



**REGULATION AND CHALLENGES OF THE INTERNATIONAL
ADOPTION OF MINORS.**

Bachelor's Thesis - International Relations Global Bachelor's Degree

Presented by: Alice Zannoni

Directed by: Jorge Sánchez Tarazaga

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ABSTRACT

This thesis examines the legal and ethical challenges inherent in the international adoption of minors, focusing on Spain's regulatory framework and its intersection with European and International Law. It explores the evolution of intercountry adoption and analyses the domestic, European and international legal instruments that govern the process. It also investigates the practical and legal issues that arise when foreign adoptions are recognised. Through a comparative analysis with Italy, the study reveals the fragmentation of legal standards within the European Union and the lack of a harmonised approach to adoption recognition. Additionally, the thesis delves into ethical dilemmas such as informed consent, child trafficking and cultural displacement. This emphasises the need for adoption practices to prioritise the best interests of the child. Particular attention is given to adoptions from Asian countries, which often present unique procedural and cultural challenges. This sheds light on the importance of bilateral cooperation and effective safeguards in cross-border adoption practices. Ultimately, the research argues for stronger international coordination and clearer national policies to ensure the integrity, fairness and humanity of international adoption systems.

Keywords: International adoption, Spain, legal challenges, child protection, Hague Convention, EU law, ethical dilemmas, kafala, children's rights, informed consent, recognition of foreign adoptions, best interests of the child.

RESUMEN

Este trabajo analiza los desafíos jurídicos y éticos inherentes a la adopción internacional de menores, centrándose en el marco normativo de España y su intersección con el Derecho Europeo e Internacional. Examina la evolución de la adopción entre países y analiza los instrumentos legales a nivel nacional, europeo e internacional que regulan dicho proceso. Asimismo, investiga las cuestiones prácticas y jurídicas que surgen en el momento del reconocimiento de adopciones constituidas en el extranjero. A través de un análisis comparado con Italia, el estudio pone de manifiesto la fragmentación de los estándares legales dentro de la Unión Europea y la ausencia de un enfoque armonizado respecto al reconocimiento de adopciones.

Además, la tesis profundiza en dilemas éticos como el consentimiento informado, la trata de menores y el desplazamiento cultural, subrayando la necesidad de que las prácticas de adopción prioricen el interés superior del menor. Se presta especial atención a las adopciones procedentes de países asiáticos, que a menudo presentan desafíos procesales y culturales específicos, lo cual pone de relieve la importancia de la cooperación bilateral y de garantías eficaces en las prácticas de adopción transfronteriza. En última instancia, la investigación aboga por una mayor coordinación internacional y por políticas nacionales más claras, con el fin de garantizar la integridad, la equidad y la humanidad en los sistemas de adopción internacional.

Palabras clave: Adopción internacional, España, desafíos jurídicos, protección del menor, Convenio de La Haya, derecho de la UE, dilemas éticos, kafala, derechos del niño, consentimiento informado, reconocimiento de adopciones extranjeras, interés superior del menor.

ABBREVIATIONS

| <i>Abbreviation</i> | Meaning |
|---------------------|--|
| CAI | Commissione per le Adozioni Internazionali |
| CC | Código Civil |
| CE | Constitución Española |
| DGRN | Dirección General de los Registros y del Notariado |
| ECHR | European Court of Human Rights |
| EU | European Union |
| LAI | Ley de Adopción Internacional |
| LJV | Ley de la Jurisdicción Voluntaria |
| UNCRC | United Nations Convention on the Rights of the Child |

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Introduction

a. Justification of the study

International adoption has traditionally been seen as a solution whereby children can be offered stable and loving families when their biological ones are unable to provide such care. However, the process involves numerous legal, ethical, and practical obstacles that differ from place to place. The circumstances in Spain, a receiving country and a signatory of numerous international commitments, must be highlighted when making the case for recognising and regulating intercountry adoptions. Likewise, the Asian continent, which has had an increasing international adoption rate, poses unique challenges, especially related to legal recognition and matters of ethical concern.

According to data from the Ministerio de Derechos Sociales y Agenda 2030, the number of intercountry adoptions in Spain has drastically declined in the past decade, from 1,699 in 2012 to just under 200 in 2023. This trend reflects broader global movements influenced by stricter international regulation, enhanced domestic child protection in sending countries, and socio-economic transformations.

Therefore, this study has special importance given the situation in Spain, where legislation is conflicting when it comes to establishing the recognition of non-European adoptions. Considering these complexities, we need to examine how the Spanish legal system engages with international norms as well as the domestic policies of exporting countries. This research seeks to add to these wider legal and policy debates on the sufficiency of Spain's current framework while also making proposals for its enhancement.

The choice of Spain as a primary focus is due to my residence in the country, allowing for an in-depth examination of its domestic legal framework and practical implementation. Italy, as my home country, has also been included to enable the comparative analysis of specific legal cases and national legislation. The Asian continent has been selected as a reference point due to my personal connection to Thailand, where my parents currently reside. Furthermore, my engagement with the

subject goes beyond academic interest. My parents have previously adopted, giving me direct exposure to the legal, emotional, and bureaucratic complexities of the adoption process. My intention to adopt in the future further reinforces my motivation to study this topic from both a legal and human perspective.

Additionally, my involvement with children at risk of social exclusion in volunteering activities has profoundly shaped my awareness of the structural inequalities affecting vulnerable minors. This experience, combined with my aspiration to pursue a career in the field of human rights and migration, has guided my decision to approach international adoption not only as a legal phenomenon but also as a deeply ethical and humanitarian issue.

b. Research objectives and limitations

The primary objective of this thesis is to analyse the legal and ethical challenges related to the recognition of international adoptions in Spain, with particular attention to cases originating from countries with legal systems that differ significantly from the Spanish framework, especially in Asia. The study also considers the broader European context through a comparative perspective of Italy's legal approach and assesses the need for greater harmonisation at the EU level.

This research aims to examine in depth: (i) the domestic legal framework governing intercountry adoption in Spain and its interaction with international instruments such as the 1993 Hague Convention and the United Nations Convention on the Rights of the Child (UNCRC); (ii) the identification of legal, ethical, and jurisdictional challenges, particularly those arising in the recognition of adoptions from non-Western legal traditions, such as kafala; and (iii) the extent to which Spain's legal practices align with or diverge from those of other EU Member States, with a view to identifying potential areas for legal reform or policy improvement.

Despite its comprehensive scope, this study presents certain limitations. First, due to the evolving nature of adoption legislation and jurisprudence, some recent reforms or emerging case law may not be fully reflected. Second, while it includes references to international practices, the primary legal analysis is centred on the Spanish legal system and therefore cannot be generalised to all intercountry adoption frameworks. Lastly, this thesis adopts a doctrinal and comparative legal approach, and does not delve into the psychological, cultural, or social integration dimensions of adoption, which merit separate and equally in-depth analysis.

c. Sustainable Development Goals (SDGs)

This research topic is relevant to several SDGs of the 2030 Agenda for different reasons.

SDG 1: No Poverty

Many children placed for intercountry adoption come from impoverished backgrounds, and adoption can provide them with better opportunities since otherwise they would remain in poverty-stricken conditions. This aligns especially with goals 1.1, “Eradicate extreme poverty for all people everywhere”, and 1.4, “Ensure equal rights to economic resources and basic services.”

SDG 3: Good Health and Well-Being

Of extreme relevance above all goal 3.4, “Promote mental health and well-being”, which aims to ensure that adopted children receive proper healthcare, that they don’t struggle with identity, attachment, and/or trauma, as well as providing post-adoption support systems such as mental health resources, cultural integration support.

SDG 4: Quality Education

Especially 4.1 “Ensure all children complete free, equitable, and quality primary and secondary education”, 4.5, “Eliminate gender disparities and ensure equal access to education for vulnerable groups”, and 4.7 “Ensure education promotes sustainable development, global citizenship, and cultural understanding”. These goals are relevant to our topic since adoption can improve access to education, particularly for children from underdeveloped countries, and ensure equal access to education for children with special needs in the adoption system. It surely entails both language and educational adaptation, which can be considered a problem for the child.

SDG 5: Gender Equality

Concretely, 5.1 “End all forms of discrimination against women and girls”, relevant to the topic since it can be related to the prevention of gender-based discrimination in adoption policies. As stated in the thesis, some countries still favour boys over girls, or vice versa, and boys sometimes have more rights than girls when it comes to adoption.

SDG 10: Reduced Inequalities

Applicable to our topic in the equal access to adoption for all prospective parents, tackling discriminatory laws that prevent adoption based on nationality, religion or marital status, as well as aiming to eliminate bias against children with disabilities or older children in international adoption. All, especially with the goals 10.2 “Empower and promote social, economic, and political inclusion of all”, 10.3 “Ensure equal opportunity and reduce discrimination”, and 10. 7 “Facilitate orderly, safe, and responsible migration and mobility.”

SDG 16: Peace, Justice, and Strong Institutions

Concretely, four are the most relevant ones: 16.2 “End abuse, exploitation, trafficking and all forms of violence against children”, 16.3 “Promote the rule of law and ensure equal access to justice”, 16.6 “Develop effective and accountable institutions”, and 16.b “Promote and enforce non-discriminatory laws and policies.” These ensure an ethical adoption law to prevent child trafficking and exploitation, as well as strengthen legal frameworks for adoption through the Hague Convention compliance, among other treaties. Additionally, they aim to guarantee child protection and the best interests of the child in legal proceedings, and strengthen the bilateral agreements to improve legal recognition of international adoption worldwide.

SDG 17: Partnership for goals

Lastly, goals 17.16 “Enhance the global partnership for sustainable development, complemented by multi-stakeholder partnerships” and 17.17 “Encourage effective public, public-private, and civil society partnerships” are extremely relevant since international adoption requires strong international cooperation and coordination to ensure legal recognition, ethical standards, and protection of the child. These goals highlight shared responsibilities between institutions, NGOs, governments, and international organisations.

Therefore, the most relevant SDGs for this topic that we’ll see during the thesis are SDG 16 and 10 because they both address legal, ethical, and human rights aspects of international adoption, as well as SDG 3 and 4 for the well-being and development of adopted children.

