



Recommendation 1828 (2008)¹

Disappearance of newborn babies for illegal adoption in Europe

Parliamentary Assembly

1. The Parliamentary Assembly recalls its [Recommendation 1443 \(2000\)](#) “International adoption: respecting children’s rights”, in which it pointed out that international adoption should be the very last option. It also reiterates that all children have rights and that international adoption should enable them to find a mother and father while retaining those rights and not enable foreign parents to satisfy their desire for a child at any price. The Assembly thus restates the principle that there should be no right to parenthood.
2. The Assembly nevertheless notes that countries still have different constraints and laws relating to adoption and that children are increasingly traded on a real marketplace governed by money, to the detriment of poorer countries.
3. The Assembly condemns the increasingly prevalent practice of using parallel circuits and trafficking, as well as all the ensuing dealings and psychological and economic pressures. Such practices became easier when eastern borders were opened up, with pregnant women from east-European countries travelling west in order to give birth and then put their children up for adoption.
4. The Assembly emphasises that such practices have been all the easier for the absence in some countries of strict rules on registration, and that very frequently failure to declare the birth of children has made it easier for them to be sold abroad. The Assembly notes that this lack of rigour has given rise to a real trade in children, with the poorest countries suffering the consequences, and it firmly condemns all practices designed to sell or steal newborn babies, as well as all other forms of trafficking of children in general.
5. In this context, the Assembly mentions the example of the particularly tragic events which have occurred in several countries where some newborn babies disappeared immediately after birth, and where the authorities told the mothers that their babies had been stillborn, whereas they had actually been sold and taken abroad.
6. While bearing in mind the fact that international adoption should be considered only if there are no national solutions, the Assembly nevertheless regrets that some countries have large numbers of children living in institutions.
7. The Assembly, therefore, would like a single area to be created, which would be governed by the same rules in order to avoid disparities arising which would be against the interests of the child, and it would like governments to introduce a monitoring procedure involving regular post-adoption reports.

1. Assembly debate on 24 January 2008 (7th Sitting) (see [Doc. 11461](#) , report of the Social, Health and Family Affairs Committee, rapporteur: Mrs Vermot-Mangold). Text adopted by the Assembly on 24 January 2008 (7th Sitting).



8. The Assembly therefore recommends that the Committee of Ministers ask the governments of member states to:
 - 8.1. sign and ratify the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197);
 - 8.2. sign and ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) and the future convention on adoption (revised), once it is adopted by the Committee of Ministers and opened for signature and ratification;
 - 8.3. revise the Convention on the International Adoption of Children (29 May 1993, The Hague), bearing in mind children's interests and rights, in order to bring about harmonisation in this sphere and an easing of the adoption rules;
 - 8.4. use all available means to step up their co-operation to combat the trafficking of children and to eradicate organised criminal or other illicit networks, and to condemn without any possibility of appeal all types of abuse committed in the field of international adoption;
 - 8.5. take the necessary steps to set up bilateral agreements relating to international adoption, in accordance with the provisions of relevant international legal instruments, above all the United Nations Convention on the Rights of the Child;
 - 8.6. ensure that persons wishing to make international adoptions are eligible and suitable to adopt, provide them with compulsory training of an appropriate nature, ensure that foreign children who are adopted are monitored, particularly psychologically, and implement a monitoring system involving regular post-adoption reports;
 - 8.7. lay down strict rules on the setting up of specialist child adoption agencies;
 - 8.8. take the necessary steps to give adopted children the right to know their origins at the latest when they reach the age of majority;
 - 8.9. implement the Council of Europe strategy for the promotion of sexual and reproductive health and rights;
 - 8.10. set up family planning services available to all.
9. The Assembly also recommends that the governments of member states which have not yet done so:
 - 9.1. amend family and penal law in order to prevent and punish any trafficking of children and illegal adoption;
 - 9.2. take all possible steps to make it compulsory and free of charge for births to be declared at the registry office or with another responsible authority, and to provide every child with a personal identity document;
 - 9.3. systematically allow fathers and/or close family members to be present during the birth;
 - 9.4. make provision for the right of mothers to withdraw their consent for adoption, within a reasonable time, while safeguarding the interests of the child.
10. The Assembly particularly recommends the authorities of the countries concerned to:
 - 10.1. reopen the cases of disappearance of newborn babies;
 - 10.2. conduct investigations, with the assistance of neutral experts, into the disappearance of newborn babies.
11. The Assembly wishes to reconsider this question in the near future, in order to evaluate changes and legislative amendments that will have been made by then.