

Mr. Robert McClelland,
P. O. Box 861,
Hurstville NSW 2220

*Adoption loss is the only trauma in the world where the victims
are expected by the whole of society to be grateful*

The Reverend Keith C Griffith MBE

Dear Mr. McClelland,

As a person who has lived through and been personally affected by the unethical and unlawful practices in past adoption¹ I am deeply concerned about the on-going campaign by Debora-lee Furness and her media supporters to overhaul adoption laws both intercountry and domestic, consequently promoting adoption and family separation, once again in Australia.²

As a researcher I am well aware that adoption law and policy was shaped by the demand for adoptable babies.³ Though this part of adoption history is obfuscated because no-one wants to admit that young pregnant women were exploited by an adoption industry that worked hard to supply infants to meet that demand.⁴ I am concerned to see the same dynamic operating in the present pro-adoption campaign. It is well documented that the position, of poor vulnerable single mothers,⁵ and/or poor parents in the developing world,⁶ is being exploited by the same voracious demand for infants and as a result vulnerable families are being torn apart.⁷ It may

¹ Legislative Council Standing Committee on Social Issues *Releasing the Past: Adoption Practices 1950-1998 Final Report*, Government Printers, Dec 2000

² www.orphanangels.com.au

³ Dr Geoff Ricarby 9 August, 2007 cited in Cole, C *Mother's Stories of their Stolen Babies* Sydney: Sasko Valenjo 2008; Standing Committee on Social Issues, *Releasing the past: adoption practices 1950-1998 final report*, Government Printers, Sydney, 2000; Cole C, *The White Stolen Generation and its Meaning for Women's Citizenship in Australia* Unpublished Honours Thesis Social Sciences University of Western Sydney 2004 <http://www.geocities.com/crisacolau/>; Kerr, R *The State and Child Welfare in Western Australia 1907-1949* Unpublished Thesis Curtin University of Technology Jan 2005; New South Wales State Children's Relief Dept. Annual Report For the Year ending 5 April 1883, p. 19, 21; New South Wales Child Welfare Department Annual Report for part of 1921 and the four following years ending 1925, pp. 2- 3

⁴ J Condon, 'Psychological disability in women who relinquish a baby for adoption', *The Medical Journal of Australia*, vol. 144, 1986.

⁵ Rothschild, M. Babies for sale. South Koreans make them, Americans buy them *The Progressive*, Jan 1988. <http://www.transracialabductees.org/politics/progressive.html>; Williams, S. World trade in kids: don't adopt it here *Sun-Herald* 1997

⁶ Drennan D. *Re-evaluating adoption; Validating the local* Feb 11, 2008

<http://www.dissidentvoice.org/2008/02/re-evaluating-adoption-validating-the-local/>;

The Australian Catholic Social Welfare Commission *Intercountry Adoption: Discussion Paper* August 1991

⁷ Smolin, D. The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals

http://law.shu.edu/journals/lawreview/library/vol_35/35-2/Smolin.pdf. The following is a response that was posted on a newspaper website promoting the Furness campaign: "Couples who go through IVF often have repeated attempts costing thousands of dollars. So by the time they give up on IVF and seek adoption avenues, they have already spent a small fortune. So what I would like to ask is why the NSW Government charges \$10,000? What do they spend this money on? I am very sure the paperwork

become apparent in years to come, when historians are ‘picking through the bones’ of the evolution of law and policy pertaining to intercountry adoption, that the present campaign, spear-headed by Deborra-lee Furness and the Intercountry Adoption (ICA) lobby, its supporters in politics and the media, had a major role in moulding societal perceptions and legitimising the movement of children across borders under the guise of ‘orphan saving.’ One wonders if the pro-adoption movement, this time, will be made accountable for its impact on the State’s legal and other administrative mechanisms when these ‘saved’ children reach adulthood and start speaking out about how it feels to lose one’s homeland, culture, language and family? Something they’re expected to then feel grateful about and celebrate!⁸

The similarities between domestic adoptions, as practiced in Australia in the 1960s, and intercountry adoption, as practiced now, are remarkable. For instance: the lack of voice of poor families in developing countries; the demand for babies fueling the corruption; the lack of accountability of those engaged in the trafficking of children;⁹ the uselessness of laws to protect the rights of natural families and the imbalance of power creating the climate for exploitation because the demand for babies is much greater than their supply.¹⁰ On this point the NSW Law Reform Commission’s two papers: Discussion Paper 34 (1994) and 81 (1997), noted that there were NOT ENOUGH INFANTS¹¹ to supply the needs of Westerners wishing to adopt from developing countries – the Commission also noted that insistent demand encouraged the trafficking of children and consequently created a black market in sending countries.¹² Most significantly the Law Reform Commission debunked the myth that there are thousands of ‘orphans’ waiting to be saved. The Commission labeled the propagating of the ‘orphan’ myth: ‘nothing more than a strategy’ used by the pro-adoption lobby ‘to legitimize the removal of children from poorer States to satisfy the needs of adults.’

The disposability and invisibility of intercountry adoptees’ birth families is evidenced by Queensland's Opposition child safety spokeswoman, Jan Stuckey’s, comment:

would not amount to \$10,000. Why isn't this amount refundable should you be unsuccessful? They are offering a service and not delivering, so why should you still have to pay? Why does the adoption process take years? Do the people in authority realise the agonising process of not being able to conceive a child and then having to wait years for a much wanted child"?

<http://www.news.com.au/dailytelegraph/comments/0,22058,22189580-5001021,00.html> Posted by:

Daisy Williams of 4:42pm August 05, 2007; Law Reform Commission Report 1994 No. 34

<http://www.lawlink.nsw.gov.au/lrc.nsf/pages/DP34CHP12>; Law Reform Commission Report 1997 No. 81.

⁸ Connolly, E ‘Big Day for adoption campaign *The Sunday Telegraph* April, 27, 2008, p. 36: “Attorney General Robert McClelland has pledged support to the initiative” (celebrating adoption after Mother’s Day); ICAN website: <http://intercountryadopteesupportnetwork.blog.com/3104782/#cmts> (see Furness’s attack on an adoptee). Adoptees who dared to question the proposed celebration of adoption were attacked as ‘ungrateful’. It was noted by the site’s founder Lynelle Beveridge that the majority of the 60 posts supposedly penned ; “by adoptive parents emanated from the same computer.”

⁹ Smolin, D. *The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals* p. 492

http://law.shu.edu/journals/lawreview/library/vol_35/35-2/Smolin.pdf

¹⁰ Marquez, G. *The Creation and Ill Effects of the Baby Trade* *Journal of Juvenile Law* 21 2000

¹¹ Previous publications stated the same: Marshall, A (1984) *Review of Adoption Policy & Practice in NSW* NSW Advisory Committee of the Review of Adoption Policy and Practice p. 12; *The Report of the Community Welfare Advisory Committee on Adoption Matters* (1978) Adelaide p. 4

¹² Law Reform Commission Discussion Paper No. 34 (1994) 12.5
<http://www.lawlink.nsw.gov.au/lrc.nsf/pages/DP34CHP12>

The heartache and pain over finding out that your adopted children could have been stolen is terrible enough, but to learn that the Government knew for over a year and said nothing is just reprehensible.¹³

Where is the concern for the birth families loss, their YEARS of sorrow wondering what happened to their children? There is not even an acknowledgment of the trauma inflicted on the trafficked children. Imagine finding out you were stolen from your own family to provide one for foreigners. One can be forgiven for thinking such comments have overtones of both racism and imperialism.

