it does not by itself prove that every right was respected or every fact in a child's file is true.

United Nations human rights standards

Several UN conventions protect children and families before, during and after adoption. The Convention on the Rights of the Child (CRC) is the main child-rights treaty. It protects the child's best interests, identity, name, nationality, family relationships and right to be heard. It also protects children from unnecessary separation, illicit transfer, abduction, sale and trafficking. Article 21 specifically requires safeguards for adoption, valid consent and protection from improper financial gain.

- The **International Covenant on Civil and Political Rights (ICCPR)** protects privacy, family life, birth registration and the family as a fundamental unit of society. These rights remain relevant in adulthood, including when adoptees seek information about their origins.
- The **Convention on the Rights of Persons with Disabilities (CRPD)** protects family life and says disability alone must not be a reason to separate a child from parents. It supports assistance to families before separation is considered.
- The **Convention against Torture (CAT)** and the **Convention on Enforced Disappearance (CED)** may apply in the most serious cases involving severe ill-treatment, disappearance, concealment of identity or state-connected wrongdoing.
- The **Optional Protocol to the CRC** on the sale of children and the **Palermo Protocol** strengthen protection against sale and trafficking. Their legal definitions are specific: not every illegal or harmful adoption is automatically trafficking, sale, torture or enforced disappearance.

UN treaty committees, the Human Rights Council and independent UN experts help interpret and monitor these standards. The key point is that an adoptee's rights come from the wider human-rights framework - not from adoption law alone.

1993 Hague Intercountry Adoption Convention

The Hague Convention is not a UN human-rights treaty. It is a private international law convention that creates cooperation and procedural safeguards for intercountry adoption between Contracting States. It seeks to ensure that adoptions take place in the child's best interests and with respect for fundamental rights, and to prevent abduction, sale and trafficking. It requires Central Authorities, consent safeguards, reports on the child and prospective parents, agreement between states, controls on improper financial gain, record preservation and recognition of certified adoptions.

The Convention does not determine whether plenary adoption as a legal institution is always compatible with all human rights. It does not apply to every country or every cross-border case, grant citizenship, operate as an individual human-rights complaints body or guarantee that source documents and consents are truthful. Much of records access, post-adoption support, investigation and remedy remains dependent on national systems.

UN Guidelines for the Alternative Care of Children

These Guidelines place adoption within a broader child and family care system. They emphasise preventing unnecessary separation, supporting families, using removal only when necessary and suitable, prioritising family- and community-based care, keeping siblings together where possible and avoiding decisions based solely on poverty. They are not a treaty, but they are an influential statement of rights-based practice.

The 2022 UN Joint Statement on illegal intercountry adoptions

In 2022, the Committee on the Rights of the Child, the Committee on Enforced Disappearances and four UN Special Procedure mandates jointly called on states to prevent and eradicate illegal intercountry adoptions. They identified abduction, sale, trafficking, enforced disappearance, fraud in declarations of adoptability, falsification of documents, coercion, lack of proper consent, improper financial gain and corruption. They also called for truth, identity restoration, origin tracing, investigation, prosecution where appropriate, nationality solutions and comprehensive reparation.

The Joint Statement is important because it connects prevention with accountability and remedy. It recognises that state responsibility does not end when an adoption order is issued and that affected adoptees and families may need truth, justice, reparation and guarantees of non-repetition decades later.

How these standards can be used

International standards can guide domestic advocacy, court arguments, official inquiries, records policies and national reform. Civil society can also raise concerns through the Universal Periodic Review, UN Special Procedures and treaty-body reporting. Individual complaints may be possible under some treaties, but admissibility can depend on ratification, acceptance of the complaints mechanism, the date of the violation, exhaustion of domestic remedies, time limits, sufficient evidence and whether the matter is already before another international process.

The separate ICAV Practical Guide explains the UN pathways in detail for NGOs, adoptee groups and advocates. This booklet gives only the public-facing overview needed to understand where the rights come from and why the available remedies differ.

