

International Forum on Intercountry Adoption & Global Surrogacy VI*

Preventing exploitation, promoting equity: Findings from the International Forum on Intercountry Adoption and Global Surrogacy¹

Preparations for the August 2014 International Forum on Intercountry Adoption and Global Surrogacy took place amidst international news reports of numerous alarming developments and scandals. Revelations of extreme abuse by adoptive parents included the death of 13-year-old Hana Williams

from Ethiopia at the hands of US adoptive parents and abandonment of adopted children through 'rehoming'. These stories fuelled sending countries' concerns that – recognizing fraud and trafficking warning signs in their own adoption systems – also led to suspension of intercountry adoption in the

* We finish this month the series initiated in issue 75 with summaries of the final reports from each of the thematic areas of the [International Forum on Intercountry Adoption & Global Surrogacy](#). The event, which brought together experts from different countries, aimed to analyze the regulations, practices and issues related to these two phenomena in order to inform the decisions of the central authorities that have signed the Hague Convention on International Adoption and the Special Commission of the Hague Conference. The images that accompany the text correspond to the working sessions of the forum.

¹ This text is an abbreviated version of the article to be published in the journal *Adoption & Fostering*, Volume 40, Number 1, in March 2016.

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Democratic Republic of Congo and Kenya. At the same time, the abandonment of a baby with Down syndrome born through commercial surrogacy in Thailand highlighted the need to also carefully examine the growing practice of international commercial surrogacy. All of these stories bring to light remaining challenges for intercountry adoption and global surrogacy, making an international forum for discussion of these issues quite timely and important.

This article characterizes the overall findings from the Forum by recognizing dominant themes and summarizing the discussion around them. I first describe the background, purpose, and organization of the Forum, and then discuss the dominant themes that emerged. Finally, I characterize the main recommendations yielded in the deliberations. Recommendations for better preservation of information, pre- and post adoption and surrogacy support, implementation of subsidiarity, and accountability of agencies to ensure equity and rights for all involved in international adoption and surrogacy arrangements will be of importance for other scholars, activists, and policymakers.

Forum Background and Purpose

The Hague Conference on Private International Law (HCCH) drafted the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (HCIA) to provide global, children's rights-based standards for international adoptions. After 20 years of Hague Convention implementation, however, many concerns about international adoption remain. In addition, it was determined in the 2010 Special Commission that concerns over the rise in international surrogacy practices could not be covered under the HCIA. The Hague Conference has thus published several documents that analyse the issues surrounding parentage and international surrogacy arrangements to explore the possibility of promulgating a separate convention regulating global surrogacy practices.

In light of these factors and the fourth Special Commission of the HCIA planned for June 2015, the Forum was organized to provide an opportunity for scholars and practitioners to come together to provide an evidence base for international adoption problems and/or best practices, especially those that might inform the Hague



Conference and HCIA Central Authorities as well as other international policymakers about the latest state of knowledge about intercountry adoption and surrogacy. Approximately 80 scholars, activists, and researchers from 30 different countries participated in the Forum.

Key Forum themes

A number of noteworthy themes, characterised below, emerged over the course of the Forum.

What's in a name? Terminology matters

Terminology was an important starting point for laying the ground rules of discus-



sion at the Forum – particularly for how one refers to the people involved in ICA and global surrogacy. According to Sarah Hrdy, ‘...all parenting can be argued to involve physical and bodily processes and are “biological” in that sense. The term “birth mother”, on the other hand, looks at these women purely from the point of view of the Global North, as “just” giving birth so that others can become the “real” parents...’ Marcy Darnovsky and Diane Beeson add, ‘Some terms, such as “birth mother” and “gestational mother”, explicitly acknowledge the maternal aspect of the woman’s role. Others, such as “gestational carrier”, make her maternity

and even her personhood less visible. This raises the question of who gets to determine who is the actual parent of an adopted or surrogate child – legally, socially, or emotionally – implicating global relations of power. The same applies to labels describing children in intercountry adoption, which often freeze adoptees in time by referring to them as perpetual children.

