

The Registry Stigma of Adoption

When Supposed Protection Becomes Discrimination

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In Spain, the birth record¹ of an adopted person is not treated in the same way as that of other people. Law 20/2011, of 21 July, on the Civil Registry², treats **adoptive filiation**³ as **restricted-access data**⁴. That is, it is not treated as ordinary registry information, but as specially protected data, subject to an exceptional access regime.

The issue may seem minor, or purely technical. It is not. It affects the way the State classifies adopted people, who may access information about their legal identity, and the adopted person's own ability to decide whether their filiation should continue to be treated as a secret.

This text focuses on Spain. However, as will be seen later, the registry concealment of adoption is not a Spanish anomaly, but a feature that appears, through different legal techniques, in many current legal systems.

What the law says today

Article 83 of Law 20/2011 on the Civil Registry lists the data subject to restricted access. The first of these is, literally, **“adoptive filiation and unknown filiation”**. Alongside it appear other cases such as disability and support measures, identity changes authorised in cases of gender-based violence, rectification of sex, deprivation or suspension of parental authority, and secret marriage.

Article 84 establishes the access regime. While the registered person is alive, only that person —or certain legal representatives— may access those data or authorise third parties to access them. But once that person has died, authorisation can no longer be given by the person who held that identity. The law provides that **“if the registered person has died, authorisation to access the specially protected data⁵ may only be granted by the Court of First Instance⁶ judge of the applicant's domicile, provided that the applicant shows legitimate interest and a well-founded reason for requesting it”**. Such legitimate interest is presumed in the spouse or registered partner, ascendants and descendants up to the second degree.

This means that, after the death of an adopted person, even their own children may need judicial authorisation to obtain a full birth certificate⁷ if the adoption appears in it. The same does not happen with the birth record of a non-adopted person.

The difference is not theoretical. It can have practical consequences in ordinary procedures. In my case, for example, my home is still registered in the Property Registry under my previous identity, **Santiago González Rueda**, whereas my current legal identity is **Olmo Gómez Aldaz**. If my children had to inherit it, they might need to prove that both names refer to the same person by means of my full birth certificate. That is why I have decided to

1 Translator's note: Spanish partida de nacimiento. In this text, it refers to the Civil Registry birth record and to the certificate issued from it, depending on context.

2 Translator's note: Spanish Registro Civil, Spain's public civil-status registry.

3 Translator's note: Spanish filiación adoptiva. Filiation is retained where the civil-law concept of legal parent-child status is central.

4 Translator's note: Spanish publicidad restringida. Literally 'restricted publicity'; rendered here as restricted access or restricted-access data where that is clearer in English.

5 Translator's note: Spanish datos especialmente protegidos, the term used in Article 84 of the Spanish Civil Registry Act.

6 Translator's note: Spanish Juez de Primera Instancia, a judge of the Spanish Court of First Instance.

7 Translator's note: Spanish certificación literal de nacimiento, a full certificate reproducing the registry entry, unlike abbreviated or ordinary certificates.

keep it together with the deed and also send it to them in digital format. The very need to plan for something like this shows that this registry classification imposes real costs on us.

Protection or discrimination?

The usual justification for this regime is the protection of privacy. In the abstract, allowing a person to decide who may access certain intimate data can be a right. But protection ceases to be a right when the law does not allow it to be chosen or waived: when the supposed privilege becomes an obligation, it ceases to be a privilege and becomes **discrimination**.

The adopted person does not choose to have their filiation made subject to restricted access. The law imposes that regime on them solely because they were adopted, and it does not allow them to leave it. Article 83 establishes it as mandatory; Article 84 only allows them to authorise specific access while they are alive. An adopted person may authorise someone else, during their lifetime, to access their registry entry, but cannot require that their filiation no longer be treated as reserved data. Nor can they avoid the fact that, after their death, the only way for, for example, their own heirs to access their full birth certificate is to obtain judicial authorisation, with the inconvenience and possible costs this entails.

Therefore, this is not a privilege of the adopted person. If it were a true protection of their privacy, it would belong to their autonomy: they should be able to accept it, shape it, or waive it. But they cannot. The law does not protect their decision; it replaces it.

From that point of view, the measure functions as discrimination. The adopted person is legally marked and stigmatised as abnormal. Their filiation is not treated as ordinary filiation, but as filiation that **must be hidden**. It is not a simple registry mark: it is a **registry stigma**, because the law does not merely identify adoption; it places it in the realm of what must be reserved and concealed. And that stigma persists even when the person themselves does not want it to exist.

The historical origin of the restriction

This stigma does not arise from a modern sensitivity towards the privacy of adopted people, but from a much older and darker history of concealing filiations considered irregular or shameful.

The 1957 Civil Registry Act explained in its preamble that it had addressed **“the difficult problem of public disclosure of filiation when it is unknown or not legitimate”**, and that it solved this by restricting access to the birth folio and allowing certificates to be issued without filiation being shown. The 1958 Civil Registry Regulation spoke openly of avoiding **“shameful entries”** and of **“veiling the embarrassing situation of those who lack known parents”**.

The language belongs to another time, but it clearly reveals the ideological core of the institution: secrecy does not appear in order to recognise the child’s freedom, but to cover a socially stigmatised situation. The much-reformed modern adoption still inherits and preserves that stigmatising regime of concealment. The adopted person was placed in the same legal space as everything that had to be hidden. That is why this is not merely an administrative restriction: it is the survival of a stigma.