At a glance: what each framework contributes

Framework	What it Contributes	What it does not Guarantee
UN human-rights treaties	Protect rights including identity, family relationships, nationality, privacy, participation and protection from unnecessary separation, sale, trafficking, disappearance and serious abuse. These rights can remain relevant throughout an adoptee's life.	Do not create one universal adoption procedure or automatically determine whether an individual adoption was lawful. Implementation and remedies depend on the treaties a State has ratified and its domestic laws and processes.
Hague Convention	Provides cross-border cooperation and procedural safeguards for intercountry adoption, including Central Authorities, adoptability and consent requirements, information-sharing, financial controls and recognition of Hague-certified adoptions.	Does not guarantee that records or consents are truthful, provide citizenship or lifelong support, automatically open records, or provide an individual human-rights remedy.
Alternative Care Guidelines and CRPD	Emphasise family preservation, support before separation, appropriate family- and community-based care, and protection from separation based only on poverty or disability.	Do not themselves create an adoption-specific legal process or individual remedy. The Alternative Care Guidelines are non-binding guidance, while the CRPD applies only to States that have ratified it.
2022 UN Joint Statement	Connects illegal intercountry adoption with prevention, truth, access to origins, identity restoration, investigation, accountability, nationality, reparation and guarantees of non-repetition.	Does not itself overturn an adoption, order compensation or compel a State to provide a remedy. Implementation depends on action by governments and relevant national authorities.

COMPLIANCE VERSUS OUTCOMES

A country may complete forms, obtain approvals and issue an adoption certificate while the adoptee still experiences identity erasure, cultural isolation, citizenship insecurity, inaccessible records or an unlawful origin. Procedure matters, but good outcomes require truthful facts, substantive rights, access to remedy and lifelong responsibility.

How an adoption should be assessed and completed

A child-centred sequence from family preservation to lifelong responsibility.

The order of decision-making matters. A system becomes adult-centred when it begins with approved applicants and searches for a child who fits. A rights-based system begins with a particular child, their family and the assistance needed to preserve safe relationships. Intercountry adoption should only be considered after those questions have been answered independently.

1. Prevent unnecessary separation

Assess what would allow the child to remain safely with parents or relatives: income, housing, health care, disability support, family violence protection, childcare, legal identity, education, community services and culturally appropriate assistance. Aid should not be conditioned on relinquishment, and support organisations should not benefit financially if separation occurs.

2. Establish identity and family relationships

Register the child's birth where possible; verify names, dates, places, parentage, siblings, relatives, nationality, language, religion, ethnicity and community ties. Conduct documented family tracing using appropriate local methods. Where identity is uncertain, keep uncertainty visible rather than converting assumptions into facts.

3. Decide whether alternative care is necessary

Removal must be necessary, proportionate and subject to review. Temporary family crisis should not be transformed into permanent separation because decision-making is slow or services are scarce. Kinship care, supported family care, domestic foster care, guardianship and other family-based options should be assessed for safety and suitability.

4. Determine legal adoptability

A competent and independent authority must determine that the child is legally free for adoption. "Available" should not mean merely resident in an institution, undocumented, poor, disabled or difficult to reunify. Any death certificates, abandonment findings, parental status decisions and prior custody orders should be verified.

5. Obtain free, informed and legally valid consent

Consent must be informed, specific to permanent adoption, given after the child's birth where required, free from payment, threat or deception, and supported by independent counselling in a language the person understands. Parents must understand legal severance, cross-border movement, future contact, confidentiality and whether consent can be withdrawn. The child's consent or views must be sought according to law, age and maturity.

6. Confirm subsidiarity without treating domestic care as second-rate

Authorities should establish that suitable care within the child's family and country is not available or cannot meet the child's rights and needs. This does not mean keeping a child indefinitely in an

institution to avoid intercountry adoption. It means investing in timely, safe, family-based domestic responses and documenting why overseas adoption is necessary for this child.

7. Assess prospective adoptive parents

Assessment should examine more than income, housing and criminal history. It should test capacity to parent a child with trauma, loss, disability or uncertain history; support racial and cultural identity; respond to racism; preserve records; accept first-family significance; support search and reunion; avoid secrecy and gratitude expectations; and seek help when needed. Independent therapeutic assessment is appropriate where history and risk factors require it.

8. Match for the child - not select a child for adults

Matching should identify which approved family can meet the needs of an already identified child. Photolisting, competitive selection and applicant preferences can objectify children and create pressure to minimise risks. Siblings should not be separated merely to make placement easier, and the child's relationships, language, culture, disability and future contact needs must inform the match.

