

Parallels between historical domestic and contemporary intercountry adoption

Christine Cole
PhD Candidate ©

As a person who has lived through and been personally affected by the unethical and unlawful practices in past adoption¹ the media campaign spearheaded² by celebrity, Deborra-Lee Furness, to promote adoption as a default welfare option once more, is deeply concerning.

The author is connected to a network of support groups and agencies across the country which provide assistance for those affected by past practices, via an umbrella organization: the Apology Alliance,³ and is therefore aware of the level of distress this campaign has caused. Furness, wife of well known actor Hugh Jackman, is on a self proclaimed 'mission' to "overhaul adoption laws," both domestic and intercountry. The concern is that the Furness campaign is part of a broader movement by elements of the Australian government⁴ to take us back to a time when it was common practice for the Child Welfare Departments in all States to promote and enforce adoption and family separation because of poverty and/or unwed motherhood.⁵

The Furness campaign has been embraced by a number of right wing Christian politicians⁶ and a minority of Australians who believe practices here should be more in line with those in the United States⁷ where adoption has become an unregulated

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

² Horton, S. 'Furness's date with Attorney-General' *The Sun-Herald* Feb 24, 2008, the diary S2

³ <http://www.bensoc.org.au/uploads/documents/branching-out-october-2009.pdf>; Barbara Maison, 'The Fulfilment of a Dream' in *The Australian Journal of Adoption*, 2(3) 2010;

<http://www.nla.gov.au/openpublish/index.php/aja/article/view/1881/2265> 'Declaration of Profound Loss' In *The Australian*, November 21 2008, The Nation (section), p. 5

⁴ Murphy, K., Quartly, M. & Cuthbert, D. (2009). "In the Best Interests of the Child": mapping the emergence of pro-adoption politics in contemporary Australia', *Australian Journal of Politics and History*, June, Retrieved 8 December 2011 from

<http://findarticles.com/p/articles/mi_go1877/is_2_55/ai_n32452187/?tag=content;coll1>

⁵ Dr. Rosemary Kerr: *The State and Child Welfare in Western Australia 1907-1949* Curtin University of Technology, Jan 2005; Cole, C. (2008) *Releasing the Past: Mothers' stories of their stolen babies* Sydney: Sasko Valenjo; House Standing Committee on Family and Human Services *Overseas adoptions in Australia* 1.18 <http://www.aph.gov.au/House/committee/fhs/adoption/chapter1.htm> "Between the 1950s and 1970s, adoption was used in many cases automatically."

⁶ Murphy, K., Quartly, M. & Cuthbert, D. (2009). "In the Best Interests of the Child": mapping the emergence of pro-adoption politics in contemporary Australia', *Australian Journal of Politics and History*, June, Retrieved 8 December 2011 from

<http://findarticles.com/p/articles/mi_go1877/is_2_55/ai_n32452187/?tag=content;coll1>

⁷ Rosenwald, T. & Carroll, R., *From the trenches of the War on Adoption in Australia* No. 56 Standing Committee on Family and Human Services Inquiry into Children Adopted from Overseas

<http://www.aph.gov.au/HOUSE/committee/fhs/adoption/subs/sub056.pdf>; Pierce, W L *Death of Adoption in Australia* Submission No. 56 Standing Committee on Family and Human Services

Inquiry into Children Adopted from Overseas May 23, 2005

<http://www.aph.gov.au/HOUSE/committee/fhs/adoption/subs/sub056.pdf>

billion dollar business.⁸ The lucrative baby market ensures couples do not have to wait very long to take delivery of a newborn.⁹ Since women in the adoption reform/human rights movement here have fought hard to expose and stop the past unethical and illegal practices that led to the Indigenous and non-Indigenous/white stolen generations,¹⁰ there have been almost no newborn adoptions. To highlight this point, in 1971-1972 there were almost 10,000¹¹ women in Australia who had their newborns taken for the adoption market whilst in 2007-2008, with nearly double the population, only 59 children were adopted,¹² and the majority were not newborns, but children with special needs and with whom natural parents will have ongoing contact. Unfortunately in the last couple of years there has been a rise in the number of newborns taken for adoption since amendments to the law have insisted on mandatory reporting and the forced removal of infants deemed at risk because of domestic violence or because mothers are homeless or have mental health problems.

In 2008 *The Age*¹³, under the freedom of information obtained documents that showed there were 685 child protection reports concerning unborn babies. The Department of Human Services deemed 186 serious enough to lodge protection applications in the Children's Court and if granted the baby will be placed in the care of a relative or foster carers. The executive director of the Department of Human Services, Paul McDonald said circumstances in which applications were made included parents who had mental health or drug and alcohol problems or a young mother who was in unstable accommodation and could not provide an appropriate home for a newborn baby. Reports are usually made by professionals who come into contact with pregnant women, such as social workers and doctors, but can be made by anyone concerned about a baby's welfare. The most common ground for intervention was protecting the expected child from emotional or psychological harm assumed *might* be inflicted by the parents.

According to Brian Robins (2010)¹⁴ in an article titled: 'Surge in infants taken from mothers after DOCS crackdown' stated that the number of newborn babies taken from their mothers by the Department of Community Services has surged in the past

⁸ Riben, M. (2007) *The Stork Market: America's Multi-billion Unregulated Adoption Industry USA*: Advocate Publications <http://www.advocatepublications.com/>

⁹ Connolly, E. 'Our adoption laws an embarrassment' *The Sunday Telegraph* Aug 5, 2007, p. 9: "The process in America was quick and inexpensive" Furness states. She adopted a newborn domestically within 12 months of applying.

¹⁰ Standing Committee on Social Issues, *Releasing the past: adoption practices 1950-1998 final report*, Government Printers, Sydney, 2000; >. Submission 333 of The National Council of Single Mothers and their Children, pp. 15-16, to the Commonwealth Contribution to former Forced Adoption Policies and Practices, Retrieved 7 December, 2011 from <http://www.aph.gov.au/senate/committee/clac_ctte/comm_contrib_former_forced_adoption/submissions.htm>

¹¹ Australian Bureau of Statistics, 'Family formations: adoptions', *4102.0 Australian social trends*, ABS, Canberra, 1998.

¹² Australian Institute of Health & Welfare *Adoptions Australia 2006-2007* Child Welfare Series No. 44 Feb 21, 2008 <http://www.aihw.gov.au/publications/index.cfm/title/10547>

¹³ Nader, C. (2008), 'Child Services Intervene to Assist 200 Babies at Risk', *The Age*, 20 Jan 2009 from Retrieved 9 December 2011 from <http://www.theage.com.au/national/child-services-intervene-to-help-200-babies-at-risk-20090119-7ku0.html>

¹⁴ Robins, B. (2010). 'Surge in infants taken from mothers after DOCS crackdown', *Sydney Morning Herald*, 21 April, 2010 Retrieved 9 December 2011 from <http://www.smh.com.au/nsw/surge-in-infants-taken-from-mothers-after-docs-crackdown-20100420-srtx.html>

two years. “Each day in NSW an infant younger than four weeks old will be removed from the mother”. This is a rise of 70% in two years.”

Demand for newborns far exceeds supply and there is now intense lobbying by those who wish to be provided with babies as well as the push by a right wing element within government to promote adoption as an alternative to abortion.¹⁵ There also seems to be a return to earlier prejudices against single motherhood such as blaming it for weakening the nuclear family, creating societal problems and being a drain on welfare. In the U.S. a controversial book maintained that removing children from single mothers and giving them to married couples increased their IQ.¹⁶ A right wing think tank that operates in North Sydney has speakers who are in agreement with the above assertions.¹⁷

Bronwyn Bishop MP, chaired an Inquiry into Overseas Adoption that tabled its Report in 2005. The Report blamed Australia’s low adoption rate on an anti-adoption culture¹⁸ that was a consequence of inhumane adoption practices of the past whereby young unwed mothers had their children forcibly taken.¹⁹ Unfortunately it did not take the next step and link the forced removal of infants with the high number of babies available for adoption nor the pro-adoption culture that justified their abusive removal.²⁰ Bishop seems intent on continuing the former Prime Minister John Howard’s agenda of “steering Australian social policy towards support for the two parent traditional family”. According to Gail Reekie a secretive Christian pro-two parent family association: The Lyons Forum, “functions as a covert political faction within the Coalition Government” which wants to limit financial assistance to single

¹⁵ Murphy, K., Quartly, M. & Cuthbert, D. (2009). “In the Best Interests of the Child”: mapping the emergence of pro-adoption politics in contemporary Australia’, Australian Journal of Politics and History, June, Retrieved 8 December 2011 from

<http://findarticles.com/p/articles/mi_go1877/is_2_55/ai_n32452187/?tag=content;coll1>

¹⁶ Herrnstein, R. & Murray, C. (1994). *The Bell Curve: Intelligence and Class Structure in American Life*, New York: Free Press Paperbacks, A Division of Simon & Schuster Inc

¹⁷ Murphy, K., Quartly, M. & Cuthbert, D. (2009). “In the Best Interests of the Child”: mapping the emergence of pro-adoption politics in contemporary Australia’, Australian Journal of Politics and History, June, Retrieved 8 December 2011 from

http://findarticles.com/p/articles/mi_go1877/is_2_55/ai_n32452187/?tag=content;coll1: Reekie, G. (1998). *Measuring Immorality: Social Inquiry & The Problem of Illegitimacy*, United Kingdom: Cambridge University Press, pp. 62-65, 177; Maley, B., Berger, B., Morgan, P, Sullivan, L. & Tapper, A. (1996). *Home Repairs. Building Stronger Families to Resist Social Decay*, St Leonards, Centre for Independent Studies, Policy Forum no. 13

¹⁸ Bishop chaired a further Inquiry into drug abuse: House of Representatives Standing Committee on Family and Human Services (2007). *The Winnable War on Drugs: The Impact of illicit drug use on families*, Sept 13, < <http://www.aph.gov.au/house/committee/fhs/illicitdrugs/report.htm>> and because of her very strong pro-adoption agenda recommended that adoption should be promoted and that anyone who had ever taken drugs should have their infant immediately removed and adopted – all ties with their biological family extinguished see Santow, S. (2007). Bishop wants rethink on addicts’ children July 23, *ABC* <http://www.abc.net.au/am/content/2007/s1985268.htm> ; Bunce, J. (2007). Adopt out the children of drug addicts *The Australian* Aug 27, <http://www.lyinx.com.au/page.aspx?docid=28>

¹⁹ 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. 3, 1.5.

²⁰ K MacDermott, *Human Rights Commission discussion paper no. 5*, 1984

mothers because it blames it on the increase of ex-nuptial births.²¹ The infants of single mothers are once again placed in 'at risk' group.