1. Concept, origin and evolution of intercountry adoption

Intercountry adoption has been of growing importance throughout history, and even more so in the last few decades, becoming a common phenomenon today. In the context of an increasingly globalised society, international adoption of children is considered an alternative for those individuals or couples who wish to build a family and provide a safe home for children who are in vulnerable situations in their countries of origin. Its ways of implementation help us understand “society’s values and ideological positions on the concept of filiation” (Lavallée et Ouellette, 2020). Despite this, adoption should be the last resort to protect the child since, according to the principle of subsidiarity, other options that keep the child in his or her “habitual environment” should be taken into account before adopting this protective measure. “Adoption should only be resorted to when it is not in the best interests of the child to remain in his or her own family” (Calzadilla Medina, 2004).

The legal institution of international adoption in the Spanish legal system has a fundamental prerogative since the minor requires special protection and care due to their physical and intellectual maturity (Ortiz Vidal, 2020). Adoption is considered as a legal institution for the protection of minors, whose purpose is to protect and safeguard minors at the highest level, based on two fundamental values: the principle of the best interests of the minor and the response to a single universal reality, which is the existence of children in need of protection. Both argue the primacy of the child’s interest over any other as well as the permanence in the child’s own family and socio-cultural environment, the establishment of intercountry adoption by competent authorities, and the right of the child to benefit from protection and a regulatory framework equivalent to that of the host country (Calvo, 1994).

Intercountry adoption in Spain has experienced a remarkable decline in recent decades. While more than 33,000 international adoptions took place between 1997 and 2006, reaching a peak of 5,541 in 2004, the number had fallen to 183 in 2023 (Ministry of Youth and Children, 2024). This drastic reduction of more than 90% reflects a significant change in the reality of international adoption in the country.

During the peak years, Spain was one of the leading countries in the world in terms of the number of international adoptions. However, it ranked fifth in 2022, behind the

United States and Italy, Canada, and France (International Social Service, 2022) (Annexes No. 1 and 2). This decline is due to a combination of factors, including improved child protection systems in the countries of origin, legislative reforms in both Spain and the sending countries, and a growing international trend to prioritise local family solutions over intercountry adoption.

In particular, countries such as China, which for years topped the list of countries of origin of adopted children, have drastically reduced the number of international adoptions (El País, 2024) (Annexe No. 3). In 2023, the main countries of origin of children adopted in Spain were Vietnam (51), India (39), Hungary (18) and Colombia (14) (Ministerio de Juventud e Infancia, 2024) (Annexe No. 4).

Overall, this decline has been influenced by the complexity of the diverse regulations surrounding this issue in comparative law. Not all States contemplate, recognise, or regulate adoption as a measure and form of child protection, as seen in the case of Islamic countries, which generally don't recognise this institution.

In order to better understand the concept of international adoption of children, it is necessary to acknowledge the concept of family. Although it can be classified both sociologically and legally, all definitions converge on a common element: its primordial nature as an organism in society that helps the development of each individual.

From a legal point of view, the essential function of the law is to protect the family, understood as a fundamental legal institution. Despite the definition of what constitutes a family remaining controversial, this protection is reflected in international and national standards such as the Universal Declaration of Human Rights (United Nations, 1948) and the Convention on the Rights of the Child (hereinafter UNCRC) (United Nations, 1959). In this sense, the UNCRC recognises that “the family, as the basic unit of society and the natural environment for the growth and well-being of all its members, especially children, should enjoy the necessary protection and assistance to enable it to assume its full responsibilities within the community” (United Nations, 1989, Preamble).

Once the concept of family has been defined in the context of law and international protection, it is essential to consider the meaning and legal configuration of the concept of adoption. Etymologically, the word adoption derives from the Latin *adoptio*,

which refers to the act of accepting as a child someone who is not a child by biological link. Its concept dates back to the Hebrews and ancient Egyptians, who already had notions of it, although it was with the Roman civilisation that it reached its greatest apogee. It then gradually lost its importance as legislators believed that its regulation threatened the centuries-old marriage-based family structure.

Essentially, adoption has gone through three main historical stages: the first in ancient law, centred exclusively on the interests of the adopter, characterised by a strong formalism; a second more flexible and paternalistic stage, which arose after socio-political changes that turned it into a private act; and a third, the current one, in which the best interests of the adopted minor predominate (Rodríguez Ennes, 2020).

From a contemporary legal and social point of view, adoption goes beyond this original meaning, since it is a legal instrument that establishes a filial bond between the adopter and the minor, with the same effects as biological filiation, and which dissolves the legal ties with the family of origin (Código Civil Español, art. 178).

Adoption acquires a particular importance for the State in that it is a legal figure aimed at guaranteeing the best interests of the minor, a principle universally recognised in international law (UNCRC, 1989, art. 3). The need to regulate this principle comes from the social post-World Wars context, where an important number of minors were left without a family, and therefore needed to be protected by a law that regulated the adoption process as well as the development of a regulation that alludes to the principle of the best interests of the child. In this sense, the UNCRC The Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption of 1993 (henceforth Hague Adoption Convention) were created, and adoption became not just an act of private will, but a procedure regulated by national and international legal norms that seek to guarantee the adopted child a stable, secure and permanent family environment.

In the Spanish case, the Ley 54/2007, de 28 de diciembre, de Adopción internacional (translated as Law on International Adoption and hereinafter LAI) defines international adoption in its article 1.2 as: “When a minor who is considered adoptable by the competent foreign authority and who has his or her habitual residence abroad, is or will be brought to Spain by adoptive parents who have their habitual residence in

Spain, either after having been adopted in the country of origin, or for the purpose of carrying out such adoption in Spain". In Spain, the principle of the best interests of the child was consolidated as a guiding principle for all legal, administrative and social actions affecting children with the entry into force of the Constitución Española of 1978 (translated as Spanish Constitution and hereinafter CE). In its article 39, this fundamental norm establishes the obligation of the public authorities to ensure the comprehensive protection of children, regardless of their parentage, implicitly recognising that the needs of minors must prevail in any process affecting them.

This development marked a significant change from the approach adopted by the Código Civil of 1889 (translated as Civil Code and hereinafter CC), whose original formulation gave greater prominence to the rights and wishes of the adopter, to the detriment of the child's real needs, which were relegated to the background. The legislative reforms introduced in recent decades, especially since Spain ratified the UNCRC, have placed the child as a subject with full rights and at the centre of all protection measures, in line with international standards (United Nations, 1989; González-Bueno, 2021). This normative shift is not only a response to international commitments, but also to a more protective conception of family law, in which the best interests of the child are examined as an interpretive principle, a procedural rule and a substantive rule, as stated in General Comment No. 14 of the Committee on the Rights of the Child (2013).

Authors such as Calvo Caravaca and Carrascosa González (2021) insist that the concept of international adoption should not be understood in a limited way and suggest using the term *transnational adoption* to refer to those cases in which there is an international transfer of the child, thus reinforcing the global dimension of the phenomenon and its regulation in private international law.

2. Methodology

This thesis employs comparative legal research to trace the interaction of Spain's legal framework on intercountry adoption. The approach has been chosen due to the complexities in international adoption and its dimensions in terms of ethics, legality, and social issues. It allows for structured comparisons between different legal systems within wider international responsibilities and standards. The study is based mainly on doctrinal legal analysis and main sources of law, which include the Spanish domestic legislation, European Union (EU) regulations, and international instruments like the Hague Adoption Convention. This will be done by reviewing these sources in relation to the adoption laws and administrative practices of other countries.

To contextualise and critically assess how these legal frameworks operate in practice, the study also considers jurisprudence from relevant courts, such as decisions by Spanish courts, the ECHR, and, where applicable, judicial or administrative rulings from Asian jurisdictions. These cases throw light on the legal dilemmas and evolving standards in intercountry adoption, more particularly with regard to the best interests of the child, biological and adoptive parental rights, and cross-border enforcement of adoption decisions.

This research goes beyond legal texts to include the perspectives of governmental and non-governmental actors in intercountry adoption through procedures, policies, and oversight guidelines of Spain's central adoption authority, among others. Reports and outputs from UNICEF, the Hague Conference on Private International Law, and reputable NGOs further inform the ethical and socio-political dimensions of the topic, particularly with regard to child trafficking risks, identity rights of adoptees, and economic inequalities that may influence adoption practices.

Analysis is supported by secondary literature, containing scholarly international family law, human rights, and comparative legal studies. Policy reports, legal research institutes, and international organisations add further information about the political and legal undercurrents of adoption policies. This multi-source approach aims at discovering the legal inconsistencies, ethical tensions, and policy improvements that should be made.

The ultimate objective of this study is to offer a critical and prospective viewpoint on Spain's framework for intercountry adoption. The study aims to provide practical legal and policy recommendations that prioritise the rights and welfare of adopted children, ensure ethical compliance, and foster consistency in cross-border legal cooperation by contrasting it with the practices of other countries and assessing it against international legal standards.

3. Legal framework of intercountry adoption

a. International legal framework applicable to Spain

Various bodies within the international community are constantly concerned about articulating a set of standards to ensure the protection of children.

This is reflected in the 1989 UNCRC, the main guarantor of these rights. Initially, the Convention only referred to the obligation of States Parties to facilitate adoption. However, it later shifted its focus to emphasise its duty to prioritise the best interests of the child in any adoption. Article 21 states that “States Parties which recognise or permit the system of adoption shall ensure that the best interests of the child are a primary consideration, and shall ensure that the adoption of the child is authorised only by competent authorities”. Furthermore, it stipulates that they shall recognise “adoption by persons residing in another country as an alternative means of care for the child if he or she cannot be placed in a foster home or with an adoptive family, or cannot be properly cared for in his or her country of origin”.

States Parties shall also ensure the safeguarding of the child and ensure that he or she enjoys standards equivalent to those existing in respect of adoption in the country of origin. They shall also take all appropriate measures to ensure that the adoption does not result in improper financial gains for the parties, as stated in Article 35, to “take measures to prevent the abduction, sale or trafficking of children”¹. Article 20.3 also stipulates that States Parties must ensure proper adoption through competent authorities and bodies. This is not only a practical approach from the States' perspective, but it also aims to ensure that the child's upbringing and ethical, religious, cultural and linguistic background are preserved. Lastly, it emphasises the importance of undertaking periodic reviews to evaluate the circumstances of children residing in institutions and ensuring that appropriate decisions regarding family reunification or permanent foster care are made promptly, as evidenced in Article 25.

