INTERNATIONAL ADOPTION: POLICIES & POLITICS, HUMAN RIGHTS & WRONGS

TODAY:

Policies: What has happened & happening today
Politics: Why: what is driving
Human Rights & Wrongs: who is right/wrong? What is the correct “Human Rights” position?
  ■ Should Agencies – U.S. and other Countries -- feel good/bad about IA?
  ■ Should prospective parents?
The Future: What should we do? As individuals, policy makers, agency people, prospective parents.

POLICIES
-- Formal Law:
  -- Most law significantly hostile always: Focus on Negative not Positive
  -- But International Law getting more IA-friendly: Move from CRC with negative focus on Subsidiarity at all costs to Hague Convention on ICA (93) saying IA preferable to all in-country save Domestic Adoption
  -- U.S. law re IA: some more friendly: Automatic citizenship, Tax credits
  -- However lots of new more hostile law & regulation by Countries of Origin, U.S, others: EG Romania, Guatemala

■ Chart: Net of Negative/Restrictive laws/policies of late: IA precipitous drop to less than half of peak in 6 yrs
■ Also: Kids older at time of Placement; essentially no infants 0-6mos
POLITICS

Why the Negative/Restrictive Policies? Who? & What ideas Driving?

Who:

- Mostly from “Child/Human Rights” organizations: UNICEF, Save the Children
- Also from Countries of Origin, forces within same: National Pride; Guilt bc pressure from Child/Human Rights orgs

Why:

- Likely the large numbers themselves: Overall, and Specific to Country (NB one UNICEF document saying Large Numbers *shld* trigger concern)
- The ideas deployed may not be real: But ideas have generally to do with BIC & Human Rights – these basic ideas *should* drive policy

HUMAN RIGHTS & WRONGS

What are the real Pros & Cons of IA?
If BIC should govern, if basic Human Rights should govern:
-- How should Policy Makers think of IA?
-- How should IA agencies think of IA?
-- How should prospective parents think?

I will review the basic Arguments made

FIRST: BIC of Existing Kids in Need

Most on both sides say policy views driven by this
Easy case for IA:

- Kids need nurturing homes early
- Adoptive Homes available in IA and ltd number available in Country of Origin
- Adoption generally better than Alternatives like Institutions, Foster Care (kin/stranger): Social Science, Developmental Psych, Common Sense

Case made against IA: Kids have Right to Cultural Heritage, Bio Heritage

- But real choice for most kids in need: IA or Institution
- No evidence that IA or TRA hurts kids
- Overwhelming evidence that delay/denial of Home hurts

SECOND: Best Interests or Human Rights of Larger Community: other Kids in Countries of Origin, Also Birth Parents, Other Poor people in-country

- This concern may drive some Policy Makers
- The pitch: IA only ever a BandAid, so should focus on needs of larger group
- IA diversionary

But not persuasive; based on notion that must choose IA or Larger Goals, when in fact IA Consistent With Larger Goals

- IA pays for itself – no diversion of resources
- IA brings extra $ into countries (beyond costs of IA): eg orphanage donations, commerce like other commerce that helps poor countries or like immigrant remittances
- IA creates Globally oriented families who will donate, support anti-poverty efforts
THIRD: Adoption Abuses: Law violations major to minor

Many anti-IA say a major concern, but I think mainly a ploy – Abuse an Excuse

- Witness Haiti: UNICEF and Save the Children embraced the Missionary Mistaken Paperwork Incident
- Witness Guatemala: the anti-IA forces embraced evidence of $ to Birth Mothers to shut down popular/successful IA program
- Witness Romania years ago: after first opened, some evidence of $ to Birth Mothers became Ammunition to shut down Romania, but also to shape Hague Convention on ICA into more hostile-to-IA document (IA facilitation then became dirty word)

My position:
- Abuses bad: so try to stop them;
- Don’t shut down IA as policy-makers regularly do; all other areas of law focus on punishing those who violate as vs here where punish children by incarcerating them
- Adoption Abuses Uniquely Horrible so worth shutting down? One stolen or bought baby means deny 5000 per year homes?? Not SO bad as to justify Moratoria: huge hypocrisy surrounding debate: Eg if concern about Baby Buying -- $ to birth mothers so surrender child -- would shut down Commercial Surrogacy which is systematic Baby Buying, yet it is flourishing in Guatemala, Russia, India (all of which have severely/significantly restricted IA)

THE FUTURE: WHAT SHOULD WE DO IN ALL OUR DIFFERENT ROLES?

Fight for IA as a good solution for Existing Kids and a step toward solving larger societal problems
Despite the Chart it’s not hopeless: indeed I believe anti-IA attitudes are dated, retrograde, and we are moving to a more Global world in which IA makes total sense

- IA consistent with increased immigration/emigration, world trade w/o barriers, positive views re immigrants who send home remittances – note NYT on Haiti remittances 30% of GrossDomProduct yet no complaints
- IA consistent with other efforts to get beyond classic race and national hostilities
- IA-friendly Policy would be consistent with important recent US law: MEPA & ASFA

Specifics: use as guide our IA Policy Statement: endorsed by several organizations (NCFA, AAAA, NY CAP) & well over 100 Human Rts experts

- No Holding Periods: if in-country preference do via Concurrent Planning
- Hierarchy: Adoption over Foster, Group Homes, and most other options unless they truly serve BIC better
- No Moratoria as way to police abuses
- No shutdown of Private Intermediaries
- Affirm ID of Kids in need and freeing up for Adoption

**Bottom Line:** Fight for what’s right: What’s right is placing children in nurturing adoptive homes as early in life as possible unless truly a BIC alternative