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Recognizing and supporting the victims of illegal international adoption and taking measures to prevent this practice

***Draft resolution submitted by the co-Rapporteurs
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The 151st Assembly of the Inter-Parliamentary Union,

- (1) *Recalling* the fundamental principles of human rights, as set out in the Universal Declaration of Human Rights of 1948 and the Convention on the Rights of the Child adopted by the United Nations General Assembly in 1989, which emphasize the paramount importance of the best interests of the child,
- (2) *Referring* in particular to Article 7 of the Convention on the Rights of the Child, which relates to birth registration and the right to identity, as well as to Article 8, which provides for the obligation of States Parties to offer appropriate assistance in restoring the identity of a child who has been illegally deprived of it,
- (3) *Referring also* to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted in 2000,
- (4) *Taking into consideration* international conventions, such as the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, which aims to ensure that intercountry adoptions are lawful and in the best interests of the child,
- (5) *Taking into consideration also* the International Convention for the Protection of All Persons from Enforced Disappearance, and in particular its Article 25, which requires States to act in this matter,
- (6) *Taking note* of the joint statement on illegal intercountry adoption issued by the UN Committee on Enforced Disappearances on behalf of several other UN bodies and special rapporteurs on 29 September 2022, which states that illegal adoptions may amount to crimes against humanity,
- (7) *Considering* that illegal intercountry adoptions represent a form of human trafficking, and that this phenomenon obstructs progress towards the Sustainable Development Goals,
- (8) *Recalling* its own resolution, adopted at its 147th Assembly on 27 October 2023, *Orphanage trafficking: The role of parliaments in reducing harm*, warning against this phenomenon,
- (9) *Deeply concerned* by the persistence of illegal intercountry adoptions, often involving child trafficking, forced separations, and identity falsifications, which constitute serious violations of children's rights and inflict lasting trauma on victims,
- (10) *Aware* that these illegal adoptions create devastating situations for victims, who suffer from a cycle of multiple losses: loss of identity, biological family, psychological stability, and often civil rights, making an immediate and adequate response essential to address these injustices,

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(11) *Recognizing* that there are three categories of victims in these situations: the children, who endure profound trauma from losing their roots, cultural identity, and any connection to their biological parents; the biological parents, deprived of their fundamental right to care for their child, causing immense grief; and the adoptive parents, often deceived by intermediaries or authorities, who also experience trauma upon discovering the grim reality behind the adoption, sometimes with deep feelings of guilt,

(12) *Recognizing also* that illegally adopted children may be exposed to forms of exploitation such as begging, prostitution, drug trafficking, or recruitment by armed groups, particularly in the context of armed conflicts,

(13) *Specifying* that the administrative consequences for victims of illegal adoptions can also lead to violations of human rights as they relate to nationality and identity, creating obstacles in accessing education, marriage, name changes or recognizing a child,

(14) *Emphasizing* that many children who are victims of illegal adoption remain unaware of their status until adulthood, and that such acts should therefore be considered as continuing crimes with regard to statutes of limitations,

(15) *Emphasizing also* that the transparency of adoption procedures and the oversight of adoption bodies, including private agencies, by the State or independent entities must be strengthened to prevent abuses and ensure respect for the rights of the child,

(16) *Recognizing* that gender-based discrimination and violence, often rooted in moral and religious constructs regarding the social or marital status of the mother, as well as the exclusion of certain groups such as minorities and Indigenous Peoples, have been key drivers of illegal adoption,

(17) *Aware* that economic hardship, disability, migration, and lack of social support are further driving factors behind the unnecessary separation of children from their families,

(18) *Aware also* that international conflicts and instability in some countries facilitate child trafficking networks, including those involved in illegal adoptions,

1. *Urges* States that are not currently Contracting Parties to the Convention on the Rights of the Child, and/or to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption to reassess the possibility of adopting the relevant and necessary procedures to acquire such status;
2. *Urges* all States, regardless of whether they are parties to the Convention on the Rights of the Child or the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, to formally acknowledge the existence of illegal intercountry adoptions and the impact of these crimes on the children and families concerned, and to take the necessary measures to prevent their occurrence and recurrence;
3. *Also urges* States to formally recognize the persons affected by illegal intercountry adoptions (adopted children, biological parents, and adoptive parents) as victims and commit to supporting them;
4. *Urges* parliaments to ensure that the national legal framework classifies illegal intercountry adoptions as a form of human trafficking;
5. *Calls upon* parliaments to conduct independent investigations to identify legislative, administrative or judicial failures that allowed these illegal adoptions, and to ensure justice for the victims;
6. *Urges* the strengthening of international cooperation to prevent illegal adoptions, using existing conventions, enhanced monitoring systems, information exchange between States, and the sanctioning of criminal networks involved in these activities;

7. *Calls upon* parliaments to address the drivers of illegal adoption, in particular gender stereotypes related to a mother's social or marital status, and discrimination against certain groups of the population, such as minorities and Indigenous Peoples;
8. *Also calls upon* parliaments to prevent illegal adoptions by strengthening social protection systems, investing in parenting support, and ensuring access to essential services;
9. *Further calls upon* parliaments to establish structural support for victims of illegal adoptions, including:
 - a. Facilitated access to archives to help victims trace their origins;
 - b. Guarantees that the potential annulment of their adoption does not result in any loss of civil rights, nationality, or identity;
 - c. Psychological, legal, and administrative assistance for victims and their families;
 - d. Facilitation of name changes to reclaim lost identities;
 - e. Extending the statute of limitations for such offenses, allowing victims who discover the truth later to still pursue legal action;
 - f. The establishment of DNA databases with due consideration for privacy, informed consent and related safeguards;
 - g. The establishment of language re-learning and cultural reintegration programs for illegally adopted persons wishing to reconnect with their country of origin;
 - h. The inclusion of victims' organizations in processes related to truth-seeking, opening of archives, legal support, and public awareness-raising;
10. *Urges* States to include cases of illegal adoptions in the training programmes of judges, police officers, social workers, and diplomats, in order to better identify and address such situations;
11. *Urges* parliaments to establish reparative measures for victims through legal compensation mechanisms;
12. *Also urges* parliaments to promote increased vigilance in conflict zones and humanitarian crises, where the risk of illegal adoptions and child trafficking is heightened, by reinforcing child protection measures in these contexts;
13. *Urges* States to collaborate with international bodies such as the United Nations and the International Criminal Court to address cases of illegal adoptions within an international justice framework and recognize these acts as serious human rights violations;
14. *Calls upon* parliaments to raise awareness among authorities and the general public, through information campaigns and, where appropriate, inclusion in school curricula of the importance of transparent adoption procedures that adhere to international ethical and legal principles;
15. *Urges* parliaments to promote independent oversight of adoption processes, ensuring that decisions are made with transparency and full respect for a child's best interests;
16. *Invites* States and their parliaments to ensure the collection of reliable data on cases of illegal adoptions, in collaboration with international institutions, in order to assess the scale of the phenomenon and improve policy responses.