There is also the question of what is meant by ‘special needs’ and how the label may affect adoptees; according to agencies and Central Authorities, this could mean anything from permanent, debilitating medical conditions to children who have been institutionalized, to being a relatively older child available for adoption.

There was also fundamental disagreement about whether surrogacy should be seen as ‘work’. Whether or not one views commercial surrogacy as a legitimate form of labour – as well as whether the children born through surrogacy can be seen as ‘goods’ – has serious implications for whether and how to go about regulating the practice. Accepting surrogacy as work could empower women to demand higher salaries, better working conditions, and protections. However, many Forum

participants questioned where such an allowance ends: if we view commercial surrogacy as a form of work, does it imply that the baby is a product? In other words, is commercial surrogacy *service* work or a form of *production*? According to Darnovsky and Beeson, ‘If surrogacy arrangements are not to be seen as baby selling... payment to gestational mothers must not depend on the success of the pregnancy or the health of the child’.

While participants came to no consensus on appropriate terms, there was general agreement that language and vocabulary matter because of the ways in which they frame debates. One must therefore carefully examine one’s own reasons for choosing certain terms over others and approach this consideration with respect for the varying subject positions and perspectives of the people involved in and affected by intercountry adoption and surrogacy.

Synergies and differences between adoption and surrogacy

Bringing together experts on ICA with those on surrogacy created some fruitful ground for sharing experiences and les-

sons learned. According to Darnovsky and Beeson, 'Participants whose work to date has focused primarily on surrogacy-related issues deeply appreciated the opportunity to interact with intercountry adoption experts from many countries and to learn from their experiences.' While many of those who participated in ICA-related thematic areas come from social science and social work backgrounds, participants in the *Global Surrogacy Practices* thematic area also hailed from medical sciences, bioethics, and law. Because intercountry surrogacy is a much more recent phenomenon than intercountry adoption, the Forum presented a fruitful opportunity to discuss parallels and departures.

Some surrogacy experts thought that the Hague Conference's 2014 Report on surrogacy insufficiently emphasised women's rights – their vulnerability to exploitation; lack of independent legal representation; and medical, psychological, and social implications – while other participants were concerned about the perceived marginality of the child in most surrogacy arrangements.

Darnovsky and Beeson have noted, however, that surrogacy's utilization of

third-party gametes – purchased eggs and sperm – have no direct correlate in adoption. However, Cahn claims that adoption holds lessons for assisted reproductive technologies (ART) wherever the child is not genetically related to one or both parents. In any case, Forum participants expressed concern about the lack of evidence-based information on long-term risks of the hormonal manipulation of the egg providers' endocrine systems as well as the minimal information available on short-term risks – making truly informed consent problematic. Furthermore, when it comes to the problem of access to information, we can take the lessons learned from adoptees to preempt some difficulties ahead; for example, in India, the surrogate mothers' and egg providers' names do not currently appear anywhere in the birth or hospital records of the resulting children, making it difficult if those children want to establish contact with them later in life – an issue with which adoptees are very familiar. Adoptee organizations have been advocating for better preservation of records for many years so as to facilitate birth family searches.



Participants readily agreed that it is important to address both women's and children's rights in policy and international adoption and surrogacy advocacy.

The subjectiveness of 'best interests': reflections of the powerful?

Forum discussion often addressed the ways children's 'best interests' are constructed and deployed in an effort to clarify what 'best interests' does or should mean in intercountry adoption and commercial surrogacy arrangements. Because 'best interests' are too often in the 'eye of the beholder' – and the beholder is rarely the child but her interlocutors in adoption and surrogacy – it is problematic to base

fundamental life decisions for a child on 'best interests'. Children's interests often conflict with parents' interests and are constructed by hegemonic processes. As Högbäck notes, 'Under such circumstances, there is a real danger that "best interests of the child" just reflect (class-based and gendered) notions and values of the powerful'.