9. Independently verify the file and financial pathway

Authorities in both countries should examine the provenance of records, not only their presence. They should identify who prepared each document, compare names and dates, investigate known country or institution risks, verify translation, trace payments and donations, and ensure that no person's income depends on producing children for adoption. Quotas, targets or promised numbers are inconsistent with child-centred matching.

10. Coordinate legal recognition, migration and citizenship

Before placement, authorities should confirm which order will be made or recognised; what legal ties will change; what identity documents will be issued; how the child will travel and reside; when citizenship will be acquired; whether original nationality can be retained; and who will correct errors. The child should not enter a legal gap between countries.

11. Prepare the child and family for transition

Preparation should be developmentally and culturally appropriate. Children need truthful, age-suitable information; familiar objects, photographs and life-story material; gradual introductions where possible; support for language and sensory needs; and continuity with significant people. Adoptive parents need country-specific, trauma-informed and anti-racism preparation, not only administrative education.

12. Preserve records and accept lifelong responsibility

Original records should be preserved permanently, including documents later found to be inaccurate. Corrections should be added transparently rather than destroying the historical trail. Adoptees should have accessible routes to their information, citizenship evidence, origin tracing, culturally appropriate support and complaints or investigation. Post-adoption reports should not be the end of state involvement.

A CHILD-CENTRED TEST

At every stage, ask: Is this decision being made because it is necessary for this child, or because the system has applicants, money, deadlines, program expectations or institutional convenience?

Adoption across a lifetime

Identity, race, culture, relationships, records, search, reunion, mental health, citizenship, parenting and ageing.

An adoption order may be made on one day, but adoption is lived across a lifetime. Its meaning can change as an adoptee develops language, understands race and family, forms intimate relationships, becomes a parent, loses loved ones, searches for records or encounters national investigations. Support should therefore be available when the adoptee needs it, not only when professionals expect a problem.

NO SINGLE ADOPTEE STORY

Some adoptees describe belonging, opportunity and strong adoptive relationships. Some describe abuse, racism, identity loss, disconnection or profound harm. Many hold love, grief, gratitude, anger, loyalty and criticism at the same time. None of these positions makes a person more or less authentically adopted.

Identity and legal continuity

Intercountry adoptees may live with multiple names, birth dates, nationalities, cultures and family narratives. A new identity document can provide legal security while also concealing or replacing the original record. Identity development is not a one-time task of choosing between two cultures. It is the freedom to know, question and name oneself with access to truthful information.

Race, racism and belonging

Many intercountry adoptions are transracial. Adoptees may be visibly marked as foreign while being culturally local, or treated as outsiders in both the receiving country and country of origin. Racism can affect safety, mental health, work, education and belonging. Adoptive families have an active duty to build racial literacy, maintain relationships with communities of the child's heritage and believe the adoptee's account of racism rather than minimise it.

Culture and language

Culture is more than food, festivals or occasional travel. It includes language, humour, history, family roles, spirituality, social cues, political memory and everyday belonging. Cultural reconnection can be affirming and also expose loss. Adoptees should not be required to perform cultural authenticity or feel ashamed if language and knowledge were not preserved for them.

Grief, separation and ambiguous loss

Adoption can involve losses of people, language, place, continuity, status and possible futures. Some losses are ambiguous because relatives may still be alive but unknown or inaccessible. Grief may intensify around birthdays, Mother's or Father's Day, migration anniversaries, bereavement, pregnancy, parenting, search and reunion. Naming grief does not reject the adoptive family or deny positive experiences.

Relationships, attachment and safety

Early separation, multiple caregivers, institutional care, later abuse or rejection can affect trust, conflict and closeness. These patterns are diverse and should not be used to stereotype adoptees as damaged. Behaviours such as hyper-independence, people-pleasing, vigilance or emotional distance may be protective adaptations. Stable relationships, boundaries, repair and adoption-informed care can support wellbeing throughout life.

Records, truth and uncertainty

Records hold power because they may be the only official account of the adoptee's beginnings. Files can be complete, partial, contradictory, mistranslated, deliberately falsified or lost. Not knowing can itself be harmful. Adoptees should be supported to separate confirmed facts, official claims, family testimony and unanswered questions without being pressured to produce a simple story.