The current law has removed that vocabulary, but it has not fully broken with the structure that sustained it. It continues to maintain that adoptive filiation must remain in registry secrecy.

The underlying contradiction

Adoption is legally presented as full filiation, equivalent to biological filiation in its effects. Yet the Civil Registry needs to mark and restrict it. That contradiction is revealing.

If adoptive filiation were truly treated as filiation equal to any other, there would be no reason for an adopted person’s birth record to be subject by law to a different regime. The fact that it must be concealed shows that the legal system itself does not, in reality, regard it as undifferentiated filiation. Equality is proclaimed at the level of effects, but denied at the level of identity.

The point here is not to deny that some personal data deserve protection. The point is to ask who decides that protection and upon whom it falls. When the restriction is mandatory, non-waivable, and linked exclusively to

having been adopted, it is not a guarantee chosen by the person, even if it is presented as such: it is a stigma imposed by the State.

A global structural feature of current adoption

International comparison allows for nuance, but it does not weaken the previous conclusion. The specific Spanish technique does not appear to be the usual one among the countries examined. So far, I have not found another legal system that reproduces the same combination: that adoptive filiation appears in the current birth record itself; that, for that reason, it is subject to a special restricted-access regime; and that, once the adopted person has died, access depends on judicial authorisation. The closest case I have found is the Netherlands, where adoption may appear in the full copy of the birth record and its issue may be restricted to someone who proves a legitimate interest, but I have not found there a rule equivalent to the Spanish one for access after the death of the registered person.

What does appear very widely, however, is something else: the need to **conceal adoption in the registry**. In many countries, adoption is not kept visible in the current record and then made subject to restricted access, as Spain does. Instead, a different technique is used: the birth record is replaced, remade, or separated so that the ordinary certificate does not show that the person was adopted. This occurs, through various formulas, in France, Germany, Brazil, and most of the United States; in England and Wales there is a specific register of adopted people, while the link with the original entry is separated from the document used in ordinary life.

Therefore, what appears structural is not the specific Spanish model, but the underlying idea: current adoption continues to maintain, in many legal systems, some form of registry secrecy. Sometimes adoption is hidden by removing it from the visible birth record; in Spain, by contrast, it is retained as exceptional data and access to the record itself is restricted. These are different techniques, but they respond to the same logic of concealment: to make the condition of being adopted disappear from the visible registry, as if that real part of a person's identity had to remain hidden.

Spain's singularity, therefore, does not consist in concealing adoption, but in doing so through a **stigma incorporated into the birth record itself**: adoptive status remains in the entry and turns that document into one of exceptional access, even after the death of the person affected.

My case

I write this not only as a general reflection, but also from my own situation. I am an adopted person and I have spent years fighting for the legal recognition of the nullity of my adoption⁸. On 19 February 2026, the Ministry of Territorial Policy and Democratic Memory issued to me a **Declaration of Recognition and Personal Reparation**, which states that **“it has been established that [...] he suffered persecution for political and ideological reasons during the Franco dictatorship”**, that **“in 1971 he was abducted and adopted without the legitimate and free consent of his parents”**, and that **“his circumstances mean that he is considered a ‘victim’ as provided in Article 3.1 of Law 20/2022 on Democratic Memory”**.

In addition, my current legal situation is exceptional. The adoption has not yet been annulled, but the civil courts have already recognised my biological filiation. The judgment of the Provincial Court of Navarre of 12 May 2025 confirmed that recognition, so that today I am in a situation of **dual filiation**: the adoptive filiation remains formally in force, while my biological filiation has already been judicially recognised.

In my case, therefore, the registry restriction does not protect a privacy that I want to keep hidden. It protects, against my will, the trace of an adoption whose nullity I maintain and whose violence has been recognised by the State. The law continues to treat me as the bearer of a registry secret even though I have spent years precisely trying to undo that secret.

A necessary question

The core question is simple: **why can an adopted person not decide that their own filiation should stop being treated by the State as exceptional and reserved data?**

⁸ Translator's note: Spanish nulidad. In Spanish civil law, this means legal nullity, not merely revocation or withdrawal.

As long as that possibility does not exist, restricted access to adoptive filiation cannot be presented straightforwardly as a right of the adopted person. It is, first of all, a difference in treatment imposed upon them. And when a legal difference falls on a group of people, stigmatises them as different, limits their autonomy, and produces legal effects that others do not bear, there are solid reasons to call it by its name: **discrimination**.

Legal references

- Law 20/2011, of 21 July, on the Civil Registry, Articles 83 and 84.
- Law of 8 June 1957 on the Civil Registry, preamble.
- Decree of 14 November 1958 approving the Regulation of the Civil Registry Act, preamble.
- Law 20/2022, of 19 October, on Democratic Memory, Article 3.1.h).
- France: Civil Code, Articles 354 and 356; civil-status rules on full adoption.
- Germany: Personenstandsgesetz and federal rules on adoption and access to origins.
- Switzerland: Swiss Civil Code, Articles 268b and 268c.
- England and Wales: Adoption and Children Act 2002 and the Adopted Children Register regime.
- Argentina: Law 26.413, Article 48.
- Brazil: Child and Adolescent Statute, Articles 47 and 48.
- Chile: Law 19.620, Article 26; Law 21.760.
- China: Civil Code of the People's Republic of China, Article 1110.