Ethnocentrism & inequality in 'best interests'

Forum participants noted that the construction of 'family' in the HCIA is implicitly Western, nuclear, neo-local, and hetero-normative. This construction can



influence the criteria for determination of a child's 'adoptability' as well as a family's qualifications to adopt. Further, this Western construction of family often contrasts with traditions of informal and extended-family childcare in many countries of origin – particularly in Africa, where a child's circulation among kin and community rarely implies a severance of ties with the birth parents or a relinquishment of their parental rights. Few African first families who relinquish children for intercountry adoption thus understand their actions as having permanent legal implications, partly because they equate adoption with their own cultural traditions of child circulation, and/or because it is rarely presented to them as a permanent arrangement. Further, first families are not just mothers but also fathers, aunts, uncles, siblings, grandparents, and other relatives. Determinations of adoptability under the HCIA therefore require contextualization within local, extended-family childcare practices in countries of origin.

Such cultural considerations have implications not only for determining adoptability but also for determining subsidiarity. While they agreed that subsidiarity was

ambiguous, Forum participants disagreed on whether it was appropriate that the HCIA prioritizes intercountry adoption before institutionalization in countries of origin. Participants came to the conclusion that the subsidiarity principle was appropriate only if 'subordinate to the best interests of the child', to avoid being driven by prospective adopters' or agencies' demands for children. Despite various HCIA safeguards that apply to obtaining the consent of first parents, 'There is the danger of subsidiarity in many cases being an empty word, sometimes even being viewed by adoption agencies as a threat (to the smooth continuation of adoptions). This leads to the marginalization of families of origin and other domestic solutions. Though Van Loon stated in his keynote that the HCIA intentionally puts the determination of subsidiarity in the hands of countries of origin to restore their control over the process, it is clear that in current practice, many countries lack the capacity to make that determination without external pressure from receiving countries – particularly if they are not signatories to the HCIA but also where signatory countries lack clear guidelines, resources for implementation,

and technical support. In the context of unequal global power relations, subsidiarity can thus become a difficult burden for ill-equipped countries of origin. The HCIA can thereby inadvertently perpetuate such inequalities. Even where countries of origin are involved in decisions about a child's adoptability, the views and concerns of adoptees and first families – mothers in particular – are often excluded from dominant adoption narratives. Participants concurred that if we want to prevent unnecessary adoptions, we need to redress not just the micro but also the global inequities that precipitate them and support international development efforts that emphasize child and family preservation, welfare, and protection. Otherwise, intercountry adoption ends up being 'a permanent solution to a temporary problem.'

Toward a more dynamic understanding of 'best interests'

What 'best interests' means in adoption discourse has changed historically as ideas about adoption have shifted. Though it was once thought that a 'clean break' from first families was in adoptees' best interests, open adoption is now standard in domestic

adoptions in the global North, while most international adoptions remain 'closed'. Richards writes, 'such adoptions are clearly not in the best interests of the adopted person, the first family or indeed the adoptive family'. Despite its complexity, Forum participants generally encouraged more openness in intercountry adoption.

Finally, Forum participants agreed that international adoption standards need to reflect a more dynamic understanding of best interests that change across an adopted person's lifetime. It is therefore crucial to include adoptees – children and adults – in the construction of policies that determine their own best interests.

From children's best interests to children's rights

Participants emphasized that 'best interests' must be seen not as an abstraction but as a practical, responsive decision-making process that changes over time to 'consider the individual child in front of us when making decisions on their behalf', as Richards has noted. However, Nigel Cantwell argued that 'best interests' had been manipulated and abused to reflect the interests of interlocutors and adoptive

parents, and that we should focus instead on children's human rights. A comprehensive rights-based guideline or checklist such as that suggested in Cantwell's 2014 UNICEF publication might help concretize the concepts of 'best interests' and subsidiarity. The guidelines could include timing, risk assessment, welfare available in country of origin, local definitions of adoptability, particular needs, family contact and reunification, and preservation of information – in all of which Central Authorities could play an important role.