It is not surprising then that the panel advising your Department on intercountry adoption is comprised of adoptive parents with only two intercountry adoptees: symbolically and literally replicating the imbalance of power that is intercountry adoption.

Families from developing countries are no less likely to suffer pain over the loss of their children than we. Defence of Children International, an organisation that has studied intercountry adoptions of children from a number of developing countries concluded that “the vast majority (of birth parents) part with their children out of despair or ... to ensure the child’s welfare or survival.”¹⁴

And for those who have had no say in their loss the pain is unimaginable:

Missing is worse than death, if a child dies the parents know they are gone, but if they are missing, they die every day.¹⁵

Anuj Bhargava’s¹⁶ above comment echoes the feelings of the many thousands of grieving Indian parents who search in vain for their kidnapped children, many of whom reside with wealthy foreigners, and will never be returned to their families.¹⁷ Parents like Fatima, mother of one of the stolen children now living in Australia:

I thought someone had taken her for her kidneys... Many, many places I looked. My husband travelled everywhere looking. I was all the time crying for my daughter.

Fatima’s husband stated that his wife was: “half mad with grief.”¹⁸

¹³ Parnell, S. (2008) Cover-up claim over stolen child’s adoption *The Australian* On-line Newspaper Aug 27, 2008 <http://www.theaustralian.news.com.au/story/0,25197,24248122-5006786,00.html>

¹⁴ Lucker-Babel, M. F. (1990). Intercountry adoption and trafficking in children: An initial assessment of the adequacy of the international protection of children and their rights. Geneva, Switzerland: Defence for Children International cited in Adoption Research: An Assessment of Empirical Contributions to the Advancement of Adoption Practices Madelyn Freundlich *Journal of Social Distress and the Homeless* (11) 2 April 2002 p. 148

¹⁵ Chamberlain, G. ‘No way home for India’s stolen kids’ *Taipei Times* Sept 11, 2008

¹⁶ Ibid p. 5. Anuj Bhargava, managing trustee of the National Centre for Missing Children

¹⁷ Chamberlain, G. (2008). No way home for India’s stolen kids *The Guardian*, New Delhi Sept 11, 2008 p. 9 <http://www.taipeitimes.com/News/editorials/archives/2008/09/11/2003422876>

¹⁸ Callinan, R. ‘Stolen Children. Indian infants snatched from their parents have been unwittingly adopted by couples across Australia’ *Time Magazine* September 1, 2008 p. 42

Fatima hopes to be one day reunited with her daughter, but this may never be. Why? Because intercountry adoption law has been formulated by Westerners to benefit and protect them.¹⁹ It is based on a Western model of family. The notion of the transfer of a child, to be solely the property of one set of parents, in a nuclear family, is an alien concept imposed on more communally based societies.²⁰ The term ‘in the best interests of the child’ will be the weapon used to thwart any attempt by birth families to reclaim their stolen children.²¹

Promoting adoption under the guise of ‘orphan saving’

The present publicity campaign to promote adoption under the banner of ‘saving orphans’ has been accepted by an uncritical media, falling over themselves to interview celebrity talking head: Deborra-lee, whilst ignoring, and hence once again silencing, victims of past adoption practices. This is a similar campaign to the one waged in the 1960s promoting domestic adoptions. Then the slogan was ‘unwanted babies,’ advertised in newspapers as waiting to be saved by altruistic adopters. Both campaigns legitimise the removal of infants from their natural families at the same time heroine-ise adoptive parents.

Research and anecdotal evidence reveals that these overseas children do have families and they are wanted. This was also the case in the 1960s. Our children were not unwanted they were illegally removed from us, their unwed non-Indigenous and Indigenous mothers. This fact was substantiated in the Final Report of the NSW Upper House Inquiry into past adoption practices (2000),²² and further the existence of a non-Indigenous stolen generation was acknowledged by the Federal Government.²³

The Law Reform Commission makes the point that there are very few real orphans in the world: children without any family whatsoever. There are, however, poor families in need of support. These families do not want or need the further exploitation of having their children taken because of dire economic circumstances: they need aid and assistance.²⁴ If Australia is really concerned about playing a leading role in international human rights then it should be facilitating programs that assist families to stay together,²⁵ not uncritically following the lead of the United States and

¹⁹ World Health Organisation *Joint UN/WHO Meeting of Experts on the mental-health aspects of adoption Final Report* World Health Organisation Technical Report Series No. 70 Geneva September 1953; Drennan D. Re-evaluating adoption; Validating the local Feb 11, 2008 <http://www.dissidentvoice.org/2008/02/re-evaluating-adoption-validating-the-local/>

²⁰ *ibid*

²¹ Callinan, R. (2008). ‘Stolen Children. Indian infants snatched from their parents have been unwittingly adopted by couples across Australia’ *Time Magazine* Sept 1, 2008. p. 47

²² Legislative Council: Standing Committee on Social Issues *Releasing the Past: Adoption Practices 1950-1998 Final Report*, Report 22 Dec, 2000

²³ The Parliament of the Commonwealth of Australia: House of Representatives Standing Committee on Family and Human Services *Overseas Adoption in Australia: Report on the inquiry into adoption of children from overseas* Canberra: Nov, 2005, p. 2, 1.3.

²⁴ Damien Ngabonziza cited in NSW Law Reform Commission Discussion Paper No. 34, (1994), 12.9 <http://www.lawlink.nsw.gov.au/lrc.nsf/pages/DP34CHP12>

²⁵ The Australian Catholic Social Welfare Commission *Intercountry Adoption: Discussion Paper* August, 1991; Street Children Programs in Guatemala *Casa Alianza* Accessed August 13, 2008 <http://www.casa-alianza.org.uk/northsouth/CasaWeb.nsf/Street-Children/Guatemala?OpenDocument>

expanding intercountry adoption. The NSW Law Reform Commission stated that intercountry adoption is not and never should be a service for infertile couples.²⁶

The Intercountry Adoption (ICA) Lobby

The strategy used by the ICA lobby to promote intercountry adoption is a world wide phenomenon. The lobby uses local media, blog and designated websites to rally potential adopters to pressure their prospective governments to provide them with infants for adoption. The catch cry is the same: ‘saving orphans,’ and any dissenting voices are silenced by being labelled anti-adoption. Anti-adoption becomes associated with being ‘racist’ because members of a wealthier community are being ‘selfish’ for not wanting to join in and ‘save the orphans’ from exotic destinations. Locally, this translated to Australia being accused of ‘the country without a heart’; ‘un-Australian’ and having returned to a time when ‘the white Australian policy’ was the norm.²⁷