Search and reunion

Search may involve authorities, agencies, local researchers, social media, DNA databases, travel and contact with relatives. Reunion is not a single happy ending; it begins a new relationship across language, class, culture, expectation and decades of separated life. It may bring connection, rejection, grief, financial requests, secrecy, conflict or new evidence of wrongdoing. Support should be independent, trauma-informed and available to all sides.

LIVED-EXPERIENCE LENS

Reunion can be beautiful without being justice. Finding one another does not erase the separation, lost years or responsibility of institutions that made truth inaccessible.

Mental and physical wellbeing

Adoption-related grief, racism, identity stress, abuse, isolation or citizenship insecurity may contribute to distress. Not every mental-health concern is caused by adoption, and adoption should not be treated as irrelevant either. Effective care sees the whole person and understands adoption, trauma, race, culture and family complexity without imposing one explanation.

Citizenship and legal insecurity

Some adoptees discover in adulthood that citizenship was never secured, was lost, or is difficult to prove. Consequences can include inability to obtain a passport, vote, work, study, access services or remain in the country where they were raised. Citizenship failures are institutional failures. The burden of repairing them should not be placed on the adoptee.

Partnership, parenting and later life

Intimate relationships and parenting can awaken questions about genetic history, pregnancy, resemblance, family roles and the meaning of separation. Ageing may bring new urgency around medical history, inheritance, care, burial, nationality and the death of first or adoptive parents. Services designed only for children and adoptive parents cannot meet these lifelong needs.

Diverse adoptee experiences

Age at adoption, country and era, gender, disability, sexuality, class, family structure, racial context, institutional care, openness, abuse, citizenship and access to community all shape experience. Siblings adopted together may understand the same history differently. Respect begins by allowing adoptees to define their own needs and change their view over time.

Illegal, illicit and rights-abusive practices

Definitions, warning signs, financial drivers and why legal paperwork may not reveal the origin of an adoption.

Harmful adoption practices exist on a spectrum. Some are clearly criminal. Some breach adoption standards or ethics but are difficult to prosecute. Others may be permitted by domestic law while violating broader rights to identity, family, equality or participation. Clear language helps people identify concerns without declaring guilt before evidence is available.

Illegal adoption

An illegal adoption is one brought about through acts that violate applicable law. Depending on the jurisdiction and facts, this can include abduction, sale or trafficking of a child; falsification or destruction of documents; fraudulent declarations that a child is abandoned or adoptable; bribery or corruption; coercion or absence of legally required consent; impersonation; unlawful payments; or arranging an adoption through unauthorised channels. In some cases, the conduct may also constitute enforced disappearance or other crimes.

Illicit practices

Illicit practices are prohibited, irregular or unethical actions that may lead to an illegal adoption or undermine safeguards, even when a criminal offence is difficult to prove. Examples include conflicts of interest; donations connected to referrals; pressure that stops short of an obvious threat; agencies working through unregulated partners; superficial family tracing; misleading parents about adoption's permanence; or fees that create incentives to find children.

Rights-abusive practices

A practice can be formally legal and still violate or unnecessarily restrict rights. Examples may include erasing an original birth record, denying accessible information, severing safe sibling relationships, failing to hear the child, discrimination based on disability or marital status, preventing dual citizenship, or offering no remedy when the official story is wrong. "Legal" describes compliance with a law; it is not the same as ethical, necessary or rights-respecting.

KEY DISTINCTION

A legal order is the end product of information supplied to a court or authority. If identity, consent or adoptability was falsified at the beginning, later officials may complete every required step in good faith. The order proves that a process occurred; it may not prove that the underlying facts were lawful or true.

Common practices and warning signs

- A living or identifiable parent recorded as dead, unknown or unable to be found without documented tracing.
- Different names, dates of birth, places, photographs or family accounts across files.
- Documents created long after the events they claim to record, or by a person with a financial interest in the adoption.

