
Victims of Illegal Intercountry Adoption Speak Out

Prepared for the UN Joint Statement 1 Year
Anniversary Presentation by ICAV

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Inter Country Adoptee Voices



Introduction

One year on from the UN working with some of us intercountry adoptees and many other experts around the world to publish their *Joint Statement on Illegal Intercountry Adoptions*, we celebrate the allyship and support to share our messages as survivors and victims of illegal intercountry adoptions. We need and deserve support and responses from governments and authorities from all our countries around the world!

In 2020, ICAV collated the first global collaboration to give input for the *Hague Working Group on Preventing and Addressing Illicit Practices in Intercountry Adoption* as to what we want authorities to do in response to our illegal and illicit intercountry adoptions. Three years on and also with the UN's Joint Statement, there is more awareness and awakening within the adoptee community about how our adoptions were done, how we came to be in the institutions in the first place, and understanding what constitutes an illegal or illicit intercountry adoption. With the help of Prof. David Smolin, we created an easier to read article defining and giving examples of what is an illegal and illicit intercountry adoption and I note the community growth in coming to understand the terminology and how it relates to our individual situations. From this perspective, I invited impacted people to again provide updated input on the importance of the UN's Joint Statement and identifying further actions they wish for in promoting the implementation of the Joint Statement. Together with our 2020 collective, this remains the worlds largest collection of lived experience statements about illegal and illicit intercountry adoptions highlighting the impacts, the needs, and suggestions for how to respond and who it should be.

I'd like to honour those whose work we lean on and benefit from for this anniversary. *Back to the Roots*, a Sri Lankan adoptee led group in Switzerland were the first to connect with and meet the *UN Committee on Enforced Disappearance* (CED) to seek their support in having their illegal adoptions recognised within this convention. Until then, intercountry adoptees had struggled to find international standards to measure the illegal practices against given the lack of global legislation to punish those who facilitate illegal adoptions. After *Back to the Roots* success in being heard by the CED, *Racines Perdues* also approached the CED to discuss the adoptions from Guatemala. *Racines Perdues* who were part of ICAVs 2020 collaboration paper and attended meetings at the Hague, then collaborated with ICAV and some other foundational adoptee led organisations and we formed a collaborative called the *Voices Against Illegal Adoption (VAIA)*. Together as VAIA we began discussions with the UN Committees in 2022 which continues to this day and is the reason for being invited to speak and help celebrate on 20 September 2023, the 1 Year Anniversary of the Joint Statement.

This paper is a continuation of our voices being heard. Due to the time constraints for the actual meeting on 20 September 2023, I offered for our global community to give their input. A five minute speech can barely scratch the surface of the huge array of complexities involved for so many victims and survivors of illegal intercountry adoptions. I also felt it was immensely important at this Anniversary event to ensure the voices of biological families were invited to speak and be visible. They have until now, been largely invisible, unheard, ignored. I want to change this and so it is my honour to have facilitated, with the incredible support of our allies and fellow adoptees to create, the first videos that bring you the voices of families from Uganda, South Korea, and Ethiopia. There were so many more parents voices from various countries whom I could have invited, but together with the voices of adoptees who are presenting to the UN, I tried to ensure a range of voices and countries.

Every contribution to this paper and the families videos gives me a sense that our voices are becoming stronger, more assertive, more sure that we have a right to advocate for ourselves. The UN Joint Statement has as a minimum, validated our experiences and what we've been saying over many years. It has empowered us to be more forceful in our requests, more cognisant that our rights matter. It is an important time in the history of this practice of modern intercountry adoption which we will one day look back upon and realise that the Joint Statement was really a culmination and reflection of the momentum we have gained over many years demanding for recognition for our illegal adoptions and demanding lasting change!

Like many in this paper, I can only aspire and hope for the day where our modern form of “enforced disappearance” under the guise of a legalised form of child trafficking via *intercountry adoption* will be stopped. It's not that I don't want children to be cared for, it's that I want intercountry adoption to only resume when legal structures are in place in every country to ensure that those who traffic us are also able to be fully prosecuted via the law, with the full impacts of their actions being understood and judged. Only then will we truly see that our best interests are protected and respected.

Please read this paper and hear the voices of people who are left with the generational legacy of trauma and pain, and without any current legal means of recourse. This needs to change!

Lynelle Long

Founding & Executive Director

InterCountry Adoptee Voices (ICAV)

September 2023

Table of Contents

Introduction	2
Table of Contents	4
Summary of Statements	6
Abby Forero-Hilty	9
Annick Boosten	11
An-Li Mus, Sheela Grammens & An Sheela Jacobs	12
Biological Families Speak Out on Video	14
Céline Breysse	15
Cindy Jobin	17
Daniel Cidrelius	18
David M Smolin	21
Denice Elving & Lauren Herremans	22
Georges Gilbert	24
Hilbrand Westra	27
Huong Tran	36
JaeRan Kim	38
Javier	41
Kelly Foston	43
Kira Omens	46
Linda Carol Forrest Trotter	49
Lisa Cherry	55
Lucy Sheen	59
Lynelle Long	60
Marcia Engel & Yennifer Dallmann Villa	72
Maria Diemar & Anna Bohrn	80

Maria Trimble	82
Marie Gardom	84
Marie Kadiatou Marre	87
Mary Bowers	91
Mary Cardaras	95
Maya Xian Hewitt	100
Melanie Kleintz	102
Mikati Willemyns	109
Naan Cohen	111
Netra Sommer	114
Peter Regal Møller	115
Sooky	122
Sophie Jupillat Posey	124
Sue Bylund	127
Susan F Branco	129
Tommy Gentzel	134
Veronique Piaser-Moyen	135

Summary of Statements

The victim and survivor statements provided in this paper provide representation from the following countries: **Adoptive countries (9)**: Australia, Belgium, Canada, Denmark, France, Netherlands, Sweden, UK, USA; **Birth countries (19)**: Chile, China, Colombia, Ethiopia, Guatemala, Greece, Haiti, Hong Kong, India, Indonesia, Kenya, Malaysia, Mali, Peru, South Korea, Sri Lanka, Uganda, Venezuela, Vietnam.

Little has changed in terms of State and Authority responses since 3 years ago and so the overall statements that survivors and victims want from authorities today remains largely unchanged. What is consistently raised in each contribution from this paper is, is summarised below.

There is **still the overarching need** for:

- ◆ Legislative frameworks to define and allow for the swift prosecution of illegal and illicit adoptions and orphanage trafficking; remove barriers to criminalise such behaviours, eg., statute of limitations; ensure compensation is provided commensurate with the lifelong impacts.
- ◆ Broadening trafficking legislations, protocols and supports to include illegal intercountry adoptions.
- ◆ Independent truth investigative bodies that are victim centric and ensure that outcomes are made publicly visible, acknowledgement given, and those involved no longer be allowed to operate.
- ◆ Legislating and providing support for the search and reunion between adoptees and their original families, with DNA testing and professional genealogy services being the preferred method that bypasses fraudulent paperwork.
- ◆ Adoptees to have full original identities restored and be granted full Citizenship rights to both countries, allowing them to freely move between the two and accessing the same rights every other person born to that country is entitled to.
- ◆ Legislating mandatory post adoption supports for families of origin and adoptees that provides for emotional, cultural and financial support of their traumas and enables and assists

reconnection after years of separation. These forms of support need to include: legal aid; counselling; financial aid; lived experience support groups; family tracing; travel support; language classes; translation services; mediation services; culture and heritage supports.

- ◆ Full (without redactions), free access, and a central storage of identity and adoption paperwork for adoptees regardless of whether the paperwork is currently with a private or government organisation.
- ◆ Stopping the current processes of intercountry adoption, remedy the wrongs of the past and end the practice because it has been clear from decades of attempts to reform the system that it is not possible to fully prevent illegal and illicit adoptions.
- ◆ End transracial adoption, as it is not in the best interests of the child. We are best kept within our people and cultures of origin with family preservation being the top priority, and resources provided to communities and families to strengthen and support them holistically.
- ◆ Clarify Article 7 & 8 in the UNCRC and eliminate all forms of Baby Boxes and processes that encourage children to be left without knowing their original identity.
- ◆ Mandate independent followup on all intercountry adoptees in their adoptive country with reports kept in a central location that allows transparency of the child's welfare between both countries.
- ◆ Remove money from intercountry adoption processes, preventing the profit making of intermediaries and facilitators.

Some **newer points** that were made clearer from statements 3 years on, are the need for:

- Victims of illegal adoption to be enabled to discharge their adoption if they wish at no cost, fully retaining their benefits as citizens of both their adoptive and birth countries.
- Countries to outline their process / protocols and plans for responding to victims of illegal and illicit adoptions.

The **key messages** we can hear in the videos **from the biological families** of Uganda, Ethiopia and South Korea are:

- ◆ Families have never forgotten their children and mourn for them daily, for years!
- ◆ They want to be supported to find and reconnect with their children but are given little to no information and are actively prevented from trying, some fearful for their safety.
- ◆ They did not willingly give up their parental rights.
- ◆ They are speaking out to make sure other families are not tricked as they have been.
- ◆ They were financially and socially vulnerable, struggling at the time of being tricked and taken advantage of.
- ◆ They want support if they have managed to reunite, to help bridge the many barriers and divides that are the consequences of years of not being together, eg language translation, geographical access.

The input from this compilation are aligned with our ICAV Paper in 2020¹.

¹ <https://intercountryadopteevoices.com/2020/08/08/lived-experience-suggestions-for-responses-to-illicit-adoptions/>

Abby Forero-Hilty

Born in Columbia, raised in the USA; ICAV International Representative; Author of Decoding our Origins - The Lived Experience of Colombian Adoptees

My name is Abby Forero-Hilty and I have been displaced from my family and country of origin, Colombia by those who participate in intercountry adoption. I had the honour and privilege of representing fellow Colombian adoptees/people displaced by intercountry adoption by attending and speaking at The Hague Special Commission on the 1993 Adoption Convention, July 4 - 8, 2022. I have read the UNHR Treaty Bodies and UNHR Special Procedures Joint Statement on Illegal Intercountry Adoptions. While I wholeheartedly agree that all sending and receiving countries throughout the world have a moral, ethical, and legal obligation to ensure that they are not supporting or harbouring illegal intercountry adoptions, I would also encourage the Office of the United Nations High Commissioner for Human Rights (OHCHR) to recognise that many of the harms that victims of illegal intercountry adoption face are the same harms endured by families permanently separated by *legal* intercountry adoption.

I have been actively involved with the Colombian adoptee community since the early 2000s. This is a global community made up of people displaced by intercountry adoptions that took place from the early 1970s up until the early 2000s. Most of the people in our community, though legally adopted, have birth certificates from Colombia that are blank, partially blank, forged, or nonexistent. Many people are desperately trying to find their families after decades of separation; working to reclaim their Spanish language skills; saving to afford DNA testing; facing racism and xenophobia - often within their own adoptive families; navigating complicated pathways to regaining Colombian citizenship; and dealing with personal and professional struggles as a result of the complex traumas they suffer due to having been permanently separated from their original families, language, culture, country, climate, and diet.

All these hardships are compounded by the profound lack of lifelong post-adoption services for people displaced by intercountry adoption. It is inhumane to look at intercountry adoption as a one-off event, with babies and children as transactional pawns in the creation of “forever families.” Though there is a paucity of research on the long-term effects of adoption, and intercountry adoption in particular (for further information, see: Branco, 2022; Keil et al., 2022; Paine et al., 2021; Steele et al., 2009), it is known that there are lifelong consequences of early and permanent family separation.

Whether intercountry adoption is done legally or illegally, lifelong consequences remain first and foremost for the adopted/displaced person, but also for mothers and families of adoption loss. Therefore, I call on the OHCHR to (1) ensure all people displaced by intercountry adoption receive lifelong post-adoption services and support and (2) work towards ending all intercountry adoptions.

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Annick Boosten

Born in India, raised in Belgium; Co-Founder of Adoptie Schakel

In Belgium, the rights of adopted children are not automatically granted and differ from those of non-adopted children. Adopted children have the right to know their personal history and biological origins. They are also entitled to legal access to their birth certificate and important medical history. However, access to this information is often through a court order or written consent from the government, creating inequality between older generations of adoptees who have fewer rights and new generations who have more rights. Adoptees ask that their right to a copy of their original birth certificate be confirmed or restored, without discrimination. They also ask for support during their journey to return to their roots. Information evenings and sharing experiences are important moments for adoptees.

An-Li Mus, Sheela Grammens & An Sheela Jacobs

Born in China, India and India, all raised in Belgium; Co-Founders of Adoptie Schakel Connecteert

The first anniversary is a fact. Congratulations on the steps taken so far! But there is still a long way to go!

The work done on illegal adoptions is encouraging. In our community *Adoptie Schakel Connecteert*, we find that many members still have questions about the term “Illegal adoptions”. The view on the history of adoptions is changing. We are convinced that understanding the history is needed to work on the future. We would like to know what structures lead to illegal practices. *Adoptie Schakel Connecteert* tries to find answers by connecting with different people in the adoption triangle (even if this form is no longer realistic). We are also working with other adoption communities in our country to get a clearer picture of, for example, money transfers within illegal adoptions. It is a long and slow process but we have clearly made progress since the beginning of our community. The UN document is very important and helps work on the files of the future of adoptions.

Our main action points for the future are mainly based on mental support, referral to professional services and addressing the system behind illegal adoptions.

Each adoptee's personal process is different. In our group, everyone is welcome. However, we can no longer discuss with all members in public because we want to respect members feelings. We organise online meetings to create a safe space. In this kind of communication circles, anyone can share their questions/problems about illegal adoptions. We hope people will learn by really listening to each other. We share documentation with them so they can also talk about these (sometimes) new elements. Sharing is caring, so people can grow and put seeds around them. Our goal is to inform as many people in the Belgian population as possible.

Another important action point is to continue working with other adoptee groups to strengthen the actions of the Illegal Adoptions Resolution in Belgium. Concrete action points will be handed over to certain politicians. Illegal practices can cause much harm to adoptees such as psychological problems and sometimes even psychosomatic or traumatic problems.

"Adoptees have the right to know their roots, and even knowing the mistakes and flaws in their files can help them connect better with their identity and with themselves."

We want to build bridges between people, different cultures, adoptive communities, and specialists. We inform and inspire our members because one thing leads to another and everything is inter-connected.

Biological Families Speak Out on Video

Attached are the short 5min video links prepared by biological families in birth countries of Uganda, South Korea and Ethiopia that are presented on 20 September 2023 at the UN event. ICAV made this possible by asking for them to be included. ICAV has always spoken out about using our privilege and platform to help elevate the voices of our families of origin. They remain to this day, the most invisible, unsupported and unasked for group within the adoption triad.

How can intercountry adoption states or authorities truly make decisions in policy, legislation, and practice without widely hearing from biological families as to how they are experiencing the intercountry adoption system?

I'm so proud to have helped make this possible so that finally, their voices can be included and heard! Huge thanks to ICAV's allies and adoptees in ICAV's global network who helped make this possible!

Ugandan Women

<https://vimeo.com/864355222/67baf278b7?share=copy>

Thanks to Kugatta - Jessica Davis and Gladys Bulyaba Kintu

Korean Mother

<https://vimeo.com/863955082/ef4049ee94?share=copy>

Thanks to Peter Regal Møller and Boonyoung Han

Ethiopian Parents

<https://vimeo.com/864646710/1f11039f12?share=copy>

Thanks to Tarikuwa Nigist and Tewodros Dawit

Céline Breysse

Born in Sri Lanka, raised in France; Founder of Collectif des Adoptés du Sri Lanka - France

English Translation

Since 2017 the *Collective of Adoptees from Sri Lanka-Aide à la RDO-Infofraud*, has been working for the search for origins in Sri Lanka, the right to origins, and the recognition of illegal adoptions. We have dozens of adoptees and birth families from Sri Lanka who contact us every month. We meet biological families to collect their testimonies in Sri Lanka. We have helped almost 50 families reunite since 2017, despite the illicit practices sown into many of the stories. Many people have been victims of illegal practices along the way. Among the testimonies we collect in Sri Lanka and in France is: the falsification of papers, sale of children, baby farming, glass intermediaries, child theft, abuse of the vulnerability of biological mothers, and false mothers presented in court to adoptive parents.

In my personal history I have also been touched by some of these practices. I explain in my book: "*Good Morning Nilanthi*" that my path was strewn with pitfalls, with unscrupulous intermediaries and no support from the French or Sri Lankan administrations. I gradually discovered many inconsistencies in my papers, then after finding my biological family I was able to understand the uninformed consent of my biological mother as well as several illegal practices concerning my abandonment.

I was absolutely not taken care of after discovering the illegal practices that constituted my abandonment and adoption journey. My parents and I were not accompanied, we went through this together with our own resources. Many people go through this alone, isolated without being psychologically supported before, during or after their research.

These practices contradict the fundamental rights of human beings. Adoptees are sometimes unable to find their biological families because of the trafficking at the time. Our collective is there to support and help the people who contact us but we are providing this on a voluntary basis, doing this with our own means and free of charge. This obviously remains insufficient and it is important that the issue of illegal adoptions and support for people be taken into account globally.

In France access to DNA tests is prohibited, which makes things extremely difficult for adopted people and pushes us to be illegal if we want to know the truth about our history. This

question is essential as is the proposal for a common database. Our collective makes it a point of honour to make DNA tests accessible and free to biological families.

It is essential today, to finally put the best interests of the Child at the centre as well as their fundamental needs. Our collective wants states to investigate and recognise when there have been illegal adoptions like in Sri Lanka. We want the families who are victims to be recognised as such and psychologically supported if they so wish.

The roots searching process should be supervised for people seeking research and especially for people who are victims of trafficking. A specific structure should accompany the adopted person for moral and logistical support. Adoptive families could also benefit from a resource centre to be advised and listened to.

We need to facilitate access to archives and documents in the host country and in the country of origin so that the adopted person can cross-check all the information concerning his story and reconstruct it, especially in the case of false papers.

Cindy Jobin

Born in Haiti, raised in Canada

English Translation

Hello, my name is Cindy Jobin, I was adopted in Haiti in 1981 at the age of 6 months from an orphanage. I was one of the first thousands of international adoptees to leave my country of origin when there were no laws governing adoption. I left the country for Canada without any information about my identity or that of my biological parents.

How is this possible? Since then, I've been desperately searching for my family in order to build an identity for myself. I spent many years researching the subject, which led me to realise that there was a huge lack of professional resources to help us in our search to find our families.

Many orphanages still operate illegally, putting children up for adoption without the consent of both biological parents.

I have also noticed a high incidence of suicide and harmful psychological effects on adopted minors and adults. Some adoptees are starting to find their biological families through commercial DNA tests such as Ancestry or through social networks. I can see that biological parents say they never gave their children up for adoption but rather entrusted them temporarily to re-establish their financial situation, signed papers they didn't know how to read or were offered sums of money by adoption bodies based in Haiti.

I would like the parties responsible to fully assume their responsibility and provide us with concrete help to repair the damaging consequences. This help can be demonstrated in a number of ways: DNA testing accessible free of charge to adoptees and biological parents, which could be carried out in their country of origin, done on the spot at several service points in the country and organised by the State. We also need psychologist consultation services free of charge so that all adoptees without social distinction have access to them.

Thank you for your attention

Cindy Jobin

Writer

Documentary filmmaker

Daniel Cidrelius

Born in Sri Lanka, raised in Sweden

Prosecute the Child Traffickers

Tens of thousands of persons who were adopted from Sri Lanka to other countries are waiting for an answer on whether their adoption was conducted legally and ethically. In 2017 Sri Lanka's then Health Minister estimated that most of the foreign adoptions had been conducted illegally and promised to take the initiative to investigate. Yet it seems the investigation in Sri Lanka has not even started.

Here I argue that a juridical process should be commenced on a transnational level to prosecute the individuals who have traded children in the context of adoption, regardless of economic reasons or individual's desire to build a family. Adoptees will never be satisfied until those responsible have been held accountable.

A juridical process may encounter problems because the adoptions from, for instance Sri Lanka to Sweden, were conducted in the past. Therefore too much time may have passed to prosecute. Also it could be claimed that certain laws were not stated in adoption contexts from the start of the intense transnational adoption activity and that a few laws have been stated over the years to counter illegal and unethical adoptions. However, trafficking in human beings in all forms has been forbidden since the transatlantic slave trade was abolished.

Politicians, government servants, adoptive parents, adoptees and people in general are aware that trafficking in human beings for adoption is a crime and can be seen as a part of a transnationally organised crime. Foreign adoptions conducted over the years were not all part of an organised sale of children though many adoptions may be objects of criminal acts transcending national borders. Thus, it is important that all adoptions from other countries to Sweden are investigated. It is the only way forward to provide an answer on whether the foreign adoptions were conducted legally and ethically.

Comparing the Sri Lankan statistics of foreign adoptions from Sri Lanka to Sweden with the Swedish statistics of received adoptees from Sri Lanka in Sweden there is a difference. Fewer persons were registered in the Sri Lankan statistics compared to the Swedish making it difficult to know the exact number of conducted adoptions from Sri Lanka. Obviously, the statistics in the receiving country should be considered paramount to that of the birth country because the receiving country has a greater interest in registering immigrants, in particular, from countries

outside of Europe. What is clear is that the Sri Lankan statistics shows that tens of thousands of children were adopted from Sri Lanka to other countries from the 1970s to the mid-1990s in relation to the rise of the transnational adoption practice, intimately connected to the charter tourism to Sri Lanka and Sri Lanka's tourism development. The statistical difference of the number of adoptions from Sri Lanka to other countries points to the fact that trafficking in human beings for adoption occurred.

In studying Swedish newspapers regarding representations of adoptions from Sri Lanka to Sweden 1970-2019, the trafficking in human beings for adoption from Sri Lanka to Sweden was exposed from the mid-1970s showing how brokers sold babies to Swedish adoptive parents. From a Swedish perspective the prices fluctuated between different countries as well as whether the adoption was conducted through or outside an authorised adoption organisation. Newly born light-skinned children were more expensive than darker and older children. By the end of the 1970s the Sri Lankan government acknowledged awareness of the brokers who traded with children for adoption to Scandinavian adoptive parents and over the years the Sri Lankan government stopped the foreign adoptions at three occasions for shorter periods. For instance, by mid-1987 a Sri Lankan investigation of the foreign adoptions showed that most adoptions had been mediated through unofficial channels. Out of 1670 adoptions in 1986 only 37 had been conducted through official channels. Thus, the Sri Lankan government stopped all applications from foreign adoptive parents on 3 June 1987. In September 1988 the foreign adoptions opened up again. In 1992, Sri Lanka started to promote national adoptions before foreign adoptions but it was not until 1995 when a new law was introduced in Sri Lanka, criminalising the unofficial foreign adoptions, that the illegal foreign adoption activity, principally, came to an end. What is the reason the transnational adoptions would continue over the years despite recurrent attention in the media on trafficking in human beings for adoption? All in all, it does not seem better than that individuals engaged in adoption activities found it easy to promote Swedish citizen family building projects.

From the beginning Swedish authorities have been aware of the illegal and unethical adoptions of children from Sri Lanka to other countries. Similarly to Switzerland. In 2019 an investigation confirmed that 70% of the 750 examined adoptions of Sri Lankan children to Swiss adoptive parents, from the end of the 1970s to the 1990s, may have been conducted illegally. It seems the Swiss government's interest in promoting the desire and demand of becoming adoptive parents was regarded higher than the principle of the best interest of the child. Moreover, the investigation in Holland from 2021, shows that the Dutch government remained passive rather than intervene when there was reason to do so, for instance, regarding reports of baby farming and outright child theft in Sri Lanka. Instead the Dutch government promoted the interest of Dutch adoptive parents and referred solutions to the Sri Lankan authorities. The latest

investigation in Denmark in 2022, of the adoptions from Sri Lanka to Denmark shows that Danish authorities were informed by the Danish adoption organisations by the mid-1980s that unethical adoptions were conducted from Sri Lanka to other countries. The investigation also shows that at least one Danish adoption organisation may have conducted illegal adoptions from Sri Lanka to Denmark and that there was no regulation regarding the flow of money connected to the foreign adoptions which created a ruthless incentive structure.

For a long time the Swedish government has been awaiting the promised investigation in Sri Lanka while adoptees are returning to Sri Lanka to find their first parents and relatives - becoming aware that their adoption documents are fake as well as the fact that their particular adoption history has been made up by brokers who profited from the adoption. Currently the Swedish government has started to investigate the foreign adoptions, among a few other countries, from Sri Lanka to Sweden. It is expected to be finished in 2024, clarifying whether fraud occurred and the responsibility of the Swedish government and other actors.

The Swedish adoption authority's promotion of the right to build a family through adoption can never be paramount to the prohibition of buying and selling human beings in all forms and contexts. The responsible persons who failed to counter the trafficking of children for adoption, participated in the commercialised exchanges in the context of adoption and took part of improper profits from transnational child trafficking should be held accountable and prosecuted for the crimes committed. An investigation of the crimes against humanity and the human rights in adoption contexts is the first step towards making amends to adoptees. Prosecute the child traffickers!

David M Smolin

Adoptive father in the USA to Indian adoptees; Professor of Law at Stamford University

Prof. David Smolin's latest book chapter *Introduction: Out of the Fog - Responses and Remedies for the Illegal Separation of Children from their Families in the Context of Intercountry Adoption* is included here as a contribution to this collection. You can download and read his chapter at https://works.bepress.com/david_smolin/28/

Denice Elving & Lauren Herremans

Born in Vietnam, raised in Sweden and Belgium respectively; Co-Founders of 90's Vietnamese Adoptees

Denice Elving

Name at Birth: Nguyen Thi Hong

Adoptive Country: Sweden

Birth Country: Vietnam

Year of Birth: 1996

Year of Adoption: 1996

Place of Birth: Ninh Binh (officially stated in birth certificate)

Place of Adoption: Ninh Binh province, Vietnam

Adoption Agency: Independent adoption (without an authorised adoption agency, but with help from a Vietnamese/Swedish couple living in Sweden)

Lauren Herremans

Name at Birth: Dinh Thi Hong

Adoptive Country: Belgium

Birth Country: Vietnam

Year of Birth: 1996

Year of Adoption: 1996

Place of Birth: Ninh Binh (officially stated in birth certificate)

Place of Adoption: Ninh Binh province, Vietnam

Adoption Agency: Amarna (Brussels)

In the year 2020, at the age of 24, we found each other and got in contact through a group for Vietnamese adoptees on social media. Denice was raised in Sweden and Lauren in Belgium. What brought us together was the fact that we were both born in the province of Ninh Binh in Vietnam, but as it turned out we had much more than that in common. We discovered that we did not only share the place of birth and year of birth, after comparing our birth certificates the only things that differentiated us was our last name, the name of our mothers and their addresses, the date of birth and the photos of us as newborns. According to these documents we were born at the same hospital and were delivered by the same doctor and midwife. We were both given the name Thi Hong. It is stated that both of us were born at 8pm and abandoned by our mothers after two days in the hospital. It is also stated that after the abandonment the mothers could not be found at the given addresses, which were not more than names of villages near the hospital.

At the time of this discovery the suspicion about our origins and adoption grew stronger and stronger, but we had yet to discover the reason behind these not so coincidental similarities. We had been illegally adopted and are victims of child trafficking through international adoption. During the years between 1992 and 1998, 170 infants were sold to be adopted and raised in foreign countries by a trafficking ring operating in Ninh Binh and nearby provinces. The trafficking ring was led by a man named Vi Tien Manh, a senior official at the Department of Justice in Ninh Binh. The leader and 11 other people were convicted in the year 2000, with the leader receiving the highest penalty among them which resulted in 4 years of prison time. We got this information from a news article we found shortly after we got in contact with each other and recognised the ring leader's name from our files since this man had signed our adoption documents. Our birth certificate has been forged and the little information we have, we could no longer rely on it being true. We do not know for sure where and when we were born, if it really was at the hospital stated in our birth certificates. Neither do we know who our mothers are and if they willingly gave us up for adoption. Our adoptive families were given false information and they did not suspect any irregularities. We grew up with the information that we were given up at birth and that our mothers did not provide a full address for us.