The 'best interests' of the child in international commercial surrogacy

In sharp contrast to adoption, the conversation about the 'best interests' of the child in international commercial surrogacy is just beginning. It may seem difficult to consider the rights of children who have yet to be conceived, but it is imperative to consider whether it is in the 'best interests' of children to be born through this method.

Though little is known of the medical implications for children born through surrogacy, some studies indicate higher risk of foetal anomalies due to *in vitro* fertilization. In surrogacy, health risks are compounded (sometimes four or five-fold) after birth by the immediate transfer of children into commissioning parents' care, such that neither child nor mother receives the health advantages associated with nursing (WHO, n.d.) and other physiological connections between babies and birth mothers.

Though many surrogate mothers will cite the 'best interests' of their own children – the desire to better educate, house, or feed them – as their motivation for entering into commercial surrogacy, their children may suffer adverse effects when their mothers leave them to bring to term a

child they will hand to someone else. Children of surrogates are sometimes left with relatives or neighbours who may not care for them as their mother would. She is often not allowed to visit them, and they are not always able to visit her while her pregnancy progresses. This can lead to separation anxiety and even fears of abandonment when they see their parents willingly giving away children after birth. Rotabi and Goswami also noted that during an interview with a surrogate mother in Gujarat, India, the interviewee's seven-year-old son interjected, saying, 'We don't need the money; can we just keep my brother?'

Identity, openness, and the importance of information

Questions of how experiences of adoption and surrogacy shape people's subjectivities, as well as the attendant importance of the availability of information – from the very beginning of adoption and surrogacy processes and throughout the lifetimes of individuals who have been adopted and/or born through surrogacy – shape subsequent recommendations for more openness in intercountry adoption and surrogacy. Though adoptees do not always

identify as 'orphans' or 'adoptees', it is important to acknowledge that adoption profoundly shapes one's identity in immutable ways. For this reason, we need to continue to avoid pathologising adoption.

Pre- and post-adoption services could play a larger role in accommodating adoptees' journeys through identity formation. Because intercountry adoption is also often interracial and intercultural, Richards notes that 'Adoption support groups commonly focus on activities that aim to link the adopted person to their origin cultures, but it should not be assumed that these activities assist children in learning about ways to respond to racism in their adopted countries.' Those conducting home studies and offering post-adoption support – including informal organizations – could therefore give more attention to dimensions of racial and cultural difference in ways that help adoptees and their families to cope with those differences in positive ways.

At the same time, first families continue to be a 'hidden dimension' in intercountry adoption. Those implementing the HCIA could do more to acknowledge the importance of extended family, particularly in Africa. Aunts, uncles, and siblings

may turn out to be international adoptees' most important potential sources for learning more about their own identities through first-families.

It is still too early to know the long-term psychological effects of having been born through surrogacy. It is often presumed that children born through surrogacy (particularly those genetically related to their parents) are not likely to link their identities to the circumstances of their birth. However, many underestimated the desire of adoptees to learn more about their birth families as they came of age, and we are already seeing children born through third-party gamete providers wanting to know more about those providers – and perhaps maintain relationships with them. Darnovsky and Beeson ask, 'What role should intermediaries be encouraged or required to play in these situations?' These issues become more acute in international commercial surrogacy arrangements, where the surrogate will live in another country and often be of a different ethnic origin than the child and commissioning parents.

Despite studies showing that open adoptions potentially benefit adoptees, first mothers, and adoptive parents, the

majority of intercountry adoptions remain closed, with full severance of ties. Forum participants were overwhelmingly against the 'clean break' model that dominates intercountry adoption; not only is it premised on completing Western families' notions of exclusive, nuclear parenthood but it sets up the terms of what connections mean, effectively erasing origins. Such denial of the existence or importance of first families can (re-)traumatize adoptees.

