

# The Future of Intercountry Adoptions in the Netherlands: Challenges and Possible Reforms

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# The Future of Intercountry Adoptions in the Netherlands: Challenges and Possible Reforms

Dr. E.C. Loibl, datum 12-01-2022

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Op 8 februari 2021 heeft Minister Dekker aangekondigd interlandelijke adopties naar Nederland op te schorten naar aanleiding van het rapport van de 'Commissie Onderzoek Interlandelijke Adoptie in het Verleden'. Het is aan een nieuw kabinet om een definitief besluit over de toekomst van interlandelijke adoptie in Nederland te nemen, namelijk om er helemaal mee te stoppen of om door te gaan met een nieuw publiekrechtelijk stelsel. Deze bijdrage bespreekt het besluit van de Minister om interlandelijke adopties op te schorten en legt uit hoe een openbaar adoptiesysteem eruit zou moeten zien om de kans op misstanden duidelijk te minimaliseren.

## 1. Introduction

On 8 February 2021, the Dutch Minister for Legal Protection announced to suspend intercountry adoptions to the Netherlands following the report of the 'Committee Investigating Intercountry Adoption in the Past', led by Tjibbe Joustra (hereinafter short Joustra Committee).<sup>[2]</sup> The report uncovered systemic abuses in intercountry adoptions carried out between 1967 and 1998 and found that both Dutch adoption agencies and officials at the Dutch government were aware of these practices, some of which even facilitated illegal adoptions from abroad.<sup>[3]</sup> It also assessed the current Dutch adoption system describing it as conducive to abusive practices.<sup>[4]</sup> The future Dutch government will have to decide as to whether adoptions to the Netherlands will be abolished altogether or if the current adoption system involving private agencies will be replaced by a public system, in which the state is carrying out adoption placements.

This article discusses the Dutch Minister's decision to suspend intercountry adoptions and the conditions under which adoption placements to the Netherlands may continue to take place. It describes the main weaknesses and pitfalls within the current Dutch adoption system and presents possible reforms. Particularly, it claims that if a public adoption system was to be established, the state must resume greater responsibility for intercountry adoptions by taking a proactive role in controlling and monitoring the steps taken in the sending countries. The conclusion then discusses the suggested reforms against the backdrop of the dramatically decreasing numbers of intercountry adoption.

## 2. Abolish or Reform Intercountry Adoptions?

It was not the first time that a country has placed a moratorium on intercountry adoptions following reports of illegal practices. For instance, in 2001, Romania placed a moratorium on international adoptions after it

emerged that the Romania adoption system turned into a market in children.<sup>[5]</sup> Also other countries banned adoptions by foreigners after serious adoption abuses were disclosed, including Guatemala, Cambodia, Ethiopia, Kenya<sup>[6]</sup> and, more recently, South Africa. Unlike in Romania, however, the bans in these countries were eventually lifted and followed by reforms of the adoption system which led to a significant decrease in the number of children sent abroad for adoption. Yet, the Netherlands was the first *receiving* country to suspend all intercountry adoptions as a response to the exposure of illegal practices in the past. It is also the first country, in which abuses in foreign adoptions were officially acknowledged and in which a public apology was offered to the victims of illegal intercountry adoptions.<sup>[7]</sup>

Already in 2016, the Dutch Council for the Administration of Criminal Justice and Protection of Juveniles recommended banning adoptions to the Netherlands, arguing that the risks of illegal practices were too high and difficult to remove.<sup>[8]</sup> It claimed that international adoption was not the best child protection measure and called upon the government to protect children in their countries of origin by supporting the local child welfare systems. However, the State Secretary of Security and Justice did not follow the Council's advice. It announced that it would not prohibit intercountry adoptions, claiming that it should remain available for children that cannot be cared for in their home countries.<sup>[9]</sup> Furthermore, it promised to change Dutch adoption laws and to strengthen the role of the Dutch Central Authority (part of the Ministry of Justice and Security), which is responsible for accrediting Dutch adoption agencies as well as for monitoring and approving adoptions to the Netherlands.<sup>[10]</sup> It was not the first time that the Minister promised to improve the Dutch adoption system. Discussions about reforms first emerged in 2004, after an independent consultancy firm released its evaluation report about the WOBKA, the Dutch adoption law, including recommendations for changes.<sup>[11]</sup> However, up until today, no meaningful reforms were adopted.