- Consent given before birth, immediately after birth, in an unknown language, without independent advice, or under pressure, payment or misleading promises.
- A child described as an “orphan” although one or both parents are alive or relatives were never assessed.
- The same lawyer, doctor, notary, institution or official repeatedly appearing in questioned cases.
- Unexplained fees, mandatory donations, cash payments, development projects linked to referrals or benefits paid to institutions per child placed.
- A sudden increase in children available after a new program opens or after receiving-country demand shifts.
- Applicants being promised a child, age, sex or timeline before a child-centred assessment has identified a need.
- Children transferred across borders during conflict or disaster before tracing, identity and consent can be reliably established.
- Pressure to complete quickly, avoid questions, use particular facilitators or keep information secret.
- Later DNA results or family testimony directly contradicting the abandonment or consent narrative.

Money, aid and demand

Intercountry adoption requires legitimate expenditure: social work, translation, legal work, travel, medical assessment and administration. The risk arises when payment is linked to obtaining a child, fast tracking a case, securing consent or sustaining an institution that benefits from adoption. Donations and development aid can create dependency even if no single payment is labelled a purchase. Financial transparency must include the full chain in both countries, not only the invoice given to applicants.

Demand can also be non-financial. Political commitments to maintain a program, agency survival, religious mission, media pressure and the expectations of approved applicants can all distort decision-making. A child-rights system must be able to say that no adoption will occur when no child genuinely requires it.

Why incomplete files require care

Missing records, inconsistent spelling or an inaccurate date may reflect weak civil registration, translation, war, disaster or historical practice rather than a crime. Conversely, a complete and professionally prepared file can contain coordinated falsehoods. Concerns should therefore be treated as reasons to investigate, not as automatic proof or reasons to dismiss the adoptee.

Who may be harmed

The child and family of origin are the people from whom rights were taken. Adoptive families may also be deceived, financially exploited and left to support an adoptee through revelations they did not cause. Recognising this does not make the impacts equal. Accountability must centre the people whose identity, family relationship and freedom were directly violated.

When someone begins questioning their adoption

Practical, trauma-aware guidance without treating every gap as proof of illegality.

Questions may begin with a missing page, a conflicting birth date, a media investigation, a DNA match, a comment from a relative or a feeling that the official story does not make sense. There is no correct pace. An adoptee may want immediate answers, gradual exploration or no investigation at all. The decision belongs to the person whose history is at stake.

START WITH SAFETY

Opening a file or contacting family can change identity, relationships and mental health. Before taking major steps, consider who can support you, what information you are ready to receive, how you will protect privacy and what boundaries you may need.

A practical sequence

- 1. Gather what you already have.** Collect adoption orders, birth certificates, relinquishment or abandonment documents, child reports, photographs, agency letters, medical reports, passports, visas, citizenship evidence, travel papers and family correspondence.
- 2. Preserve originals and make secure copies.** Scan front and back, retain envelopes and stamps, record where each item came from, and store copies in more than one secure location.
- 3. Build a timeline.** Separate confirmed facts, official claims, memories, family accounts, contradictions and unanswered questions. Avoid forcing uncertain material into one conclusion.
- 4. Identify the institutions involved.** List courts, authorities, agencies, orphanages, hospitals, lawyers, facilitators, immigration departments, consulates and civil registries in both countries.
- 5. Request records in targeted categories.** Ask not only for the adoption file, but also court, child-protection, civil registration, immigration, citizenship, passport, consular, medical, police and agency records where relevant.
- 6. Seek help that matches the question.** Peer support may help with lived experience; a local researcher with language and cultural knowledge may help with tracing; a lawyer may advise on access, citizenship or criminal concerns; a therapist may help manage impact.
- 7. Check translations independently.** Names, kinship terms, locations and legal concepts can be mistranslated. Keep the original-language document and record who completed each translation.
- 8. Use DNA services thoughtfully.** Consider database ownership, law-enforcement access, family privacy, unexpected parentage and how contact may affect relatives. A DNA match is powerful evidence of relationship but may not explain the circumstances of separation by itself.
- 9. Document new information.** Keep notes of dates, names, exact words, screenshots and copies of correspondence. Distinguish what a person witnessed from what they heard from someone else.
- 10. Avoid premature public accusations.** It is possible to name concerns, preserve evidence and seek investigation without identifying individuals publicly before facts are verified. This protects the adoptee, relatives and the integrity of any legal process.

