

# The transnational illegal adoption market

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# VALORISATION ADDENDUM

## SOCIETAL RELEVANCE OF THE RESEARCH FINDINGS

The number of intercountry adoptions has been on a constant decline since 2004. Whereas in 2004, some 45,000 children were moved across borders for the purpose of adoption, the number fell to a mere 11,000 in 2016. Yet, this social phenomenon continues to be the subject of numerous debates. Past and current reports about illegal adoption practices have triggered heated discussions at both the national and international level on how to proceed with intercountry adoption. Some suggest ceasing this social practice altogether, arguing that it cannot be safeguarded against abuses. Others claim that it should be regulated and more strictly controlled.

The Netherlands was the first receiving country to contemplate a total ban on intercountry adoptions in 2016. The current Dutch Minister of Justice and Security announced that the Netherlands will not cease international adoptions. Like his predecessors already, he promised on several occasions, that he wishes to reform the Dutch international adoption system in order to make it safer. However, despite numerous reports drawn up by Dutch experts since 2003, including suggestions for policy changes, the Ministry could not bring itself to alter the system.

The present study aims to contribute to the discussion on intercountry adoption by illustrating the structure and organization of the illegal adoption market and by uncovering and explaining the *criminogenic* factors of the German and Dutch adoption system which encourage and facilitate the trafficking in children for adoption purposes. Arguably, reforming the current adoption system is only possible if we understand why and how illegal adoption practices take place and if we are aware of the system's weaknesses. The present study illustrates the weaknesses of the German and Dutch adoption system, yet its results and the policy recommendations may also inform the adoption stakeholders in other receiving countries.

## INTENDED AUDIENCE OF THE RESEARCH

The present research does not only seek to reach academics and policy makers in the field of intercountry adoption. It addresses all of the stakeholders of the adoption system, particularly adoption agencies, adoptive parents and (prospective) adopters who are interested in the dark underside of the intercountry adoption system and who care about ethical adoptions. It should sensitize them not only to the structural weaknesses inherent in the

national and international adoption system, but also to the common attitudes, beliefs and perceptions they (we all) have concerning the best interests of children and adoptions from poor countries which are conducive to the trafficking in children.

#### INNOVATIVE ASPECTS OF THE RESEARCH

The present research is innovative for mainly three reasons. First, it is the first study to analyse intercountry adoption from a criminological perspective. Over the last couple of years, a great body of criminological research has focused on transnational crime, and human trafficking for the purpose of sexual and labour exploitation in particular. Yet, the issue of child trafficking for purposes of adoption has so far been neglected by criminologists. The present research aims at filling this gap.

Second, this research employs a multidisciplinary approach to studying the dark underside of international adoption. Intercountry adoption, and the abusive practices connected to it, is an enigmatic phenomenon that is strongly influenced and shaped by international laws, global demographics and economic conditions, societal changes as well as cultural perceptions of children and childhood. The present research thus studies the illegal transnational adoption market in children and the criminogenic conditions of the German and Dutch adoption systems by borrowing ideas and theories from criminology, sociology and cultural anthropology. To this end, the study combines a normative legal analysis with an empirical study. Thus, it not only analyses international and national laws and policies on intercountry adoption, but it also examines how these laws and policies are put into action and practice in Germany and the Netherlands, as well as the challenges and pitfalls they create. By using a mix of qualitative research methods, the study seeks to unearth the views, beliefs and perceptions of the adoption system's stakeholders with regard to intercountry adoptions and the procedures revolving around it, as well as to gain an insight into their experiences as well as the reasoning underlying their actions.

Third, the present study employs a comparative case study research design. Germany and the Netherlands have been selected as the two receiving countries whose adoption systems are analysed and compared throughout this book. Such a comparative approach has the advantage of providing a broader picture of the possible weaknesses that may be encountered in a recipient state's adoption system. It furthermore offers policy makers in Germany and the Netherlands, but also in other receiving countries, the opportunity to learn from each other's systems' weaknesses as well as strengths and to adopt or reform policies in order to address such weaknesses accordingly.

## **OUTREACH AND DISSEMINATION OF RESEARCH FINDINGS**

Parts of the present study and its findings have already been presented in different academic forums, including the Annual Conference of the European Society of Criminology (ESC) in Münster and Cardiff, the conference of the Alliance for the Study of Culture and Adoption (ASAC) in Minneapolis and the Ius Commune Conference at the University of Leuven. Furthermore, parts of this research have also been published or have been submitted for publication (see bibliography).