European Parliament

Adoption of children in the European Union

Globally, there have been significant changes in the landscape of adoption over recent years, including fluctuations in the volume of adoptions, the countries involved and who is eligible to adopt. This paper aims to provide an overview of the adoption of children in the European Union (EU), focusing on trends in the number of domestic and intercountry adoptions and a comparison of the current adoption requirements in the individual Member States.

Definitions

Adoption is a welfare and protection measure that enables an orphaned or definitively abandoned child to benefit from a permanent family.

Domestic adoption: concerns adoptive parents and a child of the same nationality and the same country of residence;

Intercountry adoption (ICA): entails a change in the child's habitual country of residence, whatever the nationality of the adopting parents;

International adoption: involves parents of a nationality other than that of the child, whether or not they reside — and continue to reside — in the child's habitual country of residence.[1]

Source: Intercountry Adoption, United Nations Children's Fund, 1998.

Overall trends in adoption in the EU (2004-2014)

Based on data reported by the Member States,[2] the graph below represents the number of children adopted in the EU as a whole, illustrating adoption trends between 2004 and 2014, and the relative shares of domestic and intercountry adoptions.
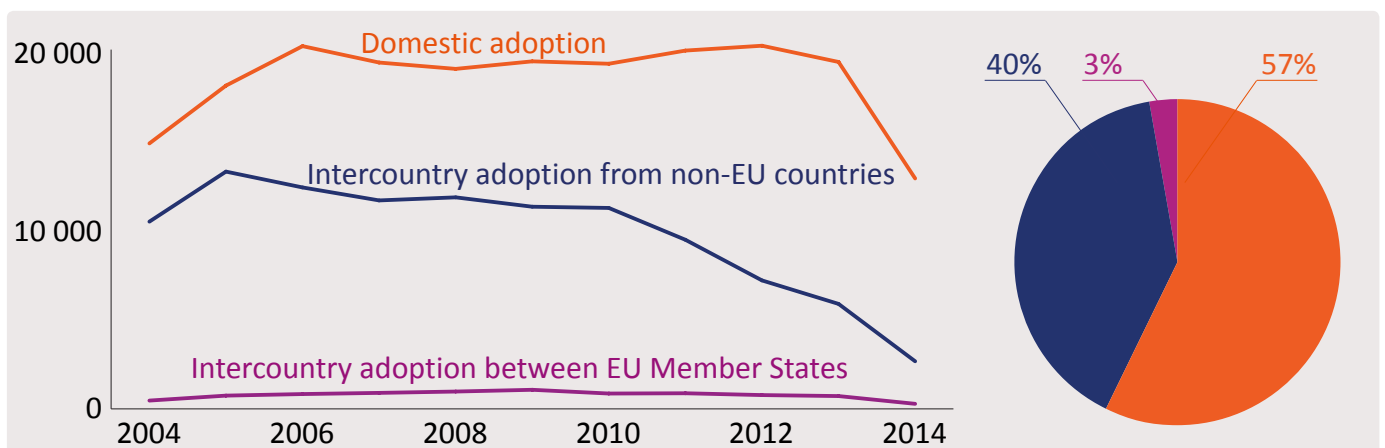
Data were received from all 28 EU Member States. However, as not all countries reported the total number of adoptions for each individual year between 2004 and 2014, the overall figures are likely to be higher. For instance, the highest values for domestic adoptions are in 2006 and 2012, which were the years for which almost all the Member States reported figures. Similarly, the particularly low values for 2004 and 2014 may reflect the fact that only 14 countries reported figures for those years.

The two patterns that emerge most strongly from the data are that for the EU as a whole, domestic adoptions far outnumber intercountry adoptions, and that there has been a decline in the number of children being adopted into the EU from third countries, which reflects a wider global trend. The global context and patterns in domestic and intercountry adoption across Europe are explored in more detail below.

The global context

The first major study on global trends and policies in child adoption issued by the United Nations (UN) in 2009 found that, worldwide, over 160 countries recognised the legal institution of adoption. In 2015, research found that 170 countries authorised both domestic and intercountry adoption, whilst a dozen authorised domestic adoption but specifically prohibited or severely restricted ICA. A further twenty states under Islamic law also prohibited the latter and replaced domestic adoption by kafalah or other forms of legal guardianship, which do not sever all ties between adopted children and their birth parents. According to the same research, 15 countries allowed only married couples to adopt, whilst 100 countries also allowed single people to do so. Full joint adoption by single sex couples is now possible in a limited number of countries, twelve of which are in the EU (Austria, Belgium, Denmark, France, Ireland, Malta, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom).