The ICA lobby consists of wealthy adoption agencies, adoptive parents and representatives of the United States Congress who are lobbied by groups such as the National Council for Adoption,²⁸ a multi-million dollar organisation existing to represent the interests of the billion dollar adoption industry in the US.²⁹

According to the Special Rapporteur for the European Union, Baroness Emma Nicholson, when Romania closed down its intercountry adoption program because of corruption, the ICA lobby allied itself with the *Bucharest News*, just as Furness did here with *The Telegraph*, and began to publish ‘horror stories’ of would-be adoptive parents who were being stymied in their attempts to adopt. She explains:

The ICA lobby simply connects individual families who have been unable to adopt with gullible journalists, and a sensational story soon emerges about one families struggle with the State bureaucracy.³⁰

This, she states: “Makes good copy.”³¹

²⁶ Law Reform Commission Report 1994 No. 34 , 12.21

<http://www.lawlink.nsw.gov.au/lrc.nsf/pages/DP34CHP12>

²⁷ Connolly, E *Furness attacks adoption culture* The Daily Telegraph Aug 5th, 2007; see various posts of Daisy Williams <http://www.news.com.au/dailytelegraph/story/0,22049,22189580-,5001021,00.html>; Horton, S. Furness’s date with Attorney-General *The Sun Herald*, the Diary S2 Feb 24, 2008; Connolly, E, A present for all the children *The Sunday Telegraph* Dec 23, 2007, p. 3; Connolly, E ‘Big Day for adoption campaign *The Sunday Telegraph* April, 27, 2008, p. 36; Connolly, E Our adoption laws an embarrassment *The Sunday Telegraph* August 5, 2007 p. 9; Connolly, E. Jolie’s doctor crusades *Courier Mail* April 6, 2008

<http://www.news.com.au/couriermail/story/0,23739,23492936-5012980,00.html>;

Connolly E, Actress’s mission to overhaul the rules :Adoption fight goes to Rudd *The Sunday Telegraph*, Nov 11, 2007, p. 30; O’Neill, M Actress helps win adoption issue *The Sunday Telegraph* Mar 30, 2008 p. 34

²⁸ <http://emmanicholson.info/work/my-position-on-inter-country-adoptions.html>

²⁹ Riben, M. (2006). *The Stork Market: America’ multi-billion dollar unregulated adoption industry* USA: The Stork Market

³⁰ Nicholson, E. (2006) *My position on Intercountry Adoption* <http://emmanicholson.info/work/my-position-on-inter-country-adoptions.html> Accessed Sept 1, 2008

³¹ Ibid

Deborra-lee Furness has run a strikingly similar campaign to the one the EU Special Rapporteur described taking place in Romania. Feted by the media and politicians because of her celebrity status Furness has had no problem gaining access to either. She has certainly then used the media to focus on the ‘horror stories’ of potential adopters being stymied by red tape. On a recent ABC Radio National program, typical of many Furness has engaged in, she stated that Australia needed to ‘save orphans’ and demanded that the intercountry adoption process be speeded up and expanded to satisfy the needs of adopting parents. Another interviewee tried to explain that we have very tight regulations to safeguard the interests of children and families from sending countries, and waiting time was dependent on a number of factors, not least, the number of infants available for adoption. Furness’s message though, of ‘bungling bureaucrats’, ‘too much red tape’ and ‘distressed adoptive parents having to wait too long,’ totally overshadowed any such concerns. In a nutshell the interview was all about streamlining the process, making it easier, cheaper, and quicker, for ADOPTIVE PARENTS. Additionally it could be argued that she, almost single-handedly, has provided the justification for bringing in many more children from overseas and for the Australian community to once again believe that adoption is about ‘saving’ children and something for which they should be grateful.

I cringe as I watch Australia go down another path of exploiting children for the needs of adults as was done in the case of the Indigenous³² and non-Indigenous stolen generations.³³

We, who have lived through the horrors of having our children stolen, are being re-traumatised watching history repeat itself with this present campaign. We are not alone in our assessment of the situation. Dr. Denise Cuthbert, who presented at the recent National Adoption Conference,³⁴ also acknowledged that Australian adoptions in the 1960s are remarkably similar to intercountry adoption practiced today.

If Australia could not protect its own ‘birth’ families from being exploited how is it going to ensure that nationals from developing countries are not going to be similarly exploited?

The ‘Orphans’

And what of the adoptees themselves – the orphans saved by angels? Is the Government aware of the now copious research indicating serious levels of

³² Bringing them Home Report April, 1997

<http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen/>

³³ House of Representatives Standing Committee on Family and Human Services, The Parliament of the Commonwealth of Australia, *Overseas adoption in Australia: report on the inquiry into adoption of children from overseas*, p. 2, 1.1: ‘The stigma associated with forced adoption practices in the past leading to ‘the stolen generation’ (for both Indigenous and non-Indigenous mothers and children)’: <http://www.aph.gov.au/house/committee/fhs/adoption/report.htm>. G Rickarby, ‘Transcripts of evidence: Wednesday, 2 September 1998’, in Interim report on Inquiry into adoption practices: transcripts of evidence From 27 August to 19th October 1998 Report no. 17, Parliament of New South Wales Legislative Council Standing Committee on Social Issues, 1998, pp. 62–73; C Cole, *The white stolen generation and its meaning for Women’s citizenship in Australia* unpublished thesis, School of Social Sciences, University of Western Sydney, 2004. <http://www.geocities.com/crisacolau/>

³⁴ Cuthbert, D. *Adoption, Legal Fictions and Necessary Facts: the vexed question of birth certificates for adoptees*, A paper presented at the 9th National Adoption Conference Stamford Plaza Hotel, Sept 4, 2009

psychological damage that adoptees sustain from the trauma of being separated from all that they know, cut off from all ties with their homeland and brought up in an alien culture?³⁵ The Swedes have done extensive research and their findings are disturbing.³⁶ Adoptees suffer 5 times the rate of suicide as their non-adopted peers, and apparently it is not just when they are in their teens, the tendency increases with age.³⁷ So concerned were the researchers that they warned adoption professionals to forewarn adoptive parents of the suicide potential and alert them of behavioral signs that might be indicative of that possibility.