Influencing social mores

Furness, it seems, has been recruited to change the so called 'anti-adoption culture'²² and create one very much similar to that which provided so many babies for adoption in the past, in short, make Australia a "pro-adoption community" once again.²³ Her stated agenda to 'overhaul adoption' can be translated to expanding the intercountry adoption program to increase the pool of available infants thus shortening the waiting time for potential adopters. The wait-time nominated by Furness must be: "no longer than 'gestation'".²⁴ The number of newborns and infants made available for domestic adoption has been increasing in recent years by various legislative and policy implementations such as: mandatory reporting of young parents; planned removal of infants at birth without informing mothers, forced removal of infants from mothers who have or had a mental health problem, and reduction of financial assistance to single mothers'.²⁵ Hence adoption in Australia is once again being structured as a service for those wishing to adopt.²⁶

²¹ Reekie, G. (1998). *Measuring Immorality: Social Inquiry & The Problem of Illegitimacy*, United Kingdom: Cambridge University Press, at p. 63

²² ABC Radio National *Life Matters* Richard Aedy 9.a.m., July 30, 2008: <http://www.abc.net.au/rn/lifematters/stories/2008/2317716.htm> ; *The 7.30 Report* ABC Reporter: Kirstin Murray March 13, 2008 <http://www.abc.net.au/7.30/content/2007/s2188906.htm>; Connolly, E. 'Our adoption laws an embarrassment' *The Sunday Telegraph* Aug 5, 2008, p. 9, "The Federal Opposition said it would be proposing reforms to streamline and harmonise the process, to cut waiting lists."

²³ <http://www.orphanangels.com.au/>

²⁴ 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>

²⁵ Cole, C. A. (2009). *The thin end of the wedge: Are past draconian adoptive practices re-emerging in the 21st century? Public submission to the National Human Rights Consultation*. Retrieved 7 December 2011 from

<[https://www.humanrightsconsultation.gov.au/www/nhrcc/submissions.nsf/list/298F895A0A1C6D37CA2576240003405F/\\$file/Christine%20Cole_AGWW-7T29E8.pdf](https://www.humanrightsconsultation.gov.au/www/nhrcc/submissions.nsf/list/298F895A0A1C6D37CA2576240003405F/$file/Christine%20Cole_AGWW-7T29E8.pdf)>. Submission 333 of The National Council of Single Mothers and their Children, pp. 15-16, to the Commonwealth Contribution to former Forced Adoption Policies and Practices, Retrieved 7 December, 2011 from

http://www.aph.gov.au/senate/committee/clac_ctte/comm_contrib_former_forced_adoption/submissions.htm>; Ainsworth, F. & Hansen, P. (2011). 'Additional Information Received', No. 18: 'Babies for the Deserving: Developments in Foster Care and Adoption in one Australian State – Others to Follow?' Tabled at Sydney Public Hearing 29 April 2011 by Family Inclusion Network of NSW, The Senate Community Affairs Committee, Commonwealth Contribution to Former Forced Adoption Policies and Practices, Retrieved 7 December 2011 from <http://www.aph.gov.au/senate/committee/clac_ctte/comm_contrib_former_forced_adoption/submissions.htm>

²⁶ Cole, C. (2008). *Releasing the Past: Mothers' stories of their stolen children* Sydney: Sasko Valenjo; 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 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

According to Furness the reason she engaged in the campaign was because many couples, on finding out that she and Jackman were able to adopt ‘quickly and cheaply,’ in the US, asked her to help them.²⁷ Furness, having no biological children of her own, has become a bit of a ‘Joan of Arc’ for other childless couples who felt stymied in their attempts to adopt from overseas because of the much stricter regulatory regime here. It must be noted, though, that Furness and Jackman did not adopt ‘orphans’ through an intercountry program. Rather, Furness used her green card whilst in the United States, to adopt two newborn babies from poor, single mothers.²⁸ The New South Wales Law Reform Commission warned against ex-National adoptions, particularly from the US, because it stated they were more of a service for adopters and there was no guarantee the rights of natural parents could be protected. For instance, Furness and Jackman were both present at the birth,²⁹ Jackman cutting the cord.³⁰ This would be problematic in Australia and under the Hague Convention on Intercountry Adoptions: consent to an adoption can only be given after, and not presumed prior to birth.³¹ Being present during the birth, cutting the cord and taking immediate possession of the infant unambiguously presumes consent prior to birth. Further, the power imbalance between a poor, young, single mother, often a minor, and two very affluent, powerful adults waiting for delivery of ‘their baby’ could leave the door open to claims of coercion under *Australian Adoption Acts*.

Furness has proclaimed the American system as being superior to ours and much more user friendly for potential adopters,³² but it could be argued that overall it is not necessarily the success story she has marketed it to be. Children taken from their mothers at birth are socially created orphans having lost ties to their entire biological family through the adoption process itself. It was reported that the Jackmans had an agreement to provide ongoing contact with the mother of their older adopted child. Unfortunately in the US agreements such as these are not legally enforceable.³³ According to researchers open adoption has been a tactic used to lure naïve, young, usually poor women into adoption, a plan they may not have considered.³⁴ Unfortunately many adopters renege on their promise to provide contact between

²⁷ Connolly, E. *Our adoption laws an embarrassment* Daily Telegraph Aug 5, 2007 p. 9

²⁸ Horton, S. Furness’s date with Attorney-General *The Sun Herald*, the Diary S2 Feb 24, 2008

²⁹ Connolly, E. *Our adoption laws an embarrassment* Daily Telegraph Aug 5, 2007 p. 9

³⁰ Denton, Enough Rope: Interview with Deborah Lee Furness ABC 29 March 2004

<http://www.abc.net.au/tv/enoughrope/transcripts/s1076056.htm>

³¹ Hague Convention of Protection of Children and Co-operation in respect of intercountry adoption Ch II Art. 4, (c) 4, http://www.hcch.net/index_en.php?act=conventions.text&cid=69: Came into force in Australia Dec 1, 1998 and implemented in Australia by the *Family Law Act 1975 & Family Law (Hague Convention on Intercountry Adoption) Regulations 1998*

http://www.ag.gov.au/www/agd/agd.nsf/Page/IntercountryAdoption_TheHagueconventiononintercountryAdoption

³² Connolly, E. *Our adoption laws an embarrassment* Daily Telegraph Aug 5, 2007 p. 9; Connolly, E. ‘Is the lucky country one without a heart?: Plea for Government to adopt a compassionate position’ *The Sunday Telegraph* Oct 21, 2007, p. 18.

³³ First Mother Forum (2010) ‘Are Open Adoptions a Boon for Mothers or a Scam?’ Retrieved 3 December, 2011 from <http://www.firstmotherforum.com/2010/07/are-open-adoptions-boon-for-birth.html>

³⁴ Adoption Critique, (2008), ‘Open Adoption: They knew it would work’, Retrieved 3 December, 2011 from <http://adoptioncritic.com/2008/08/21/open-adoption-they-knew-it-would-work/> Adoption Critique, ‘Adoption: Getting more babies to market’ (2009). Retrieved 3 December, 2011 from <http://adoptioncritic.com/2009/01/16/adoption-lets-get-more-babies-to-market/>

their adopted children and their mothers'.³⁵ This has led to tragic outcomes where some mothers have committed suicide.³⁶ Even individuals in the pro-adoption community have criticized other adopters who make contracts then cause untold misery because they fail to meet their obligations.³⁷ Mothers have found, much to their chagrin, that open adoption does not lessen the unending and torturous grief of being permanently separated from their child.³⁸

Backwards to the Future

According to Furness because of the success of her first campaign the Attorney General's Department has begun actively sourcing infants from third world countries to supply the needs of adopters here. The Child Welfare Department stated in 1958 that its first priority was to source babies for infertile couples. Nothing learned from history, nothing gained!

In a 2008 newspaper article it was claimed that:

The Federal Government is sending a delegation to Asia this month as it moves to open up adoption programs in Vietnam and Cambodia this would provide greater opportunities for Australian couples to adopt, and in turn reduce the growing waiting lists ... Furness has secured a meeting with Federal Attorney-General Robert McClelland ... she would use the ... meeting to push for the establishment of private agencies to handle the number of couples wanting to adopt ... Furness has found an unlikely ally in Australian Scott Neeson. The pair met on a red carpet in London in the 1990s, when Mr Neeson was the US president for feature films for the 20th Century Fox studios. He now heads the Cambodian Children's Fund, helping hundreds of homeless children. Mr Neeson said Australia had a "notorious history" on adoption, compared to the rest of the world. "There are so many wonderful couples in Sydney who want to adopt. I understand there needs to be a very strong due diligence, but it should not be a bureaucratic nightmare," he said. The Cambodian Government was set to pass laws that would enable countries, including Australia, to begin an adoption program, Mr Neeson said. With Furness, he had a "renewed passion" to see changes made to the system.³⁹

³⁵ Contactmusic.com Hugh Jackman – Jackman ignores baby's real mum May 7, 2004
<http://www.contactmusic.com/new/xmlfeed.nsf/mndwebpages/jackman%20ignores%20baby.s%20real%20mum> Accessed Oct 22, 2008

³⁶ Contactmusic.com Men – Suicide rocks Jackman Mar 14, 2006, Retrieved Oct 22, 2008 from
<http://www.contactmusic.com/new/xmlfeed.nsf/mndwebpages/suicide%20rocks%20jackman_14_03_2006>; PRWebb *Fast Track Adoption Ends in Suicide: Natural mother commits suicide after "Fast Track Adoption" Reveals how she was used by the woman who adopted her daughter* April 13, 2004
<<http://www.fixcas.com/oppose/pr.pdf>>

³⁷ Cynthia Christensen, 19 August, 2011 Retrieved 3/12/2011 from
<http://isaiah61girl.wordpress.com/2011/08/19/dear-adoptive-parent/?mid=52>

³⁸ Blanton, T & Deschner, J. (1990) 'Biological Mother's Grief: The Postadoptive Experience in Open Versus Confidential Adoption', *Child Welfare*, 69(6), pp. 525-535; Brodzinsky, A. (1992). The Relation of Learned Helplessness, Social Support and Avoidance to grief and Depression in Women Who Have Placed an Infant for Adoption', PhD, New York University.

³⁹ Connolly, E. Feb 3, 2008 'Deborra-lee Furness' adoption success, Sunday Telegraph Retrieved 10/11/2011 from <http://www.dailytelegraph.com.au/news/sydney-nsw/deborra-lees-adoption-success/story-e6freuzi-1111115461869>

It would be hoped that the adoption enthusiasts remember that: “It is the role of the Central Authorities to find placements as requested by the sending countries for children released for overseas adoption, rather than to seek children in those countries for families wishing to adopt them”.⁴⁰

Overview: similarities between contemporary intercountry and historical adoption

There are remarkable similarities between domestic adoption, as practiced in Australia during most of the 20th century, and contemporary intercountry adoption. That similarities exist was acknowledged by a leading academic at a National Adoption Conference in 2008.⁴¹ 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;⁴² 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.⁴³

The Intercountry Adoption (ICA) Lobby versus Lack of Voice of Poor Families

The Furness campaign is neither unique nor original. 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. Furness originally set up her own adoption lobby website: orphan angels.⁴⁴

It proved unpopular with intercountry adoptees:

The name of the website – am I the orphan and my adoptive parents the angels? Or, “save the child” concept – what about the adoptive family who mutually benefit from adopting and the natural extended family who have lost their child legally forever?

What I hated the most on the “Orphan Angels” website: I was not an orphan, before adoption but ADOPTION MADE AN ORPHAN OF ME I had a father, a real father who I loved but the day I was shipped to a foreign country for the purpose of adoption I lost my dad and I became an orphan.⁴⁵

⁴⁰ Adoption is a service for children not for adults wishing to acquire the care of a child: Principle 3 National Principles in Adoption Australia 1997 In South Australian Government Submission (No. 245) to the Inquiry into Overseas Adoption (2005) at p. 8

<http://www.aph.gov.au/house/committee/fhs/adoption/subs/sub245.pdf>

⁴¹ 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, 2008.