¹ SDG 16.2

Furthermore, the 1993 Hague Adoption Convention, ratified by Spain in 1995, aims to establish guarantees to ensure that the best interests of the child and the fundamental rights stipulated by international law are taken into account in intercountry adoptions². The Convention also ensures the recognition of adoptions made in accordance with it in “Contracting” States, and seeks to promote cooperation among them to ensure compliance with the guarantees it provides (UNICEF, n.d.). In addition to establishing general requirements and protections for children in intercountry adoptions as seen in Article 21, it stipulates a clear clause in Article 26.2 that addresses possible situations of insecurity for the adoptee that are intrinsic to some transfers, stating that “the child shall enjoy, in the receiving State and in any other Contracting State in which the adoption is recognised, rights equivalent to those resulting from an adoption having such effect in each State”.

Therefore, we understand that the Convention seeks to provide total protection for the child, who will have to leave their nation to adapt to a new family and a new country with legal and socio-cultural characteristics that differ greatly from those of their country of origin. A clear question arises here as to whether the best interests of the child take precedence over the national sovereignty of each state. Article 17(c) of the Convention states that “in the State of origin, the child may only be entrusted to prospective adoptive parents if (...) the Central Authorities of both States agree that the adoption procedure should be followed”. Therefore, in doubtful cases or cases involving special circumstances, to what extent is the need for the child's approval of such an intercountry adoption taken into account? Marchal Escalona considers that “it would only be feasible to invoke such a clause if the adoption was requested in a State that had not participated in the process, or if the reasons for the violation manifested themselves after the adoption was constituted”, for example if financial compensation was involved or the necessary consent was obtained through fraud or deception (Marchal Escalona, 2019).

Additionally, the 1989 United Nations Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Particular Reference to Foster Placement and Adoption, has to be mentioned. Like the previously mentioned UNCRC, its Article 17 considers intercountry adoption to be an alternative means of

² SDG 16.3, SDG 16.b

providing a family for a child in cases where it is not feasible to place the child in foster care or give them up for adoption in the foreign country.

The Declaration emphasises the importance of providing adequate counselling to all parties directly involved in the process, ensuring proper information for decision-making purposes, as well as the protection of their rights. It also highlights the importance of having qualified personnel present to monitor the relationship between the child and the prospective adoptive parents before the adoption is finalised, which is crucial when providing a safe and suitable environment for the child. The importance of preventing the abduction of children and avoiding any improper financial gain in the adoption process is clearly mentioned in the Declaration, but it is unclear what legal form it is directed towards. Robles Regueras considers that, given the lack of explicit mention of domestic adoption, the focus is mainly on intercountry adoption (Robles Regueras, 2023).

Lastly, it is essential to consider the 2000 Palermo Protocol, formally known as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the United Nations Convention against Transnational Organised Crime. The Protocol obliges States Parties, including Spain, to adopt comprehensive measures to combat all forms of child trafficking (Article 5), including through illegal or fraudulent adoption procedures. The Palermo Protocol is relevant to intercountry adoption because it obliges States Parties to prevent adoption systems from becoming a mechanism for the sale, abduction or exploitation of children (Article 3.a). The Palermo Protocol reinforces the principles of the UNCRC (Article 35) and the Hague Adoption Convention, providing a criminal law perspective that strengthens the protective framework surrounding adoption³. Therefore, its inclusion in the international legal framework is indispensable to ensure that intercountry adoption respects the best interests of the child and the fundamental rights enshrined in international human rights and anti-trafficking law (Cantwell, 2014).

³ SDG 16. 2

b. European legal framework applicable to Spain

We cannot ignore the existing regulatory framework at the European level due to the mere presence of Spain, the country under analysis, in the EU as one of its members. The framework seeks to foster cooperation between European countries and promote common standards in the field of international adoption.

The Charter of Fundamental Rights of the EU (2000) guarantees respect for human dignity and the right to family life, as well as other children's rights, which are key aspects in the adoption of minors. Article 24 states that "1. Children have the right to such protection and care as is necessary for their well-being. They may express their views freely; 2. In all actions concerning children, whether undertaken by public authorities or private institutions, the best interests of the child shall be a primary consideration; 3. Every child has the right to maintain on a regular basis, personal relations and direct contact with his or her father and mother, unless this is contrary to his or her interests" (DOUE núm. 83, de 30 de marzo de 2010).

The revised European Convention on the Adoption of Minors of 2008 is also of fundamental importance, as it establishes common standards in the field of intercountry adoption among the Council of Europe's Member States, concerning European countries. The Convention aims to safeguard the rights of children and to ensure that adoptions are carried out safely and in accordance with the principles of subsidiarity and proportionality (BOE núm. 167, de 13 de julio de 2011).

In terms of adoption law, the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols 3 of 1963 and 5 of 1966, seeks to guarantee human rights and fundamental freedoms in Europe. It is indisputably linked to the figure under study, even if it does not specifically address it, as it protects the rights of children and their families and can be applied by European courts in these matters (BOE núm. 243, de 10 de octubre de 1979).

Despite the existing instruments, the lack of concrete and unified legislation within the European Union poses an obvious obstacle to the effective and coherent development of intercountry adoption. Although certain principles and guarantees have been established, there is no binding and harmonised legislation directly and systematically regulating intercountry adoption procedures between the Member States, nor

internationally. This absence creates major challenges in terms of mutual recognition, legal certainty and uniform protection of children's rights. Regulatory and procedural differences between European countries can lead to substantial inequalities in access to adoption and the legal treatment of adopted children, thus hindering full compliance with the principle of the best interests of the child. It is therefore imperative to move towards greater regulatory integration that guarantees homogeneous standards throughout the Union, providing international adoption with a more solid and predictable legal framework that respects the fundamental rights that inspire it.

c. Spanish domestic law on international adoption

In Spain, adoption produces the full effects of filiation, creating a new legal relationship between the adopter and the adoptee that completely replaces the previous relationship with the biological family (Código Civil, art. 178.1). Due to the transcendancy of these effects, the process of international adoption is subject to a double evaluation. Firstly, the competent administration carries out a process of assessing the suitability of the adoptive parents, taking into account psychological, social and legal criteria. Secondly, the judicial authority formalises the adoption, ensuring that the procedural guarantees necessary to protect the interests of the child are respected.

Article 39 of the CE sets out the obligation of public authorities to provide comprehensive protection for children, regardless of their parentage. Consequently, the Spanish regulatory system is well-suited to the needs and challenges posed by adoption.

The regulation governing adoption in Spain par excellence is the already mentioned LAI. This law aimed to adapt the existing Spanish legal system to emerging needs, as regulations were too dispersed. The need for change arose due to the considerable drop in Spain's birth rate, making it necessary to provide numerous foreign children with the opportunity to grow up in a safe environment, which was difficult to achieve in their countries of origin. The LAI set out the requirements and procedures that must be met by prospective adopters and the entities responsible for managing the adoption process. It also stipulates the mechanisms for recognition and registration of international adoptions in the Spanish Civil Registry.

In accordance with the international regulatory framework, this law upholds the fundamental principles of subsidiarity and the best interests of the child. These principles are essential to ensuring that adoption is an exceptional measure that prioritises the child's development within their family and cultural environment, as well as their fundamental rights. The law also regulates the participation of public entities and organisations accredited for international adoption, known as Collaborating Entities in International Adoption. Ultimately, the law unifies the criteria for international

adoption procedures, aiming to provide greater legal certainty and streamline processing.

The Ley 26/2015, de 29 de July, de modificación del sistema de protección a la infancia y a la adolescencia (translated as law modifying the system of protection for children and adolescent) amends the LAI, updating Spanish regulations in light of constant social changes. The Law sought to incorporate new international treaties and conventions that Spain had ratified since the original LAI was enacted, thus improving the legal protection mechanisms for adopted children.

The previous Real Decreto 165/2019, which detailed the practical and administrative procedures, as well as the regulatory development, of the International Adoption Law, was repealed by the Real Decreto 273/2023 of the 4th of July, which approves the International Adoption Regulations. These new regulations focus on international adoption procedures and establish a National Registry of Accredited International Adoption Organisations and of Claims and Incidents. This new wording is fundamental to the Spanish legal system, as C. Vaquero López also supports, since it establishes the legal term “best interests of the child” as a substantive right for the first time in Spain, thus granting a series of criteria by which its existence can be assessed. This distances the concept of international adoption of minors from the imperative nature seen in previous regulations (Vaquero López, 2015). This was not only important, but also necessary in light of Constitutional Court Judgment No. 36/2021 of the 18th of February 2021, which declared the former International Adoption Regulations to be partially unconstitutional due to their violation of regional powers over social services and child protection. The Court considered the centralisation of the system and the lack of collaboration between Spain's Autonomous Communities to be excessive.

The regulatory development entailed by the new law, as A. Ortega Giménez states, makes it possible to avoid the accumulation of files and adapt the needs of children to the capabilities of prospective adoptive families. This streamlines the system, thereby preventing the accumulation of files in countries of origin and ensuring that prospective adopters meet the real needs of children. This quantitative and qualitative adjustment entails a significant reduction in processing times (Ortega Giménez, 2022).

In addition to the aforementioned Law, there are other provisions in Spain's legal system that address international adoption, such as the CC, in its Article 9.4, which stipulates a normative hierarchy for determining the applicable parentage law in the event of a conflict of laws. However, this article is not exhaustive, as it only briefly mentions international adoption in passing and does not address the issue directly. It also refers to the LAI to govern matters relating to the establishment of parentage through adoption. Furthermore, Articles 175 to 180 of the same Law set out the requirements for carrying out an adoption, as well as applicable restrictions and prohibitions, consent, and its effects. Regarding the more formal aspects of this matter, including the adoption process in the judicial phase, these are regulated by the Ley de Enjuiciamiento Civil (translated as Civil Procedure Law) in its Article 781 and Ley 15/2015, de 2 de July, de la Jurisdicción Voluntaria (translated as Law of Voluntary Jurisdiction and hereafter LJV) in its Articles 33 et seq.