Following the Joustra Committee's report, the Dutch Minister for Legal Protection once again promised "*een fundamentele herbezinning op de praktijk van interlandelijke adoptie*".<sup>[12]</sup> The damning report increased the pressure on the Minister who will have to do more this time than to pay lip service to the rights and best interests of children sent to the Netherlands for adoption purposes. In his reaction to the Committee's report, the Minister announced that he would explore whether a public adoption system, as an alternative to the current system in which adoption placements are carried out by private agencies, would minimize the risk of abuses.<sup>[13]</sup> If this was not the case, he claimed, "*dan zal stoppen met interlandelijke adoptie serieus moeten worden overwogen*".<sup>[14]</sup> Ultimately, however, it will be up to the newly elected government to decide on the future of intercountry adoptions in the Netherlands.<sup>[15]</sup>

Several commentators applauded the Minister's decision to suspend international adoptions and some of them demand that the suspension be turned into a total ban. Abolitionists condemn intercountry adoption as purely commercial and imperial, where rich couples and individuals from powerful Western countries buy the children from developing countries.<sup>[16]</sup> Instead of providing some assistance to help the children remain within their native countries, inordinate sums of money are spent on an adoption which strips children of their national identity and places them with a family of a different ethnic origin in a foreign culture.<sup>[17]</sup> It is due to the money, abolitionists argue, that the intercountry adoption system is impossible to be safeguarded effectively against abuses.<sup>[18]</sup> Indeed, previous efforts to regulate intercountry adoptions and to eliminate irregular practices were not as successful as hoped. In 1993, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (hereinafter Hague Adoption Convention) was adopted, which represents the most significant attempt to tackle illegal practices within the intercountry adoption system by setting the standards for ethical and sustainable adoptions. However, even though the Convention has been ratified by 98 countries up until this day (including almost all receiving countries and many significant sending countries), abuses continue to take place.<sup>[19]</sup>

Yet, a group of adoptees and adoptive parents strongly opposed the suspension of adoptions to the Netherlands. A petition signed by almost 13 800 individuals demanded that the Minister's decision to stop intercountry adoptions be overturned.<sup>[20]</sup> Interestingly, according to the report of the Joustra Committee, the vast majority of surveyed adoptees in the Netherlands is opposed to abolishing intercountry adoptions. The Committee arranged a questionnaire to be carried among some 3 500 adults that were adopted to the Netherlands, in which they were asked about their personal view on intercountry adoptions. 70% of the respondents indicated that international adoptions to the Netherlands should continue to be possible. About

20% responded that intercountry adoptions should not be possible, whereas 10% indicated that they did not know.<sup>[21]</sup> If adoptions to the Netherlands really were to continue, they have to be done right. This is only possible if the pitfalls and weaknesses of the current Dutch adoption system are adequately addressed and removed.

### 3. Hear No Evil, See No Evil - Wilful Ignorance of the Dutch Adoption Stakeholders

As mentioned above, the Joustra Committee concluded in its report that adoptions to the Netherlands are still prone to abuses. Indeed, the current Dutch adoption system suffers from a number of structural weaknesses that facilitate illegal adoptions to the Netherlands.<sup>[22]</sup> Arguably, the most notable weakness is the Dutch adoption stakeholders' wilful ignorance towards the activities in the sending countries.