⁴² Smolin, D. (2005). The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals’, p. 492, Retrieved 8 December 2011 from

<http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin>

⁴³ Marquez, G. The Creation and Ill Effects of the Baby Trade *Journal of Juvenile Law* 21 2000

⁴⁴ www.orphanangels.com.au

⁴⁵ <http://intercountryadopteesupportnetwork.blog.com/3104782>

The orphanangel website no longer exists but Furness is now featured on the National Adoption Awareness Week website.⁴⁶ Furness is credited with creating adoption awareness week in Australia in November. Originally she had proposed ‘celebrating’ adoption just after Mother’s Day, but this was bitterly contested by both natural parents and adoptees.

The launch of Adoption Awareness week on Mother’s Day – as one adoptee pointed out, the insensitivity of this when it is the one day adoptees keenly feel the loss of their mother...the campaign seems to promote change that benefits only the prospective adoptive parents and it appears to uphold the USA model of adoption as the end goal ...⁴⁷

Mothers Day is a notoriously difficult time for mothers who have lost children to adoption. It is estimated that there have been 200,000 domestic adoptions... which means that a large number of women are affected at this time...A National Adoption Awareness Week coinciding with Mothers Day will quite simply compound the grief and trauma experienced by many women.⁴⁸

I am a mother – I have borne two children, and on this Mother’s Day, May 11th 2008, not only do I celebrate the birth of my son 30 years ago as a married woman, but I grieve deeply and long for my daughter born earlier when I was single, unmarried ... a decision not of mine, but one MADE FOR ME ... we too suffer like our Indigenous sisters⁴⁹

I was drugged and bullied into signing adoption forms “for the good of my son”. Not a day goes past that I am not in emotional stress. Your celebration of “Adoption Awareness Week “ would be like putting salt into an open wound. The wound never heals.⁵⁰

The Adoption Awareness website is a platform for promoting a pro-adoption agenda, and lists many powerful, rich and influential supporters. Furness’ catch cry has not changed from when she set up the orphanangel website: ‘saving orphans,’ and her strategy of silencing dissenting voices by labelling them anti-adoption continues.⁵¹ Anti-adoption becomes associated with being ‘racist’ because members of a wealthier community are being ‘selfish’ for not wanting to join in and ‘save orphans’ from exotic destinations. Locally, this translated to Australia being accused of ‘the country without a heart’; being ‘un-Australian’ and having returned to a time when ‘the white Australian policy’ was the norm.⁵²

⁴⁶ <http://www.adoptionawarenessweek.com.au/>

⁴⁷ Lynelle Beveridge Founder/Director Intercountry Adoptee Support Network (ICASN) <http://intercountryadopteesupportnetwork.blog.com/3104782>

⁴⁸ ARMS SA email to Attorney General, Robert McClelland, cc received by author April 29, 2008
Subject: Proposed National Adoption Awareness Week

⁴⁹ Email received by the author 14/5/2008 Subject Re: Letter to Rudd

⁵⁰ Email received by author and cc’d to orphanangles site

⁵¹ Nicholson, E. (2006) *My position on Intercountry Adoption* <http://emmanicholson.info/work/my-position-on-inter-country-adoptions.html> Accessed Sept 1, 2000

⁵² 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->

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 (NCFA).⁵³ The NCFA is a multi-million dollar organisation existing to represent the interests of the billion dollar adoption industry in the US.⁵⁴

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 aligned itself with the *Bucharest News*, just as Furness did here with *The Telegraph*, and began to publish ‘horror stories’⁵⁵ 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 family’s struggle with the State bureaucracy.⁵⁶

This, she states: “Makes good copy”.⁵⁷

Deborra-lee Furness has run a similar campaign to the one the EU Special Rapporteur described taking place in Romania. Courted 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.⁵⁸ On an ABC Radio National program,⁵⁹ typical of many Furness has engaged in, she stated that Australia had 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

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

⁵³ Nicholson, E. (2006) *My position on Intercountry Adoption* <http://emmanicholson.info/work/my-position-on-inter-country-adoptions.html> Accessed Sept 1, 2000

⁵⁴ Riben, M. (2006). *The Stork Market: America’s multi-billion dollar unregulated adoption industry* USA: The Stork Market

⁵⁵ Connolly, E. ‘Is the lucky country one without a heart?: Plea for Government to adopt a compassionate position’ *The Sunday Telegraph* Oct 21, 2007, p. 18: “People keep contacting me with their horror stories.”

⁵⁶ Nicholson, E. (2006) *My position on Intercountry Adoption* <http://emmanicholson.info/work/my-position-on-inter-country-adoptions.html> Accessed Sept 1, 2008

⁵⁷ Ibid

⁵⁸ Horton, S. ‘Furness’s date with Attorney-General’ *The Sun-Herald* Feb 24, 2008 the diary S2

⁵⁹ ABC Radio National *Life Matters* Richard Aedy 9.a.m., July 30, 2008: <http://www.abc.net.au/rn/lifematters/stories/2008/2317716.htm>

long,' totally overshadowed any such concerns. Briefly the interview was all about streamlining the process, making it easier, cheaper, and quicker, for ADOPTIVE PARENTS.

It would be hoped that Australia does not go down another path of exploiting children for the needs of adults as was done in the case of the Indigenous⁶⁰ and non-Indigenous stolen generations.⁶¹

Promoting adoption under the guise of 'orphan saving' and rescuing 'unwanted babies'

Helping a family by taking a child away from her mother is arguably an extraordinarily cruel form of assistance.⁶²

The success of Furness's publicity campaign hinges on the antithesis of what research has established: her claims that there are: "millions and millions of needy orphans," all waiting "to be saved."

Westerners have been sold the myth of a world orphan crisis. We are told that millions of children are waiting for their "forever families" to rescue them from lives of abandonment and abuse. But many of the infants and toddlers being adopted by Western parents today are not orphans at all. ... the neediest children are sick, disabled, traumatized, or older than 5. They are not the healthy babies that most Westerners hope to adopt. There are simply not enough healthy, adoptable infants to meet Western demand—and there's too much Western money in search of babies. As a result, many international adoption agencies work not to find homes for needy children but to find children for Western homes.⁶³

In reality, there are very few young, healthy orphans in need of adoption. "It's not really true that there are large numbers of infants with no homes who either will be in institutions or who need intercountry adoption," says Alexandra Yuster, a senior adviser on child protection with UNICEF.

⁶⁰ Bringing them Home Report April, 1997

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

⁶¹ 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/>

⁶² Professor David Smolin 'The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals, *Seton Hall Law Review*, 35(403), at 440 Retrieved 10/11/2011 from http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin

⁶³ Graff, E. J. (2008), The Lie We Love' Foreign Policy, Nov-Dec

<http://www.utne.com/Politics/International-Adoption-Lies-Orphans-Myths.aspx#ixzz1dIUwGKeq>

Graff states: “In 2006 UNICEF reported an estimated 132 million orphans in sub-Saharan Africa, Asia, Latin America, and the Caribbean. But the majority lost just one parent, either to desertion or death. Of those who lost both, most live with extended family—and are older than 5. UNICEF’s “millions of orphans” are not healthy babies doomed to institutional misery. Most are older children whose extended families and communities need support to care for them ... One American who adopted a little girl from Cambodia in 2002 wept as she spoke at an adoption ethics conference in October 2007. ‘I was told she was an orphan,’ she said. ‘One year after she came home, and she could speak English well enough, she told me about her mommy and daddy and her brothers and her sisters.’”⁶⁴

The orphan myth came about because of the broad criteria used by UNICEF to label a child an orphan.⁶⁵ To rectify this misunderstanding UNICEF stated on its website: “Evidence clearly shows that the vast majority of ‘orphans’ are living with a surviving parent, grandparent, or other family members.” Not understanding this has led to “responses that focus on providing care for individual children rather than supporting the families and communities that care for orphans and are in need of support.”⁶⁶

According to UNICEF there are 13 million orphans in the world. Of which 95% are over 5 years old and live with a grandparent or other family member. Hence only 5% = 650,000 orphans have lost both parents but even those are likely to live with a family member and very few of this number would be under 12 months old.⁶⁷ Nigel Cantwell, a Geneva-based consultant on child protection policy, has helped reform corrupt adoption systems in Eastern Europe and Central Asia. Asked how many healthy babies in those regions would be available for international adoption if money never exchanged hands, he replied: “I would hazard a guess at zero.”⁶⁸

Orphans are rarely healthy babies; healthy babies are rarely orphaned

The ‘orphan saving’ myth was dispelled by the NSW Law Reform Commission in two of its papers: Discussion Paper 34⁶⁹ and 81.⁷⁰ Both Reports noted that there were not enough infants⁷¹ to supply the needs of Westerners wishing to adopt. The Commission also pointed out that the insistent demand for children encouraged their

⁶⁴ Ibid <http://www.utne.com/Politics/International-Adoption-Lies-Orphansyths.aspx?page=4#ixzz1dIWcyds4>

⁶⁵ Graff,, E. J. (2008). The Problem with saving the World’s Orphans *The Boston Globe* Dec 11 http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2008/12/11/the_problem_with_saving_the_worlds_orphans?mode=PF

⁶⁶ UNICEF Unite for Children Press Centre Accessed May 13, 2009 http://www.unicef.org/media/media_45290.html

⁶⁷ UNICEF Press Centre, ‘Orphans’, Retrieved 10/11/2011 from http://www.unicef.org/media/media_45279.html

⁶⁸ Graff, E. J. (2008), The Lie We Love’ *Foreign Policy*, Nov-Dec <http://www.utne.com/Politics/International-Adoption-Lies-Orphans-yths.aspx#ixzz1dIUwGKeq>

⁶⁹ New South Wales Law Reform Commission (1994) Review of the Adoption of Children Act 1965 (NSW) Discussion Paper No. 34 <http://www.lawlink.nsw.gov.au/lrc.nsf/pages/DP34CHP12>

⁷⁰ New South Wales Law Reform Commission. (1997). *Review of the Adoption of Children Act 1965 (NSW) Report 81* NSW: Govt Printers

⁷¹ 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

trafficking and consequently created a black market in sending countries.⁷² It labeled the orphan myth “*a strategy*” used to legitimize the removal of children from poorer States to satisfy the needs of adults. Further it stated that intercountry adoption is not and never should be a service for infertile couples.⁷³ It did however explain that many of the children who were adopted came from poor families in developing countries who in reality needed aid. Social and aid workers on the ground criticized the practice of taking children because of poverty.⁷⁴

Professor David Smolin asks how will adopters explain to their adult children that for a fraction of the amount of money they spent on separating them from their family and culture they could have supported their whole family to stay together? In short they could have adopted their whole family, not displaced one member.