We must also consider regional regulations, since the Autonomous Communities have a broad degree of jurisdiction in this area, specifically with regard to monitoring, verifying and registering competent instructions for international adoption. They have the power to establish their own regulations and policies for the protection of minors within the scope of social assistance, as set out in Article 148.2 of the CE, and to regulate the management of the available resources for this purpose. Due to Spain's decentralised territorial model, the distribution of powers is more complex, and the latest Real Decreto has been introduced to facilitate consistent and efficient regulation of international adoptions across the national territory without potential breaches arising from regional differences (Azcárraga Monzonís, 2019).

However, we can assume that the decline in the number of transnational adoptions may be primarily due to the legal restrictions imposed on them, both by Spanish regulations under the former LAI, as well as by the countries of origin of the children involved, where child protection policies have undergone radical changes over the years. While developments in this area have improved adoptions, making them more protective and safeguarding-focused, there are still cases in which these policies have prohibited adoptions by foreign citizens in order to prevent abuses committed for decades, as is the case in Ethiopia (Herranz Ballesteros, 2011).

Adoption is a process that varies in configuration, nature, and effect from one legal system to another, making it a truly complex process. Nowadays, it is only possible to establish a single type of adoption, known as single systems, which may be simple or full. Under full adoption, as is the case under Spanish law, the child is fully integrated into the adoptive family as if they were a biological child, enjoying the same rights and obligations, and completely extinguishing any pre-existing ties with the biological family (Marchal Escalona, 2017). For its part, simple adoption, not regulated under Spanish law, does not result in the rupture or extinction of the filiation relationship with the natural or biological family, as in the case of Paraguay, for example (Calvo Babió, 2007).

On the other hand, there are also so-called dual systems, which contemplate both simple and full adoption. Currently, few countries offer both forms of adoption, particularly in Latin American countries such as Argentina. Differences in comparative law regarding this institution are not only found in the types of adoption permitted, but also, depending on the legal system in which it is established, adoption may or may not be irrevocable. In Spain, for example, the general principle set out in Article 180 of the Civil Code is that adoption is irrevocable, except in the cases set out in the second paragraph of the aforementioned article. The contrast with other systems, such as those in China and Ethiopia, lies in the possibility of adoption being revoked. In comparative law, revocation is treated differently from adoption itself. For example, in Ethiopia, revocation must be declared judicially, whereas in China, it can be done by recording it in a public deed.

d. Bilateral Recognition Agreements and Protocols

In addition to the above regulations, various bilateral conventions address the recognition of intercountry adoption, but these are relatively limited in scope.

They cover voluntary jurisdiction and matters of civil status and have not therefore been revoked by the 1993 Hague Convention. However, they are rarely applied, as they provide for a more burdensome recognition regime than that stipulated in the Convention (favour recognitionis), requiring recourse to the exequatur procedure to make the adoption effective in Spain. Examples include the Spanish-Italian Convention of the 22nd of March 1973 and the Spanish-Tunisian Convention of the 24th of September 2001. These regulatory instruments are limited in nature as they can only be applied to adoptions established by the authorities of a state with which Spain has signed a bilateral agreement. Therefore, in order to protect the fundamental rights and freedoms of EU citizens, the European legislator stresses the need to promote the development of a regulatory instrument that allows for the automatic recognition of adoptions established in a Member State. (European Parliament Resolution, 2 February 2017).

Additionally, there are several bilateral administrative protocols between the relevant authorities of different countries, which aim to establish the procedure to be followed for the adoption of minors residing in those countries. Examples include the protocols with Peru and Colombia. Other notable bilateral instruments include the Cooperation Agreement on Adoption between Spain and Vietnam of 5 December 2007, the Spanish-Bolivian Bilateral Protocol of 29 October 2001 and the Protocol between Spain and the Philippines of 12 November 2002. The inclusion of these three countries in the Hague Convention reduces the importance of bilateral agreements, especially since they are not as effective as international conventions. The only fully relevant convention in this regard is that between Spain and Russia, signed on 9 July 2014, since Russia is not a State Party. This means that any adoption from Russia will be recognised in Spain, as stipulated in Article 11.5 of their Convention.

4. Legal challenges in the recognition of intercountry adoptions in Spain

Recognition in Spain of international adoption is essential to ensure that minors are not left in a situation of “legal limbo”, as this affects their fundamental rights (Lorenzo Brotóns, 1999). Any adoption carried out abroad is not legally recognised in Spain until it is approved by the relevant authorities.

The procedure for recognising a foreign adoption in Spain begins with the Civil Registry Officer analysing and verifying the conditions and requirements of the adoption. This includes establishing the equivalence of the concept of family in the child's country of origin and Spain, seeking a correspondence. The aforementioned Article 9, paragraph 5 of the CC stipulates that an adoption established abroad by a Spanish adopter will not be recognised as an adoption if its effects do not correspond to those provided for in the Spanish law. Therefore, the Civil Registry Officer is obligated to assess the foreign adoption to verify that it meets all the minimum requirements for recognition and can thus be included in the Spanish Registry. According to the jurisprudence of the Dirección General de los Registros y del Notariado, now known as Dirección General de Seguridad Jurídica y Fe Pública (translated as Directorate General of Legal Security and Public Faith, hereafter referred to as the DGRN), the requirements are the severance of ties with the family of origin, equivalence to natural filiation and irrevocability of the adoption (DGRN, 1997). It should be noted that absolute compatibility between the two is difficult to find, so the fundamental principle of adoption must be considered, whereby the adopted person is considered the natural child of the adopter for all purposes.

Furthermore, the Spanish authorities must assess the competence of the foreign authority and whether the case meets all reasonable criteria relating to the foreign state by applying the rules of jurisdiction provided for in Article 14 of the LAI. Therefore, we conclude that adoptions not constituted by a competent public authority (judicial or administrative) will not be recognised. The Spanish authority will verify that the foreign authority's jurisdiction has been determined through the international jurisdiction forums established in the Spanish legal system, and that this jurisdiction is not excessive. A real and reasonable connection must be established between the adoption and the authority that constitutes it.

Finally, the latest reform of the LAI introduced a public order reservation, adding a requirement for formalising adoption in Spain. This principle must be interpreted based on the best interests of the child, and applies in cases where the necessary consents and hearings have been disregarded in the adoption process, or where it is established that these consents were not obtained freely, or were obtained in exchange for payment or compensation. A. Duran Ayao points out that, at an international level, this concept cannot be limited to these indications alone, but must also cover any adoption that goes against the best interests of the child. Resolution 77° of the 3rd of January 2014 by the DGRN provides a practical example of this, as it states that “recognising an adoption constituted abroad on the basis that the adopted child is the sibling of the adoptive parent, in violation of the prohibition set out in Article 175.3°.2 of the CC, (...) constitutes a matter of international public order and the recognition of said adoption does not proceed”. Therefore, according to the Management Centre (BIMJ, 21 May 2014, pp. 25–27), this incurs an express prohibition.

These minimum requirements under Spanish law have resulted in the rejection of foreign institutions, such as the Islamic kafala and straightforward adoption. Regarding Moroccan kafalas, these have been deemed unregistrable as adoptions and unable to be converted into one (Rodríguez Benot, 1999), only recognised as foster parenthood according to article 154.3 of the Civil Registry Regulations. Among others, the Resolution of 14 May 1992 concludes that “adoption established before the competent Moroccan authorities bears no relation to adoption recognised under Spanish law” and therefore “does not constitute a bond of filiation or kinship between the parties; it does not imply a change in their civil status and merely establishes a personal obligation whereby the married couple caring for a minor must provide for their needs and support”.

The same applies to simple adoption, for which the DGRN denies the possibility of transformation through subsequent consent, as was permitted in the Spanish system prior to 1996 (Calvo Caravaca, 2000).

Several authors have considered this requirement for minimum standards to be excessive or too rigid, and it has begun to be modified in the most recent doctrine of the DGRN. Concerning Asian countries, the differences can be summarised by some distinctive characteristics. For example, under Chinese law, adoption can be revoked

by mutual consent if the adoptee is of legal age and the relationship between parents and children has deteriorated. This is based on the assumption of a legal obligation to cohabit, which does not exist in Spain.

On the other hand, Nepalese law allows parents to unilaterally revoke the adoption of ungrateful adopted sons based on their exclusive right to inherit from their parents and the corresponding obligation to support them. The fourteen Resolutions issued on the 30th of October 1997 regarding parent-child relationships in Nepalese cases stipulate that, based on the knowledge of the legislation regulating adoption in Nepal held by this General Directorate, “parents are empowered to revoke adoption at their own discretion in cases where the adopted child fails to provide food and clothing, squanders money, mistreats or abandons the adoptive parents. (...) Some of these causes may only be effective once the adoptee has a certain economic capacity and has therefore reached the age of maturity. However, it is equally true that mistreatment, squandering of money or abandonment by parents can occur before reaching that age. When assessing the correspondence of effects, the spirit emanating from the norms or institutions being compared must be taken into account to verify their adequacy with Spanish law. It is evident that Nepalese adoption establishes assumptions of revocation in the aforementioned cases, and what is more serious, it attributes the power of revocation to the sole will of the parents, with no intervention by a judicial or constituting authority”. Therefore, we see that the rules are not intended to be the same, since, as mentioned in the Resolution of the 30th of March 1999, it is “almost impossible for there to be absolute identical in the effects of one and the other between a Spanish adoption and a foreign one”, but it is considered that there must be a certain correspondence. S. Álvarez González aware that the possibility of waiving revocability “is a kind of way of unilaterally modifying the scope of the adoption established abroad”. But that's not the only concern. It is unclear whether adoptive parents could request the Spanish authorities to revoke the adoption, and if so, which law would apply: Spanish law or the law of the child's origin? These still are aspects that remain unanswered in our legal system (Marchal Escalona, 2009).