In terms of scale, the UN has estimated that around 260 000 adoptions take place worldwide each year, meaning that fewer than 12 children are adopted for every 100 000 persons aged under 18. It also found that domestic adoptions far outnumbered intercountry adoptions, a pattern that also applies to Europe as a whole. Alongside the USA, Spain, France and Italy have consistently been among the countries receiving the highest numbers of children through ICA, whilst Sweden has also had very high per capita rates. From 2009, more children have been going to European countries for adoption than to the United States, which was formerly the topmost destination. The countries sending children abroad for adoption have also varied. China and Russia have consistently figured amongst the top countries of origin. However, whereas growing numbers of children are being adopted from Africa, there has been a fall in intercountry adoptions from EU Member States in central and eastern Europe, which became major sending countries in the 1990s. Since a global highpoint in ICA in 2004, there has been a marked decline. Various reasons have been advanced, but the consensus is that there has been a fall in the number of children available for ICA rather than any drop in the number of couples or individuals wishing to adopt. The fall in the number of children available may be connected with increasing regulation and growing sentiment in some countries of origin against sending children abroad for adoption. Another change is that the majority of the children put forward for intercountry adoption now have special needs, meaning that they are older, are in a sibling group or have a disability.

Adoption raises a number of human rights issues. As illustrated in current debates, intercountry adoption can be particularly sensitive, with the potential harm to children in remaining in institutional environments set against concerns about illegal and unethical adoption practices. Internationally, standards have been set in a number of legal instruments, which seek to establish safeguards against abuses, provide for mutual recognition of adoptions, and ensure that the best interests of the child are paramount. It is stressed that adoption is one of a range of care options in child protection systems, that it should be considered only when there is no possibility of keeping the child with his/her family and that all efforts should be made to identify stable, family-based care in the child's country of origin before considering adoption abroad.

The International legal framework

UN Convention on the Rights of the Child (specifically Article 21), which has been ratified by all EU Member States.
Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption has been ratified by 24 of the EU Member States, with the remaining four (Croatia, Estonia, Lithuania, Malta) in the course of accession. However, it has not been ratified by several of the countries that currently send the most children into the EU for adoption, including Russia, Ethiopia and Ukraine. In these cases, intercountry adoption is regulated through bilateral agreements.
European Convention on the Adoption of Children introduced by the Council of Europe in 1967 and revised in 2008. The revised Convention, which sets standards for domestic adoption, has been ratified by 8 EU Member States (Belgium, Denmark, Finland, Germany, Malta, the Netherlands, Romania and Spain).
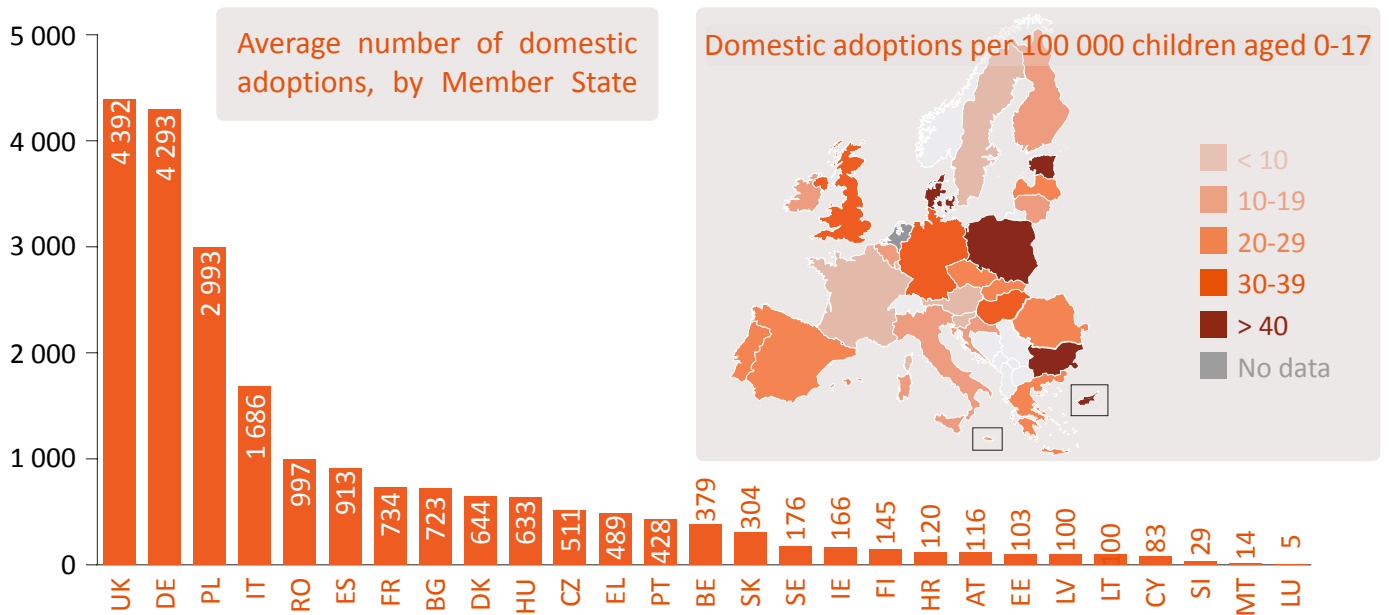