Smolin states:

I would further contend that there is a permanent link between birth families and children that makes it impossible to ethically separate treatment of one from the other. One cannot harm or abandon the birth family without also harming their birth child. Thus, saving the child and abandoning the family is unethical, particularly when it leads to the harm of unnecessarily separating the two. One way to test this thesis is to imagine, as an adoptive parent, explaining to one’s adult adopted child why it was ethical to spend \$30,000 on their adoption, while being unwilling to provide \$300 to enable the child to remain with their original parents and family. Would there be some discomfort in the discussion? What would it feel like to say, “I wanted you as my child, so I was willing to pay a lot for that, but I wasn’t going to adopt your parents, and so I wouldn’t do anything to help them keep you.”⁷⁵

Smolin suggests that in the context of human rights no parent should be placed in the position of losing a child because of poverty and Westerners who want to adopt should first provide the family with the financial means to make an informed decision, not one forced on them by poverty. Smolin states the question that ought to be posed is whether or not poverty and the parents’ powerlessness were exploited to provide another with a child?⁷⁶

Parallels can be drawn between the present ‘saving orphans’ media publicity and the way in which Australian Child Welfare Departments promoted domestic adoptions

⁷² New South Wales Law Reform Commission (1994) *Review of the Adoption of Children Act 1965 (NSW)* Discussion Paper No. 34 12.5 <http://www.lawlink.nsw.gov.au/lrc.nsf/pages/DP34CHP12>

⁷³ Law Reform Commission Report 1994 No. 34 , 12.21
<http://www.lawlink.nsw.gov.au/lrc.nsf/pages/DP34CHP12>

⁷⁴ Damien Ngabonziza cited in NSW Law Reform Commission, (1994), *Review of the Adoption of Children Act 1965* Discussion Paper No. 34 12.9
<http://www.lawlink.nsw.gov.au/lrc.nsf/pages/DP34CHP12>

⁷⁵ Smolin D. (2007). ‘Intercountry Adoption and Poverty: A Human Rights Analysis’, *Capital University Law Review*, 36(413), at 440, Retrieved 10/11/2011 from
http://works.bepress.com/cgi/viewcontent.cgi?article=1004&context=david_smolin

⁷⁶ Smolin D. (2007). ‘Intercountry Adoption and Poverty: A Human Rights Analysis’, *Capital University Law Review*, 36(413) at 415-416 Retrieved 10/11/2011 from
http://works.bepress.com/cgi/viewcontent.cgi?article=1004&context=david_smolin

mid last century. The Department engaged newspapers and magazines to run emotive articles about ‘unwanted babies,’ who needed “parents to love” and “homes to go”.⁷⁷ Hence both media campaigns served two purposes: legitimize the removal of infants, while at the same time make heroes of adoptive parents. Both normalised the transfer of thousands of children from their natural parents to those to whom they had/have no prior relationship. Both are untruthful representations of reality.

Research and anecdotal evidence reveals that most children being brought in from overseas do have families who want them. Just as the children of Australian parents taken for the domestic adoption market last century had mothers that wanted them. For instance while running the “unwanted babies” propaganda campaign there was a systematic regime of abuse operating within institutions to deprive mothers of their infants.⁷⁸ Women were routinely drugged, forbidden to see their newborns, denied the opportunity to hold and nurture them, even when they repeatedly asked. Some mothers were tied to beds during the birthing process. Pillows and sheets were used as obstacles to stop mothers from making any eye contact, hence complete the birthing and bonding process. Mothers were not allowed to leave hospital until they signed the ‘consent to adoption’ document, usually on the 5th day after birth. Women were kept like prisoners in unwed mother’s Homes and maternity hospitals. Shunned by medical staff, who were forbidden to talk to them, and threatened and coerced by social workers and matrons. Many of these young women were still minors. Too young to enter into any other legally binding contract, the *Adoption of Children Act* was used to override any common law protection and girls as young as 14 signed consents without any independent legal representation: many drugged at the time of signing. Some mothers who fought back or made too much of a disturbance were threatened with police action or were told the welfare would make their child a State ward or finally when all else failed, were told their child had died. All of the above was substantiated in the Final Report of the NSW Upper House Inquiry into past adoption practices (2000),⁷⁹ and significantly, the Federal Government has acknowledged the existence of a non-Indigenous stolen generation.⁸⁰

Australian mothers, no different from mothers around the world, certainly ‘wanted’ their children (Stephens: 1950, p. 2).⁸¹ For instance an article in *The Argus Melbourne* (1950) states: “Quite a number of unmarried mothers do not want to have their children adopted. They prefer to keep them ...”.

The demand for babies and its effect on local adoptions

⁷⁷ Gilbert, C. (1968). ‘These children need parents (But adoption’s a slow business)’ in Background *The Sydney Morning Herald* Feb 18, 1968: “500 unwanted babies all need homes”

⁷⁸ Rickarby, G. (1998). ‘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 pp. 62-73; Cole, C *Mother’s Stories of their Stolen Babies* Sydney: Sasko Valenjo 2008

⁷⁹ Legislative Council: Standing Committee on Social Issues *Releasing the Past: Adoption Practices 1950-1998 Final Report*, Report 22 Dec, 2000

⁸⁰ 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, 1.1

⁸¹ Stephens, R. (1950). Too Many “Parents” The babies will not go around *The Argus Melbourne*, Vic 26 June, p. 2

Domestic adoptions were ‘consumer driven.’ Briefly, adoption law and policy was shaped by the demand for adoptable babies.⁸² Unethical and unlawful practices became inherent, and the exploitation of single unwed mothers, expected to provide the babies demanded by married infertile couples, became the norm. This part of Australian history, though, is obfuscated.⁸³ It took decades for Australians to acknowledge the theft of thousands of Indigenous children; it seems it is going to take a while longer for white Australia to acknowledge it did the same to “its own.”⁸⁴

The Demand for Infants and its impact on overseas adoption

The same dynamic, as explained above, is quite apparent in the present pro-adoption campaign. Researchers have provided irrefutable evidence that the position, of poor vulnerable single mothers,⁸⁵ and/or poor parents in the developing world,⁸⁶ is being exploited by the same voracious demand for infants. They have shown how the demand for infants impacts on vulnerable families and is a driving factor in the creation of ‘orphans’ rather than ‘saving’ them.⁸⁷

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 ...⁸⁸

⁸² Dr Geoff Rickarby 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

⁸³ J Condon, ‘Psychological disability in women who relinquish a baby for adoption’, *The Medical Journal of Australia*, vol. 144, 1986.

⁸⁴ An Aboriginal elder commented at the 1994 National Adoption Conference: “No wonder they took our children they did it to their own!”

⁸⁵ 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

⁸⁶ 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 *Inter-country Adoption: Discussion Paper* August 1991

⁸⁷ Smolin, D. (2005). The Two Faces of Inter-country Adoption: The Significance of the Indian Adoption Scandals http://law.shu.edu/journals/lawreview/library/vol_35/35-2/Smolin.pdf; New South Wales Law Reform Commission (1994) Review of the Adoption of Children Act 1965 (NSW) Discussion Paper No. 34 <http://www.lawlink.nsw.gov.au/lrc.nsf/pages/DP34CHP12> ; New South Wales Law Reform Commission. (1997). *Review of the Adoption of Children Act 1965 (NSW) Report 81* NSW: Govt Printers

⁸⁸ 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>

Guatemala is a good example of how international adoption is consumer driven.

The country's adoption process was "an industry developed to meet the needs of adoptive families in developed countries, specifically the United States".⁸⁹ Because the vast majority of the country's institutionalized children are not healthy, adoptable babies, almost none have been adopted abroad. In the fall of 2007, a survey conducted by the Guatemalan government, UNICEF, and the international child welfare and adoption agency Holt International Children's Services found approximately 5,600 children and adolescents in Guatemalan institutions. More than 4,600 of these children were age 4 or older. Fewer than 400 were under a year old. And yet in 2006, more than 270 Guatemalan babies, all younger than 12 months, were being sent to the United States each month. These adopted children were simply not coming from the country's institutions. Last year, 98 percent of U.S. adoptions from Guatemala were "relinquishments": Babies who had never seen the inside of an institution were signed over directly to a private attorney who approved the international adoption—for a very considerable fee—without any review by a judge or social service agency

The same troubling trends have emerged, on smaller scales, in more than a dozen other countries, including Albania, Cambodia, Ethiopia, Liberia, Peru, and Vietnam. The pattern suggests that the supply of adoptable babies rises to meet foreign demand—and disappears when Western cash is no longer available. For instance, in December 2001, the U.S. immigration service stopped processing adoption visas from Cambodia, citing clear evidence that children were being acquired illicitly, often against their parents' wishes. That year, Westerners adopted more than 700 Cambodian children; of the 400 adopted by Americans, more than half were less than 12 months old. But in 2005, a study of Cambodia's orphanage population, commissioned by the U.S. Agency for International Development, found only a total of 132 children who were less than a year old—fewer babies than Westerners had been adopting every three months a few years before. Even countries with large populations, such as India, rarely have healthy infants and toddlers who need foreign parents.⁹⁰

The head of the UK Save the Children Fund came out against Madonna adopting a little Malawian girl stating: there are not millions of orphans, but poor communities that need to be supported not have their children removed.⁹¹ This has been the findings of both Reports of the NSW Law Reform Commission: No 34 & 81.⁹² There

⁸⁹ Kelley McCreery Bunkers, former consultat with UNICEF Guatemala cited in Graff, E. J. (2008), *The Lie We Love' Foreign Policy*, Nov-Dec <http://www.utne.com/Politics/International-Adoption-Lies-Orphans-Myths.aspx#ixzz1dIUwGKeq>

⁹⁰ Graff, E. J. (2008), *The Lie We Love' Foreign Policy*, Nov-Dec <http://www.utne.com/Politics/International-Adoption-Lies-Orphans-Myths.aspx#ixzz1dIUwGKeq>

⁹¹ <http://edition.cnn.com/2009/WORLD/africa/03/30/nutt.qanda/> ; <http://www.popcrunch.com/save-the-children-protests-madonna-adoption/> ; <http://news.sky.com/skynews/Home/World-News/Madonna-Malawi-Adoption-Row-Save-The-Children-Opposes-Stars-Plans-To-Adopt-A-Second-African-Orphan/Article/200903415250957>

⁹² ⁹² New South Wales Law Reform Commission (1994) *Review of the Adoption of Children Act 1965 (NSW) Discussion Paper No. 34* <http://www.lawlink.nsw.gov.au/lrc.nsf/pages/DP34CHP12>

are not enough orphans to supply the needs of Westerners and demand for them is creating black markets and contributing to trafficking of children,⁹³ just as it did in Australia up until the mid 1970s.