- 11. Report through more than one route if necessary.** Depending on the issue, this may include Central Authorities, child-protection departments, police, prosecutors, anti-trafficking bodies, ombuds institutions, privacy or records regulators, citizenship agencies and national inquiries.
- 12. Define what you are seeking.** Possible goals include information, family tracing, correction of records, restoration of name or nationality, citizenship, acknowledgment, investigation, apology, compensation, annulment or discharge, memorialisation, policy change or simply being believed.

Questions to ask about the file

- Who created each document, on what date, using which source of information?
- How was the child's identity established and family traced?
- What exact legal finding made the child adoptable?
- Who gave consent, what were they told, in what language and with what counselling?
- What domestic family or care options were assessed, and where is that assessment recorded?
- Which payments, fees, donations or projects were connected to the case?
- Which authority in each country approved the placement and what did it independently verify?
- What happened to the child's original birth registration, name, nationality and legal family ties?
- Are there immigration or consular records containing a different version of events?
- Were siblings or relatives adopted elsewhere, and could their records clarify the history?

Not every question will be answered. A responsible institution should acknowledge uncertainty rather than use missing evidence to close the matter automatically. The absence of proof after decades of poor record keeping may itself reflect a state failure, even where criminal responsibility cannot be established.

LIVED-EXPERIENCE PRINCIPLE

Seeking truth is not betrayal of an adoptive family, a first family or a country. Adoptees are entitled to understand the decisions that changed their identity and legal relationships.

Information, records, support and justice

Global starting points and the case for country-specific, living information.

Because intercountry adoption crosses legal systems, no single office will necessarily hold the whole story. Records may be divided among the country of origin, receiving country, court, agency, civil registry, immigration department, consulate and adoptive family. A global resource can show the pathway, but current country contacts should be maintained online because agencies, laws and programs change.

Where different information may be held

Type of information	Possible record holder
Identity and birth	Civil registry, hospital, local authority, police, religious institution, maternity home, orphanage or child-protection file in the country of origin.
Adoptability and consent	Court, child-protection authority, Central Authority, notary, agency, lawyer, institution or local government in the country of origin.
Matching and approval	Central Authorities, receiving-country assessment body, accredited agency, placement committee or court.
Travel and migration	Immigration department, embassy or consulate, airline records where retained, passport authority and border agency.
Citizenship	Citizenship or interior ministry, immigration authority, civil registry, passport office and adoptive parents' records.
Post-adoption reporting	Agency, Central Authorities, social workers and authorities in the country of origin.
Financial records	Agency invoices, authority fee schedules, bank records, donation receipts, institution accounts and audit material.
Later investigations	National inquiries, truth commissions, police, prosecutors, ombuds institutions, parliamentary archives and court proceedings.

Global starting points

- HCCH Adoption Section: treaty text, status table, country profiles, Central Authority contacts, Guides to Good Practice and the Toolkit for Preventing and Addressing Illicit Practices.
- UN human-rights sources: the UNCRC, Alternative Care Guidelines, CRPD, Optional Protocol on the sale of children and the 2022 Joint Statement on illegal intercountry adoptions.
- Adoptee-led organisations: peer support, lived-experience education, country networks, search knowledge and advocacy. ICAV provides global resources and links to adoptee voices.
- First-family organisations and local family-search groups: essential sources of cultural, linguistic and community knowledge, where they operate ethically and protect privacy.
- International Social Service and national branches: information on cross-border child and family matters, post-adoption and origin searches in some jurisdictions.

- National Central Authorities and adoption departments: official records, complaints, partner-country information and investigation pathways.
- Immigration and citizenship authorities: visa, entry, naturalisation and nationality records that may not be present in the adoption file.

What good support looks like

Support should be independent, voluntary, culturally responsive, adoption-informed and available to adult adoptees without requiring an adoptive parent to apply. Different needs may require different services: peer support, trauma-informed therapy, legal advice, citizenship assistance, translation, archival research, DNA support, family tracing, reunion mediation, cultural reconnection and financial help to travel or obtain records.

The same provider should not investigate its own historical conduct without independent oversight. Adoptees and first families need choices, confidentiality and clear information about data sharing. Professionals should not require gratitude, defend the adoption system, assume reunion is always desirable or treat scepticism as pathology.

