

Universal Call for a Moratorium on intercountry adoption and new surrogacy procedures in response to the conflict in Ukraine

Intercountry adoption and new surrogacy procedures should not be initiated in the first phase of an emergency. Save the Children is calling for states to support a Moratorium on intercountry adoption and emergency surrogacy procedures in relation to Ukraine until the appropriate safeguards can be reinstated. While adoption can provide a safe and loving home for a child that needs a family, it must be regulated to ensure the best possible solution for each and every individual child.

In times of peace, a child should only be considered for intercountry adoption when it has been established that the child is adoptable, placement options in the country have been considered, it is in the child's best interests and when there is consent by those legally acting on the child's behalf.

During emergencies such as conflict, it is a well-accepted principle that adoption is not an appropriate response for unaccompanied children until efforts to trace and reunite them with their families have been exhausted¹. In this chaotic environment, it is impossible to determine whether a child is in fact adoptable and ensure the appropriate safeguards are in place. Children may mistakenly be considered orphans, even if they have family members who are actively looking for them. This includes children evacuated from different forms of institutional care (ex. orphanages, boarding schools, baby homes) as many of them also have family members.

Separated and unaccompanied children are extremely vulnerable to trafficking and exploitation. The ongoing crisis makes it impossible to ensure that commercial or criminal gain, fraud, child trafficking, and the deception of birth parents do not play any part of the adoption process.

If a family is in the process of adopting a child from Ukraine where an adoption decision has already been made prior to the crisis, it is essential they only proceed with the adoption in accordance with international legal standards². Prospective adoptive parents should communicate with their central adoption authority or accredited adoption body to get the most up to date advice.

According to International Social Services' worldwide statistics, Ukraine facilitated the second highest number of intercountry adoptions in 2020³ and is the second most popular destination for foreign couples seeking surrogacy services⁴. Given the lack of access and insecurity, we are recommending that no new surrogacy procedures are started and that individuals already involved in the process should contact their service provider for the most up to date information on the status of children born through surrogacy during this time. Surrogacy services should contact local authorities in Ukraine for information and updates on the situation and potential relocation of babies from clinics and care centres.

Save the Children is working to support families to stay together as they move from Ukraine and to ensure protection when children are identified as unaccompanied in Poland and Romania, working in close coordination with child protection authorities in these countries and to support actions that are in the best interests of children relocating from institutional care, including family reunification where possible.

¹ Cantwell, Nigel (2014). The Best Interests of the Child in Intercountry Adoption, Innocenti Insight, Florence: UNICEF Office of Research

² Hague Convention on the Protection of Children and Co-operation in Respect to Intercountry Adoption: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=69>

³ ISS (December 2021) Monthly Review No. 257: <https://www.iss-ssi.org/index.php/en/resources/training>

⁴ ISS Ukraine Crisis and International Standards: <https://www.iss-ssi.org/index.php/en/>