Demand creates Trafficking

UNICEF acknowledges that the demand by potential adoptive parents from wealthy nations is encouraging trafficking in children:

Over the past 30 years, the number of families from wealthy countries wanting to adopt children from other countries has grown substantially. At the same time, lack of regulation and oversight, particularly in the countries of origin, coupled with the potential for financial gain, has spurred the growth of an industry around adoption, where profit, rather than the best interests of children, takes centre stage. Abuses include the sale and abduction of children, coercion of parents, and bribery, as well as trafficking to individuals whose intentions are to exploit rather than care for children.⁹⁴

There is a huge outcry against human trafficking, yet the linkage between demanding infants and creating trafficking in children is obscured by desire. Usually it is only those who have had first hand experience of being trafficked realise the connection. Rani Tong, trafficked from India and sold to a Canadian Inter-country Adoption Agency and her husband Tron, trafficked from Vietnam both ended up in the United States. They returned to India where they have set up an NGO: The Tronie Foundation, in 2006, to expose and fight the trafficking of infants and toddlers for adoption.⁹⁵

Trafficking infants is legitimised under the guise of intercountry adoption.⁹⁶ This has similarities with past domestic adoption. In Australia adoption is regulated by State *Adoption Acts*. To bypass the barriers this created to adopters who wanted to adopt from other States adoption laws were amended (1940-1948). This was initiated by the Commonwealth Government which instructed State Premiers to make amendments to their State Adoption Acts so that an adoption order was legal throughout Australia.⁹⁷ Hence adopters in the Australian Capital Territory (ACT) could apply to other States that had more infants available for adoption and make application for one. Another

⁹² New South Wales Law Reform Commission. (1997). *Review of the Adoption of Children Act 1965 (NSW) Report 81* NSW: Govt Printers

⁹³ <http://newmatilda.com/search/node/Furness> ;
<http://www.brandeis.edu/investigate/gender/adoption/index.html>

⁹⁴ http://www.unicef.org/media/media_15011.html

⁹⁵ Victims take up child trafficking cause *The Times of India*
<http://timesofindia.indiatimes.com/city/mumbai/Victim-takes-up-child-trafficking-cause/articleshow/7281577.cms>

⁹⁶ Smolin, D. (2005). 'Child Laundering: How the Intercountry Adoption System Legitimizes and Incentivizes the Practices of Buying, Trafficking, Kidnapping, and Stealing Children', *bepress Legal Series*, Retrieved 8 December 2011 from
<<http://law.bepress.com/cgi/viewcontent.cgi?article=3679&context=expresso>>

⁹⁷ Christine Cole, *The Broken Bond: Stolen Babies Stolen Motherhood Viewed Through a Trauma Perspective* Submission 223, at pp. 4-5, Retrieved 7 December, 2011 from
<http://www.aph.gov.au/senate/committee/clac_ctte/comm_contrib_former_forced_adoption/submission223.htm>

common practice was to move pregnant single women across State borders where they were isolated and kept hidden in unmarried mother and baby Homes until they gave birth. After which their newborns were taken and the mothers were then transported back to their home State.

Trafficking pregnant women has become a world wide phenomenon. The Federal Magistrate, John Pascoe, stated:⁹⁸ “ ... from the perspective of the unborn child exploitation is inherent in the whole concept of movement across state boundaries to be separated from the mother at birth and on taking away the rights it would otherwise have when born.”

Pascoe states:⁹⁹

These women travel and give up their child for various reasons: they may be coerced through debt bondage, have themselves become trafficked victims and become pregnant during their servitude, been offered monetary compensation and free maternity care for their child, or it may be that traffickers prey on their maternal instincts with promises of a better life for the child.

Trafficking pregnant women across borders to take advantage of lax adoption laws and illegal intercountry adoption have become part of the murky world of international adoptions and human trafficking.¹⁰⁰

David Smolin, professor of law and adoptive father, unknowingly adopted two stolen Indian children and is now 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.¹⁰¹

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.¹⁰²

Another adoptive father who initially promoted adoption then became deeply critical of it is Dr. Richard Boas. He adopted a baby from Korea, but after visiting the country and seeing the oppression of the Korean unwed mothers he set up an

⁹⁸ Pascoe, J. Federal Magistrates Court of Australia International Conference on Child Labour and Child Exploitation: Trafficking in Unborn Children Monday 4 August 2008, at p. 5

⁹⁹ Ibid at p. 1

¹⁰⁰ Smolin, D. (2005). 'Child Laundering: How the Intercountry Adoption System Legitimizes and Incentivizes the Practices of Buying, Trafficking, Kidnapping, and Stealing Children', *bepress Legal Series*, Retrieved 8 December 2011 from <<http://law.bepress.com/cgi/viewcontent.cgi?article=3679&context=expresso>>

¹⁰¹ Smolin, D. (2005). 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>

¹⁰² Ibid p. 475

organization to support their right to parent their own children.¹⁰³ He no longer considers adoption a solution for single mothers in Korea.

Marie Myung-Ok Lee conducted research on Korean mothers separated from their children and concluded “the effect on them is ‘devastating’”.¹⁰⁴ Because of Mr. Boas’ organisation and others he had thrown his support behind¹⁰⁵ and his use of the Korean media to bring attention to the stigmatisation and powerlessness of single mother in that country the number of mothers bringing up their children has increased from 12.1% in 1998 to 31.7% in 2007. The number of adoptions both domestic and intercountry have reduced from 4,600 in 1990, 4,046 in 2000, 3,899 in 2004, and 3,562 in 2006.¹⁰⁶ The number of intercountry adoptions has decreased from 1,628 in 2005 to 1,080 in 2009.¹⁰⁷ Korean mothers are no different to mothers anywhere else in the world; if they are supported they prefer to rear their own children. Unfortunately pressure from adoption agencies is still pervasive and there are still irregularities where consents are gained from mothers immediately after birth.

Orphanages: Temporary accommodation for poor infants turned into retail stores for the wealthy

Many activists are critical of orphanages and accuse them of being nothing more than baby farms or retail outlets for children.¹⁰⁸ Interestingly when the money and the demand is taken out of the equation the number of orphanages declines exponentially.

Smolin is highly critical of adoption agencies and the orphanages¹⁰⁹ 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

¹⁰³http://www.korea.net/news/news/newsView.asp?serial_no=20070614012&part=113&SearchDay=&source

¹⁰⁴ Marie Myung-Ok Lee cited in the above article

¹⁰⁵ *ibid*

¹⁰⁶ <http://jytrenka.wordpress.com/2007/10/27/increased-number-of-unwed-mothers-raising-the-child-on-their-own/> Oct 27, 2007

¹⁰⁷ Cited in Smolin, D. (2010). ‘Child Laundering and the Hague Convention on Intercountry Adoption: The Future and Past of Intercountry Adoption’ *Selected Works of David M. Smolin* January 2010, p. 480 Retrieved 7 December, 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1007&context=david_smolin>

¹⁰⁸ 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”

¹⁰⁹ 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”

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 [it is delusionary] to expect adoption agencies, or any organisation dominated by adoption agencies to stop abusive adoption practices ... ¹¹⁰

Graff who has done extensive research into the corruption in intercountry adoption outlines how infants only intended to be placed temporarily get caught up in being trafficking overseas:

In Vietnam, rural families in particular will put their babies into orphanages that are really extended day-care centres during the harvest season,” says a U.S. Embassy spokeswoman in Hanoi. In some cases, unscrupulous orphanage directors, local officials, or other operators persuade illiterate birth families to sign documents that relinquish those children, who are then sent abroad for adoption, never to be seen again by their bereft families. Other children are located through similarly nefarious means. Western adoption agencies often contract with in-country facilitators—sometimes orphanage directors, sometimes freelancers—and pay per-child fees for each healthy baby adopted. These facilitators, in turn, subcontract with child finders, often for sums in vast excess of local wages. These paydays give individuals a significant financial incentive to find adoptable babies at almost any cost.

Sometimes, medical professionals serve as child finders to obtain infants. In Vietnam, for instance, a finder’s fee for a single child can easily dwarf a nurse’s \$50-a-month salary. Some nurses and doctors coerce birthmothers into giving up their children by offering them a choice: pay outrageously inflated hospital bills or relinquish their newborns. Illiterate new mothers are made to sign documents they can’t read. In August 2008, the U.S. State Department released a warning that birth certificates issued by Tu Du Hospital in Ho Chi Minh City—which in 2007 had reported 200 births a day, and an average of three abandoned babies per 100 births—were “unreliable.” Most of the hospital’s “abandoned” babies were sent to the city’s Tam Binh orphanage, from which many Westerners have adopted (Tu Du Hospital is where Angelina Jolie’s Vietnamese-born son was reportedly abandoned one month after his birth; he was at Tam Binh when she adopted him). According to Linh Song, executive director of Ethica, an American non profit organisation devoted to promoting ethical adoption, a provincial hospital’s chief obstetrician told her in 2007 “that he provided 10 ethnic minority infants to [an] orphanage [for adoption] in return for an incubator.”

¹¹⁰ Smolin, D. (2005). ‘The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals’ Selected Works of David M. Smolin, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin>. At p. 480

Gita Ramaswamy, an Indian activist whose aim is to stop intercountry adoption from India, is highly critical¹¹¹

American adoption agencies that charge \$15,000 ... knowingly support baby trafficking...the money goes to Indian adoption agencies to lubricate the system so babies will be available¹¹²

It is one thing to state that individuals should do “due diligence” whatever that means, but in countries that are poor and do not have adequate infrastructure to police programs that move children across borders and where there is a lot of money involved corruption is inevitable.¹¹³ It is for the same reason that adoption treaties fail to control the kidnapping and trafficking of children.¹¹⁴

The ‘best interests of the child’

The ideology that justifies the trafficking of children from ‘third world deprivation’ to ‘first world luxury’ is apparent in Australia. It is evidenced in the response of a former Family Court Judge, who dismissed the possibility of poor Indian families re-claiming their stolen children by stating:

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 judge to send a child back to the slums.¹¹⁵

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. According to Pascoe trafficking a child for a more material life violates several principles:¹¹⁶

Breaches to the 1989 United Nations Convention on the Rights of the Child are possible at the very point of birth if the child has been moved and separated from its mother; these include:
Article 7: birth registration, nationality and, as far as possible, ability to be cared for by their parents
- Article 8: preservation of identity, including family relations
- Article 9: non-separation from their parents against their will

Therefore research clearly evidences that demand is the driving factor in creating orphans.¹¹⁷ Where there is money involved orphanages spring up and it is demand

¹¹¹ Two Faces Ibid p. 475 n. 327

¹¹² Ibid p. 477 n. 331

¹¹³ 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>

¹¹⁴ 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

¹¹⁵ 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

¹¹⁶ Pascoe, J. Federal Magistrates Court of Australia International Conference on Child Labour and Child Exploitation: Trafficking in Unborn Children Monday 4 August 2008

for infants that drives international adoption.¹¹⁸ When an intercountry adoption program is halted because of corruption the number of ‘abandoned’ babies magically dries up.