Dutch adoption agencies have a strong financial and ideological motivation to keep children moving through the intercountry adoption system. They do not receive any governmental subsidies but have to finance themselves exclusively with the fees paid by the adoption applicants. Thus, in order to keep their business up and running, they have to handle a particular number of adoption placements per year. This financial dependency on intercountry adoptions creates an incentive for adoption agencies to turn a blind eye to signs of irregular and abusive practices in the sending countries.<sup>[23]</sup> Western adoption agencies are also ideologically motivated to ignore red flags. They commonly portray themselves (and are generally perceived) as humanitarian organizations strongly committed to the goal of rescuing children through adoption. In order to maintain this identity, they are motivated to keep children moving through the intercountry adoption system. Hence, for the sake of saving children, adoption agencies might be inclined to cut ethical corners by continuing to carry out placements from a country or an orphanage in which abuses and irregularities have become apparent.<sup>[24]</sup>

The high incentives to ignore signs of irregularities in the sending countries are currently coupled with low risks as Dutch adoption agencies are not held accountable for the activities of the foreign individuals and organization that they co-operate with.<sup>[25]</sup> When reports about illegal adoption practices in the sending countries emerge, they usually escape legal responsibility, claiming that they have trusted the foreign stakeholders that they had worked together with. For example, in 2008, it came to light that an Indian orphanage, which the Dutch adoption agency *Meiling* was co-operating with, had kidnapped children and then sent them abroad for adoption after falsifying and fabricating their paperwork.<sup>[26]</sup> *Meiling* had placed 35 children from this institution. Upon request of the Dutch Minister of Justice and Security, the Youth Inspectorate inquired whether the adoption agency *Meiling* had properly monitored and controlled the reliability of its Indian cooperation partner and whether it had adequately responded to signs of possible irregularities.<sup>[27]</sup> The report concluded that the Dutch adoption agency simply relied on the information that was provided by the Indian adoption authority, instead of conducting an independent assessment of the orphanage's integrity. *Meiling* did not only trust the information that the Indian adoption authority provided about the orphanage, but it also blindly trusted the reliability of the child reports without making its own assessment regarding the child's adoptability.<sup>[28]</sup> However, the agency's ignorance did not have any negative consequences. Thus, the current Dutch adoption system can be described as rewarding those adoption agencies that wilfully ignore signs of abusive practices abroad and that can, therefore, place more children, rather than those agencies that do exercise due diligence and care.<sup>[29]</sup>

Not only the adoption agencies but also the Dutch Central Authority would usually deny responsibility when confronted with claims about abusive adoption practices in countries from which the Netherlands placed children. On several occasions, the Minister argued that the responsibility to control whether an adoption is in compliance with the standards and principles of the Hague Adoption Convention rests with the authorities in the sending countries.<sup>[30]</sup> For example, in his letter to the Second Chamber, the Dutch Minister explained why the Ministry did not know and also could not have known about the uncovered illegal practices in India: "*In het [Haagse Adoptie]verdrag worden taken en verantwoordelijkheden belegd bij centrale autoriteiten van zowel zendende als ontvangende landen, waarbij uitgegaan wordt van het wederzijdse vertrouwen dat ieder van de lidstaten de haar toebedeelde taken en verantwoordelijkheden ook neemt en uitvoert. [...] Nederland zal dus,*

net als andere landen, bij de uitvoering van de verdragsrechtelijke verplichtingen in hoge mate moeten (kunnen) steunen op de betrouwbaarheid van de instellingen en autoriteiten in de «zendende» landen.”<sup>[31]</sup>

Indeed, the Hague Adoption Convention distributes the responsibility for fulfilling the requirements of an international adoption between the sending and the receiving countries. The lion's share of responsibility is thereby placed upon the states of origin, whose competent authorities are in charge of determining the child's eligibility for adoption, ensuring that the biological parents' consent for an adoption have been given freely, fully informed, counselled, without any financial inducement and in the required form and determining that the subsidiarity principle is complied with (art. 6). The states of origin are, therefore, responsible for the most delicate phase of the adoption procedure, in which abusive or illegal practices commonly take place (see section 2). The authorities in the recipient countries, on the other hand, are only required to examine the adopters' eligibility and suitability to adopt a child, to properly counsel them and to make sure that the child is allowed to enter and reside permanently in the receiving state (art. 7).