Additionally, cultural differences within families can also arise in adoptions established before a judge or court authority. The intervention of laws other than the Spanish one aims to prevent relationships that are valid in Spain but void or nonexistent in the

child's country of origin. Some authors criticise the combined application of the *lex fori* and the national law of the adopted child, when the latter does not favour adoption, given that different family concepts may prevent adoption from being established (Rodríguez Mateos, 1992). In Spain, this is particularly relevant in cases such as simple adoptions or *kafala*. While the national law of the adopted child must be considered, if it is incompatible with the Spanish legal system, it will not be recognised as an adoption in Spain (Moya Escudero, 1995). Under the substitution techniques of private international law, *kafala* is clearly equivalent to guardianship and/or legal foster care, both of which are present in Spanish law. Specifically, under the ruling of the Provincial Court of Granada on the 25th of April 1995, *kafala* is equated with pre-adoption foster care under Spanish law. This means that adoption can be carried out under Article 176.2.3 of the Civil Code, and therefore, a prior proposal from the public entity is not required. However, as M. Moya Escudero mentions, the granting of a visa would be essential in these cases to prevent child trafficking. A series of conditions must be met for this, such as “a formal resolution to grant *kafala* to the minor for transfer to Spain with a declaration of abandonment or deprivation of parental rights, a certificate of suitability, authorisation to leave, and a commitment to provide accommodation”.

The European Court of Human Rights (hereafter ECHR) has addressed the issue of the recognition of *kafala* in several landmark rulings. These rulings have highlighted the legal tension between religiously rooted family law concepts and European human rights standards. A leading case in this area is *Harroudj v. France* (Application No. 43631/09, Judgment of 4 October 2012), in which the applicant, an Algerian national residing in France, sought to have her *kafala*, granted in Algeria, recognised as adoption under French law. The French authorities denied this request on the grounds that *kafala* does not establish a legal parent-child relationship that is comparable to adoption under French legislation. The Court held that this refusal did not violate Article 8 of the ECHR, which protects the right to respect for private and family life. Crucially, the Court reaffirmed the margin of appreciation doctrine, recognising that states have discretion in how they regulate matters of personal status, such as adoption and family relationships. This is particularly pertinent when dealing with foreign legal institutions that lack direct equivalents in domestic legal systems.

Similarly, in *Chbihi Loudoudi and Others v. Belgium* (App. No. 52265/10, Judgment of 16 December 2014), the applicants, a Belgian-Moroccan couple, had been granted kafala of a Moroccan child and wished to bring the child to Belgium. The Belgian authorities refused to grant the child residence and did not recognise the kafala as a basis for legal filiation. The applicants claimed a violation of Article 8, but the Court again found no breach. The Court reasoned that, while kafala establishes a de facto caregiving relationship, the absence of legal equivalence to adoption under Belgian law and the existence of alternative legal avenues for the applicants to establish a family life meant that Belgium had not disproportionately interfered with their rights.

These rulings highlight the difficulty of integrating Islamic family law institutions into European legal systems based on civil or common law, in which filiation is usually linked to biological or adoptive parenthood. The ECHR's case law emphasises the need to strike a balance between the best interests of the child, the cultural and religious autonomy of families from non-European legal backgrounds, and the public policy and legal coherence of the host state. While the Court does not require automatic recognition of kafala, it obliges states to consider the practical implications for the child and caregivers, ensuring that alternative legal pathways exist to preserve the family life protected under Article 8.

Finally, it is worth highlighting the international regulations applicable in Spain mentioned previously, which include the Hague Adoption Convention and the European Convention on the Adoption of Minors of 27 November 2008. The latter seeks to harmonise the legislation of Member States in cases where adoption involves transferring a child from one country to another. It also completes the control and guarantee system established by the Hague Adoption Convention. It aims to unify the substantive law, establishing standards that apply to all the legal systems of the signatory countries with regard to the necessary consents and the effects of adoption. Those established under the Hague Adoption Convention and certified as such must be recognised by the Contracting States as a matter of course, as stipulated in Article 23, subject to the public policy reservation of Article 24. However, this clause should only be applied in exceptional cases, since if the Central Authority of a Member State considers that the adoption in the minor's country of origin violates its fundamental

principles and values, it should express its opposition to the continuation of the adoption procedure, as stated in article 17.c) of the Hague Adoption Convention.

For the sake of consistency, the public order clause of Article 24 of the Constitution would not be applied if the Spanish authorities had participated in the adoption process or if the designated Central Authority had consented to the continuation of the procedure. Therefore, this clause would only apply if the Spanish authorities had not participated in processing the adoption or if they had participated and the reasons for denying recognition were made public after the adoption process was established. According to the ECHR judgment in *Wagner and J.M.W.L v. Luxembourg* of the 28th of June 2007, the application of the public policy clause is not affected by the provisions of the ECHR judgment. According to the latter, “a State must not refuse recognition of an adoption validly constituted abroad, and for which family ties have been consolidated, on the grounds that it does not meet the legal requirements for recognition, because it violates several rights established in the ECHR (Articles 6, 8 and 14).”

Having analysed the procedure for recognising an adoption established abroad in accordance with the 1993 Hague Adoption Convention, it is necessary to specify the legal effects that such an adoption will have within the Spanish legal system. According to Article 26 of the Convention, recognition of an adoption under its protection entails the recognition of the filiation between the child and the adoptive parents, the exercise of parental responsibility by the adoptive parents and the termination of the prior legal ties between the child and their birth parents, effect provided by the legislation of the Contracting State in which the adoption was established. Furthermore, if the adoption results in the severance of pre-existing filiation, the child will enjoy the same rights as a child of full adoption in both the receiving state and any other Contracting State that recognises the adoption.

Consequently, any adoption conducted following the 1993 World Conference on Human Rights must be recognised by the States Parties as establishing full familial ties between the child and the adoptive family. This includes the termination of ties with the birth family, when permitted by the law of the country in which the adoption took place. Where this effect does not occur — that is, where the adoption is simple

— Article 27 of the Conference allows for the conversion of a simple adoption into a full adoption, when permitted by the receiving State's legislation.

In Spain, such conversion is permitted. Specifically, Article 42 of the LJV establishes that conversion may be requested if the adopted child has their habitual residence in Spain at the time of adoption, if they are or will be transferred to Spain to establish such a residence, or if the adoptive parent is a Spanish national or habitually resides in Spain. In such cases, adoptive parents may apply to the relevant judicial authority for the conversion of a simple adoption into a full adoption, without the need for a prior proposal from the Public Entity, as set out in Article 15.2 of the LAI.

However, a regulatory inconsistency arises here. Article 15.2 of the LAI extends the jurisdiction of Spanish courts beyond that set out in Article 42 of the LJV. This includes cases where the adopted child has Spanish nationality or where the adoption has been arranged by a Spanish authority. These situations are difficult to reconcile with the transnational nature of international adoption, which is usually formalised abroad for children of foreign nationality. The contradiction between the LAI and the LJV is more theoretical than practical, resulting from poor legislative coordination and the absence of coherent, integrative legal policy between the two texts.

a. Is it only a Spanish problem? A Comparative Legal Perspective

Although many of the legal and procedural challenges in intercountry adoption seem to be specific to Spain, a comparative analysis shows that these issues are neither isolated nor uniquely Spanish. The complexity of international adoption, particularly concerning the recognition of foreign adoptions and balancing public policy with the best interests of the child, is a widespread issue throughout Europe. As a Member State of the European Union, Spain is subject to both its national laws and the broader legal and political framework of the EU. However, the EU has yet to adopt a uniform legal approach to international adoption, leaving considerable discretion to individual Member States. This regulatory gap amplifies inconsistencies and legal uncertainty, which can directly affect the rights and welfare of adopted children and their families⁴.

⁴ SDG 16.3, SDG 10.3

Italy is a useful case study for comparative analysis. The Italian legal framework on international adoption, as set out in Law No. 184 of 1983 and subsequently amended by Laws No. 476/1998 and No. 149/2001, broadly reflects the principles of the Hague Adoption Convention. By ratifying the Convention in 1998, Italy aligned its national adoption procedures with international norms aimed at protecting the rights of children. The Commissione per le Adozioni Internazionali (translated as Commission for International Adoptions, hereinafter CAI) acts as Italy's central authority, overseeing and coordinating international adoption processes (Boccadutri, 2023). Despite this alignment, Italy has faced significant internal challenges, including bureaucratic inefficiencies, high procedural costs and a historically restrictive approach to who can adopt. For decades, international adoption in Italy was limited to married heterosexual couples, excluding single individuals and same-sex couples.

A significant legal development occurred in March 2025, when the Italian Constitutional Court ruled that the exclusion of single individuals from international adoption was unconstitutional. This emphasised the child's fundamental right to a stable and loving environment over the adoptive parent's formal status (AP News, 2025). Although this was a progressive step, the legal framework still prohibits joint adoption by same-sex couples, reflecting ongoing cultural and political conservatism. Furthermore, Italy, like Spain, does not recognise kafala as a form of adoption, treating it instead as a guardianship mechanism, conferring parental rights or changing civil status, thus posing challenges for children who arrive under such arrangements.

These differences and similarities highlight a wider European issue, as previously mentioned, the lack of harmonisation in the legal treatment of intercountry adoption. While most EU countries have ratified the Hague Adoption Convention, their domestic laws and interpretations vary considerably. In the absence of a common EU directive or regulation on intercountry adoption, each Member State applies its own rules regarding recognition, consent and public order. This leads to fragmented legal outcomes that can result in families moving between EU countries with adopted children facing legal obstacles in the recognition of their parent-child relationships, which undermines the stability that adoption aims to provide.

Furthermore, the absence of an EU-wide standard exacerbates the potential for inconsistencies in the protection of children's rights. For instance, Spain permits the

conversion of simple adoptions into full adoptions under certain conditions (Article 42 LJV), whereas other countries either do not allow such conversions or apply different criteria. Similarly, public policy clauses, which allow states to refuse to recognise foreign adoptions under certain conditions, are interpreted with varying degrees of restrictiveness by different Member States.

This legal fragmentation suggests that the challenges faced by Spain are emblematic of a wider European issue. As international adoption continues to decline globally, the few cases that proceed must navigate a complex web of national and international legal standards. Significantly enhancing the legal security of intercountry adoptions would require a coordinated effort at the EU level to harmonise recognition procedures, consent standards, and definitions of family relationships. Such an effort would also reaffirm the EU's commitment to upholding the rights of the child, as enshrined in Article 24 of the Charter of Fundamental Rights of the European Union.