The Problems with Self Regulation

The problem with self regulation is that adopting a child is not only a business for adoption agencies, lobby groups and various other players, but is a highly emotive, deeply subjective event. The majority of adopters are infertile and infertility is considered to be a trauma and professionals now recommend that before one takes a major decision such as bringing an alien child into the home the potential adopters work through any grief issues they have about the loss of not being able to have their own biological child.¹¹⁹ If the grief and other psychological phenomena that attach to infertility are not dealt with prior to adoption it can set the adoption up to fail. Additionally unexpressed or repressed grief may be displaced as an overwhelming need to adopt and this of itself can cloud judgement.¹²⁰ Once a couple have adopted they then have a vested interest in justifying to themselves and others that what they have done is ‘good and moral’, therefore when abuses are exposed in the intercountry adoption system they are either blind to or minimise them. Smolin states that parties to adoption: “Possess strong motivations to favour even a systematically abusive adoption system over no system at all”¹²¹

When abuses are uncovered and developing countries begin to clamp down or put a moratorium on children leaving for adoption overseas the adopters begin campaigns to bring “their” children home. These campaigns are vigorously promoted by adoption lobby groups,¹²² and adoption agencies. Blogger sites are set up, on-line petitions generated and generic letters to members of Congress. When Romania shut down adoptions a “Campaign for Continuing Romanian Adoption was started by Laura LeVigne, mother of four Romanian children”.¹²³

When Guatemala tried to stem the flow of its children because of rampant corruption Guadaopt was set up, again using the strategy of rallying adoptive parents to write to their local Congressmen to put pressure on the US government to put pressure on Guatemala in order to allow the supply of babies to continue. Guatemala is the 3rd

¹¹⁷ Smolin, D. (2005). The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals’, SelectedWorks of David M. Smolin, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin>. ; New South Wales Law Reform Commission (1994) Review of the Adoption of Children Act 1965 (NSW) Discussion Paper No. 34 <http://www.lawlink.nsw.gov.au/lrc.nsf/pages/DP34CHP12> ; New South Wales Law Reform Commission. (1997). *Review of the Adoption of Children Act 1965 (NSW) Report 81* NSW: Govt Printers

¹¹⁸ 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

¹¹⁹ Clapp, D. (1985). ‘Emotional Responses to Infertility’, *Journal of Obstetric, Gynecologic, & Neonatal Nursing*, 14(s6) pp. 32s-35s, November, at p. 34s

¹²⁰ Adoption Advocacy <http://www.adoptsc.com/articles/copingwiththstressofinfertility.htm>

¹²¹ Smolin, D. (2005). ‘The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals’ at p. 465, SelectedWorks of David M. Smolin, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin> at p.. 475

¹²² Guatemala 500 http://www.adoptiveparents.org/Guatemala_5000.htm

¹²³ <http://www.familyhelper.net./news/romania.html>

biggest suppliers of babies to the US and adoptive parents, irrespective of the media publicity detailing the abuses within the system, demanded that the flow of children continue.

After a Dateline expose¹²⁴ of an ‘adoption facilitator’ who was supposedly banned from processing adoptions, was shown to still be working with US adoption agencies, and not only involved in shady deals where adoptive parents were fraudulently deceived but outlined ways in which paedophiles could bribe their way to obtaining a clean police record either from either Guatemala, Cuba or Greece. The response of US adopters even before the show was aired was to deny or minimise the baby trafficking with such comments as: “Please do not raise suspicion about all Guatemalan adoption – it is not warranted”.¹²⁵

Troy Webb, who runs the Guadaopt site was first with his comment:

I haven’t seen the piece yet but I’m so curious to know why people insist on believing that children are abducted and “sold” into adoption ... I realise these stories get ratings ... catchy titles ... baby snatching ... I wonder ... think about the impact that stories like this can have on the adopted children... do they THINK about what these “fantastic tales” can do to a family? Why focus on a few...Especially when the USA has clearly taken appropriate measures to make sure these things don’t happen.¹²⁶

Here again a familiar theme emerges: protecting adoptive children from what may be the truth of their origins. In New South Wales when mothers separated from their children began to speak out one activist mother received death threats. When mothers campaigned for an Inquiry into past practices in domestic adoption in 1997-1998 in New South Wales the Adoptive Parents Privacy Group (APPG) marshalled a campaign to stop the Inquiry from proceeding. In their June 1998 Newsletter they stated:

The APPG does not wish to steer your input in any way by giving predictions of possible outcomes. However, it must be said that some outcomes resulting from the Inquiry’s findings may have serious implications for your families. You will be well aware of a vocal minority who have been on TV and in newspaper articles who are likely to attempt to dominate the Inquiry with strong and articulate anti-adoption submissions.¹²⁷

Similarly any exposure of illegal practices in intercountry adoption is simplistically reduced to being anti-adoption. The Inquiry was never meant to be a debate about adoption; it was to expose the unlawful and unethical manner in which mothers were treated prior to any adoption order being made. Some infants were never adopted but ended up in institutions as wards of the State. Some infants died. The Inquiry was

¹²⁴ Inside Dateline, Retrieved 12 August 2008 from <http://insidedateline.msnbc.msn.com/archive/2008/01/14/577517>

¹²⁵ Ibid Jaime, St. Louis, MO, Jan 14, 2008

¹²⁶ Ibid Troy Webb, Jan 14, 2008

¹²⁷ Adoptive Parents Privacy Group (NSW) Inc. June 12, 1998

about exposing the human rights abuses mothers had been subjected too by being forcibly separated from their newborns. But this is not what the pro-adoption lobby want to hear:

I feel confident in my heart that both of our children were brought into our lives in an ethical manner¹²⁸

Getting ‘their’ children home is another pattern that emerges whenever adoption corruption is exposed.¹²⁹

Smolin explains:¹³⁰

Prospective adoptive parents to varying degrees collaborated with one another to ‘bring their children home’. This tends to be their focus, not on changing the corruption in the system from which they intend to benefit.

Again this is apparent in the comments of adopters when abuses within the system are exposed:

I am frustrated to see that Dateline is planning to air a story that focuses only on the small percentage of adoptions in Guatemala that may be operating under unethical practices. As someone who has been in process for almost a year and is still months away from having *my* son home, I can tell you that there are cases that are being processed legally. If our lawyer and the system were entirely corrupt, why would people have to wait so long to get *their* children home?¹³¹

Further US adopters cannot see that their demand for babies is fuelling the black markets, even though they are being informed of that fact by various sources.¹³²

I too wish the media would stop saying that Guatemalan adoptions are only fuelled by the demand of Americans wanting babies...I know that all this negative talk is going to hurt many adopted children from Guatemala, wondering if they were stolen or sold.¹³³

The NSW Law Reform commission stated “There is no doubt that trafficking in children does exist and the intercountry adoption creates a market which ... allows for

¹²⁸ Inside Dateline, Kevin Jan 16, 2008, Retrieved 12 August 2008 from <http://insidedateline.msnbc.msn.com/archive/2008/01/14/577517>

¹²⁹ Smolin, D. (2005). ‘The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals’ at p. 465, SelectedWorks of David M. Smolin, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin>. At p. 465

¹³⁰ Ibid at p. 481

¹³¹ Inside Dateline Magen Duffy, La Crosse Wisconsin Jan 16, 2008, Retrieved 12 August 2008 from <http://insidedateline.msnbc.msn.com/archive/2008/01/14/577517>

¹³² Rothschild, M. Babies for sale. South Koreans make them, Americans buy them *The Progressive*, Jan 1988. Retrieved from <http://www.transracialabductees.org/politics/progressive.html>; Adoptee Solidarity Korean ‘Why Should Korean Intercountry Adoption End’ Published in *The OAK/G.O.A. L. Newsletter* Fall 2006

¹³³ Inside Dateline Karen Richmond VA Jan 15, 2008, Retrieved 12 August 2008 from <http://insidedateline.msnbc.msn.com/archive/2008/01/14/577517>

the iniquitous practice of buying and selling children”.¹³⁴ Additionally there is just not enough ‘orphans’ to supply the needs of Westerners wishing to adopt. The Regional Expert Meeting on Protecting Children’s Rights in Intercountry Adoptions and Preventing Trafficking and Sale of Children recommended that:

A reassessment of the need for ICA [intercountry adoption] is clearly essential. There is a widespread misconception about the numbers of children in need of ICA. The “demand” for such children in the US, Europe and Australia is much larger than their “availability.”¹³⁵

Smolin suggests that when adoptive parents do try and speak out they are threatened with being sued by their agency or they are ridiculed or ostracised by others in the adoption community because they are seen “as a threat to the continued operation of the system”¹³⁶

Over the years I have watched as the number of Guatemalan adoptions has grown into the thousands. I am one parent who grew to believe that reform is necessary... As demand for infants grew, more unscrupulous players entered the system lured by ... clientele with big American dollars. Then I heard tales about the jaladores (baby-finders) and cash payments to Guatemalan mothers. Later I learned that high number of adoptions involved the siblings of previously adopted infants. There have been a segment of parents who’ve read the signs as I have and they have been advocating for more transparent adoptions... Inevitably these voices have been shouted down by angry parents in denial of what has been occurring or worse, by rationalisers willing to accept a measure of corruption for the sake of “the children”. ...sadder still is the fact that so much disparity of wealth exists between the US and poor nations... that desperate woman can be enticed by a few hundred dollars to relinquish their babies ... Shame on all of us for that...¹³⁷

As adoptive parents of a daughter from Guatemala, my husband and I hope that the process in Guatemala will get a complete overhaul. Yes, a lot of families have been made... but the adoption process in Guatemala is a mess. I have learned more disturbing things about the process since we brought our daughter home (Like adoptive parents getting on wait lists for biological siblings from the same birth mother).¹³⁸

Even if abuse is pointed out in the actual case it is dismissed as Smolin suggests, a corrupt system is better than no system:

¹³⁴ NSW Law Reform Commission (1997) Report 81, at p. 386

¹³⁵ Ibid at p. 388

¹³⁶ Smolin, D. (2005). ‘The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals’, at p. 481, *Selected Works of David M. Smolin*, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin>

¹³⁷ Inside Dateline, Melissa Bissett, Michigan Jan 17, 2008, Retrieved 12 August 2008 from <http://insidedateline.msnbc.msn.com/archive/2008/01/14/577517>

¹³⁸ Ibid Rachel Appleton, WI Jan 16, 2008

Further more the Social Worker said that the BM [birthmother] advised her that she was changing her mind and wanted Ana [her daughter] back and the office refused. The SW said that she pushed the BM on this issue to see if it was true but the BM suddenly changed her mind again saying that she knew the adoption was the best thing for Ana. I stressed to the SW that no mention could be made of that conversation otherwise the PGN [the Central Authority for processing adoptions] would stop the case. The SW said it is not in the report.¹³⁹

Mothers who gave evidence at the NSW Inquiry into past practice in adoption, stated they too had been 'counselled' out of their babies. They complained of the coercive tactics used by social workers intent on gaining their babies for adoption, that too was not inserted into the mother's files. What was usually stated was: "Mother believes adoption is the best thing" or words to that effect. Even across borders and cultures some things don't change.