This allocation of tasks and responsibilities makes sense as the authorities in the sending countries are in a better position than the foreign authorities to assess the child's eligibility for adoption and to determine whether or not an intercountry adoption is in their best interests.<sup>[32]</sup> However, some sending countries lack sufficient resources to live up to the tasks and responsibilities assigned to them by the Convention.<sup>[33]</sup> In addition, many states of origin face high levels of corruption which can impede the adequate implementation of the Convention's standards and procedures.<sup>[34]</sup> Some states also do not have the political will to change a system that not only saves them a lot of expenses, but also generates large sums of money.<sup>[35]</sup> They would ratify the Hague Adoption Convention but establish an adoption system that runs contrary to the Convention's objectives and principles. This is why the Convention's Guide to Good Practice No. 2 emphasizes a mandate of 'joint responsibility' or 'co-responsibility'.<sup>[36]</sup> This mandate implies that the receiving countries are still required to make their own assessments regarding the integrity of the sending countries' intercountry adoption system as well as of the reliability of the information provided about the children and to discontinue or refuse adoptions from an underperforming sending country.<sup>[37]</sup> Yet, the Dutch Central Authority seems to interpret the Convention's distribution of tasks and duties as relieving the Netherlands from any responsibility for the adoption steps taken in the sending countries and seems to understand the idea of mutual trust as a mandate or bar against scrutiny.<sup>[38]</sup> This is why, in the past, Dutch adoption agencies were able to continue placing children from, for instance, India and China, despite clear signs of abuses and irregularities in these countries.

The Dutch Central Authority's passive attitude and its reluctance to exert pressure on underperforming sending countries can also be explained by the Ministry's fear that too much scrutiny might impede diplomatic and economic relations.<sup>[39]</sup> This became particularly obvious with regard to China, the Netherland's most significant supplier of adoptees for many years. Although several studies, media investigations and an inquiry by the Dutch adoption agency *Wereldkinderen* highlighted systemic abuses in the Chinese adoption system, the Dutch Central Authority accepted quite uncritically the explanations and reassurances given by the Chinese authorities.<sup>[40]</sup> Concerned about harming the flourishing economic relationship with China, the Ministry not only failed to put pressure on the Chinese Central Authority, it also prohibited *Wereldkinderen* from carrying out investigations.<sup>[41]</sup>

#### 4. What Should a State-Run Dutch Adoption System Look Like?

The Joustra Committee's report claims that it is mainly due to the private adoption agencies, which are reliant on successful adoption placements, that the current Dutch adoption system is prone to abuses.<sup>[42]</sup> This is why the Minster announced to consider a public adoption system, in which the state would be responsible for carrying out adoptions to the Netherlands. Abolishing the system of private adoption agencies and having a state agency organize adoption placements from abroad would not only be more cost-effective but might indeed also render intercountry adoptions safer as they would be arranged by one institution, which is not financially motivated to place adoptions.

For a public adoption system to be safer, a paradigm shift needs to take place. This entails fundamentally



changing the way we (as a Western society) think about intercountry adoption. Intercountry adoption might be a suitable child care solution for abandoned and relinquished children that cannot be cared for in their countries of origin. Yet, we must be prepared to acknowledge that the number of children truly in need of this child care measure is much smaller than we intuitively think. War, natural disasters, extreme poverty etc. do leave numerous children worldwide extremely vulnerable. However, contrary to the common Western belief that there is 'global orphan crisis', only a small fraction of these children actually need a new family.<sup>[43]</sup> Many children who have lost both their parents are brought up in extended family arrangements, a common form of child care in many non-Western societies. Also, the majority of children living in institutions or on the streets do have parents and are thus not in need of an adoption. And those children that are eligible for intercountry adoption do often not have the characteristics that adopters are commonly looking for as they are mostly older and/or have special needs.<sup>[44]</sup>

