

(English version)

Priority question for written answer P-000699/23
to the Commission
Ladislav Ilčić (ECR)
(2 March 2023)

Subject: Inter-country adoptions and organised crime

In several EU Member States, cases have been recorded in which it was proven that children adopted via inter-country adoption procedures were previously victims of human trafficking, mainly from countries that are not signatories to the Hague Convention. Eight Croatian citizens who were hoping to adopt children from the Democratic Republic of Congo are currently detained in Zambia on suspicion of child exploitation. In view of the principle of free movement in the EU, which is one of the fundamental rights of EU citizens, such cases, although primarily within the competence of Member States, have a European dimension on account of potential abuses by international criminal networks. This is also borne out by data from relevant institutions such as Interpol, Unicef and the organisation Save the Children, which shows a global rise in organ trafficking (which also affects children) and an increase in child pornography and prostitution. In accordance with the above:

1. Is the Commission planning specific guidelines to help the Member States improve the international adoption process with a view to the long-term welfare of children, protecting the integrity of adoptive parents and preventing human trafficking in the EU?
2. Is it planning to take diplomatic steps to persuade the Democratic Republic of Congo and other non-signatory countries to the Hague Convention to adopt the latter and to adapt their system to the standards enshrined therein?

Submitted: 2.3.2023

Answer given by Mr Reynders on behalf of the European Commission
(25 April 2023)

There is no EU legislation on adoption. At the international level, adoption is currently governed by national laws and international conventions, in particular the Hague Convention on Inter-country Adoption⁽¹⁾, ('the Convention') which has to date 105 Contracting Parties including all Member States of the EU. However, it is estimated that 50% of international adoptions are not carried under the Convention.

The Convention operates through a system of national Central Authorities, reinforces the United Nations Convention on the Rights of the Child (Art. 21) and seeks to ensure that inter-country adoptions are made in the best interests of the child and with respect for their fundamental rights. One of the main objectives is to prevent the abduction, the sale of, or traffic in children⁽²⁾.

While Zambia is already Party to the Convention, the Democratic Republic of Congo is not.

The Anti-trafficking Directive (the directive)⁽³⁾ establishes minimum standards for the definition of trafficking in human beings, including a non-exhaustive list of the forms of exploitation, which are the purpose of trafficking offences. Illegal adoption as a form of exploitation has not been explicitly criminalised in the directive, while practice among Member States varies in this respect.

In a wider context of legislative reforms to strengthen the criminal framework against human trafficking in line with the EU Strategy on Combating Trafficking of Human beings 2021-2025⁽⁴⁾, on 19 December 2022 the Commission proposed a revision of the Anti-trafficking Directive⁽⁵⁾, including, *inter alia*, the addition of illegal adoption as a form of exploitation covered by the directive.

⁽¹⁾ The Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption (HCCH 1993 Adoption Convention).

⁽²⁾ See the report of the Working Group on preventing and addressing illicit practices in intercountry adoption <https://assets.hcch.net/docs/35d8530a-b5bd-4330-b2fc-abda099e7f6b.pdf>

⁽³⁾ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, <https://db.eurocrim.org/db/en/doc/1513.pdf>

⁽⁴⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0171>

⁽⁵⁾ Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, COM/2022/732 final.