Adoption in the EU

Whilst some EU Member States have a long history of adoption, in others it is a relatively recent phenomenon. Historical and cultural differences have contributed to wide variations in adoption patterns. One significant difference is the relative share of ICA and domestic adoption in individual countries. At one end of the spectrum, previous research showed that in 2003, 95% of adoptions in Belgium, 94% in Luxembourg and 90% in France were intercountry, whilst, at the other, the percentage was just 1% in Portugal. The data returns from the Member States revealed similar divergences. On average, 57% of adoptions across the EU were domestic and 43% intercountry. However, looking at individual countries, 88% of adoptions in Luxembourg, 81% in Sweden and 80% in France were intercountry. Conversely, the countries with the highest proportion of domestic adoptions were Greece (99%), Portugal (98%) and the UK (95%).
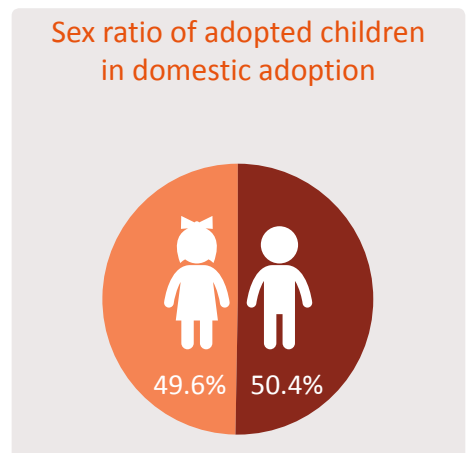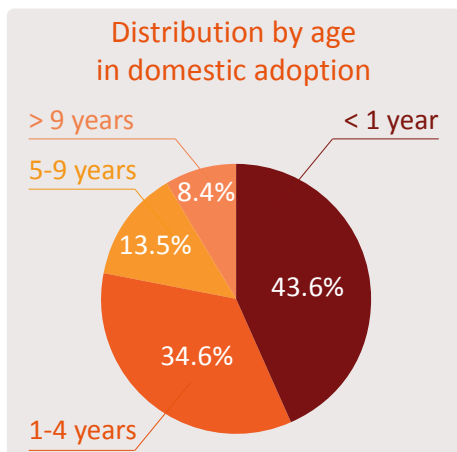
Domestic adoption

Research conducted in 2007, 2011, and 2015 has pointed to the existence of significant disparities in domestic adoption rates across the EU. It is suggested that a number of factors, including social attitudes towards teenage pregnancy, the place of domestic adoption in national child protection systems, the shifting balance between domestic adoption and ICA and changing emphases in adoption policy have all influenced trends and patterns in individual Member States.

Based on country returns, the bar chart below presents the average number of domestic adoptions per Member State, per year, whilst the map standardises the data against population size, showing the average number of domestic adoptions per 100 000 inhabitants aged under 18. The data show that, between 2004 and 2014, there were on average 18 366 domestic adoptions per year across the EU, with 19 adoptions per 100 000 children. The values varied from 13 949 adoptions in 2004 to a peak of 20 215 adoptions in 2012, falling to around 13 000 adoptions in 2014. The three countries with the highest total numbers were the UK, Germany and Poland (with a standardised rate of 33, 31 and 40 adoptions per 100 000 children respectively). Taking the standardised rate, the top three countries were Bulgaria, Denmark and Cyprus (with 58, 53 and 47 adoptions per 100 000 children respectively).

Average number of domestic adoptions, by Member State

Country	Value
UK	4 392
DE	4 293
PL	2 993
IT	1 686
RO	997
ES	913
FR	734
BG	723
DK	644
HU	633
CZ	511
EL	489
PT	428
BE	379
SK	304
SE	176
IE	166
FI	145
HR	120
AT	116
EE	103
LV	100
LT	100
CY	83
SI	29
MT	14
LU	5

Domestic adoptions per 100 000 children aged 0-17

	< 10
	10-19
	20-29
	30-39
	> 40
	No data

Note: No data were given in the return from the Netherlands, but the Dutch government notes elsewhere that very few children are available for adoption in the country, the average number being only 28 each year.