In the following years since the devastating discovery in 2020, we have been piecing together small bits of information trying to uncover what really happened and to find our biological mothers. We have unsuccessfully trying to find biological family members, people with useful information, the other 168 adoptee victims, and to get access to the court file from the conviction. The people we have found with knowledge or association to the trafficking ring are now deceased or getting old. The uncertainty and the frustration of not knowing is with us every day of our life. Although we did not know each other until the age of 24 and grew up in different countries, it feels like we have known each other our whole lives. The challenges and difficulties we have experienced as consequences of adoption are remarkably similar. We have both been struggling with mental health issues such as depression and anxiety along with intense fear of abandonment throughout our lives. We were brought together by curiosity and excitement and are now bound together for life with a shared burden, the knowledge of adults taking advantage of us as babies, making money out of us, the system failing us and the feeling of helplessness and injustice.

Georges Gilbert

Born in Vietnam, raised in France

My name is Georges Gilbert, I grew up in France but I was born in Vietnam in 1996 under the name of Vanlam Truong. I was lucky enough to grow up in a loving family but I always knew that one day I would have to discover who I really am. It was never an obsession, nor a taboo either, I just knew that one day I'd have to search because I felt **it was my right**. About a year ago, I took a **DNA test** which enabled me to find my biological older sister who grew up in Belgium. We met up, saw each other again and talk very often. I'm glad we get along so well and understand each other. For me, she's family and it's not just a question of blood.

Despite the joy this fortunate reunion has given, it creates questions for me. **On my adoption papers, my birth mother's name is different from the one on my older sister's papers.** However, the DNA test has confirmed the results and shows us to be full brother and sister. As far as I understand, my adoptive parents were not in contact with associations or agencies but with **private intermediaries**, interpreters they met through friends. **These interpreters asked them for lots of money and gifts in exchange for their help, pretending a part of the gifts and money would be given to the orphanage.** Was it true?

In France, many adoptive parents - or at least that was the case with mine - complain about the cumbersome procedures and time it takes to adopt a child. It's striking to discover that when you Google "international adoption", suggestions like "How to adopt a child quickly" pop up. Adoptive parents' need for a child drives them to seek out private, unofficial intermediaries to speed up and lighten the procedures but **the more private intermediaries there are, the more illegal adoptions will exist.**

Administrative red tape is nothing compared to the life and happiness of a child, and adopters need to be made aware not only of the rights of families of origin, but also of what they themselves risk by resorting to unofficial channels, i.e. falling victim to fraud, and taking a child away from a family who has given him or her up under coercion.

Concerning pre-adoption procedures, it seems important to me that **accreditations should be accompanied by psychiatric follow-up and regular monitoring by social services before and after adoptions.** The main purpose is not to discourage adopters, but to be sure that adopters and adoptees are living together safely by **reducing risk of abuses.**

It's also important for intermediaries and authorities to **ensure that birth parents have given their full consent**. These intermediaries should also act officially and not privately. In my opinion, education, **regular checks and monitoring of families of origin and adoptive families** will help to break the pattern of illicit practices. Too many of us, myself included, are feeling lucky to have grown up inside loving adoptive families ... but in my opinion, **the concept of luck itself is somewhat absurd in such legal process**. Such legal process should be safe for every children and families.

A social follow up for the adoptive family after the adoption could also prevent such shameful acts like private re-homing, an open gate exposing the child to the worst case of abuses.

We also must continue to **encourage the prioritisation of national rather than international adoption**, for easier follow-up, with fewer intermediaries, but also to ensure a more secure development for the child. Growing up as a transracial adoptee exposes the child to forms of discrimination that the adoptive parents are not always able to respond to, and this has an impact on the child's identity.

The question of **psychological follow-up for the adoptee is therefore an important one and we need to set up organisations to provide psychological support and search assistance** for adoptees. These organisations should have links with equivalents in the various countries of origin and official access to facilitate the search process, but also to protect adoptees.

It's also important for intermediaries and authorities to ensure that biological parents have given their full consent. These intermediaries should also act officially and not privately. In my opinion, education, regular checks and monitoring of families of origin and adoptive families will help to break the pattern of family tracing. In fact, **access to one's origins is a right** and too many of us feel helpless when faced with a lack of research resources. We turn to unofficial approaches to get an answer. This exposes us to dangerous situations where individuals either take advantage of our vulnerability or are lacking experience or tact in our searches. Another problem with such non- official investigations is that the searchers have no official accreditations and can't get access to official registers and archives. Every human being wants to know who they are and where they come from, with maximum transparency and verified facts. So it's time to ensure that adoptees from any country can have this right.

The number of international adoptions is falling and this is a verifiable fact. According to the France adoption agency, the number of adoptions from Vietnam has fallen from 469 in 2010 to just 19 in 2020. If adoptions are falling, then the question of follow-up and development for those who

have been adopted arises more than ever. What do you say to those adults among your neighbours, your loved ones, who cannot fully identify as a member of the community that adopts them, or as a member of their community of origin?

Hilbrand Westra

Born in South Korea, raised in the Netherlands, expert in systemic trauma in intercountry adoption;

Founder of Systemic Adoptee Care (SAC)

THE LIVED BODY

A systemic phenomenological perspective on the displaced body through abandonment and adoption

“Dear Jane, You are a brave young woman, keeping me alive. I am like a parasite; I exist only because you do. If you had not been born, I would have died. People do not see me, although we share a heart, a face, a mind, and a body.

You have the benefit of being the twin who is seen. Me - I must hide behind you. Take care of me. Take care of this body because, you know, it is really mine.

That face you see - mine. The hands you use to eat and work - those too are mine.

You are living a borrowed life. Don't forget.”

Kyong-Ah [u](#) - Trenka, Jane Jeong

In international, intercountry or transnational adoption, one thing is often forgotten. The body that serves as proof of both desire and loss in one. An involuntarily displaced body that at some point is no longer aware of an existential connection that goes far back to the time of the child, or even earlier, birth.

In this article, I want to make it clear that the body as a lived experience stores more than knowledge and is deeply aware of its origin than what cognition can reproduce from memories.

Adults who have a desire to have children in order to perfect their desire for a family, to give themselves a fulfilled existence and the fulfilment of a deep meaning as human beings, will be understood by many. However, filling in an empty space due to childlessness through adoption, a legal way of obtaining parenthood, is actually a modern development. There are references in ancient history such as Mesopotamia and the Romans, that the form of adoption as a legal method of parenthood had existed for some time. However, these forms essentially had a form of possession in which the material interest, such as succession, a retirement provision and the perpetuation of the power of the man in the created family was paramount. In Mesopotamia, it was not even uncommon that if the adoptee went looking for his parents or family of origin,

corporal punishment would follow. The tongue or eyes were torn out or otherwise. There is clearly a form of serfdom by the authorities of the adopted child.

The idea that there is an affective basis and a humanitarian starting point, namely wanting to take care of a child, is relatively a new phenomenon.

The fact that adoption only really came back on the map in Europe in the 18th century is due to Code Napoleon, the introduction of the Code Civil. It is interesting to note that the Netherlands was one of the last countries to add the subject of adoption as an acceptable legal way of family formation. It wasn't until 1956 that it officially recognised adoption as a form of family formation. ^[2]But despite the possibility of accepting domestic children for adoption, this path is still impossible for foreign children, despite the fact that children with a transcultural background from and in the former colonial territories of the Netherlands and Belgium and other European countries have always been admitted, without there being a legal determination by definition. If it happened the other way around, non-Western adoptive parents adopting a 'white' child, it was often not without consequences. This is evident from the story of Bertha^[3] who was adopted by a Malaysian woman because the Dutch mother could not take care of her, but who later claimed her when she understood that she was raised in a Muslim family. This resulted in a riot. The debacle eventually led to two hundred wounded and nineteen dead. Even in the United States, until the nineties, it was hardly possible for African-American adults to adopt white children. There appears to be a one-sided view of good parenting and taking possession of other people's children. Thus, the child's body has become an object of social discontent. Despite all the classic adoption ideologies about quality parenting and affection. But who spoke of the children as autonomous beings and who had an eye for their physical and emotional state and well-being? It has become an international Solomon judgment in which economic and political power ultimately determines the fate of ^[4] millions of children around the world.

Systematically, little thought is given to the physiological, psychological and emotional effects of the relocation of these children from their natural families and habitats to the unnatural ones. Let alone that the fact of migration and displacement was taken into account as an important factor for the overall health of the child and later adult. Perhaps the relatively small number has ensured that this 'invisible' and fragmented migration did not lead to questions about the adaptation and future orientation of these forms of inclusion of children in Western families and their society. But the fact that the Dutch government was not eager to adopt children from abroad is evident from the fact that the Netherlands was once again one of the last countries in Europe to amend the legislation for this. The Law on the Inclusion of Foreign Children for Adoption, ^[5]called the Wobka for short, was only introduced as a policy in 1989 and only operationalised in 1993. The

same year that the international adoption convention, also known as the Hague Adoption Convention, was also concluded. Since then, the phenomenon of adoption from abroad was a fact and the indirect recognition that regulation of this open children's market was a necessity.

Further investigation also reveals that no authority considered the localised child for adoption to be a sovereign being. The child was mainly seen as an object of desire and/or as a helpless being who needed care.^[6] But it was really about the need of many childless adults who were shy about a child, a body that was available to perfect their parenting. But what price that child paid for it, hardly anyone talked about.

So what history shows is that adoption was never associated with the phenomenon and consequences of distance, and a body that represents a special human being with feelings, an autonomous will, and an authentic state of being. For decades, the focus has been on the win-win ideology of the adoption phenomenon; childless adults have a child and a parentless child has parents. This simple mantra that exhibits a strikingly high Walt Disney romance has never really been aware of an existential being deeply connected to its origins. And that that adopted body presents itself in the world, is not only a reflection of socialisation, but also represents the inner world of experience of an ancient history of which it is hardly aware, often wakes up one day with a sensation that it somehow misses something that is only answered once it comes into contact with that world of origin. We see that very nicely depicted in the Japanese Anime the moon princess^[7] where an adopted girl Kaguya carries a secret and every time she sees the Moon she starts crying. She tells her adoptive parents that she once lived on the Moon but was temporarily sent to Earth. Eventually, she chooses to travel back to the Moon. The story exhibits an archetypal^[8] character that partly parallels the biblical story of Moses. And although Moses has long been used as a signboard for intercountry adoption in many Christian families, the sequel was never told, namely that he eventually went to war against the kingdom of Egypt, the people and royal family that had taken him in as their own child. As an adopted child as the story is often told.

Like most stories that link to children who have lost their parents and their origins, such as Superman, Batman, Spiderman and other superheroes, we often see in those stories the struggle between good and evil and a deep desire for safety and tranquility. Coming home. Instead of being aware, they fight against good and evil and are willing to sacrifice their lives for the world. The storyline does well with many adoptees and adoptive parents. Aid workers have also discovered this phenomenon.^[9] It is not for nothing that superhero groups appear on social media that mainly accommodate adoptees. Something in them knows both the struggle, and the desire for unconditional love, by sacrificing themselves, but also the dark side within themselves once they are confronted with the "unknown" past of their parents and their people of origin.

As a systemic phenomenologist, I mainly look at the impact of this type of constructed and adoptive community-influenced narratives of the inner world of adoptees. Not infrequently I see a scaffolding of emotional struts that shows great vulnerability through an impenetrable realisation of the self in the formatted story. Not infrequently there is a hidden existential trauma. A trauma that lacks the verbal recognition and direct cognition to be able to speak out. It's kind of like Kaguya's secret in the Moon Princess story. For a long time she cannot put words to it and she does find a rational way to stay on earth because something deep within her desires to (re)connect with the moon.

Many adoptees are often resourceful and resilient. From an old survival mode, many have learned to find a way to make something of their lives. But not infrequently without a price that is mainly at the expense of their emotional experience and being able to live in the here and now. Janina Fisher describes this in her book, "Inner Self-Alienation, Overcoming After Trauma":

"Without understanding post-traumatic implicit memories or structural dissociation, without realizing that they are triggered by a stimulus that reminds them of the past, they explain fear, shame, and anger as signals of imminent danger or deep-seated shortcomings."^[10]

Fisher, Janina

Due to overpressure on the emotional system, people may at some point decide to leave their healthy sensory relationship with their body. This is therefore experienced as an abandonment or disconnection with the body. The pain, or enduring of the burden, is so unbearable that a silent contract concluded with the emotion of the body will never let this happen again. That part of the sensory development is then, in a sense, shut down.

To illustrate this, I often share the story below of Joo Min, a Korean adoptee.

In 1973, Korean Joo Min was adopted to the Netherlands. On a late afternoon in August, Joo Min is taken by the hand by nuns in grey robes and ends up at Kimpo Airport with her brother. The then international airport of South Korea. She had previously panicked at the KSS children's home in Seoul when she felt something was wrong again. On the way to the airport, she held her brother's hand tightly. Arriving at the airport, panic struck again. She suddenly realised that something irreversible was going to happen and started crying. Softly at first, but as the wait at the airport passed, the soft crying became a heartbreaking cry for help. The nuns didn't know what to do with this girl and told her brother to comfort his sister. He tried as best he could, but he too felt powerless to hold back her tears and cried with her out of helplessness. On the plane, Joo Min cried himself to sleep. Arriving at Schiphol, she clung to her brother. When she was put in the

arms of the new adoptive parents, her body no longer seemed to react naturally. She had become 'petrified' and that would never completely go away, as it would later turn out."

Not infrequently, adoptees tell me that they have a disturbed or disconnected relationship with their bodies. If you understand trauma development and look for the reaction to distance, loss and adoption, you will soon discover that the subjects, distance and loss hardly have a public place and recognition in many adoptees their development. Even if they have been made aware of it by adoptive parents, care providers or third parties.

Many adoptees fear a stigma. In many cases, they see personal trauma work as a failure of their adaptability. Not infrequently, it is related to the idea of being successful. Passed as an adoptee. As if the new 'obtained' life has an exam for it. That you have to prove that it was worth the adoption. Not infrequently influenced by the same vision of adoptive parents^[11].

The fact that almost every child suffers trauma when they are suddenly removed from their confidential environment needs no explanation. Especially when it is also involuntarily grafted thousands of kilometers away on foreign soil. Rarely do you come across care providers and therapists who develop this insight and can act on it. One of the exceptions to this is the British therapist Paul Sunderland, who specialises in addiction sensitivity. His Youtube video ^[12] *Lecture on Adoption* is a widely viewed video in which the topics cited are emphasised once again. For example, he emphatically says that the experience of abandonment can be seen as a wound, a post-traumatic, stress-related wound. He also does not hesitate to mention that adoptees are remarkably common in the care sector.

Sunderland also refers to an almost never mentioned factor. Namely the experience of the child's body coming into contact with strange smells, sounds and other unknown environmental factors. Among other things, the body Odor of the adoptive parents and visa versa, as evidenced by the article by adoptive father Benno Barnard^[13] about his adopted daughter Anna († 2016) from India. It is these difficult, and often undiscussed, details and consequences of transcultural adoption. But we need to talk about it. Even if it was to let adoptees with a non-European body have their own value, or to learn to preserve or 'give back'. Not so much to emphasise the differences, but to no longer let the worlds of experience that are hidden in those bodies be stolen from themselves in a life of (inner) displacement.

The experience of alienation and displacement seems to yield a kind of life theme for many adoptees. We see this in the emotional trauma work with adoptees, and now even with the children of those adoptees. *The Next Generation*.

The general experience of being different from others, not infrequently by appearance, is a common phenomenon among adoptees of color. You see that in a lot of literature and research^[14]. What is less common is the experience and appointment of the soul layer in the body of the adoptee. As if there are two selves. The me who lives the life of the adoptee, the Jane in the story of Kyong Ah and the Kyong Ah who watches all this, but cannot show herself as the 'rightful' owner of her body^[15].

The systemic work, an integrative emotional-psychological body method, does allow that soul layer as an irrevocable reality of life. Since the family constellation work was introduced in Europe by, among others, Bert Hellinger, ^[16] specializations have arisen, including adoption-related systemic work that has since resulted in an American dissertation^[17]. The specialization is greatly hindered by the clinical approach that we humans, and therefore also children, do not know a soul scientifically and therefore cannot develop their individuality until they are socialized by adults. In a sense, therefore, do not exist and therefore do not claim a sovereign state of being. In a sense, there is denial of an intrinsic value due to the fact that the body is not merely a living being, but is of value of itself through its existence and a world represented by the commitment it has because of its birth in the family and the cultural system in which invisible or hidden family connections pass to the child in that it is deeply connected to its system of origin^[18].

The body represents its own memory. As we know today, we can build muscle^[19] memory and reproduce that memory the way athletes and military members learn to perform at our best when we want to get into a state of flow or have to survive. You could say that this same principle applies to the whole body. There is cell memory or body memory that stores both collective historical and individual experiences. No matter how insignificant these may seem at first. Trauma experts^[20] and Sensorimotor psychotherapists^[21] refer to the fact that historically acquired trauma can settle in the body and the musculoskeletal system, but also has neurological effects on our system and therefore also affects our state of well-being.

Adoptees who disconnect from their bodies are therefore often unaware of the fact that their physical and emotional complaints do not necessarily have to do with their individual existence and therefore personal capacity for developing resilience, among other things, but that this does not easily get started because accumulated stress blocks or reduces new development potential. Think of the example of Joo Min and the background voice of Kyong Ah, earlier in this article.

Also, being displaced, and especially its involuntary nature, has a major impact on the feeling of freedom. Due to forced migration, there is rupture in the psychic and emotional system of the body. These have become unbalanced. At the very least, there is confusion and disorientation of

the psychological-emotional balance. The effect of inner and emotional displacement and alienation appears in many cases to be greater than often thought. This result has been disputed for decades as a possible source of emotional suffering for adoptees. But now that there is also more literature^[22] available on trauma-related forced migration, but also on the effects of expat^[23] travel and its consequences, we cannot simply dismiss this effect as irrelevant. Many physical complaints such as sleep disorder or addiction sensitivity and a disturbed relationship with food, including anorexia and bulimia^[24] is no exception among adoptees.

There is often a disturbed, physical, physiological, psychological and emotional distance between the original body and the constructed self as an adoptee (Trenka, 2003). They hardly talk to each other or have a disturbed relationship with each other. And it is no wonder that this leads to personality development problems and / or (vague) physical complaints.

I therefore also advocate a more integrative approach and remote and adoption specialized assistance that is not afraid to free the body, which is in a certain degree of hostage taking^[25], from the narrative that adoption has saved the child, because the question that needs to be asked is actually, what and who was saved? The body or also the (family) soul that resides in that body? And that other question that adopted Sang de Klonia asked in the documentary must also be answered, ^[26] just do me such a Korean to a question from the reporter that starts with the question whether it is pleasant to be adopted and that life here is preferable to death and what you have now, to which Sang replies: *"It's hard to make a choice between starving to death or dying of grief."*

The classic adoption narrative that seems to repeat itself over and over again: *We have saved you*, in a way expressing the social mores that live in Western society from which a hostage of gratitude arises that many adoptees that they just can't seem to get out of. This form of psychological and emotional "captivity" comes at a high price, namely that the body no longer belongs to the original self, but to the "saviour." And with this, as in classical antiquity, a form of serfdom is created that also shows traits of neo-colonial thought^[27] and in the worst case shows a dynamic etching of slavery when it comes to the body taken possession.

More and more adoptees who become aware of their body and realise the relationship it has with distance and adoption often return that their lives have taken a different turn after they have re-appropriated their body and assigned it to the parents (originally) and that they often feel freer and healthier in their daily state of being and can move more freely and easily in relationships and sexuality. The latter is a startling discovery. But not entirely illogical if you delve into trauma research and its results on the body^[28]. The trick is to gently and carefully introduce adoptees to

their bodies that they have 'borrowed' in order to survive in an 'unnatural' world that they have made their own. Their original trauma reactions are logical, but are often perceived as threatening by the community of adoptive parents as well as by fellow adoptees who have come to live the lifesaver. Freeing yourself from it is a complicated, and often painful, issue, but more than worth it, if your life is dear to you.

“You are living a borrowed life. Don't forget.”

Kyong-Ah ^[29] - Trenka, Jane Jeong

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Hương Tran

Vietnamese mother whose daughter was forcibly taken for adoption

I am Hương Tran. I am a Vietnamese mother and I am 47 years old. When I was 20 years old, I was still a student. At that time I knew a young man and he was a classmate of a distant cousin of mine. That man's family lived in Long An. He went to college in the city and visited my cousin's house. I got to know him better. The only time I made love with him, I got pregnant. My cousin's family went back to his hometown to meet his family, but it didn't go as expected. They did not agree that he should marry me and they forced me to terminate the pregnancy. My family and society, including my friends, have shunned me. At that time my life was really hell. I had suicidal thoughts because I didn't want to live any longer. **I received no psychological support.** Eventually the baby got bigger. At that time I was in tears every day. That man went back to his hometown and got married. He was really cruel to force me to have an abortion, but I really couldn't do this. **I suffered from the stigma from family and society for a long time.** On August 11, 1997, I slipped, fell, and gave birth to my daughter. The baby weighed only 1.8 kg and was placed in an incubator because she was born prematurely. The doctor Lan who conducted my daughter's delivery is a neighbour. She listened to my situation and said she would ask someone to help me so that my daughter would have a better life. **At that moment I was very confused and I didn't know what to do.**

Three days later I was sent home and my baby was still in the hospital. That is the Gia Định People's Hospital. About a week later, Dr. Lan brought someone over. The doctor brought Tien to the house. Tien said he would be the one to do the paperwork for my daughter as she was adopted by a French couple. They asked my mother to go to the ward to make a birth certificate for the baby, because I could not go out for a month. **The baby was named Trần Hoài Ân and I could only see her once, but then I had to leave her forever.**

From that day until now there is not a day that I don't think of her, every day I write about my daughter. Sometimes it hurts so much that I want to die. Anyone who has experienced something like this can understand this situation. Finally, I learned that my daughter was sent to the Khiết Tâm Orphanage, now Tam Bình Thủ Đức. I went there to ask about my daughter. The administrative assistant searched for my daughter's data, but **all information about my daughter is completely missing.** The old director (Huỳnh Kim Hải) of the orphanage has passed away. **There are many adoptees who will not find their family because the information is not stored.** Since then I went to visit different centers to find my daughter, but they all told me to go back to the orphanage where she was taken. I have also approached some volunteers and the media in the hope that they can help me in my search. I received a free DNA kit through help,

donated DNA and sent it to an international database. The days when I went to the Department of Justice to inquire, they replied that I should go back to the orphanage and inquire.

I sometimes watch the YouTube channel ‘Tuấn Vỹ’. I saw that a Vietnamese girl, adopted to France was looking for her mother. In the end, it turns out that her mother has suffered a lot psychologically since she had to give up her child. **In Vietnam, mothers are not helped to find their children.** I also had to go through a really tough time mentally when I had to leave my baby behind. At that point I didn't know who to talk to. I could only write down all my thoughts in a diary that I keep until now. In those days, if a woman had children without a husband, she was **discriminated** against by society and her family in Vietnam.

This has led many women to hurt themselves because of the prejudices in the society. You know, I didn't want to live before, but I wanted to give life to my baby. I wonder why so many children were placed in orphanages and placed with adoptive parents around the world in the 1990s. When I go to places like the Department of Justice to ask for information about my child, they say they can't help. I've walked around a lot and knocked on the door, but they won't help. **They say that if a mother gives up her child, she has no right to look for her child again. But they cannot understand.** Mothers in similar circumstances just want to know what their children's lives are like. Are they happy or not? That is a wish of mothers who, like me, had to leave their children behind. When I started looking for information about my daughter **I went to many agencies and they all answered with the same answer: "I don't know"**. I also contacted the current administrative assistant of the orphanage. She said she had looked everywhere, but there was no information about where my daughter had been taken. **There are many obstacles.**

JaeRan Kim

Born in South Korea, raised in the USA; MSW, PhD, Assistant Professor of Social Work

The Joint Statement on illegal intercountry adoptions issued by the Committee on the Rights of the Child (CRC), the Committee on Enforced Disappearances (CED), the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, the Special Rapporteur on the Sale and Sexual Exploitation of Children, the Special Rapporteur on Trafficking in Persons, and the Working Group on Enforced or Involuntary Disappearances is an important document for the international community. As an intercountry adoptee with experience working in child welfare, social work, and now as a research professional, I have had the opportunity to hear from victims of illicit, illegal, and unethical adoptions.

I cannot stress enough that we are unable to know the full extent of the scope of illicit and illegal adoptions. The very foundation of illicit adoption practices is to hide, falsify, and destroy evidence in order to facilitate an adoption and as a result, we are unable to know exact numbers of people subjected to these adoptions. Therefore, we must assume the numbers of victims are underreported. Many adoptees do not know they are victims of an illicit adoption. The availability of direct-to-consumer genetic testing, social media platforms, and adoptee advocacy have led to increased numbers of intercountry adoptees discovering their adoptions were based on unethical and illegal practices.

On the anniversary of the Joint Statement, I offer these recommendations as a reminder that the efforts to address and remedy illicit, illegal, and unethical adoptions are not yet complete:

- States must implement policies to strengthen measures to hold those facilitating and participating in illicit adoptions accountable for their crimes. As the joint statement section III outlines, states must conduct timely investigations and enforce appropriate consequences for violations to the full extent of the law or change law if consequences do not currently exist. States should appoint specialised staff dedicated to supporting investigations. These staff should also be appointed to be supportive to adoptees, birth families, and adoptive families requesting an investigation, treating them with respect and care, and without discrimination.
- States must expand and define activities that are illicit and unethical and have commensurate consequences for these activities.

- States should provide data and information on illicit, illegal, and unethical adoption activities and persons found responsible for conducting these adoptions. Data should include the number of investigations and the results of investigations including the number of illicit adoptions that have been verified. This data and information should be publicly available or available by request to adoptees, birth parents, and adoptive parents with interest in the specific country.
- When accountability is asked of parties facilitating illicit adoptions a common refrain is that illicit adoptions are the work of a few “bad actors” and/or “bad apples.” We must strongly contest this characterisation that problems exist only due to a few individuals with nefarious agendas. Any adoption system that relies on the legal erasures of a child’s original identity (including but not limited to name changes, falsifying places of birth, issuing birth certificates or records of live birth with adoptive parents’ names, using anonymous baby boxes or safe haven designated drop-offs) encourages illicit practices. These aforementioned legal erasures exist in many states currently and should be changed.
- Identifying information such as original birth certificates, records of birth, copies of family registries, health histories, and other important information should belong to the adoptee. Adoptees should have access to this information without having to obtain permission from adoptive parents or needing legal assistance to obtain these records. Adoption records should be held in a central state-authorized agency and digitised, and all independent adoption organisations should be required to provide these records to the central agency. Too many adoptees have learned their records were destroyed by fire, floods, or were never transferred to another organisation when the organisation closed. Agencies/organisations involved in adoption activities must consider the preservation of all adoption records and information a priority.
- States should implement policies that smoothly and quickly restore identifying information to an adoptee’s official records including, if appropriate, pathways to original citizenship, restoration of birth certificates, and ability to be included in their birth family registries.
- Victims should be provided resources to aid healing and address their trauma. States should support, fund, and provide pathways for health care providers to gain competency in working with victims of illicit adoptions.