Additionally intercountry adoptees had very high levels of drug and alcohol problems.³⁸ Males had significant rates of ADD,³⁹ whilst females had significant rates of depression, anxiety, schizoid and delinquent behaviour.⁴⁰ Children generally were shown to have problems with scholastic difficulties due to hyperactivity and concentration problems.⁴¹ Finally adopted delinquents were admitted to institutional care for juvenile delinquents mainly for treatment for antisocial behavior and acute crisis in the family.⁴² Even early intercountry adoptee studies noted a high rate of disruption (failed adoptions) of intercountry adoption – up to six times that of locally born adopted children.⁴³ A major Australian study of 102 Vietnamese children adopted in New South Wales during the 1970s reported that the majority of children placed between the ages of 4 to 6 had difficulties bonding or establishing family relationships as did 40% of the children placed at 18 months and above.⁴⁴ Further,

³⁵ Bimmel, N., Juffer, F., van IJzendoorn M. H and Bakermans-Kranenburg, M. J., Problem behaviour of internationally adopted adolescents: a review and meta-analysis. *Har Rev Psychiatry*, 2003 11(2): p. 64-77

³⁶ Elmund, A. M R., Overrepresentation of Internationally Adopted Adolescents in Swedish institutions p. 15 Digital Comprehensive Summaries of Uppsala Dissertations from the Faculty of Medicine Uppsala Universitet 2007 www.diva-portal.org/diva/getDocument?urn_nbn_se_uu_diva-7423-1__fulltext.pdf

³⁷ Hjern, A, Lindblad, F & Vinnerljung, B ‘Suicide, psychiatric illness and social maladjustment in intercountry adoptees in Sweden: a cohort study’ *The Lancet* 360. 9331 Aug 10 2002, p. 443; Suicide in first and second generation immigrants: a comparative study *Soc Psychiatry Psychiatr Epidemiol* 37, 2002 p. 423-429

³⁸ Berg-Kelly, K and J. Eriksson, Adaptation of adopted foreign children at mid-adolescence as indicated by aspects of health and risk taking-a population study. *Eur child Adolesc Psychiatry*, 1997. 6(4): p. 199-206

³⁹ Collinshaw, S, Maughan, B and Pickles, A., Infant adoption: psychosocial outcomes in adulthood. *Soc Psychiatry Psychiatr Epidemiol*, 1998, 33(2): p. 57-65; Verhulst, F. C., Althaus, M. and Versluis-den Bieman, H. J., Problem behaviour in international adoptees: I. An epidemiological study. *J Am Acad Child Adolesc Psychiatry*, 1990a. 29(1): pp. 94-103

⁴⁰ Bimmel, N., Juffer, F., van IJzendoorn M. H. Y. and Bakermans-Kranenburg, M. J., Problem behaviour of internationally adopted adolescents: a review and meta-analysis. *Har Rev Psychiatry*, 2003. 11(2): pp. 64-77

⁴¹ Verhulst, F. C. Althaus, M and Versluis-den Bieman, H. J Problem Behaviour in international adoptees: II Age at placement. *J Am Acad Child Adolesc Psychiatry*, 1990 29(1): pp. 104-111, pp.94-103

⁴² Elmund, A. M R., Overrepresentation of Internationally Adopted Adolescents in Swedish institutions Digital Comprehensive Summaries of Uppsala Dissertations from the Faculty of Medicine Uppsala Universitet 2007 www.diva-portal.org/diva/getDocument?urn_nbn_se_uu_diva-7423-1__fulltext.pdf p. 23

⁴³ Hoksbergen 1981; 1986 and 1987 cited in *Discussion Paper: Intercountry adoption* prepared by The Australian Catholic Social Welfare Commission August, 1991

⁴⁴ The Australian Catholic Social Welfare Commission (1991) *Intercountry Adoption: Discussion Paper* August 1991, p. 14, 3.9.

researchers stated that the difficulties faced by the adoptee are “a life companion through-out the many life cycles, from the time of the adoption to death.”⁴⁵

As some adoptive parents put forward the argument that bringing in more overseas children will assist with Australia’s ageing population, it must be noted that the Swedish research indicated that a significant percentage of adoptees are not capable of living independently from their adopters and do not go on to have children.⁴⁶

We can learn a lot from the Scandinavian research; they are about twenty or thirty years ahead of us with their intercountry adoption program. So what they are experiencing is a fairly reliable indicator of what we can expect in the decades to come.

According to Dr. Ron Federici,⁴⁷ in the United States, 30,000 intercountry adoptees have been returned to State care. Family disruption has increased to such an alarming rate that facilities had to be provided to take care of the children.⁴⁸ Three horse ranches have been set up to provide 24/7 counseling and support for some of these troubled youngsters.⁴⁹ It is believed that because of the damage that has already occurred in the adoptive families at least one third of these children will need to be placed with alternate carers when they are well enough to leave. So angry about lack of services and information about the difficulties inherent in international adoption, some adopters have set up the group: *Adopters against Adoption*.⁵⁰

Is the Government aware of the above facts and of the complexity of intercountry adoption? Is it informing potential adoptive parents of the inherent difficulties? Is it aware of the need to provide adequate services to cope with this population’s special needs and is it intending to provide them? What research has the Government conducted to see if expanding intercountry adoption is in the interests of the Australian community as a whole?

I have been in contact with the manager/Counsellors of two post adoption resource centres: Jennifer Newbould, ARCS WA and Janet Henegan, PARC NSW. They both state that their organisations do not have the funding to provide adequate services for the number of intercountry adoptees presenting NOW for psychological assistance. Therefore they are very concerned that the government has announced it is going to make it ‘easier, cheaper and quicker’ to enable those wishing to adopt to bring in

⁴⁵ Elmund, A. M R., Overrepresentation of Internationally Adopted Adolescents in Swedish institutions Digital Comprehensive Summaries of Uppsala Dissertations from the Faculty of Medicine Uppsala Universitet 2007 www.diva-portal.org/diva/getDocument?urn_nbn_se_uu_diva-7423-1__fulltext.pdf p. 53

⁴⁶ Elmund, A. M R., Overrepresentation of Internationally Adopted Adolescents in Swedish institutions p. 15 Digital Comprehensive Summaries of Uppsala Dissertations from the Faculty of Medicine Uppsala Universitet 2007 www.diva-portal.org/diva/getDocument?urn_nbn_se_uu_diva-7423-1__fulltext.pdf

⁴⁷ Federici, R. (2008). *Comprehensive Assessment and Innovative Family Treatment for the Complex Adopted Child: Organising the Family from a Professional and Parental Perspective* Paper presented at 9th National Conference on Adoption September 4, 2008 Stamford Plaza Double Bay (Author is grateful to Isabel Andrews (Jigsaw WA) for this reference.

⁴⁸ <http://www.matr.net/article-27357.html> ; <http://mentalthopenews.blogspot.com/2008/01/for-troubled-adoptees-last-stop-chicago.html> Accessed Sept 25, 2008

⁴⁹ Ranch for Kids: Wyoming, Montana and Maryland Accessed Sept, 25 <http://www.ranchforkids.org/>

⁵⁰ Adopters Against Adoption Accessed Sept 25, 2008 <http://www.amfor.net/Adopters.html>

more children from overseas. Is the government going to increase funding so the post adoption centres can adequately support their clients? If so, when?

According to Ms Newbould the Government is not funding sufficient services to meet the needs of troubled adoptees adopted locally nor members of their birthfamily negatively affected by past adoption practices – what hope then for intercountry adoptees? Likewise Ms Henegan states that the present very limited funding restricts PARC’s ability to develop services that could assist these families. Isabel Andrews from Jigsaw WA echoing the concerns of many support groups around Australia states: “we also have more demand for our services than resources to meet the demand. Our state gov. is having trouble finding the money to house us, how will they find money to increase services?”⁵¹

The Crux of the Problem: The Demand for Infants

In a 2002 Report to the UN the Special Rapporteur stated that:

[He] was shocked to learn of the plethora of human rights abuses which appear to permeate the adoption systems of many countries ... Regrettably, in many cases the emphasis has changed from the desire to provide a needy child with a home, to that of providing needy parents with a child. As a result, a whole industry has grown ...⁵²

It was only a few years ago that there was a huge outcry against human trafficking, yet the linkage between demanding infants and creating trafficking in children is not seen by the majority.