Justice can take different forms

- Truth: access to archives, independent investigation, public findings and acknowledgment of uncertainty.
- Identity restoration: correction or annotation of records, restoration of original name, family relationships or nationality where possible.
- Family connection: tracing, translation, supported contact, travel assistance and respect for the choices of adoptees and relatives.
- Legal status: secure citizenship, protection from deportation and solutions for statelessness or dual-nationality loss.
- Accountability: disciplinary, civil or criminal action where evidence and law support it, including cooperation across borders.
- Reparation: compensation, rehabilitation, counselling, health support, apology, memorialisation, satisfaction and guarantees of non-recurrence.
- Legal review: correction, annulment, discharge or recognition of an adoption's unlawful origin where national law permits and the affected person seeks it.
- Reform: changes to law, funding, record systems, financial controls, family support and decision-making so the same harm is not repeated.

JUSTICE IS PERSONAL AND COLLECTIVE

One adoptee may want contact and a corrected birth record; another may want citizenship; another may seek prosecution, compensation or no institutional engagement. States should provide a range of remedies rather than defining one acceptable outcome.

Children should never have to lose one family to gain another.

Where separation cannot be avoided, care should preserve identity, truth, family, culture, citizenship and belonging as far as possible.

Key messages

A concise summary for readers who need the essentials on one page.

1. BEGIN WITH THE CHILD, NOT THE APPLICANT

Intercountry adoption should respond to the verified needs of a particular child. Approval to adopt does not create a right to a child.

2. SEPARATION REQUIRES EXPLANATION

Before asking how a child was adopted, ask why the child was separated and what assistance could have preserved safe family care.

3. POVERTY AND DISABILITY ARE NOT ADOPTABILITY

Material hardship, stigma or missing services should trigger support. They should not be converted into reasons for permanent legal separation.

4. ADOPTION IS MORE THAN MIGRATION

The adoption order, visa, residency and citizenship are separate legal questions. All must be securely resolved before placement.

5. HAGUE IS A SAFEGUARD FRAMEWORK, NOT A GUARANTEE

It improves cooperation and procedure, but cannot by itself prove truthful origins, prevent every abuse, grant citizenship or provide lifelong remedy.

6. CONSENT MUST REPRESENT A REAL CHOICE

A signature is not enough. Parents and children need accurate information and independent support, free from payment, deception, stigma and pressure.

7. MATCHING MUST BE CHILD-CENTRED

The task is to find the most suitable approved family for an identified child - not a child who meets adult preferences or program targets.

8. A LEGAL ORDER MAY REST ON FALSE INFORMATION

Paperwork can be complete even when identity, consent or adoptability was falsified earlier. A gap in an old file is not automatic proof of crime.

9. ADOPTION IS LIFELONG AND DIVERSE

Adoptees may experience love, belonging, grief, racism, disconnection, opportunity, trauma, curiosity or indifference in changing combinations.

10. TRUTH AND RECORDS BELONG TO THE ADOPTEE

Original documents should be preserved, inaccuracies should be traceable, and adult access should not depend on adoptive-parent permission.

11. RESPONSIBILITY CROSSES BORDERS AND TIME

Origin and receiving states, authorities, courts and agencies remain responsible for citizenship, records, support, investigation and remedy.

12. CHILDREN SHOULD NOT HAVE TO LOSE ONE FAMILY TO GAIN CARE

Where separation cannot be avoided, legal models should preserve identity, truth, nationality, kinship, culture and safe relationships as far as possible.

References, terminology and further resources

Core sources, a working glossary and places to keep learning.

Terminology

Language is personal and political. This resource generally uses “adoptee” and “intercountry adoptee” because these terms are widely used in adoptee-led communities. “Adopted person” is equally valid. It uses “first family” and “family of origin” in preference to assuming that “birth family” describes the whole relationship. People should be free to choose the terms that fit their own experience.