5. Ethical challenges of intercountry adoption

Intercountry adoption is not only a legal process but also a deeply human one that involves the relocation of children across borders, cultures and systems. Although international adoption can provide a lifeline for children in need of permanent families, the process is fraught with ethical complexities that challenge our understanding of justice, equality and the best interests of the child. These issues are becoming increasingly pertinent in today's globalised world, where socio-economic inequality, cultural diversity and legal asymmetries converge.

One of the most critical ethical issues surrounding international adoption is the imbalance in socioeconomic status between the countries of origin and the countries of adoption. Typically, adoptive parents come from economically developed nations, while the children are from poorer regions. This can lead to adoption being perceived as a form of neo-colonialism or a transactional rescue operation, whereby wealthy individuals gain custody of children from disadvantaged backgrounds. As N. Cantwell points out, adoption should not be used to solve poverty, and the underlying structural issues that result in children becoming available for adoption must not be ignored (Cantwell, 2014)⁵.

Furthermore, this imbalance can result in situations where the distinction between child welfare and market demand becomes unclear. The commodification of adoption, which views children as “available” or “desirable” based on factors such as age, health or race, raises profound moral concerns. As UNICEF and the UN Committee on the Rights of the Child have noted, it is “imperative that the adoption process remains child-centred and is not driven by the wishes or expectations of prospective parents.”

Another critical ethical concern is the risk of child trafficking, particularly in countries that are not party to the Hague Adoption Convention or in contexts where oversight is weak. The Palermo Protocol explicitly requires States Parties to adopt measures to prevent child trafficking for purposes including illegal adoption. Despite these international standards, there are ongoing reports of children being taken from their families under false pretences, as well as cases where birth parents are misled or coerced into giving up their children. In Guatemala, for example, prior to legal reforms,

⁵ SDG 10.3

children were systematically taken from their birth families under false pretences. Unscrupulous intermediaries, including notaries and medical professionals, colluded to falsify DNA tests and legal documents, resulting in children being stolen, kidnapped and trafficked for adoption. At one point, it was reported that one in every hundred children was given up for international adoption under these circumstances (CRIN, n.d.).

The Spanish legal system aims to enforce rigorous safeguards to prevent such abuses via the LAI and the previously mentioned Convention. However, ethical issues remain, particularly in cases involving intermediaries who stand to profit from each successful adoption. Transparency, due diligence and accountability are essential to ensuring that adoption remains a protective measure and does not become an opportunity for exploitation.

Furthermore, the loss of identity and disconnection from one's cultural and familial roots are other ethical issues in international adoption that must be addressed. Growing up in a different culture, with a new name, language and heritage, can create an identity void for adopted children. While the right to know one's origins is recognised under Article 7 of the UNCRC, adopted children often encounter significant barriers when trying to access this information in practice⁶.

Moreover, in Spain, as in other countries, adoptees may encounter administrative or legal obstacles when trying to find out about their biological families. Also, in many countries of origin, especially those where record-keeping is not standardised or transparent, such information may not even exist. The ethical obligation of adoptive parents and authorities is not only to provide a loving home, but also to preserve and respect the child's right to identity, culture and heritage.

Closely related to the right to identity is the issue of cultural displacement. When children are adopted from one cultural context into another, they are at significant risk of alienation. They may find it difficult to reconcile their ethnic and cultural background with the customs and norms of their adoptive country. In some cases, adoptees may experience racism, discrimination or social exclusion. This is particularly pertinent in transracial or interethnic adoptions. Adoptive families must be prepared to support

⁶ SDG 16.9

their child's dual identity and facilitate connections with their culture of origin⁷. Unfortunately, this important ethical issue is not adequately addressed in all adoption processes, including those in Spain. National authorities must therefore work to provide better support for adoptive families through education and access to cultural resources.

Additionally, consent from the biological family is an essential element of any ethical adoption. However, informed consent is often compromised in international adoption. Due to poverty, a lack of education or pressure from intermediaries, parents may give up their children without fully understanding the consequences. In some cases, consent is fabricated, or birth parents are misled into believing the adoption is temporary. For example, investigations in South Korea revealed that local families had placed their children for adoption with families in the United States without realising or understanding that the process was permanent. They were misled into believing that the adoption was temporary, primarily for the children's schooling, and that it would not result in permanent separation (NYT, 2025).

Therefore, the adoption process must include robust safeguards to ensure that consent is genuinely informed and free from coercion. While Spain's adoption laws incorporate provisions for verifying consent, the effectiveness of these depends on the cooperation of the child's country of origin, as well as the transparency of its legal and social systems. In bilateral agreements, such as those with Vietnam or Thailand, Spain must advocate harmonised ethical consent procedures.

Spain's role as a receiving country carries ethical responsibilities that go beyond legal compliance. As the number of intercountry adoptions declines, the cases that do occur often involve children with special needs or from complex family backgrounds. This requires an enhanced ethical framework to ensure that these children receive the necessary care, support and legal protection.

Taking the example of Thailand as a country of origin, ethical concerns include socio-economic pressures on families, the role of private intermediaries and the institutionalisation of children awaiting adoption. Despite significant regulatory progress, such as Thailand's adherence to the Hague Adoption Convention (HCCH,

⁷ SDG 4.7

2025), there remain risks relating to transparency and accountability. Reports indicate that certain adoption agencies have engaged in practices such as falsifying documents to present children as orphans when they actually have known parents. Such actions undermine the integrity of the adoption process, highlighting the need for stringent oversight (UNICEF, 2023). Therefore, the Spanish-Thai adoption process must be scrutinised through legal and ethical lenses to ensure that children's rights are upheld at every stage⁸. The DGRN has issued resolutions emphasising the paramount importance of safeguarding children's rights in intercountry adoptions, nullifying adoptions where it was found that "the child's consent had not been obtained properly, or where discrepancies had been found in the adoption process."

⁸ SDG 17.16, SDG 16.6

6. Conclusions

This thesis has sought to critically examine the legal and ethical challenges inherent in the international adoption of minors, primarily focusing on the Spanish legal framework and its interaction with both European and international standards. While intercountry adoption offers vulnerable children a potential path to stable and loving families, it reveals a complex reality shaped by deep legal inconsistencies, normative gaps and ethical tensions that transcend borders. Spain, as a receiving country and a signatory of several key international treaties, has developed a legal infrastructure that reflects a clear commitment to child protection. However, despite these advancements, the practical implementation of these norms remains inconsistent and fragmented, particularly concerning the recognition of adoptions constituted under legal systems that do not align with the Spanish model of full, irrevocable adoption.

The analysis has demonstrated that the lack of a harmonised European framework significantly complicates the recognition and implementation of intercountry adoptions within the EU. The comparative legal analysis with Italy highlighted how different Member States, despite sharing core legal principles under the Hague Adoption Convention, apply varying standards and procedures that can ultimately hinder the continuity of legal relationships and undermine the fundamental rights of adopted children. The absence of legal equivalency, especially in cases involving kafala, revocable adoptions, or countries with dual or simple adoption systems, creates a scenario in which the child's legal status may be recognised in one country but disregarded in another. This fragmentation challenges the principle of legal certainty and, more importantly, the best interests of the child, which should always remain the primary consideration.

Ethically, international adoption raises even more pressing concerns. Issues such as the commodification of children, the unequal power dynamics between sending and receiving countries, and the potential for child trafficking reveal that the process is not only legally complex but morally precarious. The involvement of private agencies, economic incentives, and weak regulatory oversight in some countries of origin further exacerbates these concerns. In this context, adoption risks becoming a solution imposed by those in power rather than a protective mechanism grounded in the dignity and rights of the child. Furthermore, the emotional and cultural impact of adoption on

the child must not be underestimated. The loss of identity, disconnection from cultural roots, and difficulties in social integration are realities that many adopted children face, often without adequate support from either the legal system or adoptive families. The right to know one's origins, enshrined in international law, remains largely unguaranteed in practice.

Ultimately, this thesis reaffirms that intercountry adoption is a deeply human and ethically charged process, not merely a legal transaction, which demands a careful balance between procedural safeguards, legal recognition and moral responsibility. Although the Spanish legal system has made significant progress in refining its approach, particularly through the development of national regulations and the strengthening of the role of public authorities, more coordinated, consistent and child-centred measures are urgently required. Ensuring that international adoption remains a protective tool rather than a harmful one requires an unwavering commitment to legal clarity, ethical integrity and international cooperation. Only through such an integrated approach can the rights and well-being of adopted children be fully upheld in all contexts.

7. Recommendations

Based on the legal analysis, comparative study, and ethical reflections conducted throughout this thesis, several recommendations can be advanced to improve the regulation and practice of international adoption in Spain and, by extension, within the broader European and international context. These suggestions aim to address the ongoing issues of normative fragmentation, procedural ambiguity, and ethical shortcomings, which persist despite the existence of well-established international frameworks such as the Hague Adoption Convention and the UNCRC.

Firstly, there is a clear and urgent need for greater harmonisation at the European level. The current disparity in recognition practices among EU Member States causes significant legal uncertainty for families and adopted children moving across borders. Therefore, Spain should advocate for the creation of a binding European instrument that ensures the automatic recognition of adoptions established in other Member States, with clearly defined criteria for assessing equivalency and exceptions based on public policy. This would provide uniform legal guarantees and reduce the risk of contradictory decisions that place children in a state of legal vulnerability.

Secondly, the domestic recognition procedures in Spain should be revised to enhance clarity, consistency, and accessibility. While the current legal framework is advanced in many respects, it still imposes rigid standards that may exclude valid forms of international adoption, such as kafala or simple adoption. While it is essential to prioritise the best interests of the child and prevent fraudulent practices, the Spanish system could benefit from a more flexible, case-by-case evaluation that considers the cultural and legal context of the country of origin. Moreover, inconsistencies between the LAI and the LJV should be addressed to ensure procedural coherence and prevent conflicting interpretations.

Thirdly, stronger ethical safeguards must be introduced, particularly regarding the role of intermediaries and the conditions under which consent is obtained in the countries of origin. Spain must ensure that all bilateral agreements include robust mechanisms to verify that biological parents' consent is informed, voluntary, and free from any form of coercion or deception. The financial motivations of certain actors involved in the adoption process must be carefully monitored and regulated to prevent the

commodification of children. Ethical codes for accredited agencies should be updated to include clear accountability mechanisms and transparent reporting obligations.