- States should create an advisory board consisting of adoptees and this board should consist of adoptees who have experienced illicit adoptions and adoptees with legal, policy, research, and community expertise. States should conduct regular meetings with the adoptee advisory board and seek feedback on the state's activities regarding intercountry adoption activities and policies.
- Military personnel serving in a country outside their citizenship should not be able to bypass protocols to adopt a child of said country (see for example the case of the Mast family's attempt to adopt an Afghanistan child²). States must provide diligent and active efforts to place the child within the child's extended family or community. Military personnel must be held to the same standards as non-military personnel. The same is true for individuals working in Non-governmental organisations (including religious organisations) in another country.
- States must eliminate baby boxes, safe haven designated places, and any laws allowing anonymous abandonment of children as these policies allow for illicit adoptions to occur. Rather than creating these anonymous abandonment policies, states should support parents struggling to provide for a child and de-criminalise request for temporary care. States must ensure full consent is provided along with all identifying information of the relinquishing parent and the child.
- Sending states should enact strict criteria for ensuring foreign Non-Government Organisations are not entering their country to set up orphanages as a means for creating an intercountry adoption program. Orphanages set up by outside foreign organisations are often a disguised program used to gain access to children for the purpose of adoption. Parents are deceived into believing the orphanage is temporary care for a child and do not know they may permanently lose their child. When orphanages are built, they draw in families who are struggling. The justification for intercountry adoption is then made because it is known institutions negatively impact a child's development.
- Finally, states should set aside funding available to adoptees and birth families to assist in their search/reunion activities.

² <https://apnews.com/article/afghan-baby-us-marine-custody-battle-b157557538b84b288a0a8415735e24ab>

Javier

Born in Guatemala, raised in France; Founder of Illégale Adoption Monde (IAM)

English Translation

The Illegal Adoption World (IAM) association has submitted its contribution to the joint declaration on illegal adoptions, with particular reference to the articles of the UN Convention on the Rights of the Child:

- Article 6: The right to survival and development of the child.
- Article 7: The right of the child to know and be cared for by his or her parents.
- Article 8: The child's right to preserve his or her identity.
- Article 9: Protection against abduction and illegal separation of children from their parents.
- Article 20: Protection of children in the event of adoption.
- Article 37: Protection against torture and cruel punishment in cases of deprivation of liberty.
- Article 39: Rehabilitation of child victims of neglect, exploitation and torture.

IAM recognizes the importance of these articles in protecting children's fundamental rights, and wishes to make recommendations in line with these principles. Here are our proposals in line with these articles:

1. Introduce a moratorium on international adoptions until an investigation has determined the scale of illegal adoptions, the players involved, and the practices used to obtain children for French families (in line with article 20).
2. In France, despite claims that the majority of adoptions are legal, there are no surveys to confirm this. France should clearly define the criteria for a legal adoption procedure. For example, what documents are required in an adoption file, from application to final decision, to ensure compliance with international standards (in line with article 9).
3. Given that France did not ban individual adoptions until 2022, an investigation is needed to examine all adoptions, from their origin to their adjudication, in order to detect illegal practices and guarantee the identity of adoptees, in accordance with article 11.

4. Authorise secure, regulated DNA testing for adopted persons, to preserve their right to search for their origins and identity. To ban DNA testing is to hinder the search for the truth and protect those involved in illegal adoptions (in line with article 8).

5. Cancel and revoke full adoptions when their illegality is established, particularly in cases where there is evidence of abduction or human trafficking (in line with article 9) - propose to maintain nationality in the event of revocation or annulment of an adoption decision. In addition, it gives the adopted person the choice between two options: either to merge his or her French identity with his or her original identity, or to fully respect the right and desire of the person born of human trafficking to recover his or her identity; without merging the two identities. This last option is designed to avoid normalising human trafficking and to prevent the country that has authorised an illegal adoption from getting away with it (in line with article 20).

6. Do not limit the fight against illegal adoptions to inadequate legislation. Consider the seriousness of these illegal adoptions to acts, such as abduction, human trafficking and enforced disappearance, as crimes against humanity (in accordance with article 6).

7. Reform legislation on illegal adoptions by imposing severe penalties. Child abduction must be considered a serious crime for all those involved, including those who obtain a child by unscrupulous means and are therefore guilty at the very least of concealment, even if they have not physically abducted the child (in line with the principles of article 37).

8. Grant adopted persons legal remedies when access to information about their adoption is denied or severely impeded (in line with article 8).

9. It is essential that France establishes mechanisms to support the search for origins for all adopted persons. Financial and logistical resources must be made available to facilitate these investigations, including the necessary travel (in accordance with article 7).

10. Take into account the statute of limitations, considering the ongoing nature of the crime and the fact that the victims were minors at the time of the acts (in line with article 39).

Kelly Foston

Born in South Korea, raised in Canada

What does it mean to be “family”? Is it the legal meaning or the heart felt centre of the word? What if what I feel about the word isn’t the same as others? I was given away by my biological parents and a country that was supposed to love me. Did they do it because they loved me, or can the actions be justified based on societal norms of Korean standards and stigmas? For me the meaning of the word “family” and “love” are always mixed up. Is it a person’s right to know the truth of when they were born, what their birth name was, how did they come to be in this world, or wonder who their people were? These are just some of the of the questions I have lived with all my life.

I was born as Yoon Soo Joon in Okchun, Chungcheongbuk-do on 23 Dec 1974, based on the information given to me by the SWS Adoption Center and the Baby Reception Home. This I found out in the past couple of months. The name I was given by my family that adopted me from Seoul Korea to BC Canada, is Kelly-Ahn Foston. I was given a new name, race, culture and family to replace the one I was given at birth. At age 48, I have started the search for my biological parents. It took me having awareness and empathy for First Nations people in Canada and the 60’s scoop, to have empathy for my own story. Due to the continual gaslighting and need to fit in, I thought I should be happy to given a new identity and not know my biological roots. Heck, I denied them and didn’t really want to know about that part of my life.

My grief, loss, fear, self preservation, racism, trauma and so many more words cannot express what I felt inside. On the outside I am a happy, easy going, personable person. I am both. What I know now is that it was my culture and homeland that gave me up and (to this day) denies me access to all of my story. Until my late 30’s, I didn’t want to have much to do with Korea, nor adoption. I grew up not wanting to address anything about adoption, I wanted to be white with blue eyes.

Growing up I didn’t have a sense I was Asian, as I didn’t have any context about how to be Asian or “oriental” as my grandparents would say. It was my western grandmother that had to show me how to use chopsticks in a Chinese Restaurant. One time a year for my birthday we would go seek western Chinese food. I remember my grandmother asking, “Did we do right by you?” She meant did they do good in adopting me and raising me. I felt my heart break as I realised I was still a thing they had adopted. Like a pet. We adopted many dogs in my time growing up. It was a good thing, giving them a home, but was I the same as a dog?

I grew up in White Rock, BC Canada. At that time there were very few Asians growing up. My sense of belonging and identity were always uncertain, as I didn't fit in. I had a good upbringing, a good home, an education and never had need for material things. My story was good overall and I was raised as a western woman. I know many adoptees did not grow up with what I had and with that I am deeply aware of my privilege to be raised in a beautiful land and country. On the flip side, I have been separated from my biological parents, culture, language, ancestral roots, and everything that ties a person to knowing who they are. Even worse, I have been told non-truths by the adoption centers, orphanages and Korean government.

Had I NOT been lied to about my biological family, and made into a "paper orphan" my parents that raised me may have encouraged me to search. Maybe they would have realised I do have other parents. But they were told lies too. The adoption was supposed to be legal. I question that. The legal papers show there is "unknown" about almost every section of my paperwork. At 48 years old, I now know that was a lie. Korean laws in 1970 required I be given a new name and made to be "head of my household" from Korea so I could be "legally" adopted. I was told there was no paper work on my files, I was told I was left and there was no information on me. There was. It was all a lie told to the Canadian government, my adoptive parents and most importantly, ME.

With the Korean Truth and Reconciliation Commission (TRC) cases being investigated from all over the world, I am so upset in missing the opportunity to include my case. I have been in denial most of my life. I found out too late about the searches and work to investigate the mistakes that were made to South Korean adoptees. I know my story is just one of the hundreds I have heard and one of the thousands out there. Adoptees have higher rates of mental health challenges. We have been told lies most of our lives and we have been guilted to play nice and spread the narrative that we should be grateful for the lot in life that we have been given. Our attitudes and behaviours are often glazed over, if we don't fit the narrative of being happy and well adjusted. Or we are gaslit to the point we start to think we are wrong, or selfish, in wanting to know or ask for more. Our sense of self worth and very being is questioned as we are seen as ungrateful or not deserving. Or even worse, our birth parents were _____. The blank can be filled with sinners, unlucky, poor, terrible, or prostitutes. These examples are some of what I have heard from other adoptees being told about their biological parents, further causing the adoptee to feel bad about themselves and their history.

I grew up isolated from my racial community. I grew up experiencing the unconscious pressure to assimilate, to be like those around me. I face stereotyping (often unaware they were doing it), and experience institutional racism. Back then when you raised an adoptee you were

told to raise them exactly like you raised other children. But we are different. I don't feel it is about feeling just one way about adoption. I feel both happy, very sad and very angry about my adoption. There were many parties involved with the adoption process and to each that is involved, I have mixed feelings.

It is hard for others who are not adopted to truly understand the emotional lens of what memories are developed when we are young versus what we feel as adults. Others can imagine, empathise and may even understand parts of adoption traumas. The ongoing lens we have imposed on us versus what we feel are often conflicted. As a result, feelings of PTSD, depression, anxiety, substance abuse and so many more trauma and stress related issues arise from the time a child is young to the older ages as an adult. Each stage of life for an adoptee can bring up issues of their origins. Survival for an adoptee is the main focus and many find various ways to survive.

Numerous life events can trigger adoptees: birthdays and holidays are the most frequent. As I have aged, my life events such as marriage, parenting, caring for aging parents, they all trigger the thoughts of my origins.

I believe interracial adoption and the laws meant to protect children are not being held accountable. Who is the one to do it? For me, and thousands of others around the world, nobody is being held accountable. The small groups doing their best are severely understaffed or volunteers. The professionals hired to help at the very orphanages and homes that gave us up in the first place, are not professional. Adoptees are at the mercy of old fashion laws, biased helpers and systems mean to justify the actions and wrong doings of the past. The 60's scoop of the First Nations people in Canada has been proven to be a black stain on Canadian history. The world has seen the damage done by forced colonisation and removal from a culture, we know what displacement of young children look like, so how do we continue to have laws that protect everyone but the children?

Kira Omens

Born in China, raised in the USA

- **Investigate children’s origins extensively.** Governments and agencies must financially invest in resources to verify a child’s origin to ensure transparency and ethicality in the adoption process. Provide comprehensive training for welfare workers to recognise signs of suspicious activity and falsified documents, and increase instruction for law enforcement to combat human trafficking.

Additionally, all birth and adoption records must be preserved and accessible to adoptees. Age restrictions on adoptee access to these documents should be removed.

- **Provide ample compensation for victims of illicit adoptions.** All medical, psychological, and financial support for children *and* birth parents should be fully funded. The priority must be to address and minimise the effects of traumatic experiences that occur as a result of system failures.

- **Investigate influxes of “supply.”** Unregulated adoption practices and obtainment of children run rampant in societal upheaval, acting as breeding grounds for human trafficking and other crimes. Governments that are unable to maintain control in times of crisis must take responsibility for and combat illicit activity as well.

International human rights regulators should investigate drastic increases in intercountry adoptions. Influxes are often linked to other ethical violations. What societal pressures are leading to an increase in intercountry adoptions and what can be done to mitigate the separation of children from their biological parents?

- **Support efforts to decriminalise poverty and end systematic racism.** Children are often unlawfully taken from economically disadvantaged parents who have little-to-nonexistent resources. Marginalised communities are further suppressed by legislation and the legal system; meanwhile, foster parents receive government financial aid to care for children. Invest in impoverished communities, recovery programs, and mental health initiatives.

- **Remove financial incentives.** The sole priority of adoption should be what is best for the child, finding a family for children, *not* finding children for families. Agencies should not receive monetary incentives, as it promotes adoption as a lucrative business. Countries that

view adoption as economically advantageous are less invested in regulating ethical adoptions.

Adoption organisations should also be fully transparent with financial records, and greater oversight should be placed to ensure funds are used appropriately. Immediately defund organisations that are found guilty of illegal operations.

- **Strictly regulate independent and private adoptions.** Take every possible measure to ensure that a child's placement with a family is best for the child *before* finalisation, especially for children with health conditions or impairments.

Increase investigations on social media, where many illegal adoptions and unethical re-homings occur. A legally-binding document should be signed that re-homing is not a viable option except in the most extreme circumstances (i.e. abusive households, cases of endangerment). Administer harsher punishments to individuals found guilty of unethical behaviour.

- **Prioritise placing children in homes that reflect their culture of origin, preferably within their country of origin.** Transracial and international adoptees face ethnic identity issues when growing up in households that ill-equip them for life as a person of colour. A guardian's responsibility *must* include preparing children for adversity, discrimination, and how they will be perceived by others. Dealing with racism is difficult at any stage of life, regardless of upbringing, but the shock and damage that comes from a lack of guidance and solidarity can lead to debilitating consequences.

The more differences there are between an infant's first mother and a new caretaker, the more distress an infant will feel. Make every effort to keep children with willing guardians who will diminish the harmful effects of relinquishment trauma.

- **Intensify background checks for transracial adoptive parents.** When an appropriate family cannot be found within the child's own culture or country, evaluate and document prospective parents' perspectives toward their child's country of origin and first parents in social work interviews. Prospective parents must exhibit a strong dedication to immersing themselves in their child's culture of origin, implementing a thorough plan to maintain their child's connection with their heritage, and understanding and providing support for their child's complex emotions.

Investigate organisations with strong religiously-motivated messaging to avoid instillation of

saviorist mentalities in parents. Saviorism disregards a child's profound loss and reduces children to entities in need of rescue rather than as human beings.

Discourage “colour blind” parenting. The world sees colour and ignoring this reality precludes a child from seeing their culture as a place of belonging and a way of building character. Diversity drives innovation and adds richness to society. Internalise an open, inclusive mindset that embraces seeing differences as assets.

- **Increase public education.** Knowledgeable authorities cannot be everywhere at once. Take initiatives to inform everyday citizens to recognise signs of illicit adoption practices both on and offline, and streamline ways for individuals to report these.

Linda Carol Forrest Trotter

Born in Greece, raised in the USA; President of The Eftychia Project

Presented to the United Nations in Response to the Joint Statement on Illegal Inter-country Adoption on Behalf of All Greek-Born Adoptees by *The Eftychia Project*, A 501(c)3 Nonprofit Organization “*Helping Greek Adoptees Find Their Roots*”.

In the turbulent Cold War decades of the 1950's and 1960's, some 4,000 Greek children were adopted abroad to foreign countries, primarily the United States of America and the Netherlands. These adoptions, while given the coating of legality by the Greek courts, were mired in scandal and greed, and they were, at the very least, irregular, with many being illicit or illegal in nature. Orphanage directors, lawyers, doctors, nurses and even some priests were involved in sending these children abroad, and unscrupulous adoption brokers counted their ill-gotten gains as they dispatched these children with minimal documentation and little hope of ever finding their way back to their homeland. There are hundreds of examples of coercion of the biological mothers, falsified and inconsistent documents, irregular court procedures, mothers tricked into signing documents that gave guardianship to orphanage directors and mothers told their babies had died when, in fact, they had been sold for adoption. These children had no say in what happened to them --- adults in Greece, the United States and other foreign nations decided their fates for them, stripping them of their families, their culture and their heritage. No longer children, these Greek-born adoptees are now searching for their biological families in ever-growing numbers, yearning for that elusive familial connection and re-connection to their country of birth. However, the search often stretches on for decades and the obstacles are formidable.

For years, these adoptions seemed a subject of taboo and only recently have many people in Greece, the United States and the global community become aware of them. For many of these children, the adoption experience was not a happy one. While some can relate stories of loving parents and idyllic childhoods, many have lasting trauma from the effects of emotional, physical and even sexual abuse at the hands of their adoptive families. The Greek state allowed large numbers of these children to be adopted by proxy and with virtually no oversight, with a Greek lawyer serving as the proxy for the adoptive parents before the Court of the First Instance, and the adoptive parents never having to set foot on Greek soil. In addition, Greece was rocked by scandal in December 1958 when newspaper headlines told of black-market babies, again in 1959 when Stephen Scopas was indicted for selling Greek babies in New York, and a third time in 1964 when the orphanage director of Agios Stylianos and eight of his employees went to trial on charges of baby-selling. Some hospitals and doctors were found to have told mothers that the children they had given birth to had died when, in actuality, they had been given for adoption. In other cases,

family members literally took babies from their mother's arms and shuttled them to an orphanage. Greek lawyers cajoled unmarried women into giving their babies up to them for adoption. And orphanage directors often declared children as foundlings in order to assume guardianship and have them enter the adoption pipeline as quickly as possible.

The United States government does not get a free pass. It also provided virtually no oversight of these adoptions, either pre or post. While Greece had virtually no pre-adoption screening procedures in place, the United States had virtually no post-adoption follow-up procedures. This allowed the placement of Greek children with parents who were abusive, alcoholics or had serious psychological issues, and who had often been turned down for adoption by institutions and agencies in the US. One baby broker, whose office was said to be a literal revolving door for couples eager to adopt Greek children, escaped justice after being indicted on baby-selling charges because these Greek adoptions had been given the coating of legality by the Greek courts and it was therefore not considered a crime in the United States. In addition, United States citizenship should have been and should be automatic for adopted children, regardless of their country of origin. Yet, there are many Greek adoptees who, only in adulthood, discovered that they were not United States citizens at all, often when applying for Social Security or disability benefits or a United States passport. These adult adoptees were threatened with deportation or deportation procedures were started because their adoptive parents failed to submit the proper paperwork and fees for their naturalisation. Additionally, an adoptee's right to their original birth certificate should be the norm, but only thirteen (13) states have implemented laws allowing such unrestricted access, and only for US-born adoptees. There are many Greek-born adoptees who have US birth certificates listing their adoptive parents as their parents of record. The right to an original birth certificate should be universal, regardless of the country of origin, for it is not only US-born adoptees who are entitled to know their identity.

The Greek government has never acknowledged the travesty of these adoptions nor accepted any responsibility for them; neither has it done anything to facilitate the searches of adoptees or their biological families. Calls for recognition, apologies, restoration of birth and identity rights and an independent investigation into the illicit and illegal nature of these adoptions have fallen upon deaf ears. Rather, the attitudes of the Greek state and the mountainous bureaucracy can only be characterised as indifferent and dismissive. Despite the Greek law passed in 1996, and subsequent laws enacted in 1997 and 1999, that were designed to allow adult adoptees access to and copies of their records, Greek-born adoptees have routinely met with resistance from adoption-related institutions, government agencies and municipalities when asked to provide these records. Instead of providing copies of actual records, some orphanages provide only their own "synopsis" of the adoptee's time in the institution and/or foster care, with no copies of any documents that verify the contents of the synopsis. Other institutions neither return phone calls

nor emails, cite the new GDPR privacy law, which does not apply when asking for your own records, as a reason for withholding records, and some have even refused to accept legal power of attorney with an attached apostille on behalf of an adoptee. Adoptees are often told that they must hire a Greek lawyer or appear in person in Greece to obtain their records.

Many adoptees struggle with issues of identity and belonging. But the fact is, these adoptees were born in Greece, to Greek parents and through no fault of their own, were sent away, many of them to non-Greek adoptive parents who never exposed them to Greek people or Greek culture. In fact, some of them never learned they were adopted or even that they were Greek until they were well into adulthood. And upon finding out about their origins, it has driven them to embrace all those things that are an integral part of the Greek identity of which they have been deprived for so many years. Perhaps one of the more important parts of the Greek identity for these adoptees is the restoration of their Greek citizenship, which has always been theirs by right of birth. However, our repeated meetings with the Ministries of Foreign Affairs, Interior and Labor and Social Affairs have failed to yield any real interest from the Greek state in restoring the birth and identity rights of its lost children.

The attitude of Greeks, especially Greek government employees, toward Greek adoptees seeking their roots and their citizenship that is their birthright is varied. While some Greeks are supportive, others dismiss their quest out of hand. One adoptee recounts an encounter with a Greek consular employee when seeking guidance on reclaiming her Greek citizenship. The employee was less than helpful and meanly commented, “Why are you doing this? You were raised in the United States, so you really aren’t Greek!” Oh, the irony of someone who was born in Greece to Greek parents being told they really are not Greek! Others have been told that all Greek adoptees have had their Greek citizenship revoked (not true) or that Greek adoptees must go through the naturalisation process (also not true), while some consulates have informed adoptees that they do not assist with such citizenship issues and refer them to a Greek attorney. On another occasion, a Greek adoptee, searching for his biological mother on a trip to Greece, encountered an employee in an archive who looked at him, shook her head and said, “Panagia (the Virgin Mary) is mother enough for us all.” Recently, another Greek-born adoptee met with a social worker of PIKPA, the Greek social service, who sat across a desk from him and read selected bits of his adoption file to him. He was not allowed to take any copies of anything in the file. In response to several of his questions, he was told, “You need to find your biological mother and ask her” (while offering no help or information to that end) and, “You should be thankful that she didn’t abort you”. This lack of compassion and sensitivity, coupled with conflicting information and inconsistency from nearly every consulate, Greek government agency and institution, creates the perfect storm of anger, bitterness, resentment and frustration for the Greek-born adoptee.

The questionable circumstances surrounding these adoptions and their aftermath are explored in the recent beautifully-done, ward-winning documentary, **Τα «Ορφανά» Από Την Ελλάδα** (The “Orphans” from Greece), by acclaimed journalist Andreas Bousios for Vice-TV Specials on Antenna (watch here: <https://video.vice.com/gr/video/the-orphans-from-greece/63ce708329c972063d033fc1>) and a previous 2019 Alpha TV documentary by Sofia Papaioannou, “The Lost Children of Cold War Greece” (watch here: https://youtu.be/OhIxbgAYz_c). These Greek-born adoptees are truly Greece’s lost children, deprived of the very identity that was bestowed upon them at birth and dismissed by the Greek state that sent them away. They want only what is theirs by right of birth, what those who are not adopted take for granted: a sure sense of identity and belonging, of being an accepted part of the greater community of Greeks in the homeland and in the diaspora, and the permanence of connection through their Greek citizenship. It is time - in fact, it is long past time - that the Greek government acknowledges the circumstances surrounding these adoptions and grants these Greek-born adoptees the justice they deserve and have been so long denied. As so aptly put by MP Stathis Konstantinidis of Kozani, an unwavering supporter of Greek-born adoptees, in a speech to the Greek parliament after meeting with The Eftychia Project: *“Greece has the responsibility to support these people, who in difficult circumstances were uprooted from their homeland, but not the homeland from their souls, to rediscover their Greek identity and to be recognized as Greek citizens.”*

Apparently, the Greek state does not agree with MP Konstantinidis and has neither read the Joint Statement on Illegal Intercountry Adoption nor does it intend to implement any of its recommendations. It continues to obstruct Greek-born adoptees’ rights to their identity, flouting both Greek and European Union laws:

11. There is a lack of transparency, as they refuse to acknowledge our existence, the circumstances surrounding our adoptions and their own complicity, and decline to facilitate our searches.
12. They consistently stone wall Greek adoptees’ attempts to obtain copies of their birth, orphanage and adoption records.
13. They refuse to restore our Greek citizenship and supply Greek identity cards and passports, even though the relevant government ministries with which we have met agree that we never lost our Greek citizenship.
14. They have no interest in establishing a DNA database and it is left to adoptee-led organisations like The Eftychia Project to provide DNA testing for adoptees and families searching.
15. The Greek state has neither an interest in allowing an independent investigation into the illicit and illegal nature of these adoptions, nor in providing timely remediations and

reparations to those affected.

As to the role of the United States in these adoptions, there are three primary issues that should be rectified as soon as humanly possible:

1. An adoptee's right to their original birth certificate should be the norm, but only 13 states have implemented laws allowing such unrestricted access, and only for US- born adoptees. There are many intercountry adoptees who have US birth certificates listing their adoptive parents. The right to an original birth certificate should be universal, regardless of their country of origin.
2. United States citizenship should be automatic for any intercountry adoptee upon their adoption, regardless of their country of origin. There are many Greek adoptees and many more of their fellow intercountry adoptees who were threatened with deportation in adulthood because their adoptive parents failed to submit the proper paperwork and fees for their naturalisation.
3. The United States, as the largest receiving country of intercountry adoptees from all over the globe, should agree to an independent investigation into the illicit and illegal nature of these Greek adoptions, as well as the illicit and illegal adoptions of our fellow intercountry adoptees from other countries.

As adoptees, our right to identity is a basic human right that non-adopted persons take for granted. We urge the United Nations to exert pressure on the Greek government for transparency and facilitation of the searches and reunions of Greek-born adoptees and their biological families, unfettered access to birth, orphanage and adoption records, restoration of our Greek identity and citizenship, the establishment of a DNA database for the purpose of reuniting adoptees and their biological families, and for an independent investigation into the illicit and illegal nature of these adoptions. We urge the United Nations to exert pressure on the US government to pass legislation to ensure that all adoptees are given unrestricted access to their original birth certificates, regardless of their country of origin, that US citizenship for intercountry adoptees be automatic upon adoption, while closing the loopholes in previous laws and for an independent investigation into the illicit and illegal nature of the Greek adoptions as well as the illegal and illicit adoptions of our fellow intercountry adoptees from other countries. Help us to receive the justice we have so long deserved but have been so long denied.

What We Believe

- ◆ We believe that the knowledge of our roots and our biological family origins are basic human rights of all adoptees.
- ◆ We believe that Greek-born adoptees and Greek biological families are entitled to transparency from the Greek government and all Greek adoption-related institutions and organisations, public and private.
- ◆ We believe that Greek-born adoptees are entitled to unfettered access to Greek birth, court, orphanage, institutional and organisational records, public and private, related to their adoptions, as well as copies of ALL adoption-related documents.
- ◆ We believe that all Greek-born adoptees are entitled to the restoration of their Greek citizenship, and that an expedited pathway for Greek adoptees should be streamlined, with minimal bureaucratic processes and at no cost to the adoptee.
- ◆ We believe that Greek-born adoptees and Greek families are entitled to the establishment by the Greek state of an adoptee/biological family DNA database for the purpose of reuniting adoptees and their biological families, at no cost to either the adoptee or the biological family.
- ◆ We believe that all Greek-born adoptees and all intercountry adoptees adopted to the United States are entitled to unrestricted access to their original birth certificates held in the United States.
- ◆ We believe that all intercountry adoptees adopted to the United States, are entitled to automatic United States citizenship upon their adoption and for historic adoptions.
- ◆ We believe the Greek government must allow an independent investigation into illicit and illegal Greek adoptions, with appropriate remediations and reparations.
- ◆ We believe the United States government must allow an independent investigation into the illicit and illegal adoptions of all intercountry adoptees in the United States, with appropriate remediations and reparations.

Lisa Cherry

Born in Kenya, raised in the UK

My name is Lisa Anne Cherry, aka Sara Wanjiru Kagundu. I was adopted in 1965 to a British couple who at the time were stationed in Kenya. They had been posted from the British RAF to go to Kenya and serve.

I was born 1961 to a Kenyan family at the time and was the 5th born in the family that later became a family of 8 children. My mother and father were married, owned land and properties. I have since found out that in 1964 the British couple visited the compound in Kenya where all the children in my parents family and my father's brothers family were rounded up, washed and made respectable for the couple to access and chose a child they wanted. Some children, adults now, have told me they were frightened and hid in the nearby bushes making themselves unavailable. Others stood in line not knowing what was going on. I was one of those children and was the one chosen by a complete stranger and white. The white woman immediately changed my dress that she had brought and I was taken to their house.