David Smolin, professor of law and adoptive father, adopted two stolen Indian children and is a vocal critic of intercountry adoption. He explains the reasons for trafficking:

The political pressures created by the adamant demands of American adoptive parents and agencies ... even in situations involving serious violations of the norms governing adoption.⁵³

Further:

Intercountry adoption is a business that depends on the movement from children from source countries ... ideologically these agencies have a strong commitment to saving children.⁵⁴

Or in terms used locally: ‘rescuing orphans.’⁵⁵

⁵¹ Andrews, I. Personal email to author Oct 10, 2008

⁵² Commission on Human Rights, resolution 2002/92; E/CN/2002/79; page 25
<http://daccessdds.un.org/doc/UNDOC/GEN/G03/100/90/PDF/G0310090.pdf?OpenElement>

⁵³ Smolin, D. The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals p. 491

http://law.shu.edu/journals/lawreview/library/vol_35/35-2/Smolin.pdf

⁵⁴ Ibid p. 475

⁵⁵ Ibid

Smolin is highly critical of adoption agencies and the orphanages⁵⁶ that work with them:

The paradox of the adoption work is that one can systematically buy and steal children from their parents, get rich in the bargain, and still feel like a hero, as though one had at great personal risk repeatedly rescued children from burning buildings. Within a world gripped by the myth of saving a child, virtually every other value becomes expendable. Those who believe the myth, or only pretend to believe it, find that, within the adoption world, even the most egregious sins and illegal conduct are excused so long as they successfully move children from third-world deprivation to first-world luxury ... Thus to expect adoption agencies, or any organisation dominated by adoption agencies to stop abusive adoption practices ...⁵⁷

Is akin to expecting pigs will fly!

Deborra-lee Furness states that if we have private adoption agencies we can 'speed up the process for adoptive parents and still do due diligence.'⁵⁸ But as David Smolin points out when people are driven by very strong needs this becomes an impossibility. Moreover a committee reporting to the South Australian government in 1978 stated that: a "significant problem" in intercountry adoption was the "development of intense feelings and .. emotionally swayed arguments" and for that reason "adoption procedures should only be handled by people with independence from the influence of persons with vested and/or personal interests in the adoption of children from overseas countries."⁵⁹ The government therefore may have placed itself in a position where it could be accused of bias. It has no birth family representation on the panel advising it on its intercountry program whilst 14 adoptive parents, with their very strong personal interests, do.

The elitist ideology that justifies the trafficking of children from 'third world deprivation' to 'first world luxury' is alive in Australia. It was clearly evidenced in the response of former Australian Family Court Judge, John Fogarty, when he dismissed the possibility of poor Indian families being able to re-claim their stolen children from their Australian adoptive families. He stated: "... the bottom line would be the 'best interests of the child' ... If you compared the position of the child in Australia returning to poverty in India, you would have to be a pretty dramatic

⁵⁶ Many critics of intercountry adoption accuse orphanages of being nothing more than retail outlets or baby farms for adopters: Adoptee Solidarity Korea *Why Should Korean Intercountry Adoption End?* Published in the OAK/G.O.A.'L. Newsletter Fall 2006; <http://www.adopteesolidarity.org/indexH.html> ; Rothschild, M. Babies for Sale. South Koreans make them, Americans buy them. *The Progressive* Jan, 1988 <http://www.adopteesolidarity.org/indexH.html>; The Analyst Monrovia *Seven Children Sneaked Out* allAfrica.com Feb 1 2008; Chamberlain, G *Taipei Times No way home for India's stolen kids* Sep 11, 2008, p. 9: "There is a business of taking children and putting them up for adoption...what people think of as legitimate adoption agencies are actually stealing and selling them"

⁵⁷ Smolin, D. The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals

http://law.shu.edu/journals/lawreview/library/vol_35/35-2/Smolin.pdf. 480

⁵⁸ Ch. 10 9am with Dave and Kim Interview with Deborra-lee Furness Sept 30, 2008 <http://forums.ten.com.au/9am/forums/message.jspa?messageID=852776#852776>

⁵⁹ *The Report of the Community Welfare Advisory Committee on Adoption Matters*, Adelaide, Dec, 1978, p. 31.

judge to send a child back to the slums.”⁶⁰ It seems to be forgotten that we are talking about a kidnapped child who has been deprived of its family and homeland, and they of him or her.

In past domestic adoptions, the demand for infants that David Smolin identifies as a key dynamic in creating the environment for overlooking irregularities was very much apparent. This dynamic coincides both in the domestic and international arena with the pervasive Western discourse that all married couples have an inherent right to a child. For instance, in 1960, adoption by married couples was considered so preferable to unwed motherhood, that one prominent doctor⁶¹ encouraged his colleagues ‘not to worry about the law when it came to adoption.’ In 1965, Mary Lewis,⁶² adoption professional, warned adoption agencies that their treatment of unmarried mothers was illegal. In 1969 a Tasmanian Child Welfare Supervisor wrote to the Minister of Health asking if she could stop the use of placing obstacles in front of the mother to prevent her bonding with her newborn, as it was illegal.⁶³ The Minister’s response was that adoption should continue to be promoted.⁶⁴ The illegality or the continued abuse did not seem to be an issue. In 1971 the Australian Association of Social Workers warned that not allowing mothers to see, touch and nurture their babies⁶⁵ was “morally and ethically indefensible” and further no parent “should be deprived of his rights.”⁶⁶ Yet the Government failed to heed any of these warnings and did not act to protect its citizens until 1982 when finally it issued a Health Commission Circular that warned medical staff that denying mothers’ access to their infants was illegal and constituted duress if it was used to facilitate adoptions.⁶⁷

Adoption laws did not protect Australian birth parents from being abused, there seemed to be no reliable mechanism to protect their civil and human rights or to enforce even basic legal tenets. The above illegal activities were ignored for decades, just as Smolin suggests has been the situation in intercountry adoption. The overriding consideration in Australian domestic adoptions was about providing couples with babies and those involved justified their actions as ‘saving’ ‘unwanted’ children. That this premise was false and covered up serious human and civil rights abuses of both the mother and child is still not fully acknowledged.⁶⁸ Since there has been no accountability or apology given for these serious human rights violations the Australian community has learnt nothing from this very dark part of its history. The

⁶⁰ Callinan, R. ‘Stolen Children. Indian infants snatched from their parents have been unwittingly adopted by couples across Australia’ *Time Magazine*, Sept 1, 2008, p. 47

⁶¹ DF Lawson, ‘The R. H. Fetherston Memorial Lecture: the anxieties of pregnancy’, *The Medical Journal Of Australia*, vol. II, 1960, pp. 161–166

⁶² Lewis, M. (1965). *Unmarried Mothers* Australian Welfare National Conference p. 112

⁶³ Pillows and sheets were routinely used to stop the mother and her child having any eye or physical contact at the birth to facilitate the adoption process. There was no medical research on which this barbaric practice was based, and in Britain it was presumed that separating mother and child caused physical damage to the baby and psychological damage to the mother.