Though barriers to openness – including distance, language, culture, and sizable wealth disparities between the original and adoptive families – certainly exist, the clean break model disproportionately affects first parents, as they cannot effectively demand information about their child. They often suffer grief and depression as a result. Some surrogate mothers also report similar feelings of severance with the children to whom they have given birth and yearn for news of them long after relinquishment. Compulsory anonymity deprives providers and progeny of the possibility not only of future reunion but also of health risks such as genetically inherited conditions. Greater openness would also better accommodate adoptees' identity formation.

Some adoptive parents are very supportive of their children who want to conduct birth family searches, but by the time an adoptee is able to initiate a search for her first family, the trail may have grown cold. Forum participants thus overwhelmingly favoured the maintenance of information that would make contact with original families possible. Agencies and Central Authorities could assist with this by maintaining records and helping initiate contact between adoptees and their original families, as currently happens in many domestic adoption practices. By the same token, the meaning of 'open adoption' needs to be made explicit, both in le-



gal and informal terms, so that the rights of all parties are protected.

People adopted or born through surrogacy also have a right to information about their origins. Birth and adoptive families as well as surrogate and commissioning parents need accurate information in order to make informed decisions and be adequately prepared for the consequences. Too often, though, they have too little information or find that the information provided by intermediaries is inaccurate or has even been falsified. Sometimes it is actively erased, as when birth certificates list only adoptive or commissioning parents but make no mention of birth mothers or gamete providers.

Adoption agencies are overwhelmed by requests from adoptees for information on their first families, raising the question of whether agencies are part of the solution or part of the problem, as they are sometimes involved in obfuscating information. Agencies that broker international surrogacy arrangements have also been criticised for providing incomplete, insufficient, or inaccurate information to both intending parents and surrogate mothers. Darnovsky and Beeson conclude that, 'Because intermediaries are often not part of stable enterprises, central government registries may be the most feasible approach to preserving birth records for those who later want accurate information on their origins.'

The effects of commercialisation

The combination of poverty and profit-potential make for a global market in modern practices of family formation through intercountry adoption and surrogacy (Cheney, 2014a). Forum participants agreed that global inequities and market forces need to be better acknowledged and addressed in both international adoption and surrogacy. Structural conditions of poverty and lack of alternative support

drive women to engage in surrogacy and relinquish their own children – often under circumstances of temporary stress but with lifetime emotional consequences. At the same time, structural poverty makes vulnerable populations susceptible to exploitation by profit-making intermediaries in adoption and surrogacy.

Despite the HCCH's identification of poverty as an insufficient justification for removing children from their homes or seeking adoption for them, relinquishing parents and surrogate mothers alike regularly cite poverty as a motivator for their actions. Even the rise in special-needs adoptions may be driven by poverty and stigma in sending countries and the decreasing 'supply' of more sought-after healthy infants and children. Intercountry adoptions currently cost USD \$25-40,000, and the global surrogacy industry is estimated at well over one billion dollars per year. In both cases, middlemen profit most – and sometimes shift from one business to the other: According to Darnovsky and Beeson, 'Financial incentives appear to be encouraging some people who have operated intercountry adoption agencies to shift their focus to surrogacy in countries including



the United States, Guatemala and Mexico.' This has implications for human trafficking, a concern since the genesis of the HCIA.

While exploitative practices in inter-country adoption are well documented, the question of exploitation in surrogacy is more difficult to determine: women who act as surrogates are asked to consent to relinquishment of the child as a precondition of being impregnated. Though many commercial surrogates report voluntary involvement, surrogates' agency is often constrained by extreme poverty and limited alternatives.

It is clear, however, that adoption and surrogacy have become commercialised and that financial incentives have led to unscrupulous practices, even where clear standards and regulations such as the HCIA are in place. The HCIA prohibits 'improper financial gain' in adoption, which was further elaborated in the HCCH Guides to Good Practice (2008; 2012). Does this mean, though, that there are conditions under which financial gain is 'proper'? According to the HCCH, '...the lack of clarity and consistency in deciding what is 'reasonable' has led to situations where prospective adoptive parents are required

to pay excessive amounts to complete an adoption...' – often through agencies' complicity in child abduction, selling, and trafficking. Nor has the establishment of Central Authorities entirely eliminated concerns about fraud and trafficking in adoption.