The two pie charts present the distribution of domestic adoptions by sex and age. The distribution by sex was calculated based on the 13 Member States that provided disaggregated data (Belgium, Bulgaria, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, Romania, Slovenia, Sweden and the UK). The distribution by age was calculated based on data from 7 Member States (Bulgaria, France, Ireland, Luxembourg, Latvia, Slovenia and the UK). Although age-disaggregated data were also presented by other Member States, these were the only countries that reported age-groups of adopted children using comparable categories.

Distribution by age in domestic adoption

> 9 years
5-9 years: 13.5%
8.4%
< 1 year: 43.6%
34.6%
1-4 years

Sex ratio of adopted children in domestic adoption

49.6%   50.4%

Intercountry adoption (ICA)

ICA takes place both between EU and non-EU countries and between the EU Member States. Here too, there are significant disparities. In the classification of countries for the Hague Convention, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia are listed as 'countries of origin' for ICA, whilst Portugal is both a receiving state and a state of origin and the remaining EU countries are primarily 'receiving states'. Romania and various other EU Member States have imposed restrictions on adoption of their children abroad at various times.

ICA from non-EU countries

Looking at ICA into the EU, the bar chart below represents the average number of intercountry adoptions from non-EU countries per Member State, per year, whilst the map shows the average number of these adoptions per 100 000 inhabitants aged under 18. The data show that, between 2004 and 2014, there were on average 11 610 intercountry adoptions from non-EU countries, with a relative value for the EU of 12 adoptions per 100 000 children. The three countries with the highest total number of adoptions were Spain, Italy and France. The first two were also amongst those with the highest relative share of adoptions (at 38 and 30 per 100 000 children), together with Malta (57), Sweden (36) and Denmark (33).
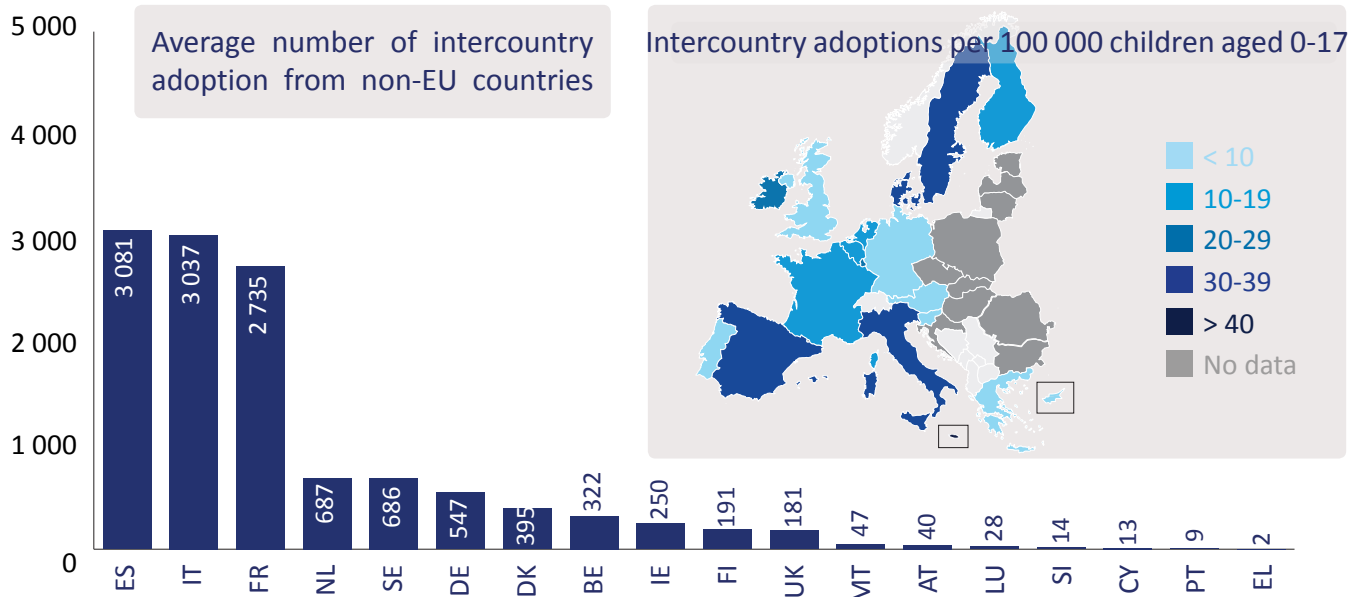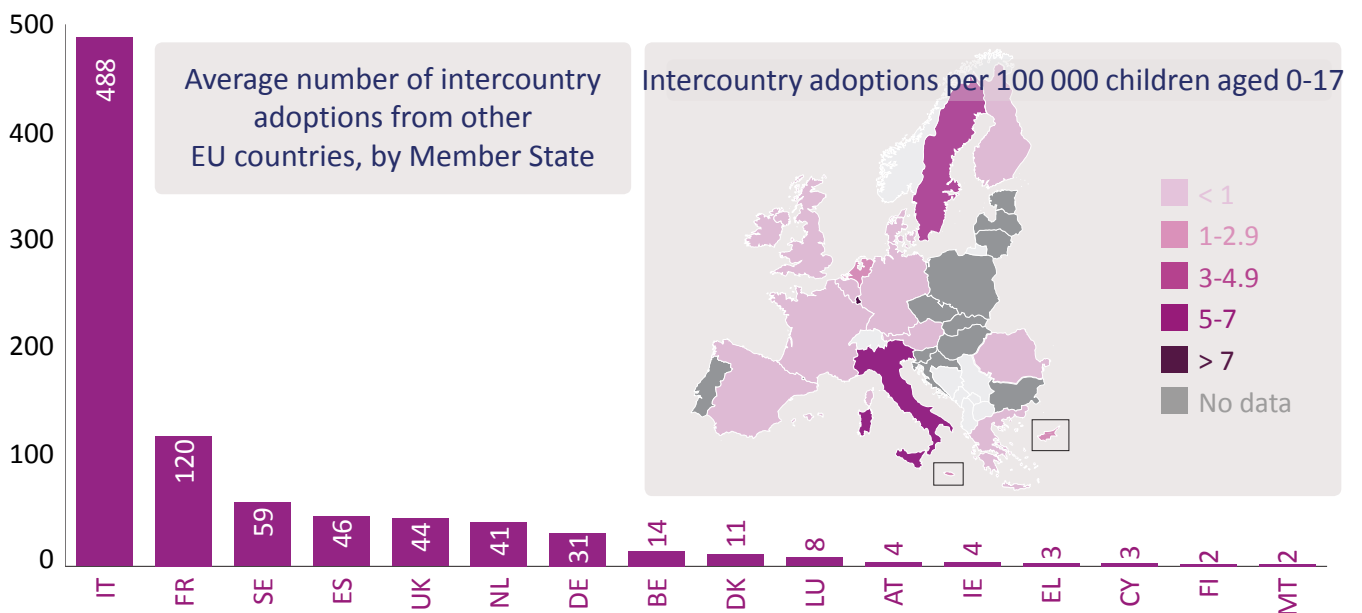