We must also acknowledge that it due to the powerful role of the adopters and the adoption agencies in the Western receiving countries that children which are not actually in need of parents are pulled into the intercountry adoption system.<sup>[45]</sup> The aim should be to set up a system which is capable of safely identifying the children truly in need of parents and for which intercountry adoption is the most suitable child care measure, and in which no pressure is exerted on the sending countries to send children for adoption. Thus, instead of swamping sending states with applications of Dutch couples that are willing to adopt, the sending countries should send the proposals of children in need of an adoptive family to the Dutch authority. The latter should then match the proposed children with the best fitting parents from a register of suitable adopters.<sup>[46]</sup> In order to manage the adoption applicants' expectations, the adoption applicants should be told that there is no guarantee that a child will be proposed to them.

A paradigm shift also entails that the Dutch state resumes greater responsibility for adoptions to the Netherlands by taking a more proactive role in controlling and monitoring as to what is happening abroad. Before starting a new cooperation with a sending country, the state authority must carry out due diligence investigations in order to assess the integrity of the foreign adoption system. It must examine whether the subsidiarity principle is respected, which provides that an intercountry adoption may only be considered if no suitable domestic child care solution can be found.<sup>[47]</sup> The suitability of a domestic child care solution (including foster care arrangements and institutionalization) has to be assessed on an individual basis and depends on the child's age and health. A country that is both sending and receiving children for adoption purposes (e.g. the United States) *ipso eo* violates this principle. The Dutch state authority must also assess whether the costs required for an adoption placement are made transparent by the foreign stakeholders and whether they are reasonably high in relation to the services rendered so as to prevent any improper financial gain. To this end, it should conduct inquiries into the sending country's customary salaries and check which fees are normally charged for court hearings, legalizations etc. The Netherlands should only cooperate with sending states that are willing to make their adoption procedures and the costs transparent and open to public scrutiny. This is, for instance, not the case with regard to China: The close nature of its state-run adoption system makes it virtually impossible for foreign adoption stakeholders to assess the legitimacy of the adoption placements.<sup>[48]</sup>

After having 'approved' a particular sending country, the Dutch authority must closely monitor the developments in the foreign adoption system and immediately intervene if it suspects irregularities. Instead of blindly trusting the authorities in the sending states, particularly those that have ratified the Hague Adoption Convention, the Dutch authority should be alert to signs of abuses and suspend adoptions from countries that do not seem to comply with the international adoptions standards and procedures.

That the Dutch state is actually able to properly respond to signs of irregularities in a foreign adoption system could be witnessed in the case of Uganda. In 2012, the Ministry of Justice and Security decided to send a delegation to this sending country after the Dutch embassy in Kampala voiced suspicions about the integrity of the Ugandan adoption system.<sup>[49]</sup> The delegation found that the children's origin and background were not properly investigated and that the foreign stakeholders involved in intercountry adoptions demanded money for setting up their reports. It concluded that the risk was high that the children's biological parents were falsely informed about the consequences of an intercountry adoption and that it was questionable whether the subsidiarity principle was complied with. Based on the delegation's report, the Ministry suspended intercountry adoptions from Uganda and announced 'additional individual investigations' into the adoption files of the 22

Ugandan children that were already matched with Dutch adoptive parents. A couple of weeks later, another delegation was sent to Uganda to investigate the circumstances under which these children were given up for adoption.<sup>[50]</sup> The delegation conducted DNA examinations to check whether the indicated parents were the children's actual biological parents and then interviewed them to verify whether they were actually aware of the consequences of an adoption. Ultimately, the Ministry approved 18 of the 22 child proposals. In eight cases, the children's parents did not know about the intercountry adoption's implications. Four families decided to give up their children for intercountry adoption after they have been counselled and informed about the domestic child care options. Three families withdrew their consent to adoption after its implications were explained to them, and one biological father asked for more time to make a final decision.<sup>[51]</sup>