⁶⁴ Joint Select Committee Parliament of Tasmania (1999). *Adoption and Related Services 1950-1980* <http://www.parliament.tas.gov.au/Ctee/reports/adopt.pdf> Accessed Oct 13, 2008 pp. 8-9

⁶⁵ Since the Inquiry apologists for past practices in adoption state they were in line with the social mores, this was obviously not true.

⁶⁶ The Australian Association of Social Workers New South Wales Branch (1971) *Manual of adoption practices in New South Wales*, Child Care Committee of the AASW NSW Branch p. 4

⁶⁷ Health Commission of New South Wales, *Circular No: 82/297*, issued 1 September 1982.

⁶⁸ C Sherry, ‘Violations of women’s human rights: births and adoption’, unpublished paper, 1992.

old adage 'if we don't learn from history we are destined to repeat it' is apt here and I would suggest that intercountry adoptees may very well end up being another stolen generation to whom we need to apologise, even before we have finished apologising to those that already exist.

Difficulty for Australia to enforce International Treaties

When one international treaty is seen not to be working another one is touted as being the one that will ensure there is no corruption.⁶⁹ But poor countries do not have the money or the will to put in the infrastructure to monitor corruption,⁷⁰ rather in many cases it has been found that Government officials themselves are bribed.⁷¹ How is the Australian government going to ensure, for instance, that poor mothers in Korea, a stigmatized minority, are not being coerced out of their children?⁷² Are we going to send in officials to stand at the side of the bed whilst they give birth to ensure that adoption agency officials are not standing there waiting for delivery of their prize?

Smolin states:

One of the primary difficulties in these scandal-prone nations is their inability, or unwillingness, to enforce legal and ethical norms related to intercountry adoption.⁷³

Smolin explains even though India had in place laws, ideals and procedures governing intercountry adoption which were consistent with The Hague Convention, practices on the ground were not.⁷⁴ This leaves the question that if extensive corruption can occur when there are laws in place, how much security in reality will the Hague Convention afford? And if we expand our intercountry adoption program on the assumption that the Convention will provide adequate protection then we may be sorely disappointed. The Law Reform commission stated:

⁶⁹ Kennard, H. C. (1994) Curtailing the Sale and Trafficking of Children: A Discussion of the Hague Conference in Respect of Intercountry Adoption *Journal of International Business Law* 14 1993-1994 pp. 623-649

⁷⁰ Altman, V Baby Trafficking or Inter-country Adoption July 1996 Accessed September 5, 1999 <http://138.25.138.94/signposts/articles/Australia/Children/333.html>

⁷¹ Smolin, D. The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals;

http://law.shu.edu/journals/lawreview/library/vol_35/35-2/Smolin.pdf at 482, 446; Brunner, L. (2008) Guatemala adoption agency lawyers on trial in 'human trafficking' case *Jurist Legal Research* Uni of Pittsburgh School of Law Mar 25, 2008; Sale of Guatemala Babies, N.Y. Times, July 15, 1999 p. A3 <http://jurist.law.pitt.edu/paperchase/2008/03/guatemala-adoption-agency-lawyers-on.php>; Marquez, G. The Creation and Ill Effects of the Baby Trade *Journal of Juvenile Law* 21 2000 p. 32

⁷² The Australian Catholic Social Welfare Commission Intercountry Adoption : Discussion paper Aug, 1991 p. 12; UNICEF Innocenti Digest 4 - Intercountry Adoption <http://www.unicef-irc.org/publications/pdf/digest4e.pdf>; Adoptee Solidarity Korea *Why Should Korean Adoption End* Published in The OAK/G.O.A.'L. Newsletter

Fall 2006 <http://www.adopteesolidarity.org/indexH.html> ; Rothschild, M. Babies for Sale. South Koreans make them, Americans buy them. *The Progressive* Jan, 1988 <http://www.adopteesolidarity.org/indexH.html>;

⁷³ Smolin, D. The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals

http://law.shu.edu/journals/lawreview/library/vol_35/35-2/Smolin.pdf at 482

⁷⁴ *Ibid* p. 426

It would be a mistake to assume that this Convention was primarily aimed at regulating sending countries which, often by virtue of poverty, lack the bureaucracy and administrative procedures to ensure that adoptions are abuse free.⁷⁵

Smolin explains that a big part of the problem is adoption agencies' lack of accountability. In their drive to supply infants they deal with shady individuals, even those previously barred from working with them because of shonky practices.⁷⁶

Smolin suggests that they have no incentive to work with those who want to clean up intercountry adoption. This is because they are not accountable for the corrupt activities of officials and intermediaries with whom they interact in developing countries and additionally because of the secrecy common place in the adoption process corrupt practices are easily hidden and consequently there is little or no transparency. Smolin argues the only way to change this is to make US agencies accountable and their operations transparent. In other words: no more secrecy.⁷⁷ He uses the analogy of an American company employing software programmers or financial analysts in India. They cannot avoid fundamental ethical norms because "they can't stop corruption in India"

Smolin elaborates:

No importer of goods in the US would be permitted to disclaim product liability for defective products because they 'can't control the way things are made in China' ... It is absurd to have an industry present itself to adoptive families as highly ethical, and involved in placing orphans into loving homes, and then to allow the industry to disclaim responsibility when it turns out that it has instead been involved in creating orphans and breaking apart families.⁷⁸

Some of the issues that lead to the irregular practices that Smolin identifies in his research may be at play in our system. *The Australian* reported that the Queensland Government was warned in 1995 of the corrupt practices of the Malaysian Social Services Adoption (MSS) Agency in India.⁷⁹ The warning was ignored. The question then is: why was it ignored, why wasn't the information acted upon? Has the ideology of 'saving orphans' become the sole focus, so that as, Professor David

⁷⁵ New South Wales law Reform Commission Discussion Paper 34 *Review of the Adoption of Children Act 1965* (NSW) April 1994, p. 301

⁷⁶ Dateline NBC *To Catch a Baby Broker* Jan 17, 2008, Accessed Sept 26, 2008

<http://www.msnbc.msn.com/id/22731006/> ; Kidnapped kids reunited with their family in Guatemala Jan 17, 2008, Access Sept 26, 2008

<http://insidedateline.msnbc.msn.com/archive/2008/01/17/584551.aspx>

⁷⁷ The Australian Adoption Community has been demanding openness and doing away with secrecy since the mid 1970s: Marshall, A. (1984) *Review of Adoption Policy and Practice in New South Wales Report NSW*, Sydney: Advisory Committee of the Review of Adoption Policy and Practice p. 27: 'More Openness in Adoption – Access to Origins.' It is only a vocal minority of adopters that still demand secrecy in spite of birth families and adoptees need to know on well established mental health grounds. Additionally secrecy facilitates the cover up of unethical and illegal practices.