Term	Working meaning in this resource
Adoptee / adopted person	A person who has been legally adopted. The person remains an adoptee in adulthood if they use that term.
Country or state of origin	The country where the child was habitually resident before the intercountry adoption. This may differ from nationality or place of birth.
Receiving country or state	The country where the prospective adoptive parent or parents are habitually resident and to which the child moves.
First family / family of origin	Parents, siblings, relatives and kin connected to the child before adoption. Individuals may prefer birth family, biological family, natural family or specific relationship terms.
Adoptability	A legal determination that a child may be adopted. It should include a reliable assessment of identity, parental status, consent and applicable alternatives.
Best interests	A substantive right, interpretive principle and procedural rule requiring individual assessment of the child’s rights, circumstances and views - not a general assumption that wealth or overseas opportunity is better.
Subsidiarity	The principle that the child should remain with family where possible, and that suitable care in the country of origin should be considered before intercountry adoption.
Full / plenary adoption	A form of adoption that creates a new legal parent–child relationship and usually ends or replaces previous legal parent–child ties, subject to national law.
Simple adoption	A form that creates an adoptive relationship while preserving some original legal family ties. Its effects vary by legal system.
Central Authority	The authority designated by a Hague Convention country to carry out and coordinate Convention obligations.
Accredited body	An organisation authorised and monitored to perform specified adoption functions under the Hague framework and national law.
Illegal adoption	An adoption resulting from conduct that violates applicable law, which may include crimes such as abduction, sale, trafficking, fraud, falsification, coercion or corruption.

Term	Working meaning in this resource
Illicit practice	A prohibited, irregular or unethical practice that undermines safeguards or may lead to an illegal adoption, even where criminal liability is difficult to establish.
Rights-abusive practice	A practice that violates or unnecessarily restricts rights, whether or not domestic law clearly prohibits it.
Search for origins	Efforts to obtain information about identity, family and the circumstances of separation and adoption. It may or may not include direct family contact.
Reunion	Contact or relationship between an adoptee and first family after separation. It is a process, not a guaranteed resolution.
Reparation	Measures to repair human-rights harm, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence.

Core international instruments and guidance

- United Nations. International Covenant on Civil and Political Rights, 1966.
- United Nations. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.
- United Nations. Convention on the Rights of the Child, 1989.
- Hague Conference on Private International Law. Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption.
- HCCH. Guide to Good Practice No. 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention.
- HCCH. Guide to Good Practice No. 2: Accreditation and Adoption Accredited Bodies.
- HCCH. Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption, 2023.
- United Nations General Assembly. Guidelines for the Alternative Care of Children, A/RES/64/142, 2009.
- United Nations. Convention on the Rights of Persons with Disabilities, 2006, especially Article 23.
- United Nations. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000.
- United Nations. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000.
- United Nations. International Convention for the Protection of All Persons from Enforced Disappearance, 2006.
- UN human-rights mechanisms. Joint Statement on illegal intercountry adoptions, 29 September 2022.

Research, statistics and historical analysis

- Cantwell, Nigel. The Sale of Children and Illegal Adoption. Terre des Hommes Netherlands, 2017.
- International Social Service. Global Statistics for Intercountry Adoption: 2024 statistics and analysis, published 2026.
- Selman, Peter. “The Rise and Fall of Intercountry Adoption in the 21st Century.” International Social Work and related statistical publications.
- Oh, Arissa H. To Save the Children of Korea: The Cold War Origins of International Adoption. Stanford University Press, 2015.
- Kim, Eleana J. Adopted Territory: Transnational Korean Adoptees and the Politics of Belonging. Duke University Press, 2010.

- UN Special Rapporteur on the sale and sexual exploitation of children. Report on illegal adoption, A/HRC/34/55, 2016–2017.

Adoptee-led and practice resources

- InterCountry Adoptee Voices (ICAV): adoptee perspectives, rights, illegal and illicit adoption, search, reunion and lifelong wellbeing.
- International Law Clinic of Panthéon-Assas and InterCountry Adoptee Voices. Practical Guide: Using the United Nations Human Rights System to Address Illegal Intercountry Adoption, July 2026.
- ICAV. Intercountry Adoptee Rights Charter.
- Child Identity Protection: resources on the child's right to identity and family relations.
- HCCH Adoption Section: Central Authorities, country profiles, status table and practical forms.
- International Social Service: cross-border child and family protection, search for origins and post-adoption resources.
- UNICEF. Intercountry adoption and alternative care resources.

National inquiries and truth-seeking processes

ICAV maintains an online list of official governmental investigations into intercountry adoptions:

- <https://intercountryadopteevoices.com/advocacy/understanding-illegal-intercountry-adoptions/>