Is it even possible to remove money from adoption and surrogacy processes? Improved financial transparency and accountability are imperative to avoid illicit profitmaking, especially amidst the decrease in intercountry adoption and agencies' attendant falling income. Agencies who have lost income due to the decline in intercountry adoptions over the past decade also have increased costs for home studies, preparation and support, particularly due to the increase in special-needs placements.

Still other types of donations can establish skewed relations of obligation and reliance between donors and recipients; often, orphanages in countries of origin are funded externally by individuals or organizations in receiving countries with interests in creating a pipeline for international adoption. In his description of the current situation in Uganda, Mark Riley suggested

that private donor influence was impeding the development of child protection and welfare structures. Rather than trying to redirect cash flows within the adoption industry, Cantwell suggested that we eliminate them altogether and instead encourage sending countries to request development aid for preventive care and social protection of children and families. However, though the Hague Conference 2010 Special Commission recommended 'a clear separation of intercountry adoption from contributions, donations and development aid,' (HCCH, 2010), countries of origin still report subtle pressures to make children available for adoption as a condition of receiving aid.

The way forward

The recommendations made by Forum participants reflect a concern for the basic human rights of all involved in intercountry adoption and surrogacy. However, it is important to realize that international treaties like the HCIA have both advantages and limitations: the minimum standards they set can be adapted and enhanced in domestic laws, but they are also relatively static documents that, once

they have been adopted, cannot easily be changed to reflect new developments and realities. Whilst the HCIA addresses these issues in intercountry adoption, there is not yet a regulatory instrument on surrogacy – and may not be for some time. In any case, ensuring ethical practice in intercountry adoption and surrogacy is not only the responsibility of the HCCH, but also – and indeed primarily – of the individuals, agencies, and states joining and implementing such international treaties.

To start, availability of accurate information is of paramount importance for relinquishing parents in intercountry adoption and surrogacy – many of whom report

having little understanding of the long-term consequences of relinquishment. Commercial surrogates and egg donors also require adequate explanation of medical and psychological risks. Information, education, and support is also crucial as intercountry adoption trends more toward special-needs adoption, where all parties involved could benefit from more adequate preparation.

Preserving information and providing post-adoption/surrogacy support is also essential for adoptees and surrogate children's identity formation. Central Authorities could play a greater role in ensuring and maintaining adoptees' access to information. All available information is helpful for adoptees – and it may become so for children born through surrogacy as they come of age and start to wonder about the circumstances of their births. Central Authorities must therefore follow up with reporting as requested by the countries of origin.

The emphasis on information necessarily precludes 'clean break' models of adoption and surrogacy and forces both greater openness and compliance with the subsidiarity principle, particularly where poverty is a factor. Adoption agencies (which may be threatened by increases in domestic

adoptions) must also be more accountable to the subsidiarity principle. Unethical practices by agencies wishing to profit could in fact be bolstered by the Western-centrism of the HCIA by deploying its narrow definition of 'stable family' and determining who is an 'adoptable' 'orphan'. Further, 'informed consent' is problematic in coercive conditions of poverty and repressive reproductive policy, such as under the One Child Policy in China. It is important to note that intercountry adoption does not alleviate poverty, either at the household or the national level. The priority should therefore be on assistance to first families and development aid to countries of origin (though this must be separate from adoption considerations). Otherwise, intercountry adoption will continue to be a permanent solution to a temporary crisis in the first family.

At the end of the Forum, many participants reflected on what it means to commodify human beings in adoption and surrogacy. Rotabi said that this was an especially difficult struggle for participants who want to keep intercountry adoption as an important option for children who really need it. Part of the answer was to keep thinking through how to prevent exploitation, pro-



tect victims, and prosecute the most nefarious offenders while also acknowledging the macro-structural factors – multiple inequalities such as class, gender, sexuality, race, and caste – that precipitate commodification and exploitation. In plenary discussion, Rotabi asked, 'How do we talk about the structural inequalities in creating opportunities for work that is not around exploitive labour but work that women really, really want to engage in, because women will say, 'I'm choosing the best of my options.'

Concrete steps to address inequality lead us back to broader questions of international development, such as better social protection for family preservation within sending countries to withstand the demands of a commodified reproduction market. In this regard, Forum discussion helped recall the challenges in regulating adoption to consider how potential regulation of surrogacy could be structured. Though adoption and surrogacy are similar in that most infertile couples may consider them together as their only two options for having children, Darnovsky pointed out that there are many ways in which the analogy between intercountry surrogacy and intercountry adoption – and other

analogies invoked around labour, work (especially sex work), and organ transplantation – are both helpful and dangerous in that they do not precisely map onto surrogacy practices and therefore can obfuscate as well as reveal aspects of international commercial surrogacy.

In surrogacy, there is also a larger, fast-moving technical context of ART, with the futuristic prospect of inheritable genetic modification having potentially profound ethical implications. The issue relates to concepts of kinship, which are greatly manipulated in ART in order to allow the unfettered flow of commerce. 'I think what we need is new categories for thinking about what surrogacy is,' Darnovsky concluded, 'and I don't think we've come to those yet, but I think we should be striving for that.'

While we must never forget the concerns of women in surrogacy, we must also think beyond the child as 'product'. Does international commercial surrogacy violate a child's rights to identity, family, or nationality under the Convention on the Rights of the Child? This is but one of the many areas in which we need more research.

The Forum yielded information and debate to inform knowledge and practice

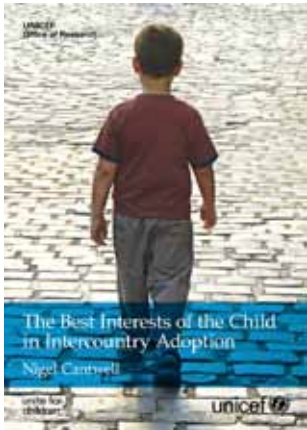
in various disciplines from bioethics to population studies to social work, with the intent of furthering the best interests of all involved, '...however flawed our understanding of the term "best interests" is...,' Richards noted.

Selman posited that even if intercountry adoption ceases immediately,

...there are a million children out there who have been adopted, and we've got to have in place structures that continue to support them and inform them, and therefore...these situations are ones that don't go away – and the same will apply to surrogacy, even if we decide to ban it or [draft] a convention.

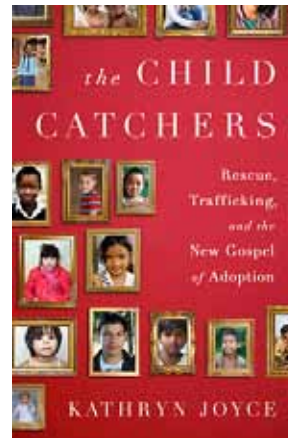
Forum participants thus came away with new research and advocacy ideas to carry forward the issues raised. Various publications and collaborations are sure to emerge in time from the discussion at the Forum. They also resolved to redouble their efforts to inform policy and people considering adoption and surrogacy by talking to media more effectively and bringing the knowledge acquired at the Forum back to their organizations and networks. It is my hope that readers of this article will do the same.

FURTHER READING



Cantwell, Nigel (2014)
[The Best Interests of the Child in Intercountry Adoption](#)
 Florence: UNICEF Office of Research

There is universal agreement, embedded in international human rights law, that the best interests of the child should be a primary consideration in any decisions made about a child's future. In the case of adoption, which represents one of the most far-reaching and definitive decisions that could be made about the future of any child - the selection of their parents - international law qualifies the best interests of the child as the paramount consideration. This study responds, in particular, to one key question: what is it that enables a policy, process, decision or practice to be qualified as either respectful or in violation of the best interests of the child in intercountry adoption?



Joyce, Kathryn (2013)
[The Child Catchers: Rescue, trafficking, and the new gospel of adoption](#)
 New York: Public Affairs

Adoption has long been enmeshed in the politics of reproductive rights, pitched as a "win-win" compromise in the never-ending abortion debate. But as Kathryn Joyce makes clear in *The Child Catchers*, adoption has lately become even more entangled in the conservative Christian agenda. To tens of millions of evangelicals, adoption is a new front in the culture wars: a test of "pro-life" bona fides, a way for born again Christians to reinvent compassionate conservatism on the global stage, and a means to fulfill the "Great Commission" mandate to evangelize the nations. Influential leaders fervently promote a new "orphan theology," urging followers to adopt en masse, with little thought for the families these "orphans" may already have.



Twohey, Megan (2013)
[The Child Exchange: Inside America's underground market for adopted children](#)
 Reuters Investigates

In an exhaustive, 18-month investigation, Reuters has detailed a practice in the U.S. of "private re-homing" of unwanted foreign adoptees and allegations of sexual and physical abuse at the hands of guardians. This five-part tracked down several adopted children who had been passed from one guardian to another through contacts made on groups on Yahoo and Facebook specializing in such re-homing. They were advertised and then pass to strangers with little or no government scrutiny, sometimes illegally. It is a largely lawless marketplace. Often, the children are treated as chattel, and the needs of parents are put ahead of the welfare of the orphans they brought to America.

Cheney, Kristen (2014). [Giving Children a 'Better Life'? Reconsidering social reproduction and humanitarianism in intercountry adoption](#). *European Journal of Development Research*, 26 (2), 247-263.

This article takes a political economy approach to intercountry adoption (ICA) as a global system to consider how children's well-being is often at the center of essential development questions insometimes contradictory ways that are masked by the depoliticizing sentimentality applied to children. A reconsideration of ICA as social reproduction rather than child rescue also decenters development studies' tendency to reduce development to problems in the global South. Instead, Cheney highlights how ICA as an ostensibly humanitarian intervention also has much to do with crises of social reproduction in the global North. It is therefore important for development studies to critically question underlying assumptions and practices in discourses about 'giving children a better life'.

FURTHER VIEWING



NTV Uganda (2013)

[Taken & never returned: When adoption profits the middleman](#)

Many children in Uganda are taken to Europe and the United States of America for adoption every year by guardians who pay local law firms and agencies between four to nine million shillings.

The law firms and agencies have consequently turned adoption into a profitable business. Many of the parents who give away their children for adoption oftentimes consider it "a-once-in-a-lifetime-opportunity" that ought to be seized. But unfortunately many realize their children are gone for ever.



Child's i Foundation (2015)

[Mercy's journey - Transforming an orphanage to family care](#)

Mercy shares her experience of becoming an orphan and how growing up in a loving foster family gave her the chance of a better life. After attending a training about the importance of family care, Mercy was reminded of how beneficial it is for children in an orphanage to instead grow up in a loving family. She now starts the journey to transform her orphanage to do the same.



Sharma, Surabhi (2013)

[Can we see the Baby Bump, Please?](#)

India, 49 min.

The global reach of medical tourism and commercial surrogacy spawns a range of clinics and practices across big cities and small towns in India. The choice to become a surrogate plays out sometimes as having to face stigma for such a use of the body and at others through making changes in their lifestyle and self-perception of the pregnancy towards relinquishing the child. The consequent efforts to invisibilise or undermine the significance of women's labour can often add to the potentially exploitative conditions that these women have to negotiate in their lives. 'Can we see the baby bump please?' meets with surrogates, doctors, agents, law firms and family in an attempt to understand the practice of commercial surrogacy in the Indian context.