Note: No data available for Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia.

The bar chart on the next page represents the top 25 countries of origin of the children adopted and the top 5 receiving Member States for each nationality between 2004 and 2014. As illustrated in the second chart, individual EU Member States may have ties with particular countries of origin. Russia, with more than 21 000 children, was the most common sending country, representing 22.5% of all children adopted into the EU over this period, 95% of whom went to Spain, Italy, France, Germany and the UK. Ethiopia and China each represented 9% of total intercountry adoptions into the EU, with 90% of the Ethiopian and 85% of the Chinese children going to the top 5 receiving Member States.

Top 25 countries of origin

Country	Value
Russia	21 727
Ethiopia	9 053
China	8 718
Colombia	8 143
Vietnam	6 206
Ukraine	6 089
Haiti	5 371
Brazil	3 239
India	2 528
Kazakhstan	2 266
Thailand	2 163
South Africa	1 866
Mali	1 052
Madagascar	998
Cambodia	992
Rep of Congo	869
Nepal	819
Philippines	801
Burkina Faso	797
Peru	771
Chile	695
Bolivia	695
Taiwan	572
Côte d'Ivoire	536
South Korea	535

Top 5 receiving countries

Origin	1	2	3	4	5
Russia	ES	IT	FR	DE	UK
Ethiopia	FR	IT	BE	DK	DE
China	FR	NL	SE	UK	FI
Colombia	IT	FR	DE	SE	NL
Vietnam	FR	IT	DK	SE	DE
Ukraine	IT	ES	FR	DE	SE
Haiti	FR	DE	NL	BE	IT
Brazil	IT	FR	NL	PT	BE
India	IT	UK	DK	SE	FR
Kazakhstan	ES	SE	BE	FR	DE
Thailand	FR	DE	FI	DK	BE
South Africa	DK	FI	SE	DE	NL
Mali	FR	IT	BE	DE	DK
Madagascar	FR	IT	DE	DK	SE
Cambodia	IT	FR	UK	AT	BE
Rep of Congo	IT	FR	BE	DE	SE
Nepal	IT	FR	DE	UK	DK
Philippines	IT	FR	FI	SE	NL
Burkina Faso	FR	IT	DE	BE	FI
Peru	IT	DE	FR	DK	BE
Chile	IT	FR	DE	BE	SE
Bolivia	IT	DK	FR	SE	NL
Taiwan	SE	NL	DE	FR	DK
Côte d'Ivoire	FR	BE	IT	SE	DE
South Korea	DK	FR	LU	SE	IT

ICA between EU Member States

Looking at ICA between EU Member States, the bar chart below represents the average number of intercountry adoptions from other EU countries, per Member State, per year, whilst the map shows the average number of these adoptions per 100 000 inhabitants aged under 18. The data show that there were on average 812 intercountry adoptions between Member States over the period; in relative terms, less than one adoption per 100 000 children aged under 18. Luxembourg, Italy and Sweden were the countries with the highest relative rates of 8, 5 and 3 adoptions per 100 000 children. The total values fluctuated between a minimum of 317 adoptions in 2014 and 1 100 adoptions in 2009.

Average number of intercountry adoptions from other EU countries, by Member State

Member State	Value
IT	488
FR	120
SE	59
ES	46
UK	44
NL	41
DE	31
BE	14
DK	11
LU	8
AT	4
IE	4
EL	3
CY	3
FI	2
MT	2

Intercountry adoptions per 100 000 children aged 0-17

- < 1
- 1-2.9
- 3-4.9
- 5-7
- > 7
- No data

Note: No data available for Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia.

National rules