In order to better monitor the developments in the sending countries and to prevent illegally obtained children from entering the Netherlands, integrating the immigration authorities more closely into the Dutch adoption system might be considered.<sup>[52]</sup> Currently, the Dutch embassies in the states of origin are only responsible for accepting visa or passport applications, which are then processed by the IND or the Ministry of Foreign Affairs, respectively. The Dutch authorities assess whether all the documents required for a passport or visa were submitted and are in order, but it would not double-check the accuracy of their content.<sup>[53]</sup> The embassies may become askance if they notice a sudden increase in the number of 'abandoned' babies showing up in a particular child care institution or region. However, there is little they can do to actually prove irregular or abusive adoption practices in the sending country as they do generally not conduct investigations into the children's background.<sup>[54]</sup> The authorities may only decline to process a passport or visa if the necessary documents are not complete or where inconsistent information about the children's origin or background has been provided. However, in those cases where the children were laundered 'properly', meaning where all the adoptees' documents appear to be in order, they cannot prevent them from entering the Netherlands, even if they suspect systemic abuses in the sending country's adoption system.<sup>[55]</sup>

The Dutch embassies in the sending countries should have the mandate to investigate a child's eligibility for adoption in case of doubt before letting the child enter the Netherlands. If the illegal circumstances of a child's adoption placement are uncovered after the child has been brought to the Netherlands, it is usually too late to rescind the illegal adoption by sending the child back to the country of origin. Once an illegally obtained child has lived with their new family for a certain period of time, separating the child from the adopters and returning them to the country of origin is in most cases considered to be contrary to the child's best interests.<sup>[56]</sup> Designating the Dutch embassies as gatekeepers in the adoption system might help to prevent illegally obtained children from entering the Netherlands in the first place. Of course, this additional layer of safeguard can only be considered for visa-required sending countries. The U.S. immigration process for adoptees can be used as a model for reform in this regard. In the U.S. adoption system, the Immigration Service is required to investigate the child's circumstances to see whether he or she is an orphan as defined by U.S. immigration law before processing a visa.<sup>[57]</sup> If the officer reviewing the submitted documents believes that further investigation is necessary, additional interviews, documentation and a field investigation would be conducted so as to determine whether the child is eligible for adoption.<sup>[58]</sup> If in the course of such an investigation the Immigration Service determines that money or other consideration has been given as payment for the child or as an inducement to release the child, a visa must be denied.

Having the state carry out intercountry adoptions is, however, not without its risks. As has been explained in section 3, intercountry adoption is a highly political issue. The authorities in the receiving countries might be reluctant to scrutinize the adoption system in the sending country or to put pressure on foreign authorities in order to avoid jeopardizing diplomatic and economic relations with that state. In addition, they might be politically motivated to keep children moving for adoption. In many receiving countries, powerful pro-adoption lobby groups seek to exert influence on laws and policies on intercountry adoption. Thus, the current financial pressure to keep children moving through the adoption system might simply be replaced by a political pressure which, too, might work to facilitate the trafficking of children for adoption purposes.<sup>[59]</sup> In order to avoid or at least minimize the risk that political interests impede a critical stance towards international adoptions from particular sending countries, the Minister should consider disassociating the Central Adoption Authority from the Ministry of Justice and Security. In addition, independent experts - maybe adult adoptees that are aware of the risks and pitfalls of intercountry adoptions - should work at the Central Authority and should have the capacity to scrutinize and veto international adoptions. The Central Adoption Authority might then be better

able to take well-informed, apolitical decisions in which the best interests of the children are the paramount consideration, as laid down in Article 21 UNCRC.