Additionally, the Spanish adoption system must place greater emphasis on providing post-adoption support and facilitating the cultural integration of adopted children. Adoption should not end simply with the legal transfer of custody, but should be accompanied by a long-term commitment to the emotional and cultural well-being of the child. National and regional authorities should establish programs providing psychological support, access to information about the child's origins, and opportunities for cultural connection and language preservation. Such efforts are particularly important in cases of transracial or interethnic adoption, where children may face additional challenges related to identity and belonging.

Lastly, continued research and data collection are essential in order to improve the evidence base for policy and legal reform. Spain should invest in longitudinal studies on the outcomes of international adoption, focusing particularly on identity formation, access to justice, and integration into adoptive societies. Comparative research with non-European legal systems would also provide valuable insights into developing a more inclusive, globally responsive legal framework. In parallel, creating a centralised, publicly accessible database of adoption procedures, incidents and outcomes could enhance transparency and enable more effective monitoring by public authorities and civil society.

In conclusion, while significant progress has been made in strengthening the legal framework of international adoption, the remaining challenges call for renewed commitment and action. As both a receiving country and a proactive member of the international community, Spain must lead by example in shaping a more just, transparent and child-focused approach to intercountry adoption, one that is guided not only by law but also by profound respect for human dignity and the rights of the most vulnerable.

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Annexes

Annexe No. 1 States of Origin 2004-2022 - Ranked by number adopted to 25 States.

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| 22-1-2024 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2004-2022 |
|---------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|-------|-------|-------|-------|-------|-------|-----------|
| China | 13.412 | 14.484 | 10.765 | 8.749 | 5.879 | 5.004 | 5.427 | 4.371 | 4.136 | 3.405 | 2.943 | 3.059 | 2.678 | 2.211 | 1.798 | 1.065 | 250 | 11 | 15 | 89.662 |
| Russia | 9.450 | 7.569 | 6.837 | 4.926 | 4.169 | 4.061 | 3.424 | 3.420 | 2.674 | 1.838 | 1.058 | 766 | 486 | 355 | 284 | 228 | 45 | 49 | 51 | 51.690 |
| Ethiopia | 1.534 | 1.799 | 2.184 | 3.041 | 3.917 | 4.564 | 4.385 | 3.446 | 2.734 | 1.997 | 1.056 | 676 | 330 | 485 | 245 | 22 | 13 | 10 | 7 | 32.445 |
| Guatemala | 3.425 | 3.870 | 4.230 | 4.851 | 4.172 | 784 | 58 | 36 | 11 | 27 | 32 | 13 | 7 | 4 | 1 | 5 | 5 | 2 | 3 | 21.536 |
| Colombia | 1.749 | 1.500 | 1.681 | 1.643 | 1.613 | 1.404 | 1.815 | 1.591 | 931 | 570 | 536 | 522 | 485 | 552 | 565 | 607 | 387 | 498 | 466 | 19.115 |
| TOP 5 | 29.570 | 29.222 | 25.697 | 23.210 | 19.750 | 15.817 | 15.109 | 12.864 | 10.486 | 7.837 | 5.625 | 5.036 | 3.986 | 3.607 | 2.893 | 1.927 | 700 | 570 | 542 | 214.448 |
| Ukraine | 2.119 | 2.035 | 1.077 | 1.623 | 1.601 | 1.500 | 1.097 | 1.068 | 722 | 640 | 608 | 381 | 399 | 277 | 328 | 365 | 277 | 311 | 133 | 16.561 |
| Sth Korea | 2.239 | 2.118 | 1.813 | 1.225 | 1.366 | 1.395 | 1.127 | 950 | 815 | 219 | 506 | 433 | 376 | 401 | 321 | 259 | 266 | 222 | 195 | 16.246 |
| Viet Nam | 492 | 1.199 | 1.363 | 1.691 | 1.719 | 1.500 | 1.265 | 700 | 214 | 296 | 407 | 428 | 405 | 380 | 307 | 240 | 199 | 108 | 195 | 13.108 |
| Haiti | 1.169 | 949 | 1.108 | 822 | 1.313 | 1.215 | 2.496 | 229 | 374 | 552 | 556 | 276 | 396 | 399 | 389 | 252 | 209 | 91 | 142 | 12.937 |
| India | 1.067 | 864 | 831 | 987 | 751 | 714 | 608 | 614 | 399 | 387 | 359 | 345 | 491 | 580 | 646 | 545 | 262 | 457 | 435 | 11.342 |
| TOP 10 | 36.656 | 36.387 | 31.889 | 29.558 | 26.500 | 22.141 | 21.702 | 16.425 | 13.010 | 9.931 | 8.061 | 6.899 | 6.053 | 5.644 | 4.884 | 3.588 | 1.913 | 1.759 | 1.642 | 284.642 |
| Philippines | 410 | 509 | 483 | 568 | 581 | 545 | 494 | 491 | 411 | 538 | 454 | 391 | 363 | 332 | 248 | 222 | 111 | 158 | 128 | 7.437 |
| Thailand | 535 | 491 | 423 | 467 | 398 | 359 | 298 | 280 | 282 | 308 | 264 | 261 | 289 | 224 | 249 | 233 | 114 | 268 | 246 | 5.989 |
| Kazakhstan | 899 | 849 | 735 | 817 | 768 | 682 | 516 | 218 | 5 | 28 | 63 | 34 | 20 | 17 | 9 | 10 | 3 | 0 | 5 | 5.678 |
| Bulgaria | 395 | 149 | 112 | 100 | 140 | 228 | 237 | 311 | 357 | 413 | 414 | 426 | 374 | 302 | 303 | 273 | 173 | 207 | 153 | 5.067 |
| Brazil | 487 | 488 | 529 | 490 | 490 | 458 | 375 | 347 | 328 | 238 | 129 | 137 | 120 | 117 | 67 | 64 | 55 | 20 | 46 | 4.985 |
| TOP 15 | 39.382 | 38.873 | 34.171 | 32.000 | 28.877 | 24.413 | 23.622 | 18.072 | 14.280 | 11.456 | 9.385 | 8.018 | 7.173 | 6.636 | 5.760 | 4.390 | 2.369 | 2.412 | 2.220 | 313.798 |
| Poland | 407 | 406 | 393 | 371 | 399 | 393 | 315 | 292 | 244 | 303 | 303 | 296 | 328 | 153 | 53 | 14 | 7 | 8 | 4 | 4.689 |
| China(Taiwan) | 186 | 242 | 269 | 273 | 373 | 397 | 416 | 326 | 299 | 199 | 188 | 180 | 170 | 156 | 121 | 154 | 122 | 97 | 121 | 4.289 |
| South Africa | 241 | 268 | 263 | 255 | 272 | 307 | 220 | 202 | 170 | 221 | 219 | 217 | 147 | 162 | 131 | 141 | 59 | 128 | 93 | 3.716 |
| Congo RD | 15 | 45 | 61 | 69 | 62 | 153 | 190 | 353 | 521 | 599 | 241 | 384 | 635 | 54 | 47 | 32 | 3 | 0 | 19 | 3.483 |
| Nigeria | 100 | 102 | 105 | 82 | 221 | 184 | 268 | 246 | 266 | 243 | 183 | 196 | 161 | 216 | 213 | 148 | 118 | 141 | 70 | 3.263 |
| TOP 20 > | 40.331 | 39.936 | 35.262 | 33.050 | 30.204 | 25.847 | 25.031 | 19.491 | 15.893 | 13.021 | 10.519 | 9.421 | 8.660 | 7.377 | 6.325 | 4.879 | 2.678 | 2.786 | 2.527 | 333.238 |
| USA | 132 | 168 | 176 | 181 | 261 | 257 | 177 | 250 | 232 | 171 | 172 | 174 | 175 | 109 | 159 | 82 | 89 | 94 | 78 | 3.137 |
| Hungary | 70 | 67 | 100 | 142 | 118 | 131 | 139 | 157 | 151 | 112 | 135 | 163 | 174 | 235 | 244 | 241 | 158 | 148 | 183 | 2.868 |
| Peru | 117 | 173 | 189 | 171 | 153 | 139 | 175 | 135 | 111 | 109 | 97 | 81 | 100 | 66 | 58 | 67 | 32 | 31 | 45 | 2.049 |
| Nepal | 269 | 227 | 452 | 261 | 413 | 22 | 170 | 157 | 3 | 0 | 4 | 2 | 5 | 1 | 1 | 1 | 3 | 0 | 0 | 1.991 |
| Uganda | 17 | 22 | 16 | 59 | 61 | 74 | 80 | 225 | 249 | 296 | 211 | 237 | 208 | 60 | 29 | 35 | 26 | 12 | 16 | 1.933 |
| TOP 25 > | 40.936 | 40.593 | 36.195 | 33.864 | 31.210 | 26.470 | 25.772 | 20.415 | 16.639 | 13.709 | 11.138 | 10.078 | 9.322 | 7.848 | 6.816 | 5.305 | 2.986 | 3.071 | 2.849 | 345.216 |

Annexe No. 2 Receiving States 2004-2022 - Ranked by total adoptions in period.