I'm not sure how I felt as I was 4 years old. I had a new dress, a new toy, a new bedroom, a new home and new parents. However, my birth parents had not agreed for me to be adopted. I have since learned that I was suppose to be taken for a while to be educated and brought back. My mother was not aware of the circumstances and did not give consent and had no idea I was to be taken out of the country, never to return.

After a couple of months living with them I was adopted, given a new name and birth date. My father and brother visited me but after several attempts realised I had gone with the family, no goodbyes. My father and family tried to search for me but were unable to find me as they had no idea I had been flown out of the country on a military airforce plane to a military base in the UK. This devastated my family in so many different ways. My father and brother Lucas, who was then 15 years old, were distressed and their searches came to nothing. My mother broke down and was unable to comprehend her loss and blamed my father. My father was equally upset and this lasted many years and was the start to his life drinking alcohol. He died at the age of 52. Both my older brothers spent a lifetime searching for me but to no avail until they died.

My adoption was done without the consent of both parents. The authorities obtained a new birth certificate and sealed my file - a closed adoption done for my protection. There was nothing to say I was in danger and my parents were respected members of the community with land,

business and properties. The whole community was shocked. But do black lives really matter, not then!

Being brought to the UK gave me so much trauma I tried to escape many times. I wanted to go home from the age of 6 years old. I can't remember anything before that, not even my parents. I was in an adoptive family who never showed me love or attachment. When the couple left for the UK they had a son of their own, as she was pregnant when they adopted me. I grew up knowing the love they showed my adoptive brother was different to what they expressed to me. As I got older my adoptive mother began to despise me and made me do all the housework and look after her children from the age of 7 years. I was capable, so I did it well but she continuously shouted at me and made me feel unwanted. I ran away at the age of 9 years old but when I was brought back no-one asked me why. I felt isolated on an airforce base away from my family and my country, we then moved to civilian housing and my life got worse. I was the only black child in the community, household and school and it was so hard to keep my virginity from men that wanted to sleep with me at a very young age. My adoptive mother wanted me there as her personal slave, looking after her household chores and children.

My adoptive mother continued to shout and slap me aways across the face and ill treat me causing me to want to escape. I ran away many times with no-one asking the key questions about my safety or general wellbeing each time I was brought back. I was always unhappy and wanted to find my own family. I eventually left. It was the day I left school, aged 16 years, right after she threw boiling water over me despite me giving her my outstanding exam results. She threw the water on me because her tea was not right. This was one of many ways she attacked me over the years that I lived there. I seriously could not live there anymore and went to a man who expressed kindness but later I became the victim of domestic abuse, fighting for my life. I ended up having to go to a refuge to seek safety with my 1 year old and 3 month baby. I have over time put my life together but it has taken many years which has not been easy. I had to deal with attempted rape many times over which has affected my relationships and attachments. I could not report them as I knew I would never be believed as I felt no-one valued my existence.

I have spent over 56 years searching for my biological family but because my file was closed and my name had been changed, it was impossible. I enlisted my MP and wrote to the embassies in Kenya and the UK. Adoption agencies and social workers always came back with “file not found”. I travelled to Kenya to follow up on a lead. I used all my savings to try and find my family which was incredibly important to me.

I have never given up the search for my family which has had an impact on myself, my sons and my daughter. Not only did I have no family, my children did not have any either. Their father was abusive so contact with his family was not forthcoming. They have had no cousins, aunts, uncles, or grandparents all of their life and neither did I. We all felt alone for so many years as there has only been 4 of us. I attempted to take my own life on many occasions and still have the scars.

This year, my break through came 57 years after leaving Kenya when I placed my DNA on Ancestry only to find a match in March 2023. My aunt of 95 years via her grandson had placed her DNA on Ancestry which matched. I immediately visited Kenya to meet my 3 aunts who are 101, 97 and 95 years old. I met my three living brothers. I missed meeting my sister who died three weeks before I arrived. I met my cousins, nieces, nephews and my uncle. My uncle told me that my departure caused my brother and father to die early and changed relationships with my mother and father - both have since died, but always wondered where I was. They never knew I was in the UK or had been adopted.

I have since found out that my file is now in the Supreme Court so I cannot gain access due to my financial restraints. I think I have a right to see my file. I found my family after 57 years and have missed out on making relationships with my biological family. My sons and daughters have also suffered through this adoption.

My Recommendations

1. Files should remain open, not be sealed or closed. This would prevent keeping secrets of unauthorised adoptions and allow additional safeguarding.

2. Adoptees have the right to know their history and family at 18 years of age in the UK and other countries, so this must be honoured even if the file is closed.

3. A governing body should be set up for and by adoptees to help promote safeguarding and awareness in adoptive families.

4. All transracial adoptions should have welfare checks up by the leading authority until the age of 12 years old.

5. A social worker should be assigned to the child in the adoptive country.

6. Heritage and cultural awareness should be made available in all transracial adoptions.

7. The child should be removed if they are made to feel rejected by the adoptive family for showing interest in or wanting to maintain their cultural roots.

The British couple who adopted me were not interested in my wellbeing. They forbid me to talk about my heritage, my family or where I came from. They adopted me to be a house slave and

I was treated as such. I always had secondhand clothes that were too big for me. I feel that I was robbed of my childhood and had no-one who I could go to even though I ran away many times. I have in the last few months found my family but I have lived a life of wanting to belong and I was stripped of my original identity. I do not feel that transracial adoptions can work unless our voices are heard, especially those who are children. I have the right to know my original family but in my case they made this adoption one that should never come out in the public. I feel sad that I can't visit my family again, as I feel I have missed out on lifelong relationships with my own family members.

This is a British secret that has been kept for 57 years and I still ask why? I ask the UN if they can call for my file to be opened? I feel pain for all those that have suffered like me and are still living through this trauma covered up by the word "Adoption"!

Lucy Sheen

Born in Hong Kong, raised in the UK

The notion of legality and illegality is like history created and defined by those in positions of influence, power and authority. When it comes to transracial adoption invariably (not always) but usually it is through the gaze of white eurocentrism and colonialism.

Many would-be and actual transracial adoptive parents tend to be white, middle-class, well educated, usually owners of their own home, if not cash-rich as well. They will bring up their transracially adopted child or children into an unrealistic environment of white privilege for the transracial adoptee. Unrealistic because these children will never be able to take advantage of the so called privileges into which they have been educated and raised, simply because they are not and never will be white.

I was exported and transracially adopted in an age where the idea of heritage, racial identity, mother-tongue and cultural displacement had yet to enter the social lexicon let alone the mentality within the structural and institutional British organisations.

Transracial adoption in its unadulterated crude form - is in my opinion, one of the most violent interventions that you can enforce upon another living human being – extremely damaging and harmful to small babies and those that we call minors who need the protection and guidance of adults.

What the UN Joint Statement does

It focuses and re-orientates the narrative, the language, syntax and mentality of what adoption ideally should be and that is CHILD CENTRIC.

Matters of race, heritage and cultural identity cannot be overlooked just because the notion of a human construct is not convenient for the wider society to engage with, or that the very real isolation of racism and prejudice will not and does not exist.

This joint statement and the ideas, ideals and reframing of this intrusive and ultimately violent intervention onto those who are vulnerable in society - will start the process of a) halting the abuse and mismanagement of adoption; and b) begin the process of re-organising and re-framing what adoption is, and how when needed it should be used for the benefit of adoptees.

Lynelle Long

Born in Vietnam, raised in Australia; Founder of InterCountry Adoptee Voices (ICAV)

I would like to provide a list of what I see as the highest priority needs for the global community of survivors and victims based on my 25 years of working closely in our community and understanding the needs at a global scale, across countries. I have identified **who** and **what** they can do to help us address the highest priority needs.

Legislators and New Laws

The largest and most obvious gap and pitfall in intercountry adoptions that has resulted in 7 decades of illegal and illicit adoptions is the lack of legislation. We desperately need education and commitment from legislators in every country to address the lack of legislative framework to allow criminalisation of wrongs and holds entities accountable for their failure to uphold the basic premises of the various international conventions that apply to intercountry adoptions. Namely, these conventions are: the Enforced Disappearance Convention, The 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (“OP-CRC”); the Convention on the Rights of the Child (CRC); The 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption; the Palermo Protocol.

Legislation also fails to ensure mandatory post adoption supports for families of origin, adoptees and adoptive families. The lack of informed professionals to give any victim or survivor guidance when they discover or suspect an illegal or illicit adoption is staggering. This must be addressed ASAP and is best to be informed by lived experience.

Lawyers and A Legal Centre of Expertise

What the community desperately needs is a legal centre of expertise where survivors and victims can access lawyers who understand the intricacies of both countries involved and how we can hold entities accountable.

Funds will be required to establish such a centre of expertise. Each country who has participated in intercountry adoption should be required by legislation to make a contribution each year to remedy the wrongs of the past.

Trafficking Taskforce Organisations to include Intercountry Adoption in Trafficking Definitions and Protocols

The globe currently has a ton of organisations (government and non government) who focus on ending human trafficking yet intercountry adoption is still not considered part of their scope. We need intercountry adoption to be included!

I have been asked to join a fairly new Interparliamentary Trafficking Taskforce yet they will only include “orphanage trafficking” but not intercountry adoption trafficking! It’s endlessly frustrating that intercountry adoption is excluded from global definitions and organisations like this who presume to work to prevent human trafficking! Our community of victims and survivors continue to be denied the acknowledgement of wrongs and the appropriate supports.

Survivors and Victims continue to Speak Out

Survivors and Victims will continue to educate our own community, as well as the public, the media, the legislators, and governments about the impacts of illegal and illicit intercountry adoption. We are already doing an incredible job in this, but we must keep going and never give up.

Adoptive Parents and their Ethical & Moral Obligation to be our Ally

It is a difficult position for adoptive parents because on the one hand they can be seen as victims and survivors too, however I believe they hold an additional obligation because of their demand for the adoption to occur, to work with adoptees, be our allies and push for much needed change. It was through their actions that led to where we are today. Mediators and middlemen have nothing to make money from if there is no demand for children to be commodified. Hence adoptive parents hold immense power and privilege and I see it as their ethical and moral obligation to the child they demanded, to ensure that their rights and abuses from illegal adoptions are recognised formally and supported fully.

States and their Role

States need to formally recognise illegal and illicit intercountry adoptions, acknowledge the harms done, and ensure resources are made available to right the wrongs. This includes making a process of compensation available for victims without having to go through a criminal procedure. The criminal prosecution of the perpetrator does little for the victim and the reparation needs to be sensitive so as not to create additional trauma.

I am also including a summary of my own adoptive country and the years of advocacy ICAV has spent trying to get Australia to recognise and respond appropriately to our illegal and illicit intercountry adoptions.

Australia's History of not Acknowledging the Illegal and Illicit Intercountry Adoptions in our Past and Present Times

Australia has not been a country immune from illegal intercountry adoptions and we do not have a positive history of being responsive to the victims and survivors!

Child trafficking has been identified in the case of Australian intercountry adoptions from Taiwan (Julie Chu cohort), India (Preet Mandhir), and a country where recent closures occurred due to concerns of trafficking have been Ethiopia. These have been rarely documented publicly, but ISS Australia's paper submitted to the Legal and Constitutional Affairs Legislation Committee on 15 July 2013 is one such artefact. In that submission, it is stated:

Two Examples of Illegal Practice from Non-Convention Countries

ISS Australia provides international post adoption support services and is well aware of the profound impact of illegal intercountry adoptions. Recently we provided support to adoptees from Taiwan (a non-Convention country) who were adopted through a well-documented baby selling racket masquerading as an adoption agency. Approximately 26 children are believed to have been adopted from Taiwan by families in South Australia during the 1980s. The lead person behind these corrupt adoptions was a Taiwanese lawyer, Julie Chu. Allegedly, Ms Chu rented legitimate household registration documents of people she had met in public markets, then used data from the documents to formally register unrelated children she obtained by various means, as new members of these households. Ms Chu would then pass off the adults in the household as relinquishing parents of these children for intercountry adoption. The South Australian Government was unaware the adoption documents were fraudulent. Along with 37 other Taiwanese nationals implicated in the syndicate, Ms Chu has served a jail sentence for these crimes. It has left the Australian intercountry adoptees adopted through this program with no options to obtain legal birth records or the opportunity to trace or have contact with their biological parents. This can clearly have a profound impact on the adoptees' identity and their family and medical history.

Illegal activities in the intercountry adoption process can also occur within governments. For example in Cambodia (another non-Convention country), government officials were found to have issued documentation indicating the parents of a child were 'unknown', in exchange for

a large fee. The apparent willingness of government officials to falsify documentation raises concerns about the government verification process in a non-Convention country.

ISS Australia provided another artefact in their 2023 letter of proposal to the Australian federal government DSS, to provide services for victims of illegal and illicit adoptions. Here they again document the following:

There are two well-known cohorts of Australian intercountry adoptees whose adoptions are likely to have involved illegal or illicit practices, the Taiwanese 'Julie Chu adoptees' and the Indian 'Preet Mandir adoptees'.

Julie Chu adoptees

In the early 1980's a Taipei illegal adoption agency was coordinated by Julie Chu, a Taiwanese para-legal. Around 64 children were sold and illegally adopted to families overseas. It is thought that 26 of these 'Julie Chu adoptees' were illegally adopted in Australia to parents unaware that their adopted child's records were fraudulent.

Julie Chu's illegal adoption agency rented legitimate household registration documents of people and then formally registered unrelated children who they obtained by various means, including sold, stolen and coerced. Julie Chu along with 37 other Taiwanese nationals who were also involved in the syndicate, served jail sentences for their crimes.

Preet Mandir adoptees

Preet Mandir was an orphanage and adoption agency in Pune, Maharashtra, India. After a television 'sting' uncovered its corruption, it was charged with 'illegally sourcing' children from poor families and selling children for intercountry adoption while also extorting money from the adoptive parents.

During the 1990's and early 2000's, Preet Mandir and the Indian Child Adoption Resource Agency (CARA) facilitated at least 50 adoptions of children to families in Australia and ISS Australia believes it is highly likely these adoptions involved illicit practices. In 2011 five Preet Mandir staff and the CARA Chairman were charged with criminal conspiracy for child trafficking.

In 2010, several Australian adoptive parents found that the paperwork for their adoptions from Ethiopia was falsified with their child's age dramatically altered. Furthermore, ISS

Australia has been drawn to the issue of illegal or illicit activities by Australian intercountry adoptees from a number of other countries.

A couple of our ICAV members (one adopted via Julie Chu in Taiwan and another adopted via Preet Mandhir in India) have over the years written personal letters requesting help from the Prime Minister and the Minister for Social Services respectively. Their letters had been a request following on from that one time help from ISS Australia whilst running our 2016 - 2018 Search and Reunification service, asking again for further ongoing support. Nothing since has been done for these two victims.

A few Australian adoptive parents who I am aware of have also made fruitless attempts over the past 25 years to be helped by the Australian federal and state governments. The earliest one has published her own book³ about their experience and is Julia Rollings⁴ who adopted children from India (Preet Mandhir). There were also two Queensland (QLD) families who ICAV directly worked with at the time the media covered their stories and I know personally they expressed frustration at the lack of guidance or support from both the state and federal governments. They described the experience as being “tossed from one to the other”, each claiming they had no jurisdiction.

Another New South Wales (NSW) family who adopted from Thailand in the past 10 years has endured an incredible ongoing battle with the NSW state government who refuses to acknowledge their role in their Thai adoption that has some illegal practices e.g., the father never consented, the grandparent not sought or contacted to be a possible guardian before intercountry adoption was made an option. One might assume our central authorities would be supporting us but instead what ends up happening from experiences some of these parents have shared with me, is that the states clearly have a conflict of interest –being too busy protecting their image, reputation and entity from potential legal suites, than supporting and working with the impacted victims who naturally turn to them for help given they were involved in facilitating the adoptions or have the role now as central authority for intercountry adoption.

In the media, we can now only find a scattering of reports of illegal adoptions in Australia’s past, but if we did run a Royal Commission or some in-depth nationwide investigation, from the basis of our own ICAV survey alone, I am sure we would bring to light many more of the current AND past patterns, practices and cases. What is obvious is that despite the allegations and claims

³ <https://picclick.com.au/Love-Our-Way-book-Julia-Rollings-overseas-Indian-145231575468.html>

⁴ <https://www.abc.net.au/listen/programs/lifematters/adoptions-from-india-and-child-trafficking/3203004>

from survivors and victims, Australia responds by closing the program but some years later, reopens it again without ever addressing the victims for which the closure was brought about. A clear example is the intercountry adoptions from India which were halted in Australia in 2010 due to the allegations of illegal adoptions⁵. Here's a 2008 report on one of the QLD families with an Indian child adopted vis MSS⁶. Yet almost a decade on, in 2019 the Northern Territory (NT) reopens it's India program⁷ and celebrates its first child to arrive since the closure.

We have also had birth countries, like Sri Lanka or Ethiopia, publish statements about their baby farming or illegal adoptions for which we have numbers of children adopted from these countries. ICAV included some of these impacted adoptees to meet with the Australian government over various years of advocacy, but for which again, the response is mostly inaction. Most recently, the AUSKRG group that represents the current South Korean cohort who have submitted their cases, together with the other over 300 cases around the world, to the Korean *Truth and Reconciliation Commission* met with Australia's federal government. They too, have been met with little action or acknowledgement. It's appears to be a "let's wait and see what Korea does first" approach before Australia as a country decides what we will do.

AUSKRGs Statement 20 September 2023

The Australia US Korean Rights Group (AUSKRG) was established in November 2022 and is currently participating in South Korea's Truth and Reconciliation Commission investigation into human rights violations in Korea's overseas adoption system. Along with numerous cases lodged by the Danish Korean Rights Group (DKRG) and Swedish Korean Adoptees Network (SKAN), the AUSKRG's concerns include but are not limited to: systematic falsification of orphanhood, failure to obtain informed consent of original parents, and being sent overseas with the paperwork of another child.

All AUSKRG members were sent overseas via Eastern Child Welfare Society (now ESWS), one of the four agencies granted permission by the Korean government to carry out overseas adoptions - and the agency responsible for all 3,500+ formal Korean adoptions to Australia.

Along with ICAV, the AUSKRG has raised their concerns regarding illicit adoptions with Australian government authorities. The AUSKRG has provided updates on the status of the Commission's investigation, and met with Australia's central authority. Australian government

⁵ <https://www.smh.com.au/national/evidence-of-trafficking-of-indian-children-for-illegal-adoption-emerges-20140124-31e84.html>

⁶ <https://www.smh.com.au/national/qld-govt-probe-illegal-indian-adoption-20081015-50x2.html>

⁷ <https://www.sbs.com.au/language/hindi/en/article/reactivated-india-australia-adoption-program-sees-first-family-adopt-indian-child-in-northern-territory/4j7166w7g>

authorities have been receptive to this ongoing communication and offered general support in terms of assisting the AUSKRG in their efforts to find more information on Korea's overseas adoption history. However, despite Korea's ongoing investigation and inquiries launched by several European receiving countries, there does not seem to be a willingness on behalf of the Australian government to launch an inquiry into Australia's intercountry adoption system at this stage.

We all know that while there are some attempts by Australia to safeguard from illegal and illicit practices in being a signatory of the Hague Convention, there are no guarantees that intercountry adoption practices are exempt from the harms. This is clearly identified by the Australian Senate Community Affairs References Committee on the Commonwealth Contribution to Former Forced Adoption Policies and Practices in 2012⁸.

Australia also holds a legal and ethical commitment to ensuring intercountry adoption respects fundamental human rights under the Hague Convention for Intercountry Adoption and the other relevant United Nations Conventions: specifically the conventions on the Rights of the Child, Enforced Disappearances, the Rights of Persons with Disabilities, the Elimination of all forms of Racial Discrimination, and All forms of Discrimination against Women.

ICAV has been actively representing Australian survivors and victims since 2005. Firstly, at the Bronwyn Bishop Inquiry into Overseas Adoption in Australia in 2005, then at the National Intercountry Adoption Advisory Group (NICAAG) advising the Attorney General and developing a Protocol⁹ for Responding to Allegations of Illegal and Illicit Adoptions. To date, this is the only documented protocol but it remains a high level and unhelpful document for those of us who are victims. In practice the community has found it is simply a method for the state and federal bureaucrats to sidestep their responsibilities and it continues to leave victims with nowhere to turn because the States have done very little to take up any responsibility and outline what supports they will provide.

In developing much needed state based protocols, in March 2021, ICAV was involved in providing feedback to 1 of the Australian states to look at further developing a state based protocol. We were told it was part of the federal government DSS initiative to push states to address this

⁸ https://www.aph.gov.au/parliamentary_business/committees/senate/community_affairs/completed_inquiries/2010-13/commcontribformerforcedadoption/report/index

⁹ <https://www.dss.gov.au/families-and-children-programs-services-intercountry-adoption-key-guidance-documents/protocol-for-responding-to-allegations-of-illicit-or-illegal-practices-in-intercountry-adoption>

failing. To date, we have not seen any further development or work being done in Australia to proactively address this issue. This is not from a lack of us asking and pushing.

ICAV has repeatedly sought government meetings asking for responses. In Oct 2015, a group of us met with the Prime Minister's Senior Advisors¹⁰ and again, we included the topic of needing support for impacted trafficked adoptees. In another formal meeting with federal government, DSS on 7 Dec 2017, I presented a small handful again of our intercountry adoptees with a range of illicit and outright illegal adoptions to Australia to speak directly to DSS about our concerns and our requests.

We were more specific this time, asking for the following:

1. Government to government assistance outside the ISS Australia search and reunification service to conduct a more thorough search for original identity and birth family especially when identity was falsified and criminal prosecution occurred.
2. Translation of any documents or letters back and forth to assist in finding our original identity .
3. Financial assistance to travel back to your country of origin regularly when it has been demonstrated we were not relinquished or our adoption papers fraudulent or non existent.
4. Financial assistance to cover dual citizenship application fees and assistance with the process.
5. Financial assistance to cover fees for an adoptee to revert back to their original name / identity.

Since the new Relationships Australia ICAFSS contract in July 2021 our government has provided funding mechanisms to address points 2, 4, 5 but nothing concrete on points 1 or 3.

The lack of response prior to 2021, led me to compile and present at *The Hague* our voices of impacted peoples¹¹.

In looking back over ICAVs 25 years of working unfunded and voluntarily representing our community time and again, it appears we have failed to get the Australian states to take this seriously and actually DO something in response. The Australian federal government seems responsive and willing in its leadership role as the overall central authority, but it appears that jurisdictional “tossing of the hot potato”, and the lack of clarity in the current 2020

¹⁰ <https://intercountryadopteevoices.com/advocacy/australian-pm-senior-adviser-meeting/>

¹¹ <https://intercountryadopteevoices.com/2020/08/08/lived-experience-suggestions-for-responses-to-illicit-adoptions/>

Commonwealth State Agreement¹² is a huge failing. The agreement fails to even mention whose responsibility it is for post adoption support, let alone specify whose responsibility it is for responses to illegal and illicit adoptions of the past and the current times. Given that adoption legislation is state based, not federally controlled, one can understand why the federal government in it's role as "co-ordinator" has so far failed to achieve any real progress on having the states step up and be responsible or accountable for their actions of the past and current times.

Sadly, Australia remains one of the most backward nations in responding to the history of illicit and illegal intercountry adoptions here, despite our forwardness in coming to terms with our history of domestic adoption practices and the Stolen Generation which is akin to many of our intercountry adoptions.

In 2015, I worked jointly with *ISS Australia* to propose a *Search and Reunification Service* for intercountry adoptees in Australia. It was successful but only seed funded for 2 years (2016 - 2018) and then it was discontinued. In this funding, we were able to have our first piece of work to ever positively help one of our illegally adopted Taiwanese adoptees, Kimbra Smith with her trip back to Taiwan to meet with her trafficker who had been imprisoned along with some of the Taiwanese government. That funding also helped another Indian adoptee who has been illegally adopted to Australia at an older age. The funding enabled her return with support to reunite with her newly found mother in India. That funding for the service could have continued to help more of our impacted adoptees but it was ended by the Australian government and we now currently only have a "counselling" service that does little more than listen to our emotional turmoil but does nothing to meet our logistical and cross border and cultural needs or to find and reunite with our families. Helping us find our families or enabling ongoing return between our countries should be the first response to a wrongful action that has changed our life irrevocably and forever.

It's so important that where it has been proven an adoptee was stolen from their country of origin, a redress or something similar must be considered as has been done after the Royal Commission into Institutional Responses to Child Sexual Abuse.

ICAV also asked again in our most recent letter¹³ to the Prime Minister 30 Sept 2022, to please consider opening an investigation in Australia as to our history of illegal and illicit intercountry adoptions or as a minimum, provide support services to those of us who live this reality and continue to suffer in silence. The wrongs of the past for our domestic peers, are provided with a

¹² https://www.dss.gov.au/sites/default/files/documents/05_2020/commonwealth-state-agreement-continued-operation-australias-intercountry-adoption-program-2019-text.pdf

¹³ <https://intercountryadopteevoices.com/wp-content/uploads/2022/10/LLong-Letter-to-PM-Albanese-Sept-2022.pdf>

formal apology, memorials, and support services including DNA genealogy support, however the wrongs of the past for our intercountry adoptee community remain invisible, unrecognised and minimally provided for through only emotional counselling.

Responding on behalf of the Prime Minister, a letter of reply was sent to ICAV from Tim Crosier (Branch Manager of Children's Policy Branch, DSS), advising that the government, "*is prioritising a focus on preventing and responding to illegal and illicit adoption practices, expatriate adoption and concerns about past ICA practices.*" This is an ongoing and repetitious message we receive from the Australian government over many years but can be clearly questioned as to its truth and integrity. Providing funding for a search and reunion service would be the very basic essential response required to address this ongoing issue yet they tell me time and again, no we are not going to provide this.

Also, in response to ICAV's letter to the Prime Minister, ICAV was invited to meet with Veronica Westacott, DSS Family Policy Branch Manager on 28 April 2023. In readiness for this meeting, ICAV and AUSKRG ran a survey amongst the community to gather some data to show the government the support from the community. Within a 3 week period of surveying the intercountry adoption community we obtained signatures from 57 intercountry adoptees, 19 domestic adoptees, 34 international adoptee organisations, 31 others including adoptive parents / academics / adoption professionals / counsellors in adoption / partners of adoptees¹⁴.

In the 28 April 2023 meeting we formally asked for Australia to:

◆ Apply the UN Joint Declaration

Official acknowledgement and recognition of illegal intercountry adoptions by the Australian States with States taking responsibility, including helping victims hold those accountable via legal means where appropriate.

◆ *Create nationwide legislation* so that offences and crimes related to illegal intercountry adoptions become offences with appropriate limitation periods.

◆ *Facilitate the Search for Origins* and adequate reparation measures such as a DNA database.

¹⁴ <https://intercountryadopteevoices.com/wp-content/uploads/2023/05/Letter-calling-for-investigation-FINAL.pdf>

◆ Apply the ToolKit from The Hague Working Group especially pages 7-8¹⁵:
Counselling, mediation, legal assistance, financial and other assistance, between country contact at government level, between country contact between adoptee and birth family.

◆ Legally prevent expatriate and private adoptions unless exceptional circumstances such as kinship; investigate what legislation needs to be changed to ensure these types of adoptions are almost impossible.

