

# Children for Trade? Transnational adoptions and a Colombian scandal

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*“The Baby trade is likely to continue to grow, partly it is no longer simply a response to wars and humanitarian crises. For better or worse, it now behaves much like a commodities market, with demand informing supply; and neither demand nor supply is likely to subside.” – [Ethan Kapstein 2003](#)*

Since [Madonna](#) and [Angelina Jolie](#) famously adopted children from Africa, the international adoption system is under fire. The suspicion is that the system may be driven by market forces and profit seeking, and that regulations and international conventions just camouflage (illegal) market practices and facilitate the trafficking of children. Clearly, international adoptions are serious normative and political issues for the “sending” countries because children are normally understood as “[sacred](#)” and are [loaded](#) “with sentimental or religious meaning” ([Zelizer 1985: 11](#)). They should be protected, educated and loved.

The international dispersion of these ideas is reflected in the UN Convention on the Rights of the Child ([UNCRC](#)), which has been signed by 193 countries until now, who

proclaimed that childhood is entitled to special care and assistance ...  
[children] should grow up in a family environment, in an atmosphere of happiness, love and understanding ... in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

## Extra commercium

The idea of child protection clearly reserves them “a separate noncommercial place, extra-commercium” (Zelizer, *ibid.*). However, although it is prohibited, child trafficking is still a worldwide [phenomenon](#). Usually it takes place between “Third World” countries and the industrialized western world, and it appears in different forms. Especially the practice of “child laundering” has gained high attention.

The intercountry adoption system has become infected with a substantial degree of child laundering. This child laundering is not an inevitable feature of the system, but exists because of specific failings of law and practice within the current system. (Smolin 2005: 200)

(The term “child laundering” expresses the idea of the intercountry adoption system taking children illegally from birth parents and using official processes of adoption and legal systems to “launder” them as legally adopted children. [see [Smolin 2005: 115](#) and [Fuentes et. al. 2012, Ch. 6](#)]).

Due to the emotional and normative value of children, cases of child laundering and trafficking – when discovered – have created national as well as international media coverage and aroused public attention. In the last 20 years, [Romania](#) and [Guatemala](#) have been outed as the “black sheep” of the international adoption system because of systematic corruption, child stealing and laundering.

## “Niños made in Colombia”

Since 2012, the intercountry adoption system of Colombia has also become a focus for critics. However, in comparison to Romania and Guatemala, public attention emerged due to a scandalisation strategy by a private Colombian television channel. *Niños made in Colombia* was [a show](#) broadcasted in 2012 in five episodes which

exhibited impoverished families unable to take care of their children. According to Colombian law, every child in a public foster institution is eligible for international adoption, if either the biological parents or relatives are unable to take care of it within four months.

In the last decade, Colombia became one of the five biggest [sending countries](#) for children in the world. The show discovered that the reason for this high number of international adoptions was the fact that foster institutions in Colombia get fees from the new parents for any adopted child. Therefore, they expedite international adoption proceedings, do not educate the biological parents about their rights, and even start an adoption process before the four months are over. Furthermore, lawyers, social workers, psychologists, etc., decide about the adoptability, even if they are either not qualified for adoption services in general, or have not received advanced training for conducting eligibility tests and matching processes between child and prospective adoptive parents. Hence, Colombia was alleged by the TV show to be an international marketplace for the laundering and trafficking of the children for profit.

It remains to be seen whether or not these accusations are valid. However, the show generated huge publicity for the issue and mobilized public protest. It has also already had an enormous effect on the Colombian adoption system, with 1,300 files of children which had been already declared adoptable being re-evaluated by the Institute of Family Welfare ([ICBF](#)) on whether they had relatives which could take them in. The search for relatives was extended to the 6th degree. From now on, a family court judge has to confirm the adoptability of a child before a legal adoption proceeding can take place. At the end of the proceeding, a so called *procurador* has to prove and confirm the decision of the judge, and can stop the process if she or he is not convinced that the adoption is in the best interests of the child.

What seems at first sight a national issue of regulation driven by the scandalisation strategy has had transnational effects. Due to the new regulation, the length of the adoption process has significantly increased. The ICBF has had to search longer for relatives and the *procurador* has to prove and confirm the adoption.

### **Checks and balances come at a cost**

By how much the difficulty of the process will actually increase cannot be foreseen yet. On the one hand, the national adoption system has become more secure and resistant against child laundering and child trafficking because more checks and balances are in place, which grant authorities from other countries and foreign adoption applicants more legal security and transparency. But on the other hand, the children have to stay in orphanages and the new parents have to wait abroad until they get the permission to adopt.

One can only speculate about the future development of international adoptions from Colombia and the system of transnational adoption overall. Will Colombia still attract enough people willing to adopt a child which genuinely needs a new family, or will applicants from abroad hesitate because of the more difficult procedure? Will they be deterred by negative connotations and the controversial media coverage?

One thing at least is certain: the line between serious transnational adoptions on the one hand, and morally dubious or illegal practices on the other, is blurry and contested. Thus, the system needs professional and independent agencies for proper surveillance. Private TV channels seeking to increase their audience can work to scandalise problems, but aren't adequate for the task of regulating in the interest of the child.

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