Since adoption remains a national competence, the EU does not have a common policy in this area and there are significant divergences in legislation and practice between the Member States.[3]

One key difference is that as well as *full adoption*, which permanently terminates the legal ties between the adopted child and his or her birth parents, legislation in some countries – Belgium, Bulgaria, France, Luxembourg, Malta, Poland, and Portugal (up until 2016) – also allows for *simple adoption* in which the adopted child maintains some legal and financial ties with his or her birth family.

The eligibility criteria to be met by adopting parents also vary from one country to another, as do approaches to making information available to adoptees and birth parents, to consultation of the child, and to parental and child consent. Data returns show that some countries have set an age from which children must give their consent to adoption, which varies from 10 years in Estonia, Lithuania, Romania and Slovenia, up to 15 in Austria.

National requirements for domestic and intercountry adoption are broadly similar, one exception being the Netherlands, where couples in a legally registered partnership may adopt jointly in the case of domestic adoption but not for ICA, where only one of the parents can adopt.

The minimum eligibility requirements for adoptions are set out in the table below. When additional conditions are required for particular categories in the table, they are marked with an asterisk and explained in the notes, which also list several additional country specific conditions referred to in the country returns.

As regards ICA, it should be noted that each country of origin has its own requirements and restrictions with regard to prospective adopters and that these take precedence over requirements in the receiving country. For example, although an EU Member State might allow for adoption by single people or single-sex couples, such persons may be refused as potential adopters by the country of origin.

| | Heterosexual couples | | | Same-sex couples | | | Singles | Age | | |
	Married with or without children	Legally registered	NOT legally registered	Married	Legally registered	NOT legally registered	Men or women	Minimum	Maximum	Difference
AT	Y	N/A	–	N/A	Y	–	Y	25	N	16
BE	Y	Y	Y	Y	Y	Y	Y	25	N	15
BG	Y	N/A	N	N/A	N/A	N	Y	N	N	15
HR	Y	N/A	N	N/A	N	N	Y	21	N	18
CY	Y	N/A	N	N/A	N	N	Y	25	N	–
CZ	Y	N/A	N	N/A	N	N	Y	18	N	16
DK	Y	N/A	N	Y	Y*	N	Y	25	42	42
EE	Y	N	N	N/A	N	N	Y	18	50*	45
FI	Y	N/A	N	N/A*	N*	N	Y	25	50	18/45
FR	Y	N	N	Y	N	N	Y	28*	N	15
DE	Y	N/A	N	N	N	N	Y	21	N	N
EL	Y	N/A	–	N/A	N	N	Y	30	60	18/50
HU	Y	N/A	–	N/A	N	N	Y	25	N	16/45
IE	Y	N/A	N	Y	Y	N	Y	21	N	
IT	Y	N/A	N	N/A	N/A	N	N	N	N	18/45
LV	Y	N/A	N	N/A	N/A	N	Y	25	N	18
LT	Y	N/A	N	N/A	N/A	N	Y	18	50	15
LU	Y	Y	Y	Y	Y	Y	Y	25	40	–
MT	Y	Y	N	Y	Y	N	Y	28	45	28/45
NL	Y	Y	Y	Y	Y	Y	Y	N	N	18
PL	Y	N/A	N	N/A	N/A	N	Y	18	N	–
PT	Y*	Y*	N	N	N	N	Y*	25/30	60	50
RO	Y	N/A	Y*	N/A	N/A	N	Y	18	N	18
SK	Y	N/A	N	N/A	N/A	N	Y	18	N	–
SI	Y	N/A	N	N/A	N	N	Y	18	N	18
ES	Y	Y*	Y	Y	Y*	Y	Y	25	N	16/45
SE	Y	N/A	N	Y	Y*	N	Y	25	N*	–
UK	Y	N/A	Y	Y*	Y	Y	Y	21	N	–