At this meeting we presented our **survey results** showing what adoptees want in response to their suspicions and/or confirmations of illegal and illicit practices:

50 adoptees participated and a **summary of the results** are:

Top 5 countries: Korea, Sri Lanka, Vietnam, Haiti, (Philippines, Taiwan, Thailand)

9/50 of the adoptions were done outside Australia

Largest number from NSW, then SA, VIC

50% found birth family (Korea, Sri Lanka, Philippines, Taiwan, Vietnam)

Adoptions finalised in years 1963 - 2009 but peak is in 1980 - 1990

86% indicate a violation or irregularity in their adoption

76% do not have any evidence of consent from their original families

44% experienced abuse in whilst in care

40% arrived with serious illness, malnutrition or in poor health

30% were made paper orphans for purposes of adoption

16% had adoption breakdown

16% were knowingly separated from siblings by the facilitator

2 were switched (paperwork of another child)

35% indicate the facilitator failed to help their original families make an informed decision about adoption

23% indicate their facilitator failed to properly search for family before being sent for intercountry adoption

12% have family who tried to get them back but were refused

What they want as Solutions from Australian government:

Preservation of our records (45/50)

¹⁵ https://assets.hcch.net/docs/1123716f-f737-4beb-9675-294c94551065.pdf?fbclid=IwAR3ae93tiWC-6ZaoW5mjredCeiepfqzMJGYOdNGfbYqUJshQS6rV_WoRabk

Request birth country to send the complete files (45/50)

Make info publicly avail on what constitutes an Illicit and Illegal Adoption (44/50)

A comprehensive investigation by an independent body (44/50)

What forms of Redress Solutions:

Establish and fund an adoptee community led national archive (45/48)

Establish and fund an adoptee led research and journalism institution commissioned to conduct research, public outreach and education to adoptees (45/48)

National Apology (38/48)

Funded Services Solutions:

DNA testing and family tracing service (47/48)

Specialist Counselling **trained** in illicit and illegal intercountry adoption knowledge (47/48)

Translation Services (45/48)

Travel Support (44/48)

To date, nothing further of substance has been provided since that meeting. The impacted community continues to push for recognition as survivors and victims of illegal and illicit adoptions to Australia. We won't give up, we have joined in with our colleagues around the world and remain inspired by the responses other governments have provided.

It remains to be seen over the next decade whether the stance of our Australian states and federal government will shift and change or whether they will remain entrenched in silence and inaction. I implore the United Nations Committees and Special Rapporteurs to help us where you can in pushing for acknowledgement of and accountability for the Australian government roles in our illegal and illicit intercountry adoptions, but also now for the ongoing years of silence and inaction in response to or pleas for help and support.

I would also have liked to detail my birth country and my own illegal adoption. I have spent years trying to reclaim my origins and facing so many barriers. For now, I reference a statement provided by a former volunteer involved in the UK Operation Babylift, organised privately by the Daily Mail. She provides evidence that validates my many years of questions into the practices for the babies flown out hastily from the Vietnam war zone. There has been no reckoning by the countries who organised the en-masse flights to the USA, UK, and Australia, or by Vietnam, nor of the numerous private proxy adoptions like mine that occurred before. There are many victims like myself who came out of Vietnam who would like the governments to acknowledge us and provide supports to search for our families and reclaim what is rightfully ours!

Marcia Engel & Yennifer Dallmann Villa

Both born in Colombia, raised in the Netherlands & Germany respectively; Plan Angel Foundation submission

Understanding the Colombian Adoption System, challenges and striving for a human-rights-centred future

Colombia's history of adoption and family regulation is complex and unique for Latin American countries. Unlike many other South American countries, Colombia's adoption practices were not established by foreign adoption agencies. Instead, a privately regulated adoption system was already in place, initiated by the Catholic Church and Colombian elites with family relations to the government and under government mandate and had guaranteed a constant flow of children available for international adoption.

In light of time constraints and length limitations, this position paper serves as an initial orientation furthering the understanding of the Colombian adoption history, highlighting the irregularities and challenges that demand immediate attention. The Plan Angel Foundation has a more extended report and additional in-depth information as needed. Plan Angel also offers advisory expertise in the field if required.

Colombia's unique history of adoption and family regulation

Colombia consistently ranked among the top countries for transnational adoptions, sending over a minimum of 55,500 children abroad in the last four decades (Selman, Hoelgaard, Maestranzi, ICBF). In his master thesis, 'Politics of Colombian Adoption,' Michael Joseph Maestranzi presents a unique analysis of Colombia's adoption system. Remarkably, by 1970, the first adoption house founded in 1942 had overseen 100,000 private adoptions, even before formal adoption legislation was enacted. Most of them were adoptions to foreign families. (Maestranzi; El Tiempo 1979).

Maestranzi's research reveals that adoption served multiple purposes, including regaining control over the growing popular classes. The church actively promoted adoption as an alternative to rising birth control methods, framing it as a solution to manage illegitimate offspring and avoid the stigma of single motherhood. Consequently, the government labeled impoverished families and single mothers as irresponsible parents, leading to thousands of children being placed under government care and offered for adoption (Maestranzi). Adoption processes in Colombia followed a direct route until 1975, without the need for intermediaries or government permits. With the new

regulations irregularities persisted, particularly during the 1980s, 1990s, and potentially early 2000s in some regions (Plan Angel 2022).

“We have a responsibility equal to that of God to give a child the best at our disposal. Between the taxi-driver and the other applicants, we have 40-50 families with a higher socio-economic level so we should give the child to them,” (adoption officer, case study Hoelgaard 1998).

Adoption Houses played a central role. Initially, they received abandoned or neglected children, newborns and young infants referred from hospitals, orphanages, or rural areas. However, with the establishment of the Child Welfare Institute or ICBF in 1968, these practices were disapproved, due to the lack of transparency. To secure adoptable children, these houses had to focus now on mothers in crisis and in the 1980s private maternity wards and houses to shelter pregnant women were funded in connection with the Adoption Houses, often with donations by foreign adoption agencies. Those foreign agencies have thus effectively created their own supply chain for adoptable children during the Latin American transnational adoption wave (Hoelgaard; Maestranzi; Branco 2021). Initially, these early houses operated privately and with minimal regulation. Documentation from hundreds of adoptees suggests that Mothers who gave birth, worked and resided in these private facilities often did so without any record of their identity being kept. This is a direct violation of the child's right to an unaltered and complete identity, as recognised in both national and international adoption regulations (HCCH 1993, Protection of Children, article 30; UN Convention of the Rights of the Child, Art. 8; Código de Infancia y Adolescencia, article 76 Código de la Infancia y la Adolescencia Artículo 76 Colombia).

The pioneering investigations of Suzanne Hoelgaard in 1998 and Susan Branco in 2021 discuss the practices and evaluate the systematic problems in the Colombian Adoption Houses. In one investigative case from 1998 by Hoegard, a director of an Adoption House was confronted about unethical practices. Mothers were allegedly coerced into relinquishing their children before birth, so they could gain access to medical treatment and housing, only to be confronted with medical bills when they later reconsidered their adoption plans. The directress commented on said accusations:

“We don't want mothers to think they can use our facilities as a hotel.”

This highlights a significant disconnect from the ethical framework that should underpin adoption practices, as well as the intended beneficiaries of adoption itself. This sentiment deeply influences the overall treatment of both adoptees and first mothers within the system.

The houses have been awarded for their work by the Colombian government, for rescuing impoverished children from a future in a delinquency, and giving young women a second chance,

which reflects the classist sentiments the Colombian elite and upper class hold against impoverished mothers, families and children (Credencial History 2016). In Colombia, Adoption Houses continue to operate, maintaining a favourable reputation, even as allegations of mistreatment and abuse persist. Due to the ties to the Colombian government critical voices have been effectively silenced.

Corruption and Lack of Government Institutional Presence

Even beyond the operations of Adoption Houses and maternity wards, many mothers have come forward with accounts of being targeted. The massive targeting of families to create adoptable babies and children can be attributed to the vulnerability of large segments of the Colombian population, exacerbated by government negligence, and a lack of guarantees and protection of human rights. Corruption within Colombia's institutional framework, involving public officials, members of the security forces, and the judicial system, has also contributed to a climate of impunity (Plan Angel 2022).

Organisations like Plan Angel have actively collected testimonies from first mothers and families in Colombia and collaborated with the Swedish Foundation for Human Rights to bring attention to irregular international adoptions of Colombian minors within the context of the armed conflict. Their report titled "*INFORME SOBRE ADOPCIONES INTERNACIONALES DE CARÁCTER IRREGULAR DE MENORES COLOMBIANOS EN EL MARCO DEL CONFLICTO ARMADO*" was provided to the Truth Commission on the Armed Conflict in Colombia in 2022. In the report the following systemic issues were recognised:

1. **Lack of Accurate Information:** Adoption records often lack or contain falsified information about biological families.
2. **Document Falsification:** Public officials, including judges and notaries, have been involved in document forgery.
3. **Role of Intermediaries:** Recruiters, facilitators, and adoption houses play a part in international adoptions, sometimes engaging in document forgery, fraud, and profit-seeking.
4. **Political Connections:** Major adoption houses have close ties to Colombia's political elite, possibly aiding their operations.
5. **Procedural Non-compliance:** Adoption processes sometimes do not adhere to legal procedures, including the three-month waiting period for biological parents to claim children.
6. **Biased Prioritisation:** International adoption requests have been favoured over domestic ones in the past.
7. **Profit-Driven Industry:** The international adoption industry has generated significant profits, often involving immediate separation of mothers and babies.

8. **Abduction and Inducement:** Minors have been abducted or mothers misled to facilitate international adoptions.

9. **Invisible Victims:** Biological families' stories and demands, primarily single mothers, have been overlooked by the Colombian state.

These findings underscore the systemic issues within Colombia's adoption practices. It becomes evident that those irregularities are not a problem of one single event or one institution. The system is open to fraud and illegal practices at different touch points with so many individuals and institutions involved in the adoption process, which makes the safeguarding of rights of adoptees and first parents a complex undertaking. It necessitates collective action by all governments involved to protect and restore the rights of those affected including the adult adoptee and the first families.

Loss of Cultural Heritage and Legal Identity

International adoption constitutes a form of forced exile, subjecting adoptees and their biological families to a host of vulnerabilities, including the violation of their right to a name, identity, citizenship, culture, and language (Comisión de la Verdad 2022).

The pioneering investigation of "*The Reclamation of Self: Kinship and Identity in Transnational Colombian Adoptee First Family Reunions*" conducted by Susan F. Branco, Sanna Stella and Amelia Langkusch in 2022 elaborates the loss of Identity and cultural heritage of Colombian Adoptees and the significant importance of reunions to reclaim the adoptees identity. But due to irregularities in the adoption processes, not every adoptee currently has access to a reunion.

In the process of reuniting families in Colombia and navigating the complexities surrounding adoption separation, Plan Angel has compiled numerous testimonies revealing significant irregularities in the adoption process.

- **Inaccurate Records:** Adoption processes may involve the creation of inaccurate, incomplete or false records about the child's background and biological family. These records can perpetuate incorrect information about the child's identity.
- **Lack of Access to Information:** In some cases, adoptees may face obstacles in accessing information about their first family, cultural heritage, or the circumstances surrounding their adoption. Adoptees have reported instances of discrimination by government officials and officers in Adoption Houses when petitioning for their documentation and seeking access to their full identity and experience a language barrier, with no bilingual personnel. Institutions and agencies have failed to keep records of the adoptee's first mothers, families and origins.
- **Legal Identity Challenges:** Adoption can sometimes create legal identity challenges, such as difficulties in obtaining accurate birth certificates or citizenship documents. This can

have lasting repercussions on adoptees' ability to assert their rights and access essential services and the ability to reassume their citizenship.

Unfortunately, such irregularities have been common in Colombia, creating massive problems with the legal identities of adoptees, including not being able to travel to and from Colombia, not being able to access their full rights as Colombian citizens.

It is imperative that further reforms and initiatives are needed to ensure that all adoptees, regardless of the circumstances of their adoption, have the opportunity to exercise their right to access information about their origins and cultural heritage and restore their citizenship. Especially for those whose adoption took place under suspicious circumstances leaving fraudulent or no information. This not only aligns with international human rights principles but also contributes to the healing, reconciliation, and well-being of those affected by adoption separations. Legislative reform should extend its focus beyond refining the adoption processes. It should encompass regulations and legislation that not only guarantee and honour the rights of returning adoptees as Colombian citizens but also encourage their active participation in the Colombian social fabric. It needs to protect the legal rights of the Colombian first families to raise their own children and to be reunited in cases of abduction and inducement.

Financial compensation promoting restorative justice

All Colombian adoptees and families deserve the opportunity to reunite if they wish to do so. Given the challenges outlined in this position paper, it is important that the adoptees and families can access financial compensation for the costs of and/or the search for their family members.

Government regulations serve as the foundation upon which the adoption process is built, wielding the power to ensure that it is conducted ethically, with transparency, and in full respect of the human rights of all parties involved and therefore it is the governments who are responsible for rectifying irregularities and abuses. Governments should recognise their financial responsibility in regards to costs involved for adoptees to search and reconnect with their roots and reestablish their own identity (art. 8, UN Convention on the Rights of the Child).

A Vision of a Rights-Respecting Future

Plan Angel sees the following working points for a future that respects the human rights of adoptees and first families, while granting citizenship rights and supporting adoptees in becoming vital members of the Colombian social fabric:

◆ **Stop International Adoption from Colombia:** There cannot be a future of international adoption without rectifying the past first. This reflects a responsible and ethical approach that

prioritises truth, justice and reconciliation. In the landscape of adoption in Colombia the rights of adoptees and first families cannot be guaranteed. There is no transparency that the child available for adoption was placed ethically. Governments allowing adoption from Colombia, do so knowing of the human rights violations.

◆ **Legislative Reforms:** Advocate for comprehensive legislative reforms that prioritise the rights and well-being of (returning) adoptees, first families, and adoptive parents. This should encompass a clear stop for international adoption, and control and safeguard against irregularities in child welfare systems, exploitation, and human trafficking. Colombia needs to be encouraged to take care of their own families and children and not transfer their social responsibilities to other countries.

◆ **Citizenship Rights:** Ensure all adoptees have access to Colombian citizenship, regardless of their adoption documentation. This should include streamlined processes for obtaining citizenship documents and legal recognition for returning adoptees.

◆ **Support Services:** Establish support programs and resources for parents facing crisis pregnancies, including access to healthcare, counselling, and social support during and after pregnancy and fully disconnected this from any adoption efforts. Mothers and families who lose their children need to have access to free legal education and representation.

◆ **Transparency and Accountability:** Advocate for transparency for adoptees that want to reclaim their own identity, including documentation and record-keeping. Implement mechanisms for accountability and oversight to prevent abuse and irregularities within the adoption system.

◆ **Cultural Preservation:** Encourage the preservation and celebration of the cultural heritage of adoptees. This can include initiatives to provide access to language and cultural education, as well as opportunities for adoptees to connect with their culture of origin.

◆ **Community Building:** Foster supportive communities for adoptees and first families to connect, share experiences, and provide emotional support. Annual meetups and online spaces can be instrumental in creating a sense of belonging and healing.

◆ **Reparative Justice:** Explore mechanisms for reparative justice to address historical injustices and human rights violations within the adoption system. *This may include acknowledging past wrongs and providing redress to affected individuals and families, setting up a truth commission and financial compensation for costs adoptees face to restore their identity.*

◆ **Government Involvement:** Encourage government involvement in addressing adoption-related challenges. This includes conducting thorough investigations into allegations of abuse and corruption within Adoption Houses and taking appropriate actions.

◆ **International Collaboration:** Collaborate with international organisations, governments, and NGOs to establish best practices in adoption, share information, and promote the rights of adoptees and first families on a global scale.

◆ **Education and Awareness:** Raise awareness about adoption-related issues among the public, professionals, and policymakers. Education can help dispel myths and stereotypes surrounding adoption and encourage a more compassionate and informed approach.

◆ **Advocacy and Representation:** Empower adoptees and first families to participate in advocacy efforts and decision-making processes related to adoption policies and practices. Their voices and experiences are invaluable in shaping a rights-respecting future.

These working points should be guided by a commitment to upholding human rights, promoting the rights of Colombian adoptees and their families.

The Work of Plan Angel: Family Reunification and Advocacy

Year Founded:	2008
Country of Foundation:	Netherlands
Registered Countries:	Colombia, Belgium, Netherlands
Notable Achievements:	<ul style="list-style-type: none">• More than 1,000 cases of families searching registered in the database.• Successfully reunited more than 300 families.• Conducted over 500 DNA tests for families in Colombia.• Advisory roles for government commissions and legal reforms.

Plan Angel is a non-profit organisation, all volunteer based foundation dedicated to the mission of reuniting Colombian families who have been separated by international adoptions. Global DNA databases have played a transformative role in the quest for family connections.

Plan Angel's inclusive DNA program exemplifies the profound impact of modern technology on adoption reunifications. Plan Angel's commitment to adoptees and first families goes beyond the first reconnection of families. Their multifaceted approach encompasses various stages of the adoption journey, aiming to provide comprehensive support. Plan Angel operates at the midst of past adoption practices in Colombia, shedding light on this important chapter of Colombian history through the firsthand accounts of first families and adoptees and promoting and supporting scholarly research on the topic. As nations and organisations work toward comprehensive adoption reforms, it is vital that the perspectives and rights of first parents and adoptees are included in these discussions.

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Maria Diemar & Anna Bohrn

Born in Chile, raised in Sweden; Co-Founders of chileadoption.se

Being transnationally adopted means that you were born in one country and later placed for adoption in another. We, who were born in Chile, were literally put on a plane to be placed in a family on the other side of the world in a country in the north called Sweden. Before we left Chile, our identities had been falsified and the ties to our families of origin had brutally been cut off. We were then placed in families in Sweden and grew up with new names, a new language, and assimilated into a new culture and history - very far from our origins.

In most of the 2,200 cases we were flown out of Chile with a representative from a Swedish adoption agency and met our future parents when we arrived at different airports in Sweden. Later, we were adopted in Swedish courts in accordance with Swedish laws. Between 1971-1991, about 2,200 Chilean children or infants came to Sweden with the purpose of adoption.

In 2019, a Chilean Commission investigated how thousands of children and infants could be taken from their country of origin, to be sent for adoption abroad. They concluded that Chilean officials, judges, paediatricians, etc., formed a network that enable the abduction and placement of children with representatives of foreign organisations. The Commission's report state that what happened to us and our parents was systemic and cruel, and by definition a crime against humanity (page 44 Informe de la Comisión especial Investigadora, 2019).

It is known to the organisation *chileadoption.se* that every one of us who was adopted from Chile, still has a Chilean identity and is registered in Chile as if we never left the country. Some of us have several identities in Chile because we were registered several times.

Since the beginning of 2018, the Chilean criminal investigation 1044-2017 in the Court of Appeals in Santiago, investigates cases of abduction following criminal complaints made by Chilean parents and adopted persons. The Chilean judge, lawyers and the Police consider us Chilean citizens. For adopted persons in Sweden, the criminal investigation is fundamental and very important. In Sweden approximately 200 adopted persons from Chile have made a criminal complaint to the investigation. As an organisation, we wish that more people in Sweden and other countries knew about the investigation.

After having looked into our adoptions and what happened before we were adopted in Sweden, we have concluded that both Chile and Sweden must take action.

In Sweden changes must be made, legislative changes making sure that adopted adults rights to know where we come from is met, as well as the implantation of an authority where we can get professional guidance and support us when we want to search for our families and backgrounds.

- ❖ A legislative change regarding the storing and managing of documentations regarding our backgrounds and the process that took place in Chile - today our documentation is owned by adoption agencies, religious communities, and private individuals. This documentation must be transferred and stored in archives managed by Swedish authorities.

- ❖ A legislative change regarding the statute of limitation is required. There should be no statute of limitation regarding crimes against children. Child abduction must be punishable regardless of when it took place.

- ❖ A DNA bank must be created in Chile, with the help from Swedish authorities.

- ❖ An authority in Sweden that helps, guides and supports the adopted persons in Sweden needs to be implemented.

Meanwhile the Chilean government must take responsibility for the systemic crimes committed in order to send children and infants out of the country. They must:

- ❖ Create a DNA bank managed and administered by the Chilean authorities.

- ❖ Create a Truth and Justice Commission which was proposed in the Chilean parliament in 2019.

- ❖ Support the ongoing criminal investigation in the Court of Appeals in Santiago so the perpetrators can be held responsible for the crimes they committed.

- ❖ Guarantee that children who were stolen from indigenous families and had their identity falsified, have their indigenous identity and the rights that come with it, restored.

We, the stolen children from Chile, are adults now. We have our own families and some of us have grandchildren. Our parents and families in Chile do not have much time as they are getting older. It is important that Sweden and Chile take immediate action.

Maria Trimble

Born in Peru, raised in the USA; LMHC, LPC Psychotherapist and Co-Leader of the Peruvian Adoptee Network

Last years joint statement from CRC and CED was significantly impactful for the adoption community. It was extraordinary to have the United Nations address illegal intercountry adoptions. As someone whose adoption is considered illegal by definition of the UN, I am beyond relieved that adoptee voices are being heard and amplified.

Reading accounts of my fellow adoptees experience and activism to get these initiatives accomplished is significant in my life and adoptee lives. In my therapy practice, I help adoptees through the various traumas throughout their life. The first being the relinquishment trauma of leaving their first family and country and the many subsequent traumas enacted by adoptive parents, adoptive communities and governments.

The lack of oversight from governing entities into adoption has a severe and complex impact on adoptees and their communities. So, while the statement was impactful, until its ideas are implemented by adopting and birth countries, it has little impact on the changes the system of adoption needs.

Further Actions

Since the joint statement I would like to see the countries with the highest number of intercountry adoptions (European Countries, USA, Canada and Australia) make a statement about how they will proceed with enacting what the United Nations dictated in 2022.

Seeing the adopting and birth countries address issues of illegal adoptions, crimes, preventions and reparations set forth will be the first step. Adopting and birth countries should outline an action plan and timeline on how the statement will be addressed, and what kind of agencies, already made or those that can be made, can support past and current intercountry adoptees.

It is crucial to note that parenting an adoptive child is different than parenting a biological child and therefore adoptive parents and adoptive children need more wellness checks and supports. The adopting countries need to continuously do welfare checks on the children adopted from other countries. When adoptive children are interviewed and evaluated, they should have

the interview separate from their adoptive parents as to get a true sense of what is going on in the home.

As both an international adoptee and a mental health practitioner I want to magnify the devastating impacts that illegal and coercive adoptions have on mental and physical health. Legally changing one's family is an event that impacts one's life and many generations after. Adoptees are 4 times more likely to attempt suicide than non-adoptees and until more is done, these numbers could continue to rise.

Marie Gardom

Born in Malaysia, raised in the UK; Co-Founder of ICAV UK

I'm a 51-year-old Chinese Indian intercountry adoptee, adopted from Malaysia to the UK into a white family and white community - a country with less than 1% Chinese people and less than 2% Indian people, even half a century later. I'm on the board of ICAV and the leader of ICAV's UK group. Adoptees in the UK group were born and adopted from Korea, China, Malaysia, Sri Lanka, India, Ethiopia, Egypt, Kenya, Nigeria, Morocco, Iran, Spain, America, Ecuador, Uruguay, Boliva and more. I hear from adoptees daily on their needs and struggles, which informs this submission.

I found my father, the obituary of my mother, my siblings and wider family during the pandemic. I couldn't travel to meet them during lockdown as other citizens and family could, as I wasn't legally related to my family because of plenary adoption.

I now have 2+ years of experience of getting to know a father who always wanted to be found but is now reliving his greatest losses over again. I'm building relationships with a maternal sibling and cousins, and paternal siblings each from different cultures. Each discovered my existence in difficult ways yet embraced it. Also included are aunts and uncles who were old enough to have played a role in my forced adoption and the secrecy that followed and yet are now relieved at the end to the secrecy.

Adoptees need:

- **Therapists** who are well trained in the complexities of transracial and intercountry adoption. Funding must calculate that this is a life-long need often centred around specific milestones, rather than a fixed number of one-off sessions.
- **DNA** tests funded and organised. At a basic level this means funded DNA tests, at a more organised level this means making sure everyone is in the same DNA database with genealogy experts who can support understanding the matches or how to use DNA in searching.
- **Travel** and accommodation costs to birth countries.
- **Vetted** detectives and search industry specialists to prevent the further exploitation and manipulation so common in searching.
- **Citizenship** support and/or special adoptee citizenship dual status.
- **Data collection and record keeping.** Birth records, notes and care records are ad hoc and gate guarded in various ways which all seem to be subject to destruction by unusual amounts of flooding and fires. Adoptees need help to access and centralise these records in

protected ways. There's currently a high degree of variability in the level of cooperation received by adoptees searching.

- **Accountability and reparations** from the Catholic Church and other responsible organisations and religious institutions. Churches continue to play a key role in promoting adoption and predatory practices, yet there have been no consequences for them and no support from them. We need high level pressure on them for restitution and reparation. Support or at least investigation on the viability of a class legal action is warranted.

- **Cross country legal specialists:** the lawyers involved in creating adoptions are dominating the spectrum when adoptees are looking for help. But there's a conflict of interests since the lawyers who helped people adopt us are potentially either sympathetic to the adopting parents, the institutions we were held in, or worse they're implicated in illicitly disappearing us from our families. We need legal experts for each birth country who can help us navigate our records and potential ethical breaches where we don't and can't know how to do that in countries we were taken out of.

- **Disconnect support from agencies and colluding systems** with a vested interest in adoption. It's commonplace for the same agencies whose mission it is to serve adults wanting children to also deliver support to adoptees. Their funding and perceived clients are vested in plenary adoption. It results in a performance of support while also a denial and subversive discounting of adoptees, as well as low trust levels and accessing of that support.

Birth parents need:

- **Visibility:** Society, adoptive parents and systems and the whole ethos of plenary adoption is to erase the birth parents from a child's life and write over it. Their rights to even exist in their child's life are denied, their grief, their exploitation, their humanity is rarely shared. Every opportunity is taken to diminish them, or simply limit the facts about them altogether. Supporting them to build community and unpack their grief is profoundly needed not solely for their own benefit but because their healing has such a huge impact for so many in the constellation, the adoptees who search for answers and belonging, and the siblings who have lived knowingly or not with traumatised parent(s) and more. They need expert support with the emotional and financial impacts of trauma and in the case of being found, the reckoning which accompanies reunion, a complex and often solitary awakening of loss often portrayed as a joyful end.

- **Acknowledgement, public apology, and action**

- **Specialised counselling:** counsellors must fully understand the impact to play it back and support the creation of language around the unrecoverable loss experienced by birth parents.

- **Cost of travel** across continents is often a barrier for many adoptees and their families. Community building within each country for each constellation member is one in which members often don't fully appreciate the importance of until they experience it, having lived without hearing from others or articulating the losses and unique issues. It's also difficult for individuals to form community when shame keeps people in hiding.
- **DNA testing and record keeping** in each country. A centralised and protected database for all searchers is required.
- **Support to build better practices** and specialist support searching in countries which closes ranks against adoptees and their first families as a system. This is particularly needed in countries which are not yet part of UNCRC or Hague.
- **Platforming and supporting fathers** as well as mothers. The mothers have been hidden for one reason, and the fathers have been discounted, or bypassed. They live with a different kind of powerlessness, guilt, shame, and grief. They may mourn both the loss of a child and their partner and are often viewed as a perpetrator or wastrel. Although my father fought to keep me and was prevented by the church (mother and babies home) and the justice system (a judge told him he had no choice but to sign adoption papers), he lives with a guilt that it was somehow his fault. We expect men to have autonomy and he had no more than my mother.
- **Tackle language barriers, and cultural barriers** to sharing lived experience in the countries where their children have been taken and taken to. My father has been willing to share his experience with support from myself and Lynelle Long (ICAV's Founder) to edit his English. It's a start but it means he isn't confident or supported to speak and respond in person so remains faceless and somewhat inhuman. For reunion and for visibility, we need translators who can unpack both language and culture, layered in the complexity of trauma, expectations, norms and consequences.

Adoptees carry unsolicited roles as leaders in their own search and discovery. Our identity erasure, name changes and all the ways biological families are told to forget us, makes searching for us seem impossible. While there's no blueprint, adoptees tend to disrupt and shift their family dynamics in ways that make us a threat, or a saviour, and eternally a lost child. For various reasons we find ourselves carrying a leadership load on top of the confusion and grief. We live between the lines of families and cultures. Financial inequalities often unsettle the normal family system and put a weight of expectation on us adoptees. We tend to look like the one with agency and autonomy when we show up and yet we are the ones with no choice on what happened and no power to change it. Supporting our lost families is needed in part to support us, and supporting us is also to support them. There's reparation and accountability owed to families coerced apart and then disappeared from each other.

Marie Kadiatou Marre

Born in Mali, raised in France; Founder of Collectif des adoptés français du Mali

English Translation

In recent years, testimonies and investigations have uncovered numerous reprehensible and even criminal practices concerning international adoptions. Aware of the scale of the phenomenon and its dramatic consequences, on 29 September 2022, United Nations experts called on States to take action against these practices, which in certain circumstances could amount to crimes against humanity. These recommendations and the various independent studies would not have been possible without the work of "whistle-blowers", many of whom were adoptees themselves.

Indeed, once they have become adults, these people in search of their origins often discover illicit practices that have tainted their adoptions, ranging from simple offences to more serious crimes such as child trafficking or enforced disappearance. Faced with these discoveries, the victims of these abuses (adoptees, biological parents and adoptive parents) are left to fend for themselves, and their efforts to reconnect with their origins or simply discover the truth about these practices are a veritable obstacle course.

France urgently needs to introduce legislation to prevent, recognise, condemn and compensate for illegal international adoptions, and to support the victims.

Increasingly frequent discoveries of illicit practices and human rights violations, ranging from irregularities to misdemeanours and serious crimes such as child trafficking and enforced disappearance

In France, historical studies, associations, in-depth journalistic investigations and an official declaration by United Nations experts report facts that are contrary to the best interests of the child, the International Convention on the Rights of the Child of 20 November 1989 and the Hague Convention of 29 May 1993, signed by France in 1995 and ratified on 30 June 1998.

As a result, a large number of facts have come to light, such as :

- abduction, sale, purchase and trafficking of children;
- enforced disappearances;
- fraud in declarations of adoptability;
- falsification of official documents (false birth certificates, visas, passports, adoption decrees, abandonment consents, false death certificates, etc.);
- lack of informed consent from biological parents;
- fraudulent financial gain by intermediaries;
- corruption and embezzlement;

- voluntary separation of siblings (brothers and sisters separated during adoption by bodies accredited by the French state);
- false stories about the circumstances of adoption told by intermediaries involved in the adoption (false orphans);
- lack of visa to enter France;
- non-compliance with the adoption laws of the countries of origin and with international law.

Published in February 2023, a historical study of illicit practices in intercountry adoption in France, carried out by two historians, Professor Yves Denechere and Dr. Fabio Macédo of the University of Angers, confirms the recurrence of illicit practices. The 150-page report is based in particular on French diplomatic archives. The two academics demonstrated the systemic nature of illicit practices.

Lack of support from the French government in helping foreign-born adoptees to trace their origins

At present, the French state does not help foreign-born adoptees in their search for their origins, unlike adoptees born in France. As a result, these adoptees are discriminated against on the basis of their place of birth and social background, as tracing their origins can be costly (travel, etc.). Adoptees also find it difficult to obtain information about their adoption. However, the State is the guarantor of international adoptions in France.

In recent years, adoptee collectives and associations have organised to make up for this shortcoming.

Current French law is ill-suited to combating illegal international adoptions and compensating for the damage caused

In 2007, public opinion was shocked by the Zoe's Ark affair, a French association that deceived Chadian families into taking their children, yet 16 years later, there is still no legal text enabling children who have been adopted in very similar circumstances to obtain justice and compensation. For example, the statute of limitations is currently inadequate, as the most serious cases are often time-barred when they are discovered by the victims. However, as the acts were committed when they were children, the victims were not in a position to know about them.

Yet in September 2022, the United Nations Committee on Enforced Disappearances published a joint statement on illegal intercountry adoption, calling on States to amend their legislation on the issue. The text states that, "*in certain cases provided for under international law, illegal intercountry adoption may constitute a serious crime, such as genocide, or a crime against humanity*"; and that "*States must ensure that statutes of limitation do not constitute an obstacle to victims seeking access to judicial remedies, given the particular difficulties faced by child victims in lodging complaints and the continuing nature of the offence...*"

French victims mobilise in France and abroad to defend their rights

In France, the collective of French adoptees from Mali has led a campaign aimed at certain ministers, deputies and senators. Other adoptee and adoptive parent organisations are also mobilising.

Internationally, alongside the Voices Against Illegal Adoption (VAIA) coalition, which brings together 13 organisations (including 3 French ones) of international adoptees and adoptive and biological parents, an awareness-raising campaign on illegal international adoptions and the right of access to origins was conducted with various committees, expert working groups and special rapporteurs. A few months later, United Nations experts published a joint declaration on illegal international adoption, setting out very clear recommendations to States.

Following this mobilisation, on November 8, 2022, the French government announced the launch of an inspection mission into illegal international adoption practices. The findings should be submitted to the Minister of Justice, the Minister of Foreign Affairs and the Secretary of State for Children at the end of spring. We hope that this report will be made public, as it was promised to the press, because the State has a duty of truth towards the victims: adoptees, adoptive parents and biological parents.

We also hope that the State will take measures in consultation with all representatives of international adoptee organisations, and listen to their legitimate demands.

The demands of the Collectif des adoptés français du Mali include: recognition, public apology, prevention, support, investigation, legislation and reparation where necessary

Our views on the application of the joint declaration on illegal international adoption issued by United Nations experts on 29 September 2022 include:

- Official recognition of illegal international adoptions by the French state, with acknowledgement of the state's share of responsibility. Switzerland, for example, has expressed "its regret at the shortcomings of the authorities";
- Modification of the penal code so that offences and crimes linked to illegal international adoptions become continuing offences, with appropriate statutes of limitations;
- Creation of a legal framework for the authorisation of DNA tests, which are sometimes the only possible means of ascertaining parentage when a person believes he or she has found his or her biological family; the use of such tests is currently prohibited in France;
- Implementation of the reparation procedures recommended by United Nations experts for adoptees who so wish;
- Setting up investigations, administrative and judicial inquiries without delay when past or current illicit practices are reported;
- Right to the truth: legal obligation for all persons or organisations holding information on an adoption to make it available to the adoptee concerned as part of his or her search for origins (e.g. separated siblings, identities of birth parents or intermediaries), with cooperation between States if necessary;

- Creation of a multidisciplinary structure to support the search for origins (psychologist, social worker, legal and administrative assistance, etc.).

Mary Bowers

Born in South Korea, raised in the USA

The Role of Grey Markets in Adoption: Regulating for the Rights of the Child

Introduction

Since the beginning of the millennium, the world has seen significant advancements in energy storage, artificial intelligence, and medical science. At no point in history has humanity been more globally connected. As technology evolves, so must our commitment to human rights. The emergence of grey markets in international adoption is a developing concern in need of urgent attention. Legal adoption continues to be at the center of dialogue and debate between leaders around the world.

The global community has widely condemned black-market human trafficking. However, between these two spaces is the adoption grey market, also known as adoption rehoming. Here, adoptive parents, facing challenges in raising an adopted child, seek new caregivers or families for the child without involving legal authorities or adoption agencies.

Typically occurring within online communities or through personal networks, rehoming often lacks transparency and safeguards, leaving the child vulnerable to abuse and exploitation. Adoptive parents may post advertisements or solicit potential caregivers, transferring custody without formal adoption procedures. This practice bypasses essential legal safeguards, potentially exposing children to serious and potentially life-threatening risks.

By expanding the scope of the UN Joint Statement on Illegal Intercountry Adoptions to include rehoming practices, we can better safeguard the rights and well-being of adopted children.

The Dark Side of Grey Markets in Adoption

1. Exploiting Regulatory Inconsistencies

Grey markets in adoption thrive by taking advantage of regulatory inconsistencies. For example, some jurisdictions may have stringent adoption laws and strict oversight, ensuring that all adoption processes are ethical, transparent, and in the best interests of the child. However, in contrast, some sending jurisdictions may have lax regulations and limited resources for enforcement. Grey market actors exploit this inconsistency by operating within jurisdictions with weaker adoption regulations, intentionally circumventing legal processes, and treating children as

commodities in the adoption process. This disparity in regulations and enforcement enables the commodification of children, as they are transferred between families and countries without adequate safeguards for their rights and well-being.

2. Children's Vulnerability

Adoptees within grey markets are exposed to grave risks, such as trafficking and identity laundering. When there is no regulatory oversight, adoptees may have their identities falsely altered to obscure their true origins. This has historically occurred within the legal adoption system. The difference for re-homed adoptees is that unlike their agency counterparts, they have no recourse upon discovery of falsified origins.

3. Human Rights Violations

The rights of birth parents and adopted children are systematically violated within grey markets through deception and coercion, perpetuating the intentional commodification of innocent lives. For instance, some grey market facilitators may deceive birth parents into relinquishing custody of a child to a specific family, only for the child to later be placed in improper care with a different family. The biological parents, adoptive parents, and the adoptee are unaware of the children's true circumstances. In absence of administrative oversight and records, rights as defined by the UN Convention on the Rights of the Child can become unenforceable.

4. Government Complicity

Government complicity and corruption play a crucial role in enabling and perpetuating adoption grey markets. This corruption can be as simple as failing to enforce regulations and ignoring red flags, or as serious as assisting in fraudulent documentation and accepting bribes to protect the interests of those involved in rehoming. Unlike black-markets, grey markets can be found easily through websites, apps, and social media. As a result, the rights and well-being of adoptees continue to be compromised.

Safeguarding Children's Rights: A Call for International Action

As an adoptee, my journey has been far from a fairy tale. Though my own adoption was facilitated by an adoption agency and government officials, I still struggle to piece together the puzzle of my origin story. Sadly, this reality is exacerbated by the existence of grey markets in adoption. In the shadows, people like me are intentionally commodified, their rights and well-being often cast aside.

We must act urgently and steadfastly to uphold the principles of human rights as expressed in the UN Convention on the Rights of the Child (CRC) and the UN Joint Statement on Illegal Intercountry Adoptions through the following actions:

1. Increasing Transparency and Accountability

Robust tracking mechanisms for international adoptions are critical in preventing commodification and guaranteeing the validity of reported adoptee origins. Transparency and accountability include safeguards such as standardized processes, mandatory reporting, regulatory oversight, and enforcement of laws.

2. Empowering through Education

Comprehensive consumer education and public awareness programs can empower informed decision-making, helping to mitigate risks to children from uninformed parents or caregivers.

3. Prioritising Post-Adoption Well-being

Essential post-adoption services must be provided to rectify the suffering endured by existing adoptees. This demonstrates a commitment to human rights and ensures the well-being of vulnerable individuals.

4. Facilitating Financial Oversight & Integrity

Rigorous financial regulations must be introduced to monitor international adoption fees in order to address underlying issues of commodification that undermine human rights.

5. Global Collaboration

Fostering international cooperation to combat grey market practices in adoption is essential. This collective action should establish laws that prohibit secondary adoption market transactions and networks, effectively safeguarding children's rights and aligning with the UN CRC's commitment to justice.

6. Engaging with UN Committees and Subject Matter Experts

The ongoing involvement of the UN, its member states, and committees in the scrutiny of grey markets in adoption is vital. The international community must provide essential oversight and accountability to dismantle systems that intentionally dehumanise adopted and displaced people.

Conclusion

We know that compassion and empathy can create lasting change. Rehoming in adoption intentionally and openly exploits children, putting their lives at risk for personal gain. Shedding light on adoption grey markets is an essential step toward a more compassionate world. It's crucial that we, as members of the global community, rise to the challenge and demand regulatory measures to protect those who are too young to protect themselves. We must take decisive action towards protecting the human rights of adoptees worldwide. It is our collective duty to ensure that every child is given the opportunity to grow in a loving and nurturing environment, free from the shame of commodification.

Mary Cardaras

Born in Greece, raised in the USA; Director of The Demos Center at The American College of Greece in Athens; Author of The Journey to Our Greek Adoptee Voices

Five years ago, I experienced the death of my mother, Amalia. It was one of the saddest days of my life. I felt untethered, alone and abandoned. I was going to miss her laughter, her sense of humour, her curiosity about the world around her, her love of people and her smarts. I was going to miss her being there and the sound of her voice. I could not wrap my head around the fact that I wasn't ever going to see her again. At the funeral, at the final goodbye, before they closed the casket to take her from our Greek church to the cemetery, I could not take my eyes off of her because I knew it was going to be the last time. In the days to follow, I sifted through photos of her, lingering over so many of them as grief began to take hold.

And there was this startling realisation: I was back to where I started. Motherless, I was an orphan all over again.

You see, Amalia was my adoptive mother. She was a loving mother, a good mother, and with my father, Aristotle, provided a good home and a life with a large, extended Greek family. I am grateful that my adoption was to another Greek home. I didn't lose my language, my culture, my religion. I had a strong sense of what it means to be a Greek and what we value. But I did lose something, and that was to know who I was before I became the daughter of new, other Greek-American parents.

My mother's death and the death of my father, 20 years before, opened a door I had not anticipated ever walking through. With their absence I was now free to get in touch with my feelings about my own adoption. In adoption, in order to create a new family, another had to be destroyed. I was never a true orphan. I had a mother, the one who gave me life. I had a father. Who were they? Where were they?

There were many stories told to me over the years about my origins and how I came to the United States. But as time passed, memories faded, stories shifted, and the truth became more and more obscured. And to be honest, no one else thought it was of any great importance. But it was to me. I felt an obligation to myself to figure out who I was and from where I came.

I started my journey taking Greek language lessons at the Greek Orthodox Church in Oakland, California. We were a small, cohesive group, which included a Greek-American woman to whom I have since become very close. She told me a story, an incredible story, a painful story about her

cousin, an adopted person who was literally stolen from Greece and from her parents who were very much in love. As a journalist, but much more as a fellow adoptee, I needed to meet Dena Poulias and convince her to trust me with her story.

In the course of my research about Dena and after a year of interviewing her, I was led to a book called *Adoption, Memory and Cold War Greece: Kid pro Quo?* (University of Michigan Press, 2019) written by the noted modern Greek scholar and Koraes Chair at King's College London, Gonda Van Steen. Her book revealed an ugly time in Greece's history after two wars, World War II and an ugly civil war, which pitted Greek against Greek. She reminded the people of Greece about this painful chapter in their history and she educated other Greeks who had no idea about what happened.

And what happened was a mass export of children from the country. Before the world experienced the mass adoptions of the Koreans, the Chinese, the Romanians, the Irish, and the Guatemalans, there were the Greeks. We were the first.

Four thousand Greek babies and children were sent away for adoption to points all over the world, but mostly to the United States. There were many legal adoptions. But there were others, overshadowed by nefarious circumstances and practices. Many children were brokered. Some were sold to the highest bidder. Mothers were encouraged, pressured to relinquish children to fulfil a market need for white children from abroad. Fathers were not even factored in, some not even knowing they had fathered children who were given away. And babies were stolen. In fact, there is story after story about parents during that period in history being told their new born babies had died. Nothing was recorded. No evidence. Bodies vanished from hospitals and parents were left with broken hearts, which has affected them, haunted them and their families their entire lives. And to this day.

I was incredulous. Had I been living in a cave? Why hadn't I been educated about this history? Was I part of this wave? I learned that I was, as I was writing *Ripped at the Root* (Spuyten Duyvil, 2021), the adoption story of Dena Poulias. After the publication of Van Steen's book and my own about Dena, I spent a good deal of time with Gonda in Greece as I tracked down my own adoption story like I never had before.

I was interviewed for a number of newspaper articles, was on television, on radio, on webinars, and at the stoic and iconic Gennadius Library to talk about what it means and what it feels like to be an adopted person. I met other activists around the world and authors equally critical of abuses in adoption placements.

Gabrielle Glaser, journalist and author of *American Baby: A Mother, A Child and the Shadow History of Adoption* (Viking, 2021), now a close friend and confidante, taught me that my feelings were real and valid and, most importantly, that I was entitled to them. I was not disloyal to anyone. I was not ungrateful. This was my life and I needed to know about all of it. The adoption has affected me and many aspects of my life, for all of my life. And I realised, meeting and talking to other adoptees over the years, that what happened has affected the other 3,999 of us as well.

We have stories to tell and our fellow Greeks of the vast diaspora and in Greece need to hear them. *Voices of the Lost Children of Greece* (Anthem, 2023) is a compilation of 14 stories, a small sample of stories from hundreds of Greek-born adoptees out there, mine included, which tell unvarnished, raw, lived experiences of loss, trauma, insecurity and pain. The people in this collection are all different and bring different perspectives, but there are striking similarities in all of our testimonials. I am grateful that the collection will also be translated into Greek this year by Potamos Publishers in Athens.

In *Voices* you'll meet Maria and Robyn who suffered both emotional and physical abuse and were adopted by parents who were not properly vetted. You'll meet Robert who was raised as an only child and separated from a twin who was also raised as an only child. David's mother wrote letters to him all her life, hoping that one day her baby would return to her. Alexa was traumatised at the orphanage and has memories about it because she was there up until age four. Nick, Ellen and Merrill were left as foundlings on the steps of the Patras orphanage. Sonia, who was adopted by Dutch parents, learned long after the fact about her birth mother's serious illness which could have impacted her own health. And Chris was given away by her own mother at age seven, forcing her far away from the Greek village and family she loved.

My own essay, the last in the collection, is really a tribute to a birthmother who has been in my thoughts and heart for as long as I can remember. Birthmothers suffered so much and have been forgotten, discarded in many of these stories about adoption. I wanted to give mine a voice, too, a presence in my life, which she deserves.

My own search for details about my life recently led me to PIKPA Pantelis (Patriotic Institution for Social Welfare and Awareness), a government funded agency, which holds many of our adoption records. I was there with journalist and friend, Katerina Bakogianni, who is producing a multi-part podcast about one particular Greek adoption called *Born Greek*, which will be released later this year.

We sat across from a social worker who had my adoption file right in front of us, under her folded hands. She would not, could not let me see it, let alone have it. "There is nothing really of

importance in it,” she told us, dispassionately. We need to protect the data, she said. But she was “protecting” *me* from *my* data. That is my life in that folder, I told her. I have requested that file, through proper channels, with little to no response. Months have now passed.

Greek-born adoptees want to be seen and heard and the time has come. We have been quiet and patient for decades. The Irish, the Spanish, the Koreans, the Romanians and other governments are coming to terms with their roles in the abuse stemming from the relinquishment and overseas adoption of their children.

The Irish government, most prominently, has publicly come forward to apologise to the children, now adults, who suffered, and has opened all their adoption records to them. And the Guatemalans. There are some 50,000 adoptees who come from that country. I am told through a source that they are able to have their citizenship (and passports) restored by way of a simple procedure. You see, the government there never took them off the books. They were always considered citizens who live abroad. Now hundreds of adoptees are able to travel back and forth to their country, with their identities intact and strengthened, not to mention the added economic benefit they bring.

The same must happen in Greece. Period. It is the right thing to do. It is just.

Thanks to Greek journalist and radio host Niki Lyberaki, Gonda Van Steen and I had what we thought was a pivotal meeting in 2021 with a former confidante of Prime Minister Mitsotakis. I was about to launch into my pitch for open adoption records and for Greek citizenship to be restored to those who want it. He stopped me mid-sentence, though, and said, “Mary, I get it. Nostos. Nostos for Greek adoptees.” (The word, the concept comes from ancient Greek text and essentially means to return.) “And this does not have to be a complicated process,” he added. He is right. With organisation and safeguards in place, this can be done quickly. And should be done quickly.

Last year, Van Steen had a heartfelt meeting with the President of Greece, Katerina Sakellariopoulou, who was open, sympathetic and kind. She is a mother herself and so understands, as any mother would, about what it would feel like to lose a child. Gonda gave her the book she wrote and asked for her support for a resolution to the issue.

But nothing much has happened since, except more meetings with others and empty sentiments about how badly people feel. Not much can be done, some have said. Data protection, others have said. We'll think some more about it, they all have said. We've heard nothing specific in months. But maybe hope is on the horizon.

Thank you to the United Nations Human Rights Treaty Bodies. Thank you to the Committee on the Rights of the Child (CRC). And thank you to the Committee on Enforced Disappearances (CED) for their joint statement on illegal intercountry adoptions. Perhaps the Greek government will read it, especially in light of the recent scandal on Crete where eight people have been arrested for “committing human trafficking through 'industrial births,' illegal adoptions of babies, as well as defrauding patients through fake IVF treatment,” as reported by the leading Greek newspaper Kathimerini.

What will it take to stop this madness? To move the needle forward in Greece? For the 4,000 of us who wait for justice? I have a suggestion! What about some leadership and political will? Someone, specifically, must be assigned to the task of sorting through the papers, and held accountable for progress on the issue. We have recommended a small task force comprised of Gonda and her advanced database that is based on her research, a Greek human rights lawyer, a representative of the government, and a representative adoptee. Those four could be sworn to protect the data and to vet those who come forward, proving who they are. At that point, records can be released to whom they belong, and the process for citizenship can be initiated. What could possibly be controversial or complicated? The expertise exists as does the will of volunteers to get the job done securely and expediently.

We are Greece's children and we want recognition as such. We want the past to be acknowledged and we can help Greece itself come to terms with it. We are not wealthy benefactors, famous actors, directors or writers who are given Greek citizenship by virtue of their fame and dedication to Greece. We have an organic connection to the country. We were born in Greece to Greek parents. We had no choice in the matter to our leaving. Most of us were stripped of every connection we would have had to the country. And we don't ask for anything that was not once ours to begin with. What must be understood is that Greece is fundamental to piecing together our identity.

What greater tribute to Greece, what greater love is there for a country, any country, than for someone to want to be a part of it. Greece, don't turn your back on us, your lost children. Turn toward us now with an embrace that shows the world that you will be part of the solution to a problem that has festered for years.

Listen to the *Voices*. Step up, be progressive in your attitude, and confident enough, as a small, but great nation that people have admired and turned to for centuries. The time is now to set right an historic injustice.

Nostos for the Greek adoptees!

Maya Xian Hewitt

Born in China, raised in Britain ; Author of “A Quiet Migration; The Acculturation of British Chinese Adoptees in the United Kingdom”

With reference to the document as issued by: The Committee on the Rights of the Child (CRC), the Committee on Enforced Disappearances (CED), the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, the Special Rapporteur on the Sale and Sexual Exploitation of Children including child prostitution, child pornography and other child sexual abuse material, the Special Rapporteur on Trafficking in Persons, especially women and children, and the Working Group on Enforced or Involuntary Disappearances, I detail my reporting of prospective actions following the joint statement.

Through collating intercountry statistics and defining prevention through challenging financial incentives, respecting biological and adoptive families and their children, and reviewing national regulations, these acknowledgements provide a clear astuteness for the pervasiveness of the impact illicit adoptions have on the peoples involved. Providing a promising start to reporting illicit adoptions on state and governmental levels, it is emboldening to see intergovernmental organisations acknowledge and achieve a conclusion on the matter presented, illicit adoptions. The joint statement provides much responsiveness in relation to adopted persons themselves and thorough reviews of involved states at national and local governmental levels.

Where the statement addresses the modalities of illegal adoptions, acknowledges violations of human rights and acknowledges crimes committed in the transactions, there appears to be a strong absence in acknowledgement and therefore call to action, in relation to the birth families and the home countries of adoptees. Obligations to remedy illegal intercountry adoptions should include the right to truth and search of abducted children, procedures to annul adoptions, right to reparations and truth mechanisms, though it is evident from the joint statement, these appear limited to or constrained with the view of birth parents and birth families. With some consideration to, it is evident within the joint statement, the concerned parties addressed are the children affected only, with only small considerations for the adults they become, and the biological families affected in victimhood.

As a British-Chinese adoptee and academic who has written extensively on the subject, it is important to highlight that the impact of international adoption is lifelong, and just as pervasive as the joint statement acknowledges. The obligation to remedy illegal intercountry adoptions should

not be limited to adopted children(s) but also extend to the adults they become and inclusive of their birth families also deeply affected by the modalities of illicit intercountry adoptions. Offering apologies, fairly compensating, rehabilitating through medical and psychological care and guaranteeing legal rights should be framed with all victims in mind.

Reparation should not be limited to state level governance, as intercountry adoptions involve the international co-operation and relations between two states, reparation should be treated as such. It was through my previous introduction within the previous perspective paper “*Illicit Intercountry Adoptions: Lived Experience Views on How Authorities and Bodies Could Respond*”, I advocated for cross-country cooperation where possible, with the objective of facilitating victim rights. The examples I had previously provided include cross-country rights for adoptees to access all documentation concerning the person(s) whether identified as false or not, issuing respective visas for birth countries as a right to adoptees, allowing long-term residency rights but not compromising respective naturalised citizenship (for example, F2 Visas for Republic of Korea). These rights need not be limited to adopted children alone, but also adopted adults, biological and birth families in the respective birth countries.

Including the defunding of adoption organisations in which have facilitated these modalities and addressing the need for protection and visibility in respective embassies, offering legal and searching rights, ensuring for as much transparency as possible, the direction in which the UN is moving is with optimism and clear objectives. The joint statement provides a start into understanding the phenomenon affecting international populations and through further inquiries and investigations, real and substantive actions can be effected in the prevention of, and reparations can be compensated in order to redress the real violations of human rights of illicit intercountry adoptions.

Melanie Kleintz

Born in Peru, raised in Germany; ICAV Europe Representative; Founder of Adoptierte aus aller Welt

English Translation

Illegal adoptions to Germany have existed since the times of National Socialism. Children have since been adopted from abroad to Germany so that childless couples finally became parents and therefore have their own family. It started in the 40s of the 20th century with children from abroad who corresponded to the typical “appearance” and were placed in families loyal to the regime. At some point, however, the demand for children became so great that it was no longer possible to absorb the demand for children within Germany. In the crisis areas of the 3rd world, there were always alleged orphans who were then offered on the adoption market. At some point in the 70s and 80s, it became normal to fly abroad in pairs and return to Germany in threes or fours with “their own children.” The children were adopted in the countries of origin and brought to Germany as their own children, but with foreign passports. The passport of the country of origin had already incorporated the adoptive as the legal parents.

How does an illegal intercountry adoption begin?

At the beginning, there is a desire of childless couples to have children, which is not fulfilled. It continues with the idea that they have a right to a child. This idea has become a matter of course. After a long period of infertility, the intended parents undergo infertility treatment, which unfortunately does not result in the desired child. Subsequently, the desire for a child is also not fulfilled at the Youth Welfare Office through domestic adoption or foster care. The reasons can be the greater age or simply their lack of suitability. After that, the quickest and easiest alternative is sought. This alternative is adoption from overseas with searches for children whose countries of origin offer the easiest and most straightforward adoption path possible. Mostly, the children came from war zones, underdeveloped regions and countries with unstable political situations.

If you are financially well off, you can still get a child from abroad relatively quickly through adoption agencies, despite your older age. Children were brought into the adoption market because of this demand, even though they were not orphans. Unstable political situations, flight movements, poverty and emergency situations of people were always an excuse for bringing children into the adoption system. Parents, grandparents and relatives have been persuaded to give up their own children or related children for adoption. Children were allegedly stillborn, died after illness and stay in clinics or children's homes, or disappeared after alleged care in homes. The children's papers were rewritten so that adoption to Germany became possible.

Adopted children were allowed to enter the country with their adoptive parents without any obstacles. Nothing was done from the German side to question these adoptions. There was no-one who checked these adoptions. The file situation was never questioned but simply accepted. Children were then allowed to be adopted again under German law within the Federal Republic. The birth parents and also the children were not involved in the adoption process. Only by looking the other way, accepting the information and because of the lack of interest in the origins of the children were illegal adoptions possible. This gave adoption organisations and other agencies the opportunity to place thousands of children.

It was always the couple's wish that was fulfilled. There were no German independent commissions that ever checked the circumstances of adoptions in the countries of origin. No-one checked to see if the parents were notified of the adoption.

Today the adopted children are adults. Many have found their families of origin but even more search in vain and will most likely never in their lives will be lucky enough to find their true identity in this lifetime

What have today's adult adoptees found out?

Many adoptees who were adopted to Germany have found their parents. After a successful search, families of origin (from all countries of origin) often report a very different process of adoption. Children were admitted to foster care in children's homes and were to be returned to the family of origin after some time. These children were then unlawfully offered on the adoption market and placed with German couples. Parents of origin report promises that were never kept. Allegedly, the children were to return to their families after receiving a good education. Pictures and reports of the children were to be sent from Germany. None of these promises were kept. Parents who could not read were deceived. A fingerprint of the biological parents on a document was enough to give them up for adoption or to transfer custody to another person who then gave the child up for adoption.

The parents of origin were not aware that after this "signature" they would never see their child again. Mothers were told that their child had died immediately after birth or from illness. The people involved in the adoption ultimately did everything to make the further necessary steps for legal adoption possible. The adoption documents were prepared in such a way that an uncomplicated adoption to Germany became possible. In the best case, with as little information as possible, i.e. no or only incomplete information about the birth parents as well as the birth dates and the origin of the child. With the false information that the children were orphans, an immediate adoption was feasible. Many adoptees who cannot find their parents because of missing

adoption files are told that the files were destroyed by floods or fire in the placement offices or homes. Adoptees from every country of origin report this practice of destroyed files.

What are the consequences of illegal adoptions to Germany for the families of origin?

Families of origin are informed that their child has allegedly died. They grieve for a lifetime and carry a lifelong trauma with them. Siblings are also affected by this trauma and later carry it onto the next generation. Parents of origin who believed the promises eventually realise that they have been deceived. The abduction of their child also leads to a lifelong grief that is worse than the pain that occurs when a child dies. An uncertain grief because one does not know, what happened to the child?

Families break up at the loss of abducted children! These traumas are not dealt with for a lifetime, because the illegal practices are not officially recognised. It is still the case that in public the parents of origin are held responsible for the adoption of the children. They are accused that they should have been better parents.

The lifelong consequences of illegal adoption practices for adoptees:

Adoptees spend their lives searching for their identity because their origins were covered up by people involved in the adoption. The first part of life will never be able to be worked through. It has been erased. Thus the question of life is never settled, but it can also never be forgotten and suppressed in life. The suicide rate for adoptees is 4 times higher than for non-adopted people.

Unfortunately, we keep losing adoptees from all countries of the world because they do not find any other way to get rid of the pain of lost parents and origins. This pain and grief for their beloved ones for the dearest people remains for a lifetime. Grief for the lost mother maybe taboo in an adoptive family. Adoptees need to be grateful throughout their whole lives. Even in adoption files this is noted.

zig des Codice Civil (peruanisches Zivilgesetzbuch) wird der Antrag der Blätter sechsunddreißig für begründet und die Adoption der Minderjährigen Adela Vega Pérez durch die Eheleute [REDACTED] und [REDACTED] für zulässig erklärt; Das Adoptivkind trägt vom heutigen Tage an den Nachnamen der Adoptiveltern und es wird Melanie [REDACTED] genannt; die Adoptiveltern üben die elterliche Gewalt mit allen ihnen gesetzlich eingeräumten Rechten aus und die Minderjährige hat, wenn sie reif genug dafür ist, die Pflicht, ihre Eltern zu ehren. Dieser Beschluß ist an den Alcalde del Concejo Distrital de Huanipaca (Bürgermeister des Distriktrats Huanipaca) zur Eintragung der Adoption an den Rand der Geburtsurkunde weiterzuleiten.- Der gerichtliche Akt ist in dem für Armensachen zuständigen Notariat//.-----

The ability to gain knowledge about one's own origin is prevented by offices, adoptive parents, as well as placement agencies. Adoption files are not shown in their entirety because the adoptive parents do not give their consent. Adoptive parents can refuse to grant them access to their adoption records or destroy them at any time. They are not legally required to tell the children about the adoption at all. Thus, the whole adoption process can be concealed. Once again, only the parents' will is supported and one is not regarded as an adult who has a right to know about one's origin and identity. As an adoptee, one is considered a child without rights for life and is not supported by the state. Although the state has always had to protect the child's well-being. The will of the children has always been ignored. Only the "parents' will" counts and has priority. This must change for the coming generations of adoptees.

These illegal practices of the past decades should now be officially recognised by the state and a public apology issued. Each receiving state has participated in these illegal practices because it has allowed these illegal practices of international adoptions to occur. In retrospect, everything was blamed on the countries of origin. At the very latest, action should have been taken when the adopted children arrived.

Germany has allowed families with illegally adopted children to simply enter the country because they have not done any research on where the adopted child came from. Adoptive children were able to enter Germany on so-called rescue planes accompanied by caregivers. The children were placed in the care of the adoptive parents directly at the airport. No-one checked whether the children were real orphans and whether the information in the adoption files was true. No one has given the children the opportunity to speak and tell the story of their origins.

Adoptive parents have also never been forced to reveal the truth and talk about the child's exact origins. Even today, adoptive parents are still protected when viewing adoption files. The adopted children were and are worth protecting. For the adopted children and today adult adoptees there was and is no lobby.

Following the principle of "*You are not people, you are kids,*" children were used to help others achieve happiness for the benefit of childless couples and the formation of German families. The clients, in these cases were German citizens and the German bureaucracy did everything to support the citizens in their plans and desire to have children. Until today, it has become a matter of course that childless couples are entitled to a child. The German state is responsible for its citizens and should finally take responsibility. There must be public political recognition of illegal adoption practices! In this way, the German state restores a little dignity to the biological parents

and acknowledges that their children were stolen. It is not the parents of origin who have failed, but the German constitutional state with its open adoption system.

Brief summary from the perspective of us adult adoptees and our experiences:

Foreign adoptions were there to help our completely desperate adoptive parents to their happiness. The wish for a child could not be fulfilled in the normal way. Neither could they get medical help, and the youth welfare office was also unable to support their wish to have a child. The greater the need, the easier the path to illegitimacy.

We were not the actual own desired children, but were rather in 3rd or 4th place in the selection catalog. All the people involved who regulated these illegal practices must have been aware that anything can be made possible with an enormously large desire to have children. The financial hurdles were not a problem. Even today, it is argued that children in homes around the world long for a family and adoption. This is not the case! We as adult adoptees were always aware that we had another family and did not want a new family. We did not have the desire to grow up in a foreign culture. We did not want new parents, because in most cases we also still had at least one parent or other relatives. We did not want to be torn away from our roots. We wanted to stay in our families of origin and longed to return there all our lives. The German government never saw our perspective and did not favour the child. Only the poverty of the countries of origin was seen and German adoptive parents were supported in their idea of salvation and the desire for a family.

In any war zone of the world, children are sought by intended parents from the rich countries. For example, in August 2018, when the television news showed Afghanistan, an Afghan father gave his baby to an American soldier and couples from all over Europe immediately wanted to adopt the child. One sees a child in a war zone and presumes to be the better parent. This child has parents and instead of offering help to the parents, the only thought is to win over such children and have them for themselves. Later it was clarified that the infant was handed over for medical treatment and in no way, given away.

Adult adoptees today can report that only one thing would have been needed in the families of origin. Financial support! Nothing more.

What would we adoptees have needed in our adoptive families and life in Germany? The cultural origin must not be denied, parental/family love must be shown instead of the permanent demand for gratitude to being saved. Likewise, complete data of our origins should have always been available to us without restriction. This has not been implemented to date. The data

protection of the adoptive parents still stands above the right of the identity clarification of the adult adoptee.

A complaint has already been filed with the International Court of Justice in The Hague by the association "Geraubte Kinder - vergessene Opfer e. V." against this concealment of identity. Adults are still regarded as children and not as human beings. Human rights are always left out of the equation when it comes to adoptive children for the benefit of placement with childless couples.

We want future generations of adopted children to get the chance to know everything about themselves at all times. That was also our lifelong wish. We do not want future generations to be unable to verbalise their own adoption and to be afraid of the adoptive parents. Fear that if you critically question the adoption or seek information, that you might be expelled from the family. We do not want to lose more fellow sufferers to suicide because they have no chance to ever clarify their identity in order to find a little more peace.

We are writing to inform you of this and to leave you in charge of taking on responsibility so that you can ensure that suicides can be prevented through more support from the government.

Adult adoptees say: intended parents insist on a right that is not valid. The right to have a child. For decades, this wish has been supported politically and at the federal level. There is no ethical limit for intended parents! When do we acknowledge the wishes of adoptive children and when are we supported at all levels so that origin searches succeed?

To this day, the German Federal Ministry for Family Affairs remains silent on the matter. During the Bundestag debate of 28.05.2020 on the new Adoption Assistance Act, only Dr. Silke Launert spoke from the perspective of adoptees. All other voices supported only the intended parents. The intended parents always feel disadvantaged. By being childless, they lose themselves in their pain and act out of pure egoism. From the state side, the perspective must be changed. The perspective of the child must be taken, as it technically should be, according to the basic idea of adoption. One looks for suitable parents for a child and not childless couples look (with state support and a large lobby) for a child so that they can finally become parents.

The state should take a stance and spread the message that there is no right to have a child and a family. One can of course integrate the desire to have a child into the fertility treatment with state funding. The real desire of childless couples is to have their own child. All other methods where legal channels cannot be safely followed are no longer financially supportable at the state level. This is the case with operations in other countries that cannot be controlled.

With a public apology to all adoptees whose adoptions were conducted with illegal practices, it can be made clear for all time that the illegality of adoptions is recognised.

◆ For this purpose, a commission could be formed to deal with adoptions to Germany. Then, for example, illegal adoption practices from the Catholic children's home in Abancay/Peru would finally become public knowledge. The adoptions were carried out by German nuns. In the 90s there was a class action lawsuit by mothers who lost their children to Europe due to illegal practices. After that, German nuns were expelled from the country and the orphanage is no longer allowed to carry out adoptions or take in babies. For some years now, not only adoptees from Abancay have been contacting me, but also families of origin who are looking for their abducted children/siblings in Germany. Unfortunately, reunification is not always possible due to parentage stories that adoptees hear from their earliest childhood that do not match the narrative of the birth parents, causing great doubts that divide the original families and adopted children.

◆ In each country from which children are adopted to Germany, an independent examination committee should review each individual adoption.

◆ Intended parents should go into a years-long separate therapeutic treatment to process the desire for their own child and to say goodbye to it if necessary. An adopted child will never be your own child!

◆ Only with this continuous strategy can legal routes be adhered to and guaranteed.

◆ Then foreign adoptions to Germany could be awarded the "Made in Germany" Certificate.

◆ A mandatory post-adoption service for adoptive families must be implemented. An adoption only begins when the child arrives in the family. Only the legal process ends then. In this way it can be guaranteed that adopted children are supported professionally. This means that there will forever be clarity about legal and illegal adoptions. Any further adoption from abroad can then also be measured against this and carried out in a legal manner.

Mikati Willemyns

Born in Vietnam, raised in Belgium

My name is Mikati Willemyns. I was born in '94 in Hung Vuong Hospital in Vietnam. My adopters got help from a **private adoption agency** (Peaceway) in Belgium that no longer exists. That was during the period when private adoption was possible. Adopters made contact themselves through intermediaries. They were not properly screened and adopters received no training or thorough preparation. There was little follow-up and money was given to the intermediaries. **It is certainly an improvement that wild adoptions like this no longer exists in Belgium (since 2005), but many people who were adopted during this period bear the consequences.** For several years I have become aware of the consequences of intercountry adoption and what the adoption procedure looked like for me. **I have spent a lot of time, mental energy and money on it and yet many questions remain unanswered.**

There are few reliable and affordable initiatives that help with searches in Vietnam. Thanks to other Vietnamese adoptees I came into contact with Đỗ H ồng Phúc. This is a young man who voluntarily helps adoptees in Vietnam. Now dozens of adoptees count on the willingness of Phúc who also has a job and who is not compensated for all those searches. Phúc searched several times for me, but it was difficult and the search has stopped. **There is a suspicion that the information in my adoption papers is incorrect.**

In December 2022 I found out through a DNA test that I have a brother. Georges was adopted by a French couple. We hear from each other almost daily and I am grateful to get to know him. Yet there remains a loss because we didn't get the chance to grow up together. Such a situation could be avoided. **By putting our adoption papers together, we saw that our family name was different.** Quite strange because according to the DNA test, we share the same parents. For now I am no longer actively searching for my parents but I do want to get to know my roots by traveling to Vietnam. It is unfortunately a new, but necessary financial and mental investment. I also had to invest in psychological support myself. It is striking how few professionals have solid knowledge about displacement, loss and mourning in this context. **Ideally, financial and psychological support for traveling back to the country of birth, family searches, DNA test should be facilitated by governments.**

The **importance of knowing the truth about origin and identity** is emphasised in the UN joint statement. **Independent commissions of inquiry should be set up** so that those responsible do not go unpunished. Victims deserve recognition and a formal apology. **We need to**

do more to help all countries become more aware of the responsibility they have towards their own children and families.

The group that almost always remains invisible is the group of the mothers and fathers in the countries of origin. It would be responsible to ask why people have to give up their child. In the West it is almost established that people who have doubts about pregnancy and parenthood can turn to free professional support without being ashamed of their situation. This is not yet the case in many countries of birth of intercountry adoptees. **Birth parents should be protected and psychologically supported if they want to search for their child.** As per article 6.2 of the Child Law in Vietnam, abandoning a child is prohibited. It seems like a child protection law but as long as it is a criminal offence to give up a child, birth parents will have less courage to search for their children or stand up if they know that their child is searching for the birth parents in the media.

The UN joint statement ensured that adoptees were heard at the highest level internationally. We are still waiting for appropriate and concrete responses from governments.

Naan Cohen

Born in Indonesia, raised in the Netherlands

DNA

Amongst others, Michael Salvia, already put his views regarding DNA quite clearly in the [2020 ICAV paper](#) and I would like to elaborate on his writings and on section IV. Obligation to remedy illegal intercountry adoption, 15. | Right to the truth and search of abducted children'. I would like to present a concept, the so called and exclusive: *'The International DNA Data Bank for Adoptees and Biological parent(s)'*.

Every adoptee and their birthparent(s) can enter their DNA and find their roots, offspring, or other family relatives. The DNA of foundlings and orphans¹⁶ should also be documented. We need to make it mandatory to government bodies, medical institutions such as hospitals and agencies. It will also contribute in fighting illicit practices and in fighting human trafficking overall. It's an automatic documentation of someone's existence. Giving them identity¹⁷ by default. The data is retrievable.

Furthermore we should include medical records when available and/or specific traits. (e.g. I was born with one immature (med.) earlobe. In case of hereditary diseases, faster action or prevention can be taken on an individual's health situation. In doing so, we can gain better understanding of diseases e.g. in regard to the addiction gene or rather the genetic connection to addiction or other personality disorders (clinical). We can perhaps save lives by identifying certain types of mamma carcinoma or better known as breast cancer, on time. We underestimate the huge influence of disease in daily life. It is often on top of issues and trauma that adoptees deal with. Such elements as the relation between character, personality, social environment and pedagogic style of those who raise us, psychological transference in relation to attachment and loyalty and/or other life-changing (traumatic) events. Proper and faster referral to the right medical assistance prevents unnecessary long routes and overburdening health care (globally), would be yet another statement worth exploring and refining.

Preferably this DNA bank should be independent, but closely working with, for example, the United Nations CRC (Convention on the Rights of the Child) and the 1993 Hague Convention.

¹⁶ Minding the following: often orphans in war zones are not orphan at all, but misplaced by losing their parents and therefore missing or considered deceased.

¹⁷ Reviewing automatic citizenship in countries of placement

However this is a raw concept and I would love to initiate/moderate a workgroup to share views and explore how to accomplish such an initiative in a legal form yet to be determined.

Legislation and Enforcement

On the macro level it is quite clear mankind is very good in devising laws and rules. Either for the greater good or less charming (geo)political motivations. But we don't take enough in considering that these laws also need to be enforced. Is there sufficient capacity? No. All around the world we see a big shortage of specialised enforcers. Especially when it comes to the adoption field, with regard to knowledge, education and how to enforce. We should invest more in specialised enforcers and not leave it solely to governmental legal systems alone.

When we look at the Joint Statement could we try to give some insight of what is considered illegal by giving some examples. What exactly is to be considered illegal and how to criminalise these actions per default? Let's be more explicit, for example:

Deceit: to convince birthparent(s) under false pretences, they are incapable of taking care of the baby/child

Falsify documents and birth certificates

Kidnapping and selling

Rape with intent to get young women pregnant and being forced to give up their babies for sale

Pregnant, outcast minors coerce to give up their babies

Babyfarms

Population replacement (e.g. Chile, Pinochet)

From what might be perhaps an unexpected perspective, I would like to address the role of the undercurrents, warlords, mafia and the consequences of geopolitical (war) conflict or even religious wars in relation to human trafficking of for example, missing children/adults, or replacement of population. As the adoption field and all parties concerned have become accustomed to view adoption mainly from the adoption triad/triangle, we tend to forget to name the socio-geographic influences. In these unsure times globally, we should be more watchful to callousness and indifference.

The general public

As many (inter)nationally in the adoption field are achieving so much, I experience personally how slow and frustrating the conversations still are within the general public. Let's set aside those who work within the adoption field, it has been bothering me as I recognise patterns we should

break. I'd like to suggest how we can find better ways to invest in communication skills and prevent over emotionality. For instance, how are we going to give attention to this first anniversary of this Joint Statement? How can we convey the importance of this statement in such a way that it is understandable and relatable for the general public? We need to build bridges in an understandable and accessible way. My approach would be to start from human trafficking, start explaining what that beholds and then talk about illicit intercountry adoption as one of the components of human trafficking globally.

Netra Sommer

Born in India, raised in Denmark

English Translation

I want adoption in all countries to be illegal and working together where possible for countries to work together to make human trafficking of children via intercountry adoption illegal. There must be better help and it needs to be free for all adoptees. There is a gap in adoption where the adopted person is left with an identity crisis, who am I why, etc.? Life is very precious and erasing people's identity in the way that adoption does is distasteful.

Original Danish

Jeg ønsker, at adoption i alle lande bliver ulovligt, og men arbejder sammen de lande det er muligt, at få gjort menneskehandel af børn ulovligt. Man skal have bedre hjælp til gratis Psykologen til alle adopteret, der er hulle i adoption, hvor den adopterede bliver efterladt med identitet krise, hvem er jeg hvorfor osv? Livet er meget kostbart og at man slette Folke indentitet på den måde, som adoptions tillader det er så usmageligt.

Peter Regal Møller

Born in Korea, raised in Denmark; Founder of The Danish Korean Rights Group (DKRG)

UNCRC and basic child rights are under pressure in Korea!

Summary

The Danish Korean Rights Group (DKRG), together with other overseas adoptees worldwide, calls on the UN to clarify UNCRC Article 7 and Article 8:

- that the use of baby boxes and baby hatches is considered to be abandonment of children.
- that anonymous birth is in violation of UNCRC article 8.1,
- that adoptees who have been exposed to falsified documents and falsified background stories have the right to recovery according to UNCRC article 8.2.
- that there is a need for an expansion and deepening of the UN's joint statement from 28 September 2022 regarding illicit and illegal overseas adoptions, because the development since September 2022 has proceeded significantly.

Background

On 23 August 2022, Danish Korean Rights Group (DKRG) submitted a request to Korea's Truth and Reconciliation Commission regarding human rights violations in connection with overseas adoption from Korea. A large number of human rights violations have been identified and submitted to the Korean Commission.

On 6 December 2022 the Korean Truth and Reconciliation Commission decided to initiate an investigation into overseas adoptions from Korea.

DKRG's case to the commission has been followed up by national investigations in a number of recipient countries for adoption in e.g. Sweden, Norway, Denmark and France. This is not least due to DKRG's and the adoptees' concrete measures in Korea and documentation of extensive adoption fraud and illicit adoption procedures.

These national investigations deal with adoptions from all countries, because we at DKRG believe that it is the same types of forgeries, fraud, bribery, theft of children and the like that have taken place in all countries.

DKRG has material that indicates that this is due to the fact that the Korean adoption model has been rolled out via the adoption agency Holt, i.a. to other countries around the world, and has formed the basis for illegal adoptions all over the world.

This is not just a historical case with historical adoption papers. It is very much a contemporary issue because the victims of illegal adoptions are alive today and lies, secrets and falsified information is still produced and used today when adoptees from all over the world contact adoption agencies and national authorities today to demand the right of access to documents.

It has been documented that adoption agencies have duplicate archives and have falsified adoptees' information, and authorities are to this day reluctant to give adoptees access to the true information.

This is for example, the case in Korea, where the Korean adoption authority National Center for the Rights of the Child (NCRC) states that UNCRC Article 8 does not apply in Korea, even though Korea has signed and ratified the convention. This means that for the past 6 months NCRC has been giving adoptees false information and denying recovery in documented cases of adoption fraud and illegal adoptions.

This is also the case worldwide, where adoptees are denied access to true background information.

In Korea, in the last two months, there have been disturbing developments that further undermine human rights and the Convention on the Rights of the Child, to the extent that questions can be raised as to whether Korea is de facto withdrawing from the Convention as the obligations of the convention is not enforced at all even when solid proof of human rights violations are presented.

Serious development in Korea

In the month of June 2023, the Korean parliament passed two new laws. One is a revised adoption law that aims to finally give adoptees the right to know their background information. The second law deals with the notification law, which obliges hospitals and maternity clinics to register newborn children.

A strong lobby consisting of Korean adoption agencies (Holt Children's Services, Inc., Korea Social Service, Inc., Eastern Welfare Society, Inc. and Korean Welfare Society, Inc.), the Korea domestic adoptive parents lobby (Association of Korean Adoptive Families commonly referred to as 'Cheon-ga-Jeon' in Korean) and adoptive parent, the Babybox (a religious initiative that offers abandonment of children) and lawmaker Mrs. Kim Mi Ae has introduced a bill to counter these two new laws.

The Babybox has been around since 2010. It is illegal in Korea, but there has been no crackdown on the Babybox, which has been allowed to expand and grow in Korea without government intervention.

Within the past few months, the Korean state has been investigating what became of a large number of children whom hospitals and birth clinics have provided with 'birth certificates' but were never officially registered in Korea.

The preliminary result shows that 2,123 Korean children born between 2015 and 2022 have never been birth registered and it also turns out that 249 unregistered children have been victims of horrific crimes in the form of infanticide and murder.

This has shaken the Korean people and policy makers. Unregistered children have been killed by their own parents.

This has caused Korean adoption agencies, the Babybox, the Korean adoptive parents lobby and lawmaker Mrs. Kim Mi Ae, who is a member of the domestic adoptive parent lobby organisation Cheon-ga-Jeon herself, to push her bill on the legalisation of the Babybox and the legalisation of anonymous birth.

The bill on the Babybox and anonymous birth is an old bill from 2020. This proposal was as recently as last year promoted under the motto: "No name, no blame, no shame".

In connection with the disturbing news about unregistered children and infanticide in Korea, the bill has been heavily promoted as a safeguard, as "Safe Birth".

The proponents of the bill "Safe Birth" have argued for its immediate introduction, even before the investigation into the 2,123 unregistered children has concluded. The bill is up for quick consideration as a solution to the much more complex problem of infanticide.

Over the past 4 weeks, overseas adoptees and Korean researchers have been speaking out against the bill because the bill is considered to violate basic human rights in the UNCRC citing Article 7 and Article 8 of the Convention.

We regard the promotion of the Babybox through the intent of the bill as state-organised and state-approved abandonment of children. There, children are cut off from the obligation of immediate birth registration and from the rights set out in UNCRC Article 7.

Proponents of the so-called "Safe Birth" bill argue that it is not abandonment of children, because the Babybox is staffed and therefore does not constitute abandonment.

Furthermore, anonymous birth and the use of baby boxes are considered a violation of UNCRC article 8, as it cuts off the children from knowing their true background information, information about their true biological parentage and cuts them off from doing a birth family search when they get older.

“Ghost Children”

We consider the current cases about the fates of unregistered children and the grisly stories of murders of unregistered children possible precisely because the children have never been birth registered.

We adoptees call unregistered children "Ghost Children". We were ourselves made into such “Ghost Children” when we were Korean children. Through document falsifications of our background information, we were all made orphans on paper, and our orphan identities were never registered by the Korean authorities. As unregistered and thus non-existent children, adoption agencies and child traffickers could do with us whatever they wanted. We were made into objects.

This is not only the case in Korea, but all over the world.

We therefore look with great concern at the bill on so-called "Safe Birth". Although "Safe Birth" sounds good, because who doesn't like "safe", the bill is anything but "safe" for the most vulnerable of those impacted by it.

The problem with the dead children is that they have been unregistered, and that is the problem in itself. The fates of unregistered children cannot be easily traced. This is shown by the cases from Korea, where a major investigation is currently underway, and it shows just how difficult it is to trace the fates of unregistered children.

Therefore, legislative proposals on baby boxes and anonymous birth are in themselves problematic, because it will mean more of the same. More unregistered children, and that is not the solution.

The solution is that every child that is born must be registered immediately after birth so that its life is recorded and can be followed.

Furthermore, the Babybox has existed since 2010 and unregistered children have died while the Babybox has existed. This indicates that the Babybox does not save lives, which the bill would like to give the impression of.

Studies from Europe e.g., Denmark and Germany¹⁸ shows that there is no causal connection between infanticide and anonymous birth, which the cases from Korea with dead children also demonstrate.

If claims made by the proponents of the Babybox were correct then there wouldn't and shouldn't be any dead children among the unregistered children, because the Babybox has always existed as an option.

The right to life

The adoption industry, the adoption lobby and the supporters of the so-called "safe birth" bill have argued in the Korean public that the bill is an emergency bill to save lives.

Adoption agency Holt's board member Steve Morrison, together with lawmaker Mrs. Kim Mi Ae argued that the "Safe Birth" bill complies with UNCRC Article 6. The right to life.

It is their very own free interpretation of the bill, but the fact that the bill is indeed presented as being consistent with the UNCRC is what is actually being presented in Korea in parliament¹⁹.

A majority of the members of the Korean parliament supports the proposal on the baby box and anonymous birth.

The UNCRC is being contested

The UNCRC and human rights do not have much focus in Korea among courts, legislative and executive bodies, and therefore it is possible to present distorted versions of the Convention and the Convention's protective intentions.

It is argued that the articles of the convention are ranked according to importance. Article 6 (the right to life) comes before Article 7 (birth registration) and Article 8 (the right to identity and family) and therefore the religious adoption lobby's interpretation holds more weight.

We have argued that the UNCRC's articles all have equal weight and must be assessed together as individual duties and rights. This view is overruled.

We have argued that the UN's last report on Korea²⁰ strongly urges Korea to ban the Babybox and anonymous birth. This is overruled by the adoption lobby and the bill's proponent.

