National Council For Adoption Responds to Threatened Ban of Russian Adoptions to the U.S.

December 20, 2012 – Alexandria, VA – A draft bill banning intercountry adoption to the United States is quickly making its way through the Russian legislative process. The “Dima Yakavlev Law,” which has already passed two of the three required votes in the Russian Duma, is expected to be voted on by the full Duma on Friday, December 21. If passed, the legislation will then be voted on by the Russian Federation Council, possibly as early as December 26. From there, Russian President Vladimir Putin must decide whether to sign the bill into law or reject it.

On Thursday, December 20, President Putin stopped just short of promising to sign the legislation. He did say, however, that he considered the Dima Yakavlev Law to be an “appropriate” response to the Magnitsky Act, a new U.S. law that calls for sanctions on Russian citizens who are complicit in human rights violations.

“There is terrible irony in the fact that America’s decision to speak out against human rights violations may cause the Russian government to deny many thousands of Russian orphans the possibility to grow up in loving adoptive families,” says Chuck Johnson, president and CEO of National Council For Adoption. “The plight of orphaned children worldwide, so many of whom spend their young lives in institutions, is itself a violation of every child’s right to a safe, nurturing, and permanent family. Often inadequately cared for, lacking in love and security, deprived of necessary education, healthcare, and support, too many orphaned children either die in institutions or ‘age out’ into a world in which they continue to suffer the harshest of injustices, alone and without a voice.”

According to the United States Government Action Plan on Children in Adversity, which was released by the White House this week, there are more than 700,000 registered orphans in Russia. Approximately 100,000 of these orphans are four years old or younger, and are housed in 2,150 public institutions throughout Russia. It is estimated that 80% of these children have developmental delays. Despite a steady decline in the total number of
intercountry adoptions being completed each year due to changes in adoption policies and practices, Americans’ interest in adopting children from other countries continues to increase. Americans adopted 962 Russian orphans in 2011, the last year for which statistics are available. Over the last twenty years, Americans have adopted nearly 60,000 Russian orphaned children.

Of all these adoptions, there have been nineteen deaths of Russian adoptees at the hands of their American parents. These terrible tragedies have led to important and necessary reforms to protect children; most notably the Bilateral Adoption Agreement between Russia and the U.S. that went into effect on November 1, 2012. This agreement, which was passed to help safeguard and protect children and families involved in Russian adoption proceedings, requires the facilitation of adoptions through accredited agencies, mandates that prospective adoptive parents complete up to eighty hours of pre-adoption training, and permits Russia to engage in post-adoption monitoring of children adopted by families in the United States.

Research has consistently shown that both institutional care and temporary foster care are woefully poor substitutes for permanent family care. “Youth aging out of institutions without permanent families of their own face poor outcomes and terrible hardships,” says Chuck Johnson. “Children need and deserve love, stability, and permanency. Whether this permanency is achieved through family preservation, permanent guardianship, kinship care, or adoption, permanency itself – and the safety and love it can provide – should be a priority for every child. When children cannot return to their biological family members nor be adopted by citizens in their own countries of origin, it is in their best interest to consider and allow intercountry adoption.”

The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, which the U.S. and many other countries have signed, establishes international standards of practice for intercountry adoption in order to safeguard children and adoptive parents. The Hague Convention on Intercountry Adoption has clearly identified intercountry adoption as preferable to either institutional care or long-term foster care, because of the permanency and stability adoption can provide for children.

“On behalf of the tens of thousands of children whose human right to a family will be violated if this law is passed, the National Council For Adoption calls on Congress and President Barack Obama to address this threat to intercountry adoption before it’s too late. We must act now for the sake of all the orphaned Russian children who will be deprived of loving families if this legislation is signed and enacted,” says Chuck Johnson. “As advocates for children who know and believe that intercountry adoption is in the best interest of many children, we humbly plead with President Putin and Russian officials to consider how this intercountry adoption ban could hurt Russia’s voiceless orphaned children. Whatever political statement the Russian government feels is necessary as a response to the Magnitsky Act, it should not be carried out in a way that harms innocent children.”

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