Y: Yes   **N**: No   **N/A**: not applicable   – no data   * See notes on next page

Notes

Denmark	Legally registered same-sex couples must have been together for at least 2.5 years.
Estonia	35 is the recommended minimum age of the parent; 50 is the maximum recommended age of the parent.
Finland	A law on same sex marriage, which will allow for joint adoption by same-sex couples, is due to come into force on 1 March 2017. From this date, it will no longer be possible to enter into a legally registered partnership.
France	Men or women adopting individually must be aged at least 28. Couples who have been married for more than two years, or who are both aged at least 28 may adopt jointly. In principle, the adopter or adopters must be at least 15 years older than the child they wish to adopt, but the judge may allow exceptions if the age gap is smaller. In the special case of the adoption of a spouse's child, the adopter does not have to meet the age condition and the minimum age gap between the adopter and the adoptee is reduced to 10 years.
Portugal	Eligible couples adopting jointly must be over 25 and have been together for more than 4 years. Single adopters must be over 30.
Romania	Adoption law provides for one situation where a child can be adopted by the partner of the parent, i.e. when an unmarried parent has cohabited with an opposite sex person for more than 5 years and has been involved in the upbringing of the child.
Spain	13 regions have enacted laws on civil partnership, which cover both opposite and same-sex couples.
Sweden	Registered partnerships were replaced by gender-neutral marriage in 2009, but continue to exist if concluded before that date. There is no formal maximum age for adoptive parents, but in practice, people over 42 years of age are not permitted to apply.
UK	There is currently no provision for same-sex marriage in Northern Ireland.
Other	In their returns, some countries also referred explicitly to other requirements and eligibility criteria for prospective adoptive parents, including: residency requirements (CY, UK); state of health (DK, EE; BE; DE; EL; LV; LT; RO; SK); special training or counselling and/or aptitude test (EE; FI; HU; LT; LU; SE); ability, aptitude and motivation appropriate to exercise parental responsibility (ES); consent of spouse (BE; FR; LU); adequate financial situation and housing conditions (DK; DE); being in employment (EE); ethnic, cultural and religious environment (CZ, DE); clean criminal record (DK; EL; LV; RO); and full legal capacity (HR; HU; LV; LT; RO; SK).

Access to adoption data

Information on where the law allows adoptees, adoptive parents and biological parents to access information on adoption is set out in the following map. All the Member States allow adopted children to access data, although the age at which they may do so varies, being set at 12 in Belgium; 14 in Austria and Lithuania; 16 in Germany, the Netherlands and Bulgaria; 18 in Latvia, Poland, Croatia, Greece, Malta and Denmark; and 25 in Italy. Concerning the parents, national practices on access to information may differ for adoptive and biological parents. Further explanations for some countries are set out in the notes below.
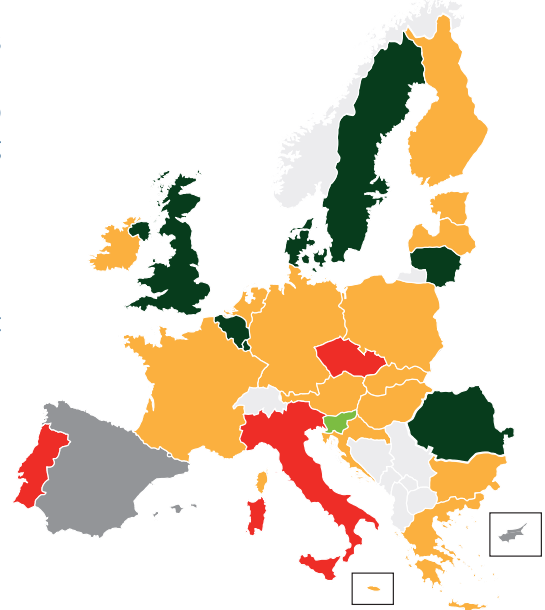
- 🟥 Neither adoptive or biological parents allowed
- 🟧 Only adoptive parents allowed
- 🟩 Only biological parents allowed
- 🟢 Adoptive and biological parents allowed
- ⬜ No data