¹⁸ Deutscher Etikrat: Anonymous relinquishment of infants: tackling the problem

¹⁹ https://n.news.naver.com/article/032/0003238229?fbclid=IwAR1o2GMvzBSDa6yKPoPodVIA9iPSSez_RkZ5PrAw2LNfrGiv_5tey10QYcA

²⁰ UN Child Committee's Concluding observations on the combined fifth and sixth periodic reports of the Republic of Korea, Section C, 22+2

The adoption lobby and the bill's proponent Mrs. Kim Mi Ae incorrectly asserts that the UN itself has recommended baby boxes and anonymous birth in their latest report on Austria²¹.

Here, in the committee work in connection with the consideration of the "Safe Birth" bill, it is stated that the UN supports anonymous birth and baby boxes because it saves lives:

“Right to identity”

20. While welcoming the information that the possibility of anonymous births has led to a significant decrease in the number of newborns left in “baby hatches” and to a reduction in the number of infanticides”

The remaining text: *“the Committee urges the State party to completely abolish the practice of anonymous abandonment of infants”*, is omitted.

A heavily edited version of the UN's recommendations to Austria has thus been presented, and it has been completely omitted that the Austrian state itself discusses the issue regarding the UNCRC and the Austrian scheme regarding anonymous birth.

When we point out that this is not a correct interpretation of the UN's recommendations and recommendations, the adoption lobby and the bill's supporters use the fact that baby boxes and anonymous birth are not explicitly mentioned, but that it says "anonymous abandonment of infants", and the bill's supporters does not interpret baby boxes as abandonment, because the baby boxes are staffed, and therefore the UN's recommendations to Austria do not appear to concern the use of baby boxes as covered by the UN's stated criticism, because the full context is not presented, but only linguistic passages are performed during the Korean law proceedings on anonymous birth and baby boxes, under the title "Safe Birth".

There is therefore a need for a statement from the UN so clear that it is without doubt and beyond any interpretative efforts that the use of baby boxes, baby hatches, baby flaps and whatever else they are called are in direct and absolute violation of the UN CRC and that such measures are considered abandonment of children.

There is also a need for a clear, precise formulation of the fact that anonymous birth is considered to conflict with children's civil rights in accordance with Article 8 of the Convention.

²¹ UN Child Committee’s Concluding observations on the combined fifth and sixth periodic reports of Austria, Section D, 20

Why is Korea important?

Korea is one of the first and largest intermediaries of children by adoption. Our work has led to the filing of a case at Korea's Truth and Reconciliation Commission regarding illegal adoptions, which, among other things, includes theft and abduction of children, forced adoption for unwed mothers, falsification of background information of children for adoption, fraud with adoption papers, ethnic cleansing of Korean "mixed blood" children and much more.

The Korean State and the adoption agency Holt have played a role in this. The Korean model for adoptions from the 1960s and 1970s has been rolled out to the rest of the world via the adoption agency Holt to countries such as India, Bangladesh, Chile, Ethiopia, Somalia and many other countries.

We are facing a showdown in Korea between basic human rights and children's rights and a worldwide adoption industry where the demand for children overrides such basic human rights.

The adoption agency Holt, which together with the Babybox in Korea, is part of an international collaboration.

If Korea and the adoption lobby succeed in violating human rights and the Convention on the Rights of the Child in Korea, then it will set a precedent elsewhere in the world, and it will be a great loss not only for Korea's children, but for children all over the world, where there are also no strong institutions to uphold human rights and children's rights.

As international adoptees, we see history repeating itself with what is happening in Korea, and we fear that the conditions in Korea will set a precedent in the same way that Korea in the history of adoption has set a precedent for other countries.

Sooky

Born in South Korea, raised in the USA

In my opinion, the illegal intercountry adoption patterns and outcomes stem from the work of the Holts. They clearly state on their web page the dozens of countries they have commenced work and operations in since US Congress passed the special Holt Bill in 1955 that set off their mission to turn babies into an international commodity. They helped on the drafting of the UNCRC in 1989 and the 1993 Hague Intercountry Adoption convention, representing the US.

While the history of baby selling, snatching and family separation dates back far before 1955, the Holts have been the key player in modern intercountry adoptions and I blame the US for the global issues that we are meeting to discuss.

The timeline of the global history of the Holts since the US passed the "Special Bill" in 1955 lists all the years and countries they have invaded: Korea, Vietnam, Thailand, Phillipines, India, Guatemala, established VCT in India, Romania, China, Delegates help drafting Hague (1993), Mongolia, develops ILEA in Philippines, Uganda, Haiti, Cambodia, Ethiopia, Haiti again (7.0) earthquake, Mongolia, Colombia, merges with WACAP (2019), Hong Kong, Taiwan, Bulgaria, South Africa, etc..

In more than one nation they have tried to set up operations and were rejected by the government. Over the decades they have returned to many countries and set up other programs. They are a global monopoly that feed off situations such as war, natural disaster, government oppression and conflict. Their biological daughter wrote a book that shares the tactics, conditions, and the truth behind what commenced in Korea and has expanded around the globe. The Holts continue to get praise and recognition.

The US stories seem endless and other nations have recognised their refusal to ratify Human Rights Conventions, not just the CRC, and comply with their obligation as state member to the UN. Even Somalia and South Sudan have ratified the CRC.

Today, adoptees are advocating and pushing for Article 7 of the UNCRC which is necessary but has no effect in the US were 150,000 of the 200,000 Korean babies have been adopted to. The US is the only nation that has not ratified the UNCRC, despite helping to draft it.

The history of the Holts and the US as major player in the UN (including the 79 summit being held in NY) needs to be overstated. They have not upheld their duty and responsibility as a state member. Elenor Roosevelt was a major contributor and advocate to the UN following WWII and the creation of global Human Rights declarations and convention. But this nation (USA) and the Holts, continues to incorrectly receive praise for the corruption that deprives innocent human life (us adoptees) of our natural rights that no government should be infringing upon.

Sophie Jupillat Posey

Born in Venezuela, raised in the USA

1. What should authorities and bodies do to respond to specific cases of illicit practices?

This should be self evident but that isn't the case. Take the adoptee seriously, be trained in providing specific legal and psychological support when an adoptee reaches out for help. Every government needs a legal team that is well trained and has expertise with international adoptions and laws. Apart from one lawyer who has gone above and beyond in trying to help me, everyone else has been dismissive, disbelieving, or offered nothing but platitudes.

In my case specifically, I've been incapable of obtaining my original birth record or bringing action against my adoptive parents for withholding said documentation because of territorial issues – I was born in Venezuela but adopted by French citizens who then raised me in the US. The paperwork was done in Venezuela apparently, as a domestic adoption. Then a copy of the modified birth certificate was sent to the French embassy and transcribed. This means I only have the French birth certificate and not an adoption file. On the Venezuelan side, the modified birth certificate has no notes in the margins which is unusual. I emphasise that my adoptive parents never told me anything concrete about my adoption besides that my birth parents died and they saved my life by adopting me out of poverty. I don't know my birth name, the names of my biological parents, the name of the organisation that took care of the adoption, or the year the adoption was set in the tribunal records. Without this information, searching for my records has been unnecessarily difficult, costly, and time consuming. Thanks to my lawyer I have at least found out what hospital I was born in.

I also agree with other adoptees that all adoption facilitators and organisations need to provide adoptees free access to copies of their records, without redaction or modification. An adoptee shouldn't have to pay to access their records or be forced to hire someone to do so. Access should be quick and easy. In order to access my records in Venezuela, because of the lack/withheld information, missing documents, and agencies unwilling/unable to respond to my claim, I had to hire a lawyer to look for my records. My lawyer was unable to register to access my records in the *Servicio Autónomo de Registros y Notarias* (SAREN; the Venezuelan Records Office), because of unexplainable bureaucratic nonsense. We found a modified birth certificate, but the original sits somewhere in a Tribunal, if the paperwork and adoption were done legally. Yet, to demand access to my own records at the Tribunal and the hospital, I've been quoted by lawyers for an amount around \$2000!

The French government kept ping-ponging me back and forth between various offices for a long while and didn't want to talk to the Venezuelan authorities. This left me to do all the legwork and 99% of the time I would fall on defunct or unresponsive offices. My search has been ongoing for four years. My adoptive parents live in the state of Florida, USA, yet local lawyers can't do anything to them. Only in the past few weeks have I decided to take another stab at it and I contacted the French Embassy who, in turn, told me to reach out to the *Mission de l'Adoption Internationale* (MAI). I'd already done so in 2019 and not only did they have nothing in their archives, they suggested I reach out to the *Ministerio del poder popular para relaciones exteriores* in Venezuela. Unfortunately, any attempt to contact them has been fruitless, I never get a response. So I told MAI this in my recent message, all the obstacles, all the uncooperativeness of officials in Venezuela and my adoptive parents uncooperativeness in providing information. Indeed, my lawyer reached out to them through certified letters and emails to ask for relevant information since March 2023. To date there has been no response. This time the MAI were much more responsive and did another search of their archives – nothing – and said they'd send an official letter to the Venezuelan authorities so I can have copies of the hospital and tribunal records, as my lawyer requested. I am really hoping it works out with their support and that the documents are where they should be, provided the adoption was done properly.

In addition to the points mentioned above, governments need to ensure a specific legal framework of what constitutes illicit adoption practices, in consultation with adoptee experts and victims. This would include expanding victims' protection legislation nationally to include illicitly adopted intercountry adoptees and their families.

I support the idea of creating an investigative commission, maybe at the international level, and then having branches in every country where international and domestic adoptions are allowed. That way each branch can communicate with both countries. The commission wouldn't allow political figures to be represented; a detailed, transparent repository of cases should be maintained; and severe fines should be imposed on people who break the law.

A public registry should be created to denounce organisations and individuals involved in illicit practices. When called for, said individuals should be sent back to their native country if they are living abroad to face legal action there.

Finally, support should be offered to adoptees in whatever domain they need: trauma for those who were abused, like me. Also, financial and legal aid, genealogy and DNA expertise, mediation services, and culture and heritage support.

2. What should authorities and bodies do to prevent and respond to patterns of illicit practices?

A key thing would be to have an organisation that could be a sub-branch of the investigative commission perhaps, check in and do follow up visits with the adoptee throughout their life, especially during the first 18 years. Afterwards, if desired, the adoptee can request access to post adoption services to report any abuse. In my case, I was adopted in 1995 when I was two years old. Within two years of the adoption, my adoptive parents moved to Florida. There was no check up from any government or agency. When an international move like that happens, a close eye should be maintained on adoptive families to make sure all is well. The host country should be tasked with the follow ups. If that had happened in the US, my physical and psychological abuse might have been recognised and stopped early on.

Also, I believe that in any intercountry adoption, the law should be that biological families can contest the paperwork/adoption if proof is shown that there were illicit practices, misinformation, threats, pressure, etc.

I agree with the idea of only allowing government entities to conduct adoptions and pursue illegal activities under a central unified international organisation. I also think any country that is not part of the Hague Convention should be forced to stop any intercountry or international adoptions. Unbiased and human rights trained legal resources should be offered to struggling families to provide support to prevent the circumstances that lead to willingness to engage in illegal adoptions of their children.

My final points are there should be no statute of limitations to illegal adoptions. If a crime happened, then the guilty parties should be pursued and fined even if it is 30, 40, or 50 years later.

I also think that adoptees should have the choice to reclaim their birth nationality for free. Somewhere in my childhood, my adoptive mother didn't renew my Venezuelan passport, thus I have lost my citizenship. If I want to renew it, it's going to cost lots of time and money.

Lastly, adoptees should maintain all their rights to their birth and adoption records.

Sue Bylund

Born in Vietnam, raised in Australia; Founder of Viet Nam Family Search

A year has passed since the tabling of the Joint Statement on Illegal Intercountry Adoptions. Within this comprehensive yet simple document are laid out standards that for so long were merely whispers or ideas, despite decades of advocacy, because that was all they were allowed to be by those who gain from illicit adoption practices. Whether borne from ignorance, arrogance, or lack of will, for far too long no organisation or authority has been willing to formalise such a bold statement for fear of falling short or being held accountable. And so, this pledge to be better and do better, stands as testimony to those who have persevered through their personal journeys and to those who have set aside corporate conservatism for a chance to acknowledge the fundamental flaws in how authorities and organisations see, hear, and treat our most vulnerable citizens.

Through this statement the collective voices of intercountry adoptees lived experience has been validated. Adult adoptees have raised their voices and shared their trauma to give hope and sanctuary to those who are yet to find their voices, those who prefer to remain silent and those we have lost along the way but will not be forgotten. It is therefore with compassion and a sense of hope that we implore the leaders of our nations to intentionally drive towards real change and improvement.

So, the challenge remains for authorities to respond appropriately and effectively to cases of illegal adoptions and establish preventative measures to address patterns of illicit adoption practices.

The adoption model remains a key issue to be addressed. The abolishment of *Full/Complex/Plenary Adoption* would go a long way in acknowledging the fundamental rights of every person's access to their identity. Abolishment sets a clear standard. The endorsement of only a *Simple Adoption* model ensures a person's identity remains intact and visible while acknowledging the legal responsibilities of the adopting family.

Furthermore, the abolishment of the practice of falsifying birth documentation needs to be enforced from both sending and receiving authorities. A birth certificate's only purpose is to record the people who are biologically responsible for the named person, anyone outside this should be noted in an *identification document*. Fabricated birth certificates/documents remain a lazy and sloppy solution to validating a person's identity. By central authorities requiring these documents be produced continues to set poor precedent, and opportunities for individuals and

organisations to fraudulently create identification material. Central authorities should endorse alternative means of legitimising identity such as a formal *identification document* which truthfully declares past and present identity status' to reduce the risk of identity erasure.

Preservation of documents that pertain to the origins and identity of adoptees needs to be legislated for both sending and receiving countries. The wilful or ignorant destruction of such material should be criminalised. It goes without saying that to wilfully erase, tamper, suppress or withhold identity information from an individual in any form should be legislated as a criminal act.

Intercountry adoption origins search and/or reunion is complex. Searching requires adoptees to navigate geographical distances, financial costs, language barriers, at least two government systems/regimes authorities, cultural boundaries, etc., and a sensible acknowledgment that an origins search will inevitably involve expenses and services in both the countries. Establishing a clear understanding of the basic logistics for cross border searching will assist in authorities ensuring there are no unreasonable limitations set on funding, services and support of adoptees searching. Where necessary due to confidentiality, sensitivities or specialist expertise, continuity of service for the adoptee should be prioritised and funding approved for cross border services.

Criminal accountability remains a big-ticket issue. We have seen some cases reach the highest level of the judiciary system; however, we are aware of many more cases that need to be heard in a formal legal setting. The financial burden on individuals to bring cases forward is prohibitive. Many cases require bringing to account individuals, organisations, and authorities and as such the optics of such cases are well beyond reach for adoptees. An adoptee is an innocent party in this dilemma created by adults who are either well meaning, misguided or simply corrupt. To avoid being branded as complicit, those who know better need to create mechanisms to account for the power imbalance. Simply put, funding needs to be provisioned for the adoptees to prosecute cases of illicit adoption practice.

A clear path has now been laid before us within these obligations. It empowers human rights leaders to confidently denounce unhelpful stereotypes, mis-guided assumptions, flawed policies, and sub-optimal processes that enable illegal adoption practices to manifest. The message is clear, the call to follow up with actions imperative and the risk of doing nothing is unconscionable.

Susan F Branco

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Recommendations to Implement Reparations in Colombia

Since the 1960's Colombia evolved to become one of the biggest child exporting countries in Latin America. Once hailed as a "model transnational adoption country" in South America, some estimate over 50,000 children have been displaced through transnational adoption to the United States and other European countries (Colombian Commission for the Clarification of Truth, Coexistence, and Non-repetition [CCCTCN], 2022). Despite evidence of corrupt practices noted in the early 1980's and onward (Committee Investigating Inter-country Adoption [CIIA], 2021), Colombia maintained its thriving transnational adoption program until 2013 (Gonzalez, 2013) before ceasing infant and young child transnational adoption practices and increasing the support for domestic adoption. In the past decade mounting evidence suggests longstanding corruptive and illicit transnational adoption practices, in general, and in Colombia, specifically (Palacios et al. 2019; CIIA, 2021). The following will highlight recommendations for Colombian national policy leaders to be in accordance with 2022 United Nations Joint Statement on Illegal Inter-country Adoptions *Section IV. Obligation to remedy illegal intercountry adoption.*

Historical Context

Colombian transnational adoption was fuelled by the duelling ideologies of the Colombian political state and the Catholic Church, a very powerful entity during the 1960's. The National Adoption Program (NAP) was created to solve the overpopulation and impoverishment resultant from the displacement of rural populations to urban centers (Maestranzi, 2013). Subsequently, the child welfare system, Instituto Colombiano de Bienestar Familiar (ICBF), was officially launched in 1968 (Kawan-Hemler, 2022).

Several additional factors contributed to the Colombian transnational adoption boom from the late 1960's through the early 2000s:

- 1) In response to the limited availability of healthy White babies, Hetero, married, mostly White, couples located in North America and Europe needed more options to find adoptable babies (Hoelgaard, 1998) and;
- 2) the then dominant belief held by adoption officials and workers that White North American or European families are better parents than "irresponsible", code for "poor" Colombian families (Kawan-Hemler, 2022; Maestranzi, 1998; Hoelgaard, 1998).

In response, ICBF increasingly funnelled babies and young children through the transnational adoption pipeline (Kawan-Hemler, 2022). The monetary profits garnered via transnational

adoption transactions created opportunities for unethical, illicit, and, at times, illegal practices, described next.

Recommendations

15. Right to the truth and search for abducted children

Evidence exists detailing Colombian adoption officials, medical professionals, and lawyers, and adoption marketers participating in the following illicit adoption activities:

- Falsification of birth certificates and other adoption documentation (CCCTCN, 2022).
- Birth mother deception (ie. reporting their infants were still born so the child could be transnationally exported) (Branco & Cloonan, 2022)
- Child trafficking (Hoge, 1981)

At present, Colombian officials have not formally acknowledged the widespread illicit practices that permeated transnational adoption practice. So doing would be an important first action to begin the reparative process. Practically speaking, Colombian state officials, in collaboration with ICBF, must establish a national DNA database, as recommended by the United Nations Joint Statement and International Social Services (Baglietto et al., 2016), whereby Colombian adoptees and birth families could voluntarily submit their samples to find one another and begin establishing personal identity narratives based on truthful, rather than fictionalised, information.

16. Procedures to Annul Adoptions

In the absence of any Colombian state sanctioned procedures to investigate illegal or illicit adoption practices, those adult adoptees who discover their adoptions were facilitated under corrupt circumstances (Branco, 2021; Branco & Cloonan, 2022; Cloonan et al., 2022) have no formal structures to annul their adoptions. Therefore, “Colombia should initiate a federal office charged with receiving reports of illicit and/or irregular adoptions to be retrospectively investigated” (Branco, in press). The established federal office would also formally recognise Non-Governmental Organisations, such as Plan Angel, and other pro-adoptee and birth family advocacy organisations and facilitate ongoing collaboration (Branco, in press).

17. Right to reparations

Many adult transnational Colombian adoptees describe multiple mental health and psychosocial challenges propagated by their adoption status, transracial and transnational identities, and exacerbated by a cavernous information gap about their true identities to include racial, ethnic, including indigenous tribal affiliation, and birth family information (Branco et al., 2022; Cloonan et al., 2023). At present, transnational Colombian adult adoptees must navigate access to quality adoption and trauma-informed mental healthcare on their own. The prolific and

resilient worldwide adult Colombian adoptee diaspora supports one another to acknowledge their collective trauma born from transnational adoption; however, adoptees deserve to recover and heal in collaboration with licensed mental health providers at low or no financial cost to the adoptees themselves. Currently, ICBF offers a small staff to work with transnational adult adoptees seeking their birth families (ICBF, n.d.). Yet, such support does not include any mental health or psychosocial support for either adoptees or birth families. Mental health support, developed in collaboration with the voices and feedback of adoptees and birth families, is crucial to both parties and critical for ICBF and private search facilitators to implement to truly practice in an ethical manner.

18. Truth Mechanisms

Journalistic and scholarly endeavours reflect transnational Colombian adult adoptee efforts to obtain original birth certificate documentation and or their birth family information with limited success and or outright failure (Carreazo, 2016; Branco, 2021). Similarly, those adoptees who discover their documentation or adoption proceedings were falsified or enacted unethically or illegally have no recourse to seek redress. Colombian state officials must establish and pass legal avenues with ongoing official oversight to allow adoptees avenues to seek legal remedy to the injustices that have occurred (Branco, in press).

Conclusion

Beginning in the 1960's Colombian transnational adoption proceedings resulted in the displacement of over 50,000 children around the globe (CCCTCN, 2022). Despite verified evidence of illicit practices to include child trafficking (Hoge, 1991), falsification of birth certificates and adoption documents (CCCTCN, 2022), and birth mother coercion (Branco & Cloonan, 2022), there have been no official governmental acknowledgement or reparative actions. External pressure and oversight are needed to ensure reparations and eventual justice are extended to Colombian adoptees and their birth families.

Colombian state officials are called to enact the following:

1. Colombian ICBF and Federal Officials must officially acknowledge and apologise to the over 50,000 displaced Colombian adoptees and their birth families for past illegal, illicit, corrupt, and or unethical practices that have harmed adoptees.
2. Colombian state officials in collaboration with ICBF must establish a DNA database.
3. Colombian state officials must establish a federal office to receive claims of illicit adoption proceedings, retroactively investigate, and maintain collaboration with pro-adoptee and birth family advocacy groups.
4. ICBF must, in collaboration with pro-adoptee and birth family advocacy groups, develop and provide mental health supportive services for both adoptees and birth families.

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Tommy Gentzel

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IKAA's primary focus is adoptee community building and post adoption services. For the 1 year anniversary of the release of the Joint Statement on Illegal Intercountry Adoptions by the UN, we congratulate ICAV and others' great efforts to raise more awareness and action to combat illicit adoptions which have harmed members of the international adoptee community and beyond. We would like to see governments support organisations that are involved in truth seeking and to work together in taking actions to reduce and eliminate illicit adoptions. This would also reduce the need for post adoption services that address impacts of illicit adoptions.

Veronique Piaser-Moyen

Adoptive mother in France to a Sri Lankan adoptee

English Translation

Since the drafting of the "joint declaration on illegal international adoptions" the following actions have been taken by my husband and myself to obtain recognition of illegalities in international adoptions by the French government:

- Filing of a complaint
- Request for a parliamentary inquiry
- Writing our testimony and publishing our book: "My daughter, I didn't know" published by City.

A legal text and an inspection mission have also been put in place.

- A text of LAW n ° 2022-219 of February 21, 2022 has been published, aimed at reforming adoption, specifying that organisations approved for international adoption will no longer have lifelong approval. A decree specifies the duration of 5 years. All OAA authorisations and authorisations will expire and those wishing to remain in business will have to submit new requests.

- An inspection mission is underway with the three ministries concerned Foreign Affairs, Children, and Justice and must submit a report in September 2023.

Based on our involvement and our experience, we can make a few comments on the initial text of the joint declaration:

§3 Human rights violated

When we have proof as the adoptive parent that the child has not been declared in his country of origin, that is to say that he is deprived of his identity, the administration of the country of adoption (for us France) cannot do anything because otherwise it would be interfering in the internal affairs of a foreign State.

§ 5 Key principle of prevention

The best interests of the child

Which country decides on: "the best interests of the child"? In the supplier country, it is the money that can decide. In the receiving country, it is the request and a certain idea of civilisation that can decide. In either case, is it really "the best interests of the child"?

The principle of subsidiarity

Who verifies the application of this principle in a corrupt country where the sale of children brings in a lot of money.

Financial gains

Why an adoption procedure by foreign people in the country of origin must cost more than the cost for a local person who would adopt?

The competent authorities

Who verifies the integrity of the competent authorities? For example on January 16, 2018, The Committee on the Rights of the Child considering the report of Sri Lanka:

“... nevertheless regretted that, in general, children do not seem to be a priority for this country and that they are not recognised as holders of rights.”

Sri Lanka has been involved in adoption since the 1980s, since these years the Sri Lankan, German, Swedish and French press have denounced this child trafficking, as well as the French Embassy in Colombo which, on 2 June 1983, took up the terms of the local press:

“... reproaching the authorities for the too great ease with which children are handed over to their adoptive parents, suggesting the existence of newborn trafficking.”

§7 Adoption Process

States should not rely on approved private bodies which often compete and deliberately hide the costs of the adoption procedure between the cost in France and the cost in the country of origin. These organisations give themselves the right to sort, according to their own criteria, among the applicants even though they have already obtained their approval from the State services.

In a February 2014 report, the Court of Auditors notes that "the control of the functioning of the organisations remains insufficient". France ratified the Hague Convention in 1998. It would be desirable to specify after the word, State: donors and recipients. The observation has been made in our country that the French State is limited to providing parents who fulfil all the qualities for adoption and its role stops there. The French State refuses to ask the supplier countries for explanations for fear of being seen as a picky State and because there is competition between the requesting States, the one who does not ask for anything will be best served.

§8 Undue financial gain and corruption

As already stated in §5, why does an adoption procedure by people from outside the country of origin cost more than the cost for a local person who would adopt? The level of corruption is measured for each country, could there not be a threshold beyond which international adoption cannot take place? Organisations accredited for intercountry adoption should not be involved in humanitarian aid.

§9 Eliminate incentives

International adoption is automatically an incentive for the country of origin, because it becomes an economic agent that provides significant income to intermediaries such as hotels, transport, businesses, etc.

§10 National Laws and Practices

Everyone knows that when a country commits and signs the Hague Convention, it is often not ready to put in place laws for the protection of families and the protection of children. For example Sri Lanka signed the Hague Convention on 1 May 1995, and on 16 January 2018 The Committee on the Rights of the Child examining the report of Sri Lanka wrote:

“... nevertheless regretted that, in general, children do not seem to be a priority for this country and that they are not recognised as holders of rights”.

§12 Criminalisation

In 1995 Sri Lanka enacted the Penal Code (Amendment) Act No. 22 of 1995 which introduced the new "trafficking offence" of persons falling under s. 360C, intended to combat illegal adoptions. The notorious mafia intermediaries (in place since 1980) continued to work with Europe at least until 2013, if not longer.

§13 Investigations

Since January 2019 we have been asking the government, politicians, associations to carry out an investigation into illegal international adoptions in Sri Lanka, we still have no concrete answers. What should be clarified is that the adoptive parents who are witnesses to the international adoption process must, if they wish, testify to their experience because 43 years later, the people in charge have no notion of what was happening in the 1980s and neither were adoptees since they were newborns or young children.

For the consultation of archival documents, the State has set us a consultation period of fifty years.

§14 Mutual assistance

Who verifies the obligation of this mutual assistance? The whole problem with the Hague Convention is that there is no questioning of birth or adopting States. This Agreement does not provide any remedies.

§15 Right to truth and tracing of abducted children

In France, DNA research is a prohibited practice.

§16 Adoption annulment procedure

How soon? Who are the victims?

This paragraph seems to me double-edged.

§17 Right to repair

For us adoptive parents, we already have recognition by both countries of the existence of child trafficking.

§18 Mechanism of truth

This concluding paragraph clearly illustrates the difficulty of applying the Hague Convention in the context of international adoption.

Each time it is the States that must cooperate with each other, create commissions, etc. Theoretically it is perfect, in practice it is something else. No-one is there to enforce the rules of the Hague Convention. States sign and suddenly become honest and without calculations, and think only of “the best interests of the child”. As long as there is no policeman to enforce the conventions, there will be illegal international adoptions.