Selman, P. (2024). Global statistics for intercountry adoption: Receiving states and states of origin 2004–2022. Hague Conference on Private International Law.
<https://assets.hcch.net/docs/a8fe9f19-23e6-40c2-855e-388e112bf1f5.pdf>

| 22-1-2024 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2004-2021 |
|---------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|-------|-------|-------|-------|-------|-----------|
| COUNTRY | | | | | | | | | | | | | | | | | | | | |
| USA | 22.988 | 22.735 | 20.671 | 19.605 | 17.467 | 12.753 | 12.149 | 9.320 | 8.668 | 7.094 | 6.441 | 5.648 | 5.372 | 4.714 | 4.059 | 2.970 | 1.622 | 1.785 | 1.517 | 187.578 |
| Italy | 3.402 | 2.874 | 3.188 | 3.420 | 3.977 | 3.964 | 4.130 | 4.022 | 3.106 | 2.825 | 2.206 | 2.216 | 1.872 | 1.439 | 1.394 | 1.205 | 669 | 680 | 698 | 47.287 |
| Spain | 5.541 | 5.423 | 4.472 | 3.648 | 3.156 | 3.006 | 2.891 | 2.573 | 1.669 | 1.191 | 827 | 801 | 574 | 542 | 456 | 375 | 196 | 171 | 176 | 37.688 |
| France | 4.079 | 4.136 | 3.977 | 3.162 | 3.270 | 3.017 | 3.508 | 2.003 | 1.569 | 1.343 | 1.069 | 815 | 956 | 685 | 615 | 421 | 244 | 252 | 232 | 35.353 |
| Canada | 1.949 | 1.858 | 1.568 | 1.715 | 1.614 | 1.695 | 1.660 | 1.516 | 1.162 | 1.243 | 905 | 895 | 790 | 621 | 658 | 576 | 416 | 384 | 423 | 21.648 |
| TOP FIVE | 37.959 | 37.026 | 33.876 | 31.550 | 29.484 | 24.435 | 24.338 | 19.434 | 16.174 | 13.696 | 11.448 | 10.375 | 9.564 | 8.001 | 7.182 | 5.547 | 3.147 | 3.272 | 3.046 | 329.554 |
| Sweden | 1.109 | 1.083 | 879 | 800 | 793 | 912 | 728 | 630 | 542 | 450 | 408 | 400 | 342 | 297 | 262 | 170 | 92 | 118 | 98 | 10.113 |
| Netherlands | 1.307 | 1.185 | 816 | 782 | 767 | 682 | 705 | 528 | 488 | 401 | 354 | 304 | 214 | 210 | 156 | 145 | 70 | 75 | 64 | 9.253 |
| Germany | 744 | 720 | 661 | 783 | 716 | 606 | 513 | 624 | 452 | 288 | 227 | 200 | 196 | 96 | 91 | 85 | 81 | 64 | 81 | 7.228 |
| Norway | 706 | 582 | 448 | 426 | 304 | 344 | 343 | 304 | 239 | 144 | 152 | 132 | 126 | 125 | 95 | 89 | 40 | 62 | 45 | 4.706 |
| Denmark | 528 | 586 | 450 | 426 | 395 | 496 | 419 | 338 | 219 | 176 | 124 | 97 | 84 | 79 | 64 | 46 | 23 | 32 | 41 | 4.623 |
| TOP TEN | 42.353 | 41.182 | 37.130 | 34.767 | 32.459 | 27.475 | 27.046 | 21.858 | 18.114 | 15.155 | 12.713 | 11.508 | 10.526 | 8.808 | 7.850 | 6.082 | 3.453 | 3.623 | 3.375 | 365.477 |
| Belgium | 470 | 471 | 383 | 358 | 364 | 439 | 388 | 351 | 260 | 178 | 156 | 137 | 121 | 124 | 104 | 75 | 52 | 66 | 60 | 4.557 |
| Switzerland | 567 | 389 | 410 | 394 | 259 | 288 | 293 | 238 | 194 | 159 | 92 | 92 | 73 | 75 | 52 | 62 | 35 | 41 | 35 | 3.748 |
| Australia | 370 | 434 | 421 | 405 | 270 | 269 | 222 | 217 | 157 | 138 | 114 | 83 | 82 | 69 | 65 | 57 | 37 | 42 | 16 | 3.468 |
| Ireland | 398 | 366 | 313 | 392 | 422 | 307 | 201 | 188 | 117 | 72 | 34 | 82 | 54 | 53 | 41 | 33 | 29 | 11 | 18 | 3.131 |
| UK | 333 | 369 | 363 | 356 | 225 | 200 | 173 | 153 | 120 | 124 | 68 | 58 | 64 | 60 | 71 | 52 | 53 | 53 | 63 | 2.958 |
| Finland | 289 | 308 | 218 | 176 | 157 | 187 | 160 | 163 | 175 | 141 | 142 | 93 | 58 | 70 | 54 | 67 | 27 | 67 | 57 | 2.609 |
| Israel | 226 | 191 | 176 | 218 | 150 | 120 | 114 | 115 | 88 | 69 | 42 | 37 | 22 | 17 | 17 | 11 | 6 | 3 | 1 | 1.623 |
| N.Zealand | 339 | 30 | 20 | 49 | 39 | 16 | 13 | 19 | 25 | 42 | 22 | 12 | 22 | 23 | 18 | 13 | 12 | 10 | 13 | 737 |
| Malta | 46 | 39 | 60 | 64 | 53 | 34 | 42 | 50 | 57 | 19 | 11 | 18 | 6 | 45 | 53 | 31 | 8 | 24 | 32 | 692 |
| Luxembourg | 56 | 41 | 45 | 23 | 28 | 36 | 32 | 25 | 32 | 17 | 13 | 18 | 19 | 16 | 12 | 18 | 5 | 7 | 13 | 456 |
| Iceland | 29 | 41 | 19 | 18 | 13 | 17 | 18 | 19 | 17 | 8 | 11 | 20 | 5 | 6 | 5 | 5 | 5 | 4 | 0 | 260 |
| Slovenia | n/a | 3 | 15 | 3 | 6 | 14 | 21 | 18 | 35 | 15 | 14 | 15 | 11 | 14 | 14 | 15 | 5 | 23 | 14 | 255 |
| Cyprus | 3 | 3 | 0 | 19 | 16 | 12 | 4 | 12 | 1 | 2 | 2 | 4 | 0 | 0 | 0 | 3 | 0 | 1 | 0 | 82 |
| Andorra | 3 | 1 | 4 | 6 | 5 | 7 | 9 | 2 | 1 | 4 | 2 | 0 | 2 | 2 | 0 | 3 | 0 | 0 | 2 | 53 |
| Monaco | n/a | 0 | 0 | 1 | 3 | 4 | 1 | 2 | 1 | 4 | 1 | 3 | 0 | 1 | 1 | 0 | 3 | 0 | 1 | 26 |
| TOTAL | 45.482 | 43.868 | 39.577 | 37.249 | 34.469 | 29.425 | 28.737 | 23.430 | 19.394 | 16.147 | 13.437 | 12.180 | 11.065 | 9.383 | 8.357 | 6.527 | 3.730 | 3.975 | 3.700 | 390.132 |
| No. of states | 23 | 24 | 23 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 24 | 23 | 24 | 23 | 24 | 23 | 23 | 23 | 23 | 22-25 |
| % to USA | 50,5% | 51,8% | 52,2% | 52,6% | 50,7% | 43,3% | 42,3% | 39,8% | 44,7% | 43,9% | 47,9% | 46,4% | 48,5% | 50,2% | 48,6% | 45,5% | 43,5% | 44,9% | 41,0% | 48,1% |

Annexe No. 3 Annual adoption statistics for receiving States - China 2023.

Permanent Bureau of the Hague Conference on Private International Law. (2023).

Annual Adoption Statistics: States of Origin – China (2005–2006).

<https://assets.hcch.net/docs/f206acda-7dd4-4971-bca4-876a29dad958.pdf>

| Annual adoption statistics for States of origin | | | | | | | | | | | | | |
|---|---|--|---|--------|---|--------|---|-----|---|---|--|-------------|------------------|
| State: <u>China</u> | | | | | | | | | | | | | |
| Year: <u>2023</u> | | | | | | | | | | | | | |
| Receiving State | Total number of completed adoptions or entrustments [1] | Age and gender of child at adoption or entrustment [2] | | | | | | | | Number of adoptions or entrustments of special needs children [3] | Location of child prior to adoption or entrustment | | |
| | | <1 | | 1 to 4 | | 5 to 9 | | >10 | | | Institution | Foster care | Family of origin |
| | | M | F | M | F | M | F | M | F | | | | |
| Total number of intercountry adoptions | 55 | | | | | | | | | | | | |
| Total of number of domestic adoptions | 8113 | | | | | | | | | | | | |
| Total number of adoptions | 8168 | | | | | | | | | | | | |

Annexe No. 4 Annual adoption statistics for receiving States - Spain 2023.

Permanent Bureau of the Hague Conference on Private International Law. (2023).

Annual Adoption Statistics: Receiving States – Spain (1997–2022).

<https://assets.hcch.net/docs/Obfbcdbe-a629-4a56-ad57-9029dbdb4fb0.pdf>

| Estadísticas anuales de las adopciones - Estados de recepción | | | | | | | |
|---|---|---|-------|-------|-----|--|--|
| ESPAÑA | | | | | | | |
| 2023 | | | | | | | |
| Estado de origen | Número total de adopciones o niños entregados en guarda [1] | Edad y sexo de los niños adoptados o entregados en guarda [2] | | | | Número de niños adoptados o entregados en guarda con necesidades | Número de niños adoptados por familiares [4] |
| | | <1 | 1 a 4 | 5 a 9 | >10 | | |
| AMERICA LATINA | 46 | | | | | | 14 |
| BOLIVIA | 4 | | | | | | 2 |
| BRASIL | 1 | | | | | | 1 |
| COLOMBIA | 15 | | | | | | 6 |
| ECUADOR | 1 | | | | | | 1 |
| HAITI | 3 | | | | | | |
| HONDURAS | 7 | | | | | | 1 |
| MEXICO | 1 | | | | | | |
| PERU | 6 | | | | | | |
| R. DOMINICANA | 7 | | | | | | 3 |
| URUGUAY | 1 | | | | | | |
| ASIA | 102 | | | | | | 22 |
| CHINA | 4 | | | | | | 3 |
| FILIPINAS | 6 | | | | | | 1 |
| INDIA | 39 | | | | | | 11 |
| TAILANDIA | 2 | | | | | | |
| VIETNAM | 51 | | | | | | 7 |
| EUROPA | 29 | | | | | | 7 |
| BULGARIA | 8 | | | | | | 1 |
| HUNGRIA | 18 | | | | | | 6 |
| RCA. CHECA | 2 | | | | | | |
| SERBIA | 1 | | | | | | |
| ÁFRICA | 15 | | | | | | 2 |
| COSTA DE MARFIL | 5 | | | | | | |
| MADAGASCAR | 9 | | | | | | 2 |
| TUNEZ | 1 | | | | | | |
| Número total de adopciones internacionales | 192 | | | | | | 45 |
| Número total de adopciones nacionales | No se dispone de este dato | | | | | | |
| Número total de adopciones | | | | | | | |