## 5. Discussion and Conclusion

This article identified the main weaknesses within the current adoption system and recommended possible reforms. Particularly, it claims that the Dutch state should take a proactive role in monitoring and controlling adoptions to the Netherlands. Before placing children from a particular sending country, it must carry out due diligence investigations in order to assess the integrity of the foreign adoption system. After having 'approved' a sending country, the Dutch authority must closely monitor the developments there and immediately intervene if it suspects irregularities. To this end and in order to prevent illegally obtained children from entering the Netherlands, integrating the immigration authorities more closely into the Dutch adoption system should be considered.

These reforms would require major efforts and resources. The question is whether the Netherlands is willing to invest in reforming a system that is drying. Since 2004, the number of intercountry adoptions is decreasing constantly. Whereas in 2004, some 45,000 placements took place, the number dropped to 19,500 in 2012 and 6,500 in 2019.<sup>[60]</sup> Only 145 foreign children were adopted in the Netherlands in 2019, 50% less than in 2015.<sup>[61]</sup> There are no signs indicating that this trend will change any time soon. Rather, it is likely that COVID-19 further reduced intercountry adoptions.<sup>[62]</sup> As more and more sending countries limit the number of (young and healthy) children sent abroad by enforcing tighter adoption laws and procedures, the international adoption market is slowly drying out and a shift appears to be taking place from intercountry adoption to surrogacy.<sup>[63]</sup>

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## Voetnoten

[1] Dr. E.C. (Elvira) Loibl is an assistant professor at Maastricht University, Department of Criminal Law and Criminology and is doing criminological research on illegal intercountry adoptions. This contribution was published in a joint special issue on intercountry adoption by the (Belgian) Journal for Family Law (*Tijdschrift voor Familierecht*) and the (Dutch) Journal for Family and Juvenile Law (*Tijdschrift voor Familie- en Jeugdrecht*).

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[19] E. Loibl, *The Transnational Illegal Adoption Market: A Criminological Study on the German and Dutch Intercountry Adoption Systems*, The Hague: Eleven International Publishing 2019, Chapter IV.

[20] <https://petities.nl/petitions/wel-interlandelijke-adoptie?locale=de>.

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[23] E. Loibl, *The Transnational Illegal Adoption Market: A Criminological Study on the German and Dutch Intercountry Adoption Systems*, The Hague: Eleven International Publishing 2019, pp. 305-307.

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[28] Ibid., p. 14.

[29] E. Loibl, *The Transnational Illegal Adoption Market: A Criminological Study on the German and Dutch Intercountry Adoption Systems*, The Hague: Eleven International Publishing 2019, p. 435.

[30] [Kamerstukken II 2007/08, 31265, 1](#), p. 6; [Kamerstukken II 2007/08, 31265, 9](#), p. 6; [Kamerstukken II 2009/10, 31265, 28](#), p. 20; [Kamerstukken II 2009/10, 31265, nr. 31](#), p. 2

[31] “In the treaty [the Hague Adoption Convention], duties and responsibilities are being allocated to the Central Authorities of the sending as well as the receiving countries, assuming mutual trust that each of the contracting states accepts and fulfils the allocated tasks and responsibilities. [...] Regarding the performance of the contractual duties, the Netherlands, just like other countries, must (can) thus to a great extent rely on the integrity of the institutions and authorities in the ‘sending’ countries.” [Kamerstukken II 2007/08, 31265, 1](#), p. 6.

[32] E. Loibl, *The Transnational Illegal Adoption Market: A Criminological Study on the German and Dutch Intercountry Adoption Systems*, The Hague: Eleven International Publishing 2019, p. 172.

[33] D.M. Smolin, ‘The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals’, *Seton Hall Law Review* 2004, no. 2, p. 403-493.

[34] N.S. Thompson, ‘Hague is Enough?: A Call for More Protective, Uniform Law Guiding International Adoptions’, *Wisconsin International Law Journal* 2004, no. 2, p. 441-469, p. 466.

