

29/8/2008

Hi Everyone,

Thanks for the emails of support. I had a wonderful break. It seems that while I have been away there has been a lot of media around child trafficking under the guise of intercountry adoption from India. The intercountry adoption (ICA) lobby is in damage control - minimising the extent of the abuses in the Indian adoption system, but the corruption has been well documented over many years.

For those interested, David Smolin, an adoptive father, professor of law, who discovered that the two young Indian girls he had adopted in the 1990s, were trafficked did extensive research of the criminal activities that were rife in the Indian system. He is now a staunch advocate for change in intercountry adoption generally.<sup>1</sup><sup>[1]</sup><sup>[1]</sup>

He notes that when corruption is exposed adoption agencies that benefit financially and adoptive parents generally claim that the trafficking of children is limited to only a few cases, and they argue that the 'pipeline' of children for adoption must be kept open at any cost. (Pipeline is Smolin's words not mine).

The former European Union (EU) Special Rapporteur for Romania explains that the ICA tactic is to engage in extensive media coverage to claim that basically intercountry adoption must be kept open to continue 'saving orphans'. And anyone that criticises the endemic abuses in the system is labelled by the ICA as anti-adoption.

Smolin states the demand for babies and small children, the money involved and the unenforceability of conventions such as The Hague, create the climate for corruption and make the policing or monitoring of intercountry adoption virtually impossible. For example Australia may set very high standards in intercountry adoption, but how are those standards maintained in rural areas of developing countries? Or countries where forged documents can be bought for a few dollars?

It is also virtually impossible for returning trafficked/abducted children to their parents once placed in foreign countries because under the Hague Convention, the 'best interests of the child' principle can be used to stymie any attempts parents make to reclaim their child, IF they had the money to mount a legal challenge. The legal expertise of an advisor to the US was that under their law once a child had settled in with the adoptive family it would be considered in its best interest to stay with that family irrespective of the fact he or she was originally stolen.

Even under the other Hague Convention - The Hague Convention on the Civil Aspects of International Child Abduction -, mothers who have had their children abducted by fathers and taken to other Western countries, have not, been able to get their children back, A case in point is Germany, where the German court ruled that the German father had more rights than the English mother and it was considered in the children's best interest to stay with the father, even though the mother had full custody of the children in England and an order from the English court to have her children returned. How much more difficult would it be then for a poor Indian or Guatemalan family to have their kidnapped child returned?

At present I am writing a chapter for my PhD on the parallels between adoptions in this country between the 1950s and the 1980s and intercountry adoption now. For instance the lack of voice of poor families in developing countries, the demand for babies fuelling the corruption, the lack of accountability of those engaged in the trafficking of children - the uselessness of laws to protect the rights of the mothers and fathers. The imbalance of power creating the climate for exploitation. The demand for babies being much greater than their

---

supply. For instance the Law Reform Commission's two papers: Discussion Paper 34 (1994) and 81 (1997), noted that there were NOT ENOUGH INFANTS to supply the needs of Westerners wishing to adopt from Developing countries - the Commission also noted that the demand was creating a market in children.

A very few corrupt individuals may be arrested in developing countries, but according to Smolin, the adoption agencies in the Developed countries, even when confronted with the abuses, deny responsibility and in many case continue to engage with corrupt individuals - 'orphans' must be saved at any cost. They blame the trafficking on a 'few rogue operators', whilst in reality, Smolin says it is the adoption agencies that are fuelling the corruption with their demand for children and infants and the high sums paid for them.<sup>2</sup><sup>[2]</sup>

Brendan Nelson has stated that any child found to be stolen will be returned - I will be watching with great interest to see if in fact any are!

Also those who are interested in understanding the mental health problems involved in adoption - the Swedish have done extensive research on the psychological problems encountered amongst intercountry adoptees. According to one Swedish/Korean academic, this is the first really independent research done (not funded by adoption agencies or conducted by adoptive parents). The research shows extremely high levels of drug and alcohol problems, and a suicide risk that is 5 times greater than the average. Many adoptees do not go on to marry or have children. The researchers are urging the Swedish govt to put in more supports for intercountry adoptees and their adoptive families. They are also warning adoption professionals to alert adoptive parents of signs to watch out for that may indicate their adopted child is at risk of suicide

Unfortunately so many adoptive families in the States are wanting to return children they have adopted from overseas because they are not equipped to deal with the severe psychological problems they have developed, a ranch has been set up where these children can have extensive support and counselling. It is estimated that at least one third of these children will not go back to their respective adoptive homes, but other families will have to be found for them.

The ICA lobby has submitted to the Australian Government that expanding the intercountry adoption program will assist Australia's problems with an ageing population - the research tells a very different story. It indicates that the Australian community will need to put in place extensive psychological and other medical services to support many intercountry adoptees

kind regards  
Chris

The following URL is an interview with an Australian mother who found two of her adopted children were trafficked.

Adoptions from India and child trafficking - Life Matters Richared Aedy interviews Julie Rollings August 28, 2008

<http://www.abc.net.au/rn/lifematters/stories/2008/2347128.htm>

An extract from the above interview

Aedy: "Can you imagine a more devastating experience than learning that the child you've adopted and loved was in fact not an orphan but was stolen?"

CC: (Yes, Richard having the child you gave birth to stolen for profit for overseas adoption)

Aedy: Why did you investigate it (the trafficking of their children) ... it could have been much simpler to just forget about it?

CC: (What about the children's need to know the truth of their heritage or the pain of their family of origin - where is the humanity, in whose interests is adoption?)

Rollings: "I awoke at 3 am in the morning, frozen with fear...maybe the children would be returned...but I knew that would never happen"

It is not surprising that the children were found not to be orphans as according to the Law Reform Commission Reports 34 and 81, there are very few real orphans, most children that end up adopted have extended families or one or even both parents still alive but are desperately poor and in need of assistance. Moving children across borders is very expensive and the money could be much better spent on funding programs to support poor families to stay together and to assist communities so that their poverty is not exploited by removing their next generation.

Many critics of intercountry adoption state that it is a band-aid solution that assists only a small number of children and takes away the incentive to set up adequate social structures to assist families to stay together, or to support single mothers - as has been the case in Korea.

How many more stolen generations will we need to apologise to?

Christine A. Cole BSc.(Psy) Soc Hon LLB GDL  
PhD Candidate  
School of Social Sciences  
University of Western Sydney  
Locked Bag 1797 Penrith South DC 1797  
Email: c.cole@uws.edu.au  
9772 6411 & 0433166637