Notes

Croatia	Unless the adoptive parent is a stepmother/-father.
Estonia	If the adopted child is still a minor, the permission of the adoptive parent is required. Adoptive parents may only access information before the adoption.
Germany	Until the child is 18.
Greece	Only before the adoption.
Hungary	Only during the adoption procedure.
Ireland	If the child is under 18.
Lithuania	For considerations relating to the child's health.
Luxembourg	Special procedure - the authorities trace the biological parents/adoptee and ask if they wish to be contacted by the adoptee/biological parent.
Malta	Via the court.
Portugal	Exceptionally.
Romania	Within legally established limits.
Slovenia	With the consent of the person the information relates to.
Sweden	With the consent of the person the information relates to.

Possible action at EU level

The EU's scope for action in this area was last explored in depth almost a decade ago. In 2006, a Eurobarometer survey showed strong public support for EU involvement in facilitating adoptions between Member States. The level of support varied from one country to another, being highest in Italy and France (87% and 85%) and lowest in the Baltic States and central Europe (61%), but on average 76% of European citizens favoured EU action in this area. A 2009 study for the European Commission argued that the EU would have scope to act, particularly as regards cross-border adoptions. Recommendations included: making comparable disaggregated statistics on adoption available across the EU; the creation of a European adoption certificate; and the establishment of a European adoption register or agency. Proposals were also set out in a 2008 study for the European Parliament, whose 2011 resolution on international adoption in the EU called for consideration of coordinated European level strategies and mutual legal recognition of the documents necessary for adoption. In 2015, a study for the Parliament suggested that the EU could play a role in ensuring that more information is made available on the subject of adoption without parental consent. The Parliament is also exploring a number of unresolved cross-border legal issues that can affect the recognition of adoptions and impact on families who move within the EU, with a workshop, assessment of the added value of action at European level[4] and forthcoming legislative own-initiative report.

Challenges and data sources

Globally, the UN has identified the lack of harmonisation in the way information on adoption is collected, compiled and disseminated as a major obstacle to understanding how and why adoption is changing, shaping policy and investigating the overall effects of adoption on children.

There is currently no standardised or unified system for recording statistics on child adoption at EU level, and systems of data recording and disaggregation vary between - and sometimes also within - countries, which raises issues of comparability. Similarly, only some EU Member States make information on both domestic and intercountry adoptions available and such data are not always disaggregated. For this infographic, we requested information from the relevant national administrations in all 28 Member States, which was supplemented where necessary or possible with official data published by national statistics offices and, in the case of intercountry adoptions, in mandatory reporting for the Hague Convention (Article 7). Our objective was to build up as full a picture as possible of trends in domestic and intercountry adoption in the EU, with specific information on the proportion of intra-family adoptions, including step-parent adoptions, the sex and age ratios of the children being adopted, and reasons for adoption. However, it was not possible to collect fully comparable, disaggregated data sets for all EU Member States for the entire period under review. This is reflected in the use of averaged figures, meaning that the total number of domestic and intercountry adoptions for the EU as a whole over the entire period from 2004-2014 will necessarily be higher than reported in this paper.

Endnotes

[1]As the returns from the Member States did not specify the nationality of adoptive parents, the data did not allow for a clear distinction to be made between intercountry and international adoptions. The paper therefore refers solely to domestic adoption and intercountry adoption from EU and non-EU countries.

[2]Member States were asked to submit data returns covering the period from 2004-2014.

[3]Adoption is explicitly excluded from the scope of Council Regulation (EC) No. 2201/2003 concerning jurisdiction and the recognition and en-forcement of judgments in matrimonial matters and matters of parental responsibility (Article 1.3).

[4]For further information, see T. Evas, 'Cross-border recognition of adoptions' – Interim European Added Value Assessment accompanying the European Parliament's legislative own-initiative report (Rapporteur: Tadeusz Zwiefka), PE 581.384, EPRS, June 2016.