When adoptions in Chile was supposed to go through the National Service of Minors (SENAME) a dependent body of the Justice Ministry, foreign couples exploited 'loopholes' in the Chilean legislation by-passing that regulation and eliciting "social workers, lawyers, nuns, or merchants and pay[ing] them elevated prices to find a child for them in a short period of time".¹⁴⁰

And far from assisting social rights in developing countries as the ICA lobby proclaim¹⁴¹ it actively encourages the rupture in families¹⁴² the promotion of abandonment and child trafficking.¹⁴³ In Peru for instance the number of attorneys working in the adoption field increased from five or six in 1984, just prior to the promotion of intercountry adoption, to over 40 in 1994. Along with this went "kidnapping of children, trafficking, irregular adoption, forgery of papers and corrupt procedures".¹⁴⁴ It also takes away incentives for developing countries to provide adequate social infrastructure¹⁴⁵ particularly for single mothers if they are a stigmatised minority as in Korea.¹⁴⁶

Additionally promoting intercountry adoption to an impoverished local community may act as a coercive incentive to relinquish their children, not to do so may seem to some poverty stricken parents as not "being in their child's best interests."¹⁴⁷ Maria Josefina Becker of the Brazilian Federal Child Welfare Agency states that: In this way

¹³⁹ Ibid

¹⁴⁰ Duenas 1995 cited in NSW Law Reform Commission, Report 81 (1997): at p. 462, n. 43

¹⁴¹ Bartholet, E. Focus on Adoption: Conference: "In the Best Interests of Children: A Permanent Family" Guatemala City, Guatemala – Jan 20-21, 2005
<http://www.law.harvard.edu/faculty/bartholet/speeches/FOCUS%20ON%20ADOPTION.pdf>

¹⁴² Law Reform Commission (1997). Report 81 at p. 390

¹⁴³ Ibid pp. 388-389

¹⁴⁴ Ibid p. 388

¹⁴⁵ Altman, V Baby Trafficking or Inter-country Adoption July 1996 Retrieved September 5 1999 from <http://138.25.138.94/signposts/articles/Australia/Children/333.html>

¹⁴⁶ Rothschild, M. Babies for sale. South Koreans make them, Americans buy them *The Progressive*, Jan 1988. Retrieved from <http://www.transracialabductees.org/politics/progressive.html>; Adoptee Solidarity Korean 'Why Should Korean Intercountry Adoption End' Published in *The OAK/G.O.A.L.* Newsletter Fall 2006

¹⁴⁷ NSW Law Reform Commission. (1997). Report 81, at p. 389.

conditions encouraging the “production” of abandonment are created ... which in reality serve the interests of adoptive parents”.¹⁴⁸

Corruption in the Agencies

There is no doubt there is corruption within Guatemala. Our problems were clearly with the US adoption agency. This agency has not only damaged our family but the families of approximately 40 others ... While the journalists expose the corruption, the state officials sit on their hands and do nothing. Maybe this is why the corruption continues. For those whose adoption were or are without problems, Please do not criticise or doubt those of us who speak out and tell our stories! Do not doubt that our adoptions were a horror, or the DNA was switched, or the child was sold prior to the adoption, or the paperwork was forged, or the foster mom abused the child ... My family will continue to live with the lies and misrepresentations told to us by the adoption agency and our lives will never be the same.¹⁴⁹

According to David Smolin “Agencies possess financial and ideological incentives to bring children to the United States regardless of allegations of abuse.”¹⁵⁰

He explains that “intercountry adoption is a business that depends on the movement from children from source countries” and “ideologically these agencies have a strong commitment to saving children”¹⁵¹ or in the terms now being used in the present ICA lobby campaign in Australia: “rescuing orphans.”

After analysing scandals in the Indian intercountry adoption program that hit the headlines in 1996, 1999 and 2001: the Andhra Pradesh scandals, named after the Indian State where they happened, David Smolin concluded that “intercountry adoption is not a self-regulating, self-correction system”.¹⁵² He notes that even “if personnel know of abuses they do “not appear to report [them]” and may even prevent adoptive parents from reporting them.”¹⁵³

The level of baby theft has reached such proportions in Guatemala that the US Department of State put out a warning that US citizens should not engage in taking any photographs of children, particularly in rural areas as they could be attacked by villagers who might suspect them of planning to kidnap their children. Even though the Andhra Pradesh scandals were widely reported: “no United States agency played a part in reporting, reducing, ending, or limiting systematic corrupting within the Andhra Pradesh adoption system ... instead they continues to process cases.”

¹⁴⁸ Becker cited *ibid* pp. 389-399

¹⁴⁹ Inside Dateline, CED Jan, 19, 2008, Retrieved 12 August 2008 from <http://insidedateline.msnbc.msn.com/archive/2008/01/14/577517>

¹⁵⁰ Smolin, D. (2005). The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals, SelectedWorks of David M. Smolin, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin> at p. 475

¹⁵¹ *Ibid* p. 475

¹⁵² *ibid* p. 475

¹⁵³ Smolin, D. (2005). The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals, SelectedWorks of David M. Smolin, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin> pp. 475-476

When Dateline investigated reported corruption in the Guatemalan adoption system they met and negotiated with an “adoption facilitator” who made thousands of dollars on each child he process, they found though banned from working with US adoption agencies, he still was very much doing business as usual.

Smolin explains why this happens:

That intercountry adoption system must be kept open and functioning despite even pervasive corruption ... Saving ... individual children is the preeminent good, to be prioritized above all other norms [and] on this basis shutdowns of individual countries are always opposed ... any reforms that would slow down the processing... are found wanting ... in short much of the intercountry adoption work... is a corrupt system that continues to process adoptions.¹⁵⁴

Even religious organisations and NGOs can be corrupted by the huge profits pouring in. Nuns who ran an orphanage were involved in fast tracking an adoption of an child whose potential adoptive father had been found guilty of murdering the adoptive mother’s Guatemalan born child, adopted earlier ... It was believed that if anyone found out the truth the adoption would be halted.

The Indian High Court that had conduct of the matter of the Andreh Pradash noted:¹⁵⁵

We are constrained to observe that the Nuns who relinquished the world and who dedicated themselves for the service of society are also getting influenced by the unethical methods adopted by certain agencies who made their institutions as business centers

Smolin concluded of the scandals:

There is no way to account for the numbers of purchased, kidnapped, or improperly relinquished children ... and ... numbers seem to have been significant (p. 476) ... And that U S agencies through monetary incentives are fuelling the trafficking of children under the guise of adoption.¹⁵⁶

Indian activists are highly critical of the agencies:

American adoption agencies that charge \$15,000 ... knowingly support trafficking ... the money goes to Indian adoption agencies to lubricate the system so **babies** will be available.¹⁵⁷

The NSW Law Reform Commission stated that institutions dependent on income from intercountry adoption promote intercountry adoption rather than local. In some

¹⁵⁴ Ibid at p. 453

¹⁵⁵ citing Clements, (2003) 4 Andhra Law Times 644, para 33, ibid at p. 468

¹⁵⁶ Ibid at p. 477

¹⁵⁷ Gita Ramaswamy cited in ibid at p. 477 n. 331.

instances this means that babies are kept for months in institutions awaiting foreign adoption when they could have been placed much earlier locally.¹⁵⁸

In India, Brazil and recently in China, far from there being no interest in domestic adoptions it seems the very opposite. After significant reforms were introduced in Brazil in 1990 to eliminate corruption “contrary to perception that if there was no intercountry adoption hundreds of children would languish in institutions “there is a huge waiting list of nationals wanting to adopt infants and younger children.”” Furthermore, as was the case in India, adoption agencies prioritized foreign adoptions over domestic for monetary gain.¹⁵⁹

The Law Reform Commission recommendation 100¹⁶⁰ stated that legislation should provide for licensing requirements which **prohibit** accredited bodies being involved in fundraising, sponsorship and the sending of aid to an institution with which it has an intercountry program.

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.¹⁶¹ But poor countries do not have the money nor the will to put in the infrastructure to monitor corruption,¹⁶² rather in many cases it has been found that Government officials themselves are bribed.¹⁶³ The Hague Treaty on Intercountry Adoption presently being implemented by many countries may end up being a ‘red herring’. Expanding adoption programs on reliance that the Treaty is going to protect us from receiving trafficked children may in reality have the very opposite effect. The demand for children is the engine driving corruption and no international law is going to stop criminal gangs in poor countries from stealing and trafficking children when there is so much money involved. How is the government going to ensure, that poor mothers in Korea, a stigmatized minority,¹⁶⁴ are not being coerced out of their children by adoption agencies, who have been in the baby business for decades?¹⁶⁵ There have been reports of agency

¹⁵⁸ NSW Law Reform Commission. (1997). cited in Report 81 at p. 463, n. 52.

¹⁵⁹ Ibid at p. 387

¹⁶⁰ Ibid p. cited at pp. 389-399

¹⁶¹ 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

¹⁶² 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>

¹⁶³ Smolin, D. (2005). The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals, Selected Works of David M. Smolin, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin> 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

¹⁶⁴ Rothschild, M. Babies for sale. South Koreans make them, Americans buy them *The Progressive*, Jan 1988. <http://www.transracialabductees.org/politics/progressive.html>; Adoptee Solidarity Korean ‘Why Should Korean Intercountry Adoption End’ Published in *The OAK/G.O.A. 'L. Newsletter* Fall 2006

¹⁶⁵ The Australian Catholic Social Welfare Commission Intercountry Adoption : Discussion paper Aug, 1991 p. 12; UNICEF Innocenti Digest 4 - Intercountry Adoption <http://www.unicef->

representatives standing at the foot of the bed waiting for the mother to deliver them her child. The infant is already earmarked for an overseas adopter.

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.¹⁶⁶

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.¹⁶⁷ The Law Reform commission stated:

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.¹⁶⁸

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 illegal practices.¹⁶⁹ 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. 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.¹⁷⁰ 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"

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>;

¹⁶⁶ Smolin, D. (2005). 'The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals' Selected Works of David M. Smolin, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin> at 482

¹⁶⁷ Ibid p. 426

¹⁶⁸ New South Wales law Reform Commission Discussion Paper 34 *Review of the Adoption of Children Act 1965* (NSW) April 1994, p. 301

¹⁶⁹ 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>

¹⁷⁰ 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 the need of birth families and adoptees to know each other on well established mental health grounds. Additionally secrecy facilitates the cover up of unethical and illegal practices.

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.¹⁷¹

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 traffickers¹⁷²

In 1991, the Catholic Social Welfare Commission forewarned that corruption would inevitably occur because of the inequality of power between the poorer nations sending children and the wealthier, demanding them. It called on the Federal and State governments to:

Reconsider Australia's role as a recipient country.¹⁷³

The corruption in intercountry adoption is no secret.¹⁷⁴ Additionally, other illegal and shocking activities are carried out under its guise, such as organ harvesting¹⁷⁵ and

¹⁷¹ Smolin, D. (2005). The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals, Selected Works of David M. Smolin, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin> at p. 492

¹⁷² Nicholson, E. (2006) *My position on Intercountry Adoption* <http://emmanicholson.info/work/my-position-on-inter-country-adoptions.html> Accessed Sept 1, 2008

¹⁷³ The Australian Catholic Social Welfare Commission *Intercountry Adoption Discussion Paper* Aug 1991, p.19, 4.2

¹⁷⁴ Forrell, C. A strong case for ending intercountry adoption *The Age* September 16, 1991; Smolin, D. (2005). 'The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals' Selected Works of David M. Smolin, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin>; Smolin, D. (2005). 'Child Laundering: How the Intercountry Adoption System Legitimizes and Incentivizes the Practices of Buying, Trafficking, Kidnapping, and Stealing Children' *bepress Legal Series*, Retrieved 8 December 2011 from <<http://law.bepress.com/cgi/viewcontent.cgi?article=3679&context=expresso>>; 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 Discussion Paper. 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.¹⁷⁶ 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.¹⁷⁷

Some of the issues that lead to the irregular practices that Smolin identifies in his research are apparent 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.¹⁷⁸ The warning was ignored. Maybe the ideology of 'saving orphans' had taken hold, and as Professor David Smolin states, "egregious sins and illegal conduct are excused." State governments have also been accused of dealing with unscrupulous 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.¹⁷⁹

As a result it is estimated that around 30 children were stolen and trafficked into Australia for intercountry adoption.

