

The Hague's Working Group to Prevent and Address Illicit Practices in Intercountry Adoption
To Mrs. L. Martinez-Mora
Per mail

Sliedrecht, 16/05/2019

Subject: The Hague's Working Group to Prevent and Address Illicit Practices in Intercountry Adoption

Dear Mrs Martinez-Mora,

First of all, we would like to thank The Hague's Working Group to Prevent and Address Illicit Practices in Intercountry Adoption for providing the opportunity for interest groups to provide input for adoptees regarding the working group that will discuss the problem of preventing illegal adoptions.

We see the establishment of a working group to prevent child trafficking as confirmation that you share our opinion that child trafficking is still taking place in the field of adoption. To look at the future, the course of affairs regarding the adoptions in the past must first be studied. Especially considering a large number of abuses. Abuses that evoke questions from everyone; adoptees, parents of origin, and adoptive parents, the adoption triangle. This is the reason why we have been asking for a parliamentary inquiry for quite some time. In our opinion, no progress can be made with the system until the core of the problem is uncovered. This analysis appears to be a complicated subject; it almost seems that a thorough investigation in this area is undesirable by all regulators.

Dutch Commission of Inquiry

As a result of the case of Mr. P. Noordoven, in which involvement of the Ministry of Justice and Security in child trafficking has been proven, a committee of inquiry has been established in the Netherlands concerning past adoptions. A study that in principle, is limited to 1998. This is striking given the fact that The Hague's Working Group on Prevent and Address Illicit Practices in Intercountry Adoption still assumes child trafficking in the current system. We want to present to the Working Group the following findings concerning the institution's decision of this committee of inquiry:

- With regard to the elected committee members. Two of the three members have a very long and very recent terminated employment history at the ministry under investigation. Also for decades, the chair of the commission has friendly relations with the highest ranked people within the Ministry of Justice and Security.

The research assignment is about vulnerable children, families where children with false pretences have been stolen and in which it appears that the state has played a role. We question why these committee members were chosen when one can wonder about their independent role in advance.

- The number of available hours for the committee members is minimal, while every extension proposed by the interest groups with regard to the research question for the committee of inquiry is parried with impossibility due to its size. It seems that nobody in the system has a clear idea of what this is all about and what impact this has on everyone in the adoption triangle.

You can find our appeal to the institution's decision of Minister S. Dekker here:

<http://www.unitedadoptees.org/en/nieuws/reactie-uai-op-instellingsbesluit-betreffende-het-onafhankelijke-onderzoek-interlandelijke-adoptie-in-het-verlede/>

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The Raad voor Strafrechtstoepassing en Jeugdbescherming

On October 14, 2016, The *Raad voor Strafrechtstoepassing en Jeugdbescherming* (RSJ) issued the recommendation to stop intercountry adoption.

https://www.rsj.nl/binaries/Bezinning_interlandelijke_adoptie_tcm26-174311.pdf

The following conclusion has been included in the report:

Despite the benefits at the level of the individual child (micro level), according to the RSJ, the adoption system is not the best solution to protect children belonging to the target group in general (macro level). One of the factors in this consideration is that, given the task of the government, a higher weight is attached to the arguments at the macro level (system) than to the arguments at the micro level. Several arguments against intercountry adoption at the macro level ultimately make the difference for the RSJ. In various scientific studies, the incentive effect of adoption has been demonstrated. International adoption creates an offer of children in children's homes. Also, intercountry adoption undermines the best solution according to the CRC (a family in its own culture and country). International adoption hinders the development and expansion of the youth protection system in the country of origin. According to the RSJ, these arguments outweigh arguments concerning individual children who benefit from international adoption. The fact that most adopted people in the Netherlands are doing well does not alter the fact that according to the CRC (Article 20) it is better if these children (and more children) are doing well in their own country. Finally, the RSJ attaches great importance to the subsidiarity principle: only if no other solution is available, one can adopt a child. The RSJ believes that compliance with the subsidiarity principle cannot be adequately implemented in practice, and this makes the Subsidiarity Principle argument for the RSJ a valid argument against international adoption. In the opinion of the RSJ, intercountry adoption and assistance in building the youth protection system cannot co-exist appropriately. The possibility of adoption itself is an obstacle to the expansion of the youth protection system. It is essential that the focus shifts to the structure of this youth protection system.

In response to the RSJ report, our organization, together with **21** interest groups, sent the following letter to the Members of the Permanent Parliamentary Committee.

<http://www.unitedadoptees.org/wp-content/uploads/2018/12/Letter-Standing-Committee-Justice-2017.pdf>

Despite insistence, we are still awaiting a reply to the above letter, and nothing is done with the conclusions of the RSJ report by the policymakers. In our opinion, this is remarkable.

Intercountry adoption is an extremely complex subject in which, in addition to the interests of the child, other interests also play a role, such as the interests of the prospective parents and the birth family. The different interests complicate the subject. We call on The Hague's Working Group to Prevent and Address Illicit Practices in Intercountry Adoption to put the interests of children abroad in need of protection first (even if, or precisely because they cannot make themselves heard). We endorse the view of the RSJ, in particular, because adoption is a demand-driven market, and therefore, in our opinion, it is impossible to exclude child trafficking.

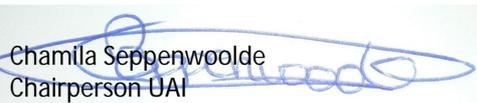
As an organization, we want to emphasize Article 8 of the CRC. One would almost forget, but this is a universal right, despite the undermining of this legislation in the Hague adoption treaty. How is it possible that human rights do not apply to adoptees? A group that, due to all lack of clarity due to incorrect and incomplete data, often has lifelong questions about the legitimacy of their adoption. Next, to this, they are forced to battle with an irreparable fracture of identity. Besides, we believe that the problems of the families of origin are underexposed. Too often, child trafficking has been proven to be the reason for breaking family ties, an excruciating and indigestible result for all parties involved.

We also support the conclusion of the RSJ calling for a fundamental discussion about adoption and not just letting the discussion be about steering models and implementation. With all sensitivities that characterize the discussion about intercountry adoption, we emphasize that this discussion must be based on arguments. An answer must be found to the outstanding questions in relation to the previous frameworks and legislation. The problem must be clear; this can be learned from the past.

In addition to recognition and compensation, support must be given as quickly as possible in the rectification of all unlawful acts that have occurred.

We assume that we have made a clear contribution to the discussion.

Yours Sincerely,


Chamilla Seppenwoolde
Chairperson UAI