[35] B.H. Stuy, ‘Open Secret: Cash and Coercion in China’s International Adoption Program’, *Cumberland Law Review* 2014, no. 3, p. 355-422.

[36] HCCH, *Accreditation and Adoption Accredited Bodies: Guide to Good Practice No. 2*, 2012, The Hague, para. 551.

[37] *Ibid.*, para. 553.

[38] E. Loibl, *The Transnational Illegal Adoption Market: A Criminological Study on the German and Dutch Intercountry Adoption Systems*, The Hague: Eleven International Publishing 2019, p. 339-343.

[39] *Ibid.*, p. 343-347.

[40] *Ibid.*

[41] [Kamerstukken II 2009/10, 31265, 28](#), p. 19.

[42] Commissie Onderzoek Interlandelijke Adoptie, *Rapport Commissie Onderzoek Interlandelijke Adoptie*, 8 February 2021, p. 137.

[43] K.E. Cheney & R.S. Rotabi, ‘Addicted to Orphans: How the Global Orphan Industrial Complex Jeopardizes Local Child Protection Systems’, in: C. Harker et al. (eds.) *Conflict, Violence and Peace*, Singerpore: Springer 2015, p. 89-107.

[44] E. Loibl, *The Transnational Illegal Adoption Market: A Criminological Study on the German and Dutch Intercountry Adoption Systems*, The Hague: Eleven International Publishing 2019, p. 107-113.

[45] *Ibid.*, p. 28-33.

[46] See also recommendations in *Expertenpanel Inzake Interlandelijke Adoptie, Eindrapport*, 14 September 2021, available at <https://www.opgroeien.be/sites/default/files/documents/expertenpanel-interlandelijke-adoptie-eindrapport-met-aanbevelingen.pdf>.

[47] Article 21(b) UN Convention on the Rights of the Child, Article 4(b) Hague Adoption Convention.

[48] B.H. Stuy, ‘Open Secret: Cash and Coercion in China’s International Adoption Program’, *Cumberland*

[49] [Kamerstukken II 2011/12, 31265, 43.](#)

[50] [Kamerstukken II 2012/13, 31 265, 44.](#)

[51] Ibid.

[52] E. Loibl, *The Transnational Illegal Adoption Market: A Criminological Study on the German and Dutch Intercountry Adoption Systems*, The Hague: Eleven International Publishing 2019, p. 439-441.

[53] Ibid.

[54] Ibid.

[55] Ibid.

[56] Ibid.

[57] D.M. Smolin, 'The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals', *Seton Hall Law Review* 2004, no. 2, p. 403-493.

[58] C. Tribowski, *Kinder kauft man nicht. Die politische Ökonomie von Auslandsadoptionen in Deutschland und den Vereinigten Staaten von Amerika*, Universität zu Köln: PhD thesis, 2015.

[59] E. Loibl, *The Transnational Illegal Adoption Market: A Criminological Study on the German and Dutch Intercountry Adoption Systems*, The Hague: Eleven International Publishing 2019, p. 433.

[60] P. Selman, 'Statistics based on data provided by 24-28 receiving States. The Hague Conference on Private International Law', 8 February 2021, available at <https://assets.hcch.net/docs/a8fe9f19-23e6-40c2-855e-388e112bf1f5.pdf>.

[61] <https://adoptie.nl/wp-content/uploads/2020/04/2015-2019-Trends-en-analyse-interlandelijke-adoptie.pdf>.

[62] D.M. Smolin, 'The Case For Moratoria on Intercountry Adoption', *Southern California Interdisciplinary Law Journal* 2021, no. 2.

[63] K.S. Rotabi & N.F. Bromfield, 'The Decline in Intercountry Adoptions and New Practices of Global Surrogacy: Global Exploitation and Human Rights Concerns', *Affilia: Journal of Women and Social Work* 2012, no. 2, p. 129-141.