In the United States there has been wide publicity about the corruption inherent in intercountry adoption but many who wish to adopt from overseas refuse to either acknowledge it,¹⁸⁰ or they tend to minimize it.¹⁸¹ 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.¹⁸² When

¹⁷⁵ Raymond, J. (1989) At Issue Children for Organ Transplant *Reproductive and Genetic Engineering* 2(3) pp. 237-245

¹⁷⁶ Riben, M. (2006). *The Stork Market: America's multi-billion dollar unregulated adoption industry* USA: The Stork Market p. 91

¹⁷⁷ 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/>

¹⁷⁸ 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

¹⁷⁹ 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

¹⁸⁰ 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>

¹⁸¹ Inside Dateline Troy Webb, Jan 14, 2008 (among many others) <http://insidedateline.msnbc.msn.com/archive/2008/01/14/577517> Access Aug 12, 2008

¹⁸² Smolin, D. (2005). The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals', Selected Works of David M. Smolin, Retrieved 8 December 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=david_smolin>; 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

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.¹⁸³

So it seems when a program is halted adoptive parents use all their influence, power and money to have it re-opened. For instance the following is a campaign initiated after UNICEF intervened to stop the rampant corruption in Guatemalan adoptions:

UNICEF's Stance on Intercountry Adoption Jeopardizes Children: One child advocacy organization that supports a misguided position on ICA that threatens the welfare of the very children they aim to protect is UNICEF. The policies and rhetoric of UNICEF ignore the social, ethnic, and economic realities of many countries and advocate for reactionary legal reforms that restrict intercountry adoption to a point where children are forced to live in underfunded institutions rather than joining families abroad. *Families Without Borders* believes that the over-riding goal of any ICA system should be for children to be raised in loving, permanent families without unnecessary delays. As the name of our group reflects, we believe political and cultural borders should not be barriers to children finding forever families. We believe that intercountry adoption sometimes provides the only viable option to provide a safe, secure, and loving home when a birthmother is unwilling or unable to care for her child and chooses to make an adoption plan, and when the social structure is inadequate or unavailable to care for this child in his native country. This is especially true in Guatemala where there is no social structure available to care for "unwanted" children and birthmothers in need of assistance.¹⁸⁴

Walter Orlando Reina, a prosecuting attorney for the Guatemalan state of San Marcos says "a network of baby-stealers operates in the region, kidnapping children for foreign adoptions."¹⁸⁵

Other countries from which children are trafficked: Samoa¹⁸⁶ Nepal¹⁸⁷ Vietnam¹⁸⁸ Guatemala¹⁸⁹ Cambodia, India, China¹⁹⁰, It is estimated that up to 70,000 children are

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

¹⁸³ Raymond, J. (1989) *At Issue Children for Organ Transplant Reproductive and Genetic Engineering* 2(3) pp. 237-245

¹⁸⁴ <http://www.familieswithoutborders.com/>; Aizenman, N. C & Roig-Franzia, M, Guatemala trying to control adoptions', *The Washington Post*, Dec 2, 2007, Retrieved May 2009, from

http://www.hollandsentinel.com/stories/120207/news_20071202028.shtml

¹⁸⁵ Edward Hegstrom, "With Babies in Demand, Kidnappers Are on the Prowl: Incidents in Guatemala Believed to be Supplying Adoption Market," *Houston Chronicle*, November 11, 1997,

<http://www.casa-alianza.org/EN/human%20-rights/illegaladop/press/97011a.shtml>

¹⁸⁶ Pacific Islands Report: Utah Agency Indicted In Samoa Adoption Scam," March 5, 2007

<http://pidp.eastwestcenter.org/pireport/2007/March/03-05-01.htm>

¹⁸⁷ Nepal: Unicef On Inter-Country Adoption

<http://peacejournalism.com/ReadArticle.asp?ArticleID=17655>

¹⁸⁸ http://vietnam.usembassy.gov/irreg_adoptions042508.html;

<http://vietnamnews.vnagency.com.vn/showarticle.php?num=01CAS150708>

stolen and trafficked in China every year¹⁹¹ and Romania, Brazil¹⁹² Korea¹⁹³. The government has made it known many irregular adoptions were conducted in Vietnam.¹⁹⁴

Lauren Galindo found over 700 Cambodian children for adoption, with many of them being stolen. Angelina Jolie was one of her clients. \$8 million in profits for her company, Seattle International Adoption. Galindo spent the money on a lavish lifestyle -- she bought beachfront property, luxury vehicles, artwork and jewellery. Adoption lawyers say there is very little that Cambodian families can do.¹⁹⁵

In the Special Rapporteur's Report he noted that in Brazil over 10,000 children had left the country not all legally and that adoption agencies, judges and lawyers were all implicated in the sale of children for intercountry adoption. There was also concern for the State's ability to monitor the children once they left for overseas.¹⁹⁶

Pascoe states:¹⁹⁷

Children certainly should not be prevented from migration in search of a better future, however, the use of illegal means such as illegal adoption does not necessarily facilitate the chances of a better life and increases the susceptibility of the child to exploitation. After all, a child is not a handbag to be ordered at random, picked up and discarded at will.

Pascoe's description of a child being compared to a handbag reminds one of the Russian adoptee sent back with a one-way plane ticket to the institution from which his American parents had adopted him. He had a note pinned on him that stated he was psychopathic and the family "... no longer wish to parent this child. As he is a Russian national, I am returning him to your guardianship".¹⁹⁸ Unfortunately commodification of children has led to disastrous outcomes. By March 2010, 15

¹⁸⁹ <http://www.allheadlinenews.com/articles/7011743585>; See Report of the Special Rapporteur on the Sale of Children, Child Prostitution and

Child Pornography, U.N. Comm'n on Human Rights, 56th Sess., Provisional Agenda Item 13, U.N. Doc. E/CN.4/2000/73/Add.2 (2000); Sara

Olkon, *The Business of Selling Babies? Guatemala Leads Latin America in the Number of Illegal Adoptions*, MIAMI HERALD, June 4, 2000, at 1L.

¹⁹⁰ Four Corners *China's Stolen Children*, Child trafficking in China Reporter: Channel 4 Broadcast: 22/04/2008 <http://www.abc.net.au/4corners/content/2008/s2219617.htm>

<http://www.hbo.com/docs/docuseries/chinasstolenchildren/index.html>;

¹⁹¹ <http://www.channel4.com/news/articles/dispatches/chinas+stolen+children/876352>

¹⁹²

<http://www2.ohchr.org/english/issues/children/rapporteur/Report%201992%20en%20mission%20to%20Brazil.pdf>

¹⁹³ Baby Exporting Nation: The Two Faces of Inter-country Adoption (Television Documentary aired 2005 posted on u-tube 2007) <http://video.google.com/videoplay?docid=-4439761050204972345>

¹⁹⁴ http://travel.state.gov/family/adoption/country/country_4318.html

¹⁹⁵ <http://abcnews.go.com/WNT/Story?id=267559&page=1> Reported Nov 19, 2004

¹⁹⁶ <http://www2.ohchr.org/english/issues/children/rapporteur/Report%201992%20en%20mission%20to%20Brazil.pdf> pp. 6-7

¹⁹⁷ Ibid at p. 5

¹⁹⁸ CBS (2010). Sheriff: Family was afraid of adopted boy April 12

Russian adoptees had been murdered by their American adopters.¹⁹⁹ The number has now risen to 19.²⁰⁰

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 Western Australia was seeking donations on its website for sponsorships and to fund its medical clinic, up until August 2008.²⁰¹ The *Times* article reported that the MSS agency does not have a medical clinic. Since the 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 intercountry adoptions, the question must be posed, why were adoptive parent support groups not warned and instead allowed to continue funneling money to the agency?

Representatives of the MSS adoption agency admitted 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,"²⁰² basically replicating the attitude of many US adoptive parents.

In light of the propensity for trafficking in children when money is involved it seems highly problematic that adoptive parent groups are allowed to donate to orphanages. The line differentiating a donation from a payment for a child becomes very blurry indeed. Donations to adoption agencies are now being studied by Indian human rights organisations as they underpin "the whole trafficking network."²⁰³

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]".²⁰⁴

The Australian reported that the Indian parents of a stolen girl requested a meeting, but in international adoption with such an imbalance of power between natural and adoptive families there is no guarantee their wish will be fulfilled. It could be argued that if the theft of these children were not garbed in the lexicon of adoption: "in the best interests of the child", there would be no doubt parents would be reunited with

¹⁹⁹ Brenckle, L (2010). Russians calls County Death Case Serious *PennLive.com*

<http://www.pennlive.com/news/patriotnews/index.ssf?/base/news/1269050122278170.xml&coll=1>

²⁰⁰ Rankin, J. (2011). 'Moscow knocks U.S. for "silence" on dead Russian child', Reuters, 2 December, 2011, Retrieved 7 December 2011 from <<http://www.reuters.com/article/2011/12/02/us-russia-usa-adoption-idUSTRE7B12FF20111202>>

²⁰¹ 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

²⁰² Ibid p. 47

²⁰³ Ibid

²⁰⁴ Ibid p. 45

their children. Whatever the law states it seems very unjust to prolong their pain by not allowing reunions.²⁰⁵

The disposability and invisibility of intercountry adoptees' birth families is evidenced by a former Queensland government representative's comment:

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.²⁰⁶

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.

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."²⁰⁷

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.²⁰⁸

Anuj Bhargava's²⁰⁹ 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.²¹⁰ 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.

²⁰⁵ *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/qld-govt-probe-illegal-indian-adoption-20081015-50x2.html>

²⁰⁶ 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>

²⁰⁷ 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

²⁰⁸ Chamberlain, G. 'No way home for India's stolen kids' *Taipei Times* Sept 11, 2008

²⁰⁹ Ibid p. 5. Anuj Bhargava, managing trustee of the National Centre for Missing Children

²¹⁰ 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>

Fatima's husband stated that his wife was: "half mad with grief."²¹¹

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.²¹² 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.²¹³ 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.²¹⁴

Overlook Irregularities created by Demand for Children

David Smolin identifies the demand for children as the key dynamic in creating the environment for overlooking irregularities, this was clearly apparent in domestic adoptions. Yet the demand for an infant was and is justified, even socially encouraged because of the powerful Western discourse that all married couples have an inherent right to a family/child. Hence injustices are obscured or if seen, excused. For instance, in 1960, the demand for babies combined with the right of married couples to have them led one prominent doctor²¹⁵ to publicly proclaim to his colleagues: 'not to worry about the law when it came to adoption.' In 1965, Mary Lewis,²¹⁶ 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 practice of placing obstacles in front of the mother to prevent her bonding with her newborn, as it was illegal.²¹⁷ The Minister's response was that adoption should continue to be promoted.²¹⁸ 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 babies²¹⁹ was "morally and ethically indefensible" and further no parent "should be deprived of his rights."²²⁰ 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

²¹¹ 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

²¹² 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/>

²¹³ *ibid*

²¹⁴ 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

²¹⁵ DF Lawson, 'The R. H. Fetherston Memorial Lecture: the anxieties of pregnancy', *The Medical Journal Of Australia*, vol. II, 1960, pp. 161-166

²¹⁶ Lewis, M. (1965). *Unmarried Mothers* