

Overview: Hague Convention on Intercountry Adoption

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Educational Brief

VA Commission on Prevention of Human Trafficking

Hague Convention on Intercountry Adoption

- Prevention of the sales and theft of children
- Dates back to 1993
- US signed in 1994 and fully ratified and implemented by 2008
- Approx. 70 nations signed, including most European nations, Canada, Mexico, Guatemala, China...

Convention Fundamentals

A Hague-signatory nation agrees to:

1. Attempt to keep the child within his/her family/kin system
when not possible then
2. Attempt to place the child for domestic adoption within the nation
when not possible then
3. Determine if the child is appropriate for intercountry adoption and if yes then release them for such in a regulated manner

Why is the Convention Important?

- Since Millennium: 200,000+ foreign-born children adopted by US citizens
- Top Sending Countries:
 - China
 - Guatemala
 - Russia
- How are children trafficked in this manner?
 - We know that children are bought and sold
 - Theft of children also occurs—trickery based on promises of better lives...
 - Change of identity to make them “orphans” for US Visa purposes and this is called “child laundering”

Cambodia: Case Study

- 700 Children
- One agency in Seattle
- Two sisters: Lauren Galindo & Lynn Devin
- One ran the agency from her spare bedroom the other/Lauren Galindo lived and worked in Cambodia
- Galindo carried out a multi-million dollar scam that used classic organized crime techniques of money laundering

More Recently: Guatemala

- “Dollar a Day” country
- Adoptions were base cost \$25,000 in 2005 according to GAO report
- Frequently ranged upwards to \$40,000
- Birth mother payments were believed to be routine—and illegal under Guatemalan law (estimated \$1,500 USD)
- Circuit of birth mother recruiters and other collateral contacts including midwives/doctors/nurses
- Guatemalan lawyers are estimated to have earned as much as \$20,000 per child in 2007
- Vast majority of process took place as a “notary process” and little to no family court oversight (often one attorney representing all)
- More information at www.socmag.net/?tag=adoption

NOTE: It is not known how many Guatemalan adoptions were irregular and most certainly there have been legal and ethical adoptions from Guatemala.

US-Side of the Guate Equation

- Over 200 US agencies were engaged in various capacities in Guatemala
- US State Department attempts to regulate with orphan visa standards—finally shut-down the system w/ no new adoptions in 2008 under the Convention
- Currently attempt to prosecute on US citizen in Guatemala based on document/identity fraud charges (Casa Quivera Case)

Under Convention Agencies Must:

- Now must be accredited to work in another Convention nation
- Required now is agency:
 - Financial transparency, including operational board of directors
 - Schedule of payments, including refunds
 - Training of staff and prospective parents in Convention-related concepts
 - Requirements to oversee operations and “supervised providers” in both US and foreign nations
 - Various practice processes with prospective families which raise the level of social work practice in general

Human Trafficking: The Bad News

- There are a number of nations which did not sign the Convention
 - Russia
 - Ethiopia
 - Vietnam

Serious irregularities have been noted in Vietnam by the State Department (2008 report) and Russia is known to have graft problems.

NOTE: The Convention only applies when both the sending and receiving nation are signatory

Agencies can continue to work with and within these nations without the new oversight...