⁷⁸ Smolin, D. *The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals*

http://law.shu.edu/journals/lawreview/library/vol_35/35-2/Smolin.pdf p. 492

⁷⁹ McKenna, M. 'Warning on suspect Indian adoption agency ignored' *The Australian* Oct 3, 2008 <http://www.theaustralian.news.com.au/story/0,25197,24438789-5006786,00.html> Access Oct 4, 2008

Smolin states, “egregious sins and illegal conduct are excused?” State governments here have also been accused of dealing with shonky adoption agencies. Rory Callinan in an investigative report for *Time Magazine* states:

...Indian adoptions reveals alarming procedural flaws....[Aust authorities] continued to deal with dubious Indian agencies that had repeatedly been associated with illegal practices, including child stealing.⁸⁰

Since Smolin has suggested that the only way to ‘clean up’ intercountry adoption is to make those who deal with intermediaries and adoption agencies in developing countries responsible for their actions, as would be the case in any business situation undertaken across borders: who is going to be accountable in the Australian system? Who is accountable for the trafficked children already here?

The Unwillingness to Confront Illegalities

Emma Nicholson, Special Rapporteur to the EU states:

There is a global movement of hundreds of thousands of children from country to country. Intercountry adoption has been hijacked by the child traffickers⁸¹

The Catholic Social Welfare Commission forewarned, in 1991, that corruption would inevitably occur because of the inequality of power between the poorer nations and the wealthier; they called on the Federal and State governments to:

Reconsider Australia’s role as a recipient country.⁸²

The corruption in intercountry adoption is no secret.⁸³ Additionally, other illegal and shocking activities are carried out under its guise, such as organ harvesting⁸⁴ and

⁸⁰ Callinan, R. (2008). ‘Stolen Children. Indian infants snatched from their parents have been unwittingly adopted by couples across Australia’ *Time Magazine* Sept 1, 2008 p. 44

⁸¹ Nicholson, E. (2006) *My position on Intercountry Adoption* <http://emmanicholson.info/work/my-position-on-inter-country-adoptions.html> Accessed Sept 1, 2008

⁸² The Australian Catholic Social Welfare Commission *Intercountry Adoption Discussion Paper* Aug 1991, p.19, 4.2

⁸³ Forrell, C. A strong case for ending intercountry adoption *The Age* September 16, 1991; Smolin, D. 2002 *The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals* http://law.shu.edu/journals/lawreview/library/vol_35/35-2/Smolin.pdf; Smolin, D. *Child Laundering: How the Intercountry Adoption System Legitimizes and Incentivizes the Practices of Buying, Trafficking, Kidnapping, and Stealing Children*; Sweetman, K. ‘Kartya’ *The Daily Telegraph* June 18, 1998 p. 5; Altman, V. (1996) *Baby Trafficking or Inter-Country Adoption* <http://138.25.138.94/signposts/articles/Australia/Children/index.html>; ABC George Negus: Foreign Correspondent (1995) *Paraguay Babies*; NSW Law Reform Commission Report No. 34 (1994); NSW Law Reform Commission (1997) Report NO. 81; Herrmann K. J & Kasper, B. (1992) ‘International Adoption: The Exploitation of Women and Children’ *Affilia* 7(1) Spring 1992 pp 45-58; Meyer, M (1990) *Romania’s Adoption Bazaar: It was as if I were shopping for shoes* *Newsweek (Family)* Dec, 4, 1990; The Analyst *Monrovia Seven Children Sneaked Out* *allAfrica.com* Feb 1 2008; Marquez, G. *The Creation and Ill Effects of the Baby Trade* *Journal of Juvenile Law* 21 2000; Brunner, L. (2008) *Guatemala adoption agency lawyers on trial in ‘human trafficking’ case* *Jurist Legal Research* Uni of Pittsburgh School of Law Mar 25, 2008 <http://jurist.law.pitt.edu/paperchase/2008/03/guatemala-adoption-agency-lawyers-on.php>

(2005) *The Berkeley Electronic Press* <http://law.bepress.com/expresso/eps/749/>

supply to pedophile rackets.⁸⁵ In fact publicity about kidnapping children for adoption has been around since the 1970s. It is now known that many of the Vietnamese infants airlifted to Australia were not orphans but had grieving parents at the airport begging for their children to remain with them in their own country.⁸⁶

In the United States there has been much publicity about the corruption inherent in intercountry adoption but many who wish to adopt from overseas refuse to either acknowledge it,⁸⁷ or they tend to minimize it.⁸⁸ For example when countries have closed down their overseas adoption program many adoptive parents have rallied alongside wealthy adoption agencies to keep the 'pipeline of babies' open.⁸⁹ When Romania closed down its program the lobbying of adoptive parents and adoption agencies was so intense that the US government in turn put pressure on the Romanian government to re-open it, as was the case in Guatemala, even though corruption had been widely reported there since the 1980s.⁹⁰

This same unwillingness to confront irregularities in intercountry adoptions seems to be occurring in Australia. As previously stated the government has been aware since 1995 of serious problems with the MSS adoption agency, yet failed to take any action. The MSS adoption agency has now been publicly exposed as trafficking stolen children here. According to *The Times* two adoptive parent support groups were still collecting money for the agency and *Adoption Support for Families and Children* in WA was seeking donations on its website for sponsorships and to fund its medical clinic, up until August this year.⁹¹ The *Times* article reported that the MSS agency does not have a medical clinic. Since the WA government was aware that the agency had engaged in corrupt practices and the Child Protection Director General, Terry Murphy, stated that he was aware that it was not currently licensed to undertake

⁸⁴ Raymond, J. (1989) At Issue Children for Organ Transplant *Reproductive and Genetic Engineering* 2(3) pp. 237-245

⁸⁵ Riben, M. (2006). *The Stork Market: America's multi-billion dollar unregulated adoption industry* USA: The Stork Market p. 91

⁸⁶ Forrell, C. A strong case for ending intercountry adoption *The Age* September 16, 1991; Innocenti Digest 4 – Intercountry Adoption p. 9 <http://www.unicef-irc.org/publications/pdf/digest4e.pdf> ; Drennan D. Re-evaluating adoption; Validating the local Feb 11, 2008 <http://www.dissidentvoice.org/2008/02/re-evaluating-adoption-validating-the-local/>

⁸⁷ Olson, E. Families adopting in Vietnam say they are caught in a diplomatic jam *New York Times* Feb 11, 2008 <http://www.nytimes.com/2008/02/11/us/11adopt.html>

⁸⁸ Inside Dateline Troy Webb, Jan 14, 2008 (among many others)

<http://insidedateline.msnbc.msn.com/archive/2008/01/14/577517> Access Aug 12, 2008

⁸⁹ Smolin, D. The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals; Aizenman N. C. & Roig-Franzia M. Guatemala trying to control adoptions *The Washington Post* http://www.hollandsentinel.com/stories/120207/news_20071202028.shtml; <http://www.familieswithoutborders.com/#updates> ; Guatemala 500 Blogspot - organised letter writing, lobbying of US Congress representatives to pressure Guatemala Govt for e.g.: "On October 9 Joint Council, in conjunction with the Congressional Coalition on Adoption Institute, will issue a series of letters to the 187 members of the Congressional Coalition on Adoption. We are asking all members of the U.S. Congress to forward to President Berger the CCAI sponsored letter. We are also asking all members of the U.S. Congress to forward to UNICEF Executive Director Ann Veneman and UNICEF Guatemala Executive Director Manuel Manrique the Joint Council sponsored letter." They organised a rally against UNICEF because they perceived it as having played a part in curtailing adoptions from Guatemala. http://www.adoptiveparents.org/Guatemala_5000.htm

⁹⁰ Raymond, J. (1989) At Issue Children for Organ Transplant *Reproductive and Genetic Engineering* 2(3) pp. 237-245

⁹¹ Callinan, R. 'Stolen Children. Indian infants snatched from their parents have been unwittingly adopted by couples across Australia' *Time Magazine*, Sept 1, 2008, p. 47

intercountry adoptions, why were adoptive parent support groups allowed to continue funneling money to the agency?

Representatives of the MSS adoption agency revealed that it received \$3,420 in 2007 from Victoria's *Australian Support for Intercountry Aid (Children)* (ASIAC). After being told of the corruption ASIAC's President stated that intercountry adoption is "a very splendid thing ... sad when it runs off the rails,"⁹² basically replicating the attitude of many US adoptive parents.

The question must be asked in light of the propensity for trafficking in children when money is involved: why are adoptive parent groups allowed to donate to orphanages? Isn't this a conflict of interest? Where is the line drawn between being a donation and a payment for a child? Donations to adoption agencies are now being studied by Indian human rights organisations as they underpin "the whole trafficking network."⁹³

An Indian human rights lawyer acting for the parents of the stolen children has called for the Australian government to investigate "all the children who came through [Malaysian Social Services Adoption Agency]."⁹⁴ Is the Government going to do that to ensure that there are no more stolen children residing here? Surely this would be in line with being a good global citizen and a country that perceives itself as promoting of human rights.

How are the trafficked children and their families of origin going to be compensated? The Indian parents in *The Australian* story requested a meeting with their stolen daughter – is this wish going to be obliged?

If the theft of these children were not garbed in the lexicon of adoption there would be no doubt parents would be reunited with their children. However it certainly must be acknowledged that it is inhumane to prolong their pain further when we know their children were stolen and they will continue to grieve.⁹⁵

Conclusion

We Westerners must be accountable for the impact and consequences of demanding children from the developing world. It is not enough to find out that we have adopted a trafficked child and then belatedly go and meet with and assist his or her very poor birth family. The demand for children, without sufficient regard for the plight of their families, ensures that trafficking in children continues. This was the case in domestic adoptions during the 1950s-1970s.

According to Hermann and Kasper⁹⁶ the demand for children has "contributed to the continued oppression⁹⁷ of tens of millions" of children, because of the creation of

⁹² Ibid p. 47

⁹³ Ibid

⁹⁴ Ibid p. 45

⁹⁵ *The Sydney Morning Herald* 'Old Gov Probe Illegal Indian Adoption' Oct 15, 2008: "A lawyer representing the girl's birth parents has written to the Child Safety Department, seeking permission for a meeting to end their "emotional pain"." <http://news.smh.com.au/national/qlld-govt-probe-illegal-indian-adoption-20081015-50x2.html>

⁹⁶ Herrmann K. J., & Kasper, B. International Adoption: The Exploitation of Women and Children *Affilia* Spring 1992 7(1), p. 50

black markets, incentive for child abductions and the reliance of poorer nations on intercountry adoption as a stopgap measure rather than putting in place adequate social policies and services so poor families are not forced to relinquish.⁹⁸

The Australia Catholic Social Welfare Commission asked in 1991 and I will reiterate:

Are the recipient countries of international adoption doing anything to assist the relinquishing countries extricate themselves from the cycle of social fragmentation that engenders poverty?⁹⁹

If Australia wants to take a leading role in the development of global human rights, it can't be seen to be part of the problem. It would be hypocritical to confront Korea about its role in violating the human and social rights of its unwed mothers when Deborra-lee Furness is organising a contingent of adoptive parents to visit and donate money to 'unwedded mothers' Homes¹⁰⁰ when the Homes are a part of an intricate system that provides up to 99.5% of infants from that country for the international baby trade.¹⁰¹

Kind regards,

Christine Anne Cole

Convenor
Apology Alliance

Christine A. Cole BSc. & Law (Psy & Soc), Soc Hon, LLB GDL
PhD Candidate
School of Social Sciences and Psychology
University of Western Sydney
Email: c.cole@uws.edu.au
02 9773 6384 & 0433166637

On behalf of the Apology Alliance for parent groups and support agencies:

- Action for the Rights of Mothers and Children Organisation (NSW)
- Adoption Loss And Support (ALAS: Queensland)
- Australian Adoptees Network

⁹⁷ Similar finding of : The Australian Catholic Social Welfare *Commission Intercountry Adoption: Discussion Paper* August, 1991, p. 10: but elaborates: "By participating in the transfer of children across international borders the oppression of [their] parents is being sanctioned."

⁹⁸ Ibid, p. 19, 4.4

⁹⁹ The Australian Catholic Social Welfare *Commission Intercountry Adoption: Discussion Paper* August, 1991, p. 12, 3.6

¹⁰⁰ www.orphanangels.com.au

¹⁰¹ Adoptee Solidarity Korea *Why Should Korean Intercountry Adoption End?* Published in the OAK/G.O.A.'L. Newsletter Fall 2006 (on website under ASK publications)
<http://www.adopteesolidarity.org/indexH.html>

- ARMS (SA)
-
- ARMS (Vic)
-
- Jigsaw (WA)
-
- Mothers of the Stolen White Generation (Vic)
-
- Mothers for Justice (WA)
-
- Sydney Post Adoption Support Group (NSW)
-
- VANISH (Vic)
-
- Wollongong Support Group
-
- White Australian Stolen Heritage (W.A.S.H) (Adoptees only)

Post Adoption Resource Organisations:

- Adoption Research and Counselling Service Inc (ARCs) WA
-
- NSW Post Adoption Resource Centre (PARC)

**Response from Post Adoption Support Services (PASS),
Relationships Australia SA**

Governments have a responsibility to ensure that any child placed for intercountry adoption has not be stolen or trafficked, and that every effort has been made to ensure that the child cannot be cared for by families or communities in their birth country. Intercountry adoption should be a last resort for the care of a child, after all other avenues have been explored.

PASS concurs with Christine Cole and other mothers that birth families and adoptees are the marginalized (or silenced) voices in current debate and discussion of Inter country adoption in Australia and would like to see this rectified.

PASS also supports the need for appropriate and adequately funded post adoption support services across Australia, to meet the needs of all those whose lives are affected by adoption. We see this as including appropriate services for birth mothers and families, who have life long grief and loss complexities associated with being separated from their child by adoption, people who have been adopted - both local and intercountry, and adoptive parents and families.

Also supporting this letter:

Intercountry adoptee organisation:

- Lynelle Beveridge Founder/Director
Inter-Country Adoptee Support Network (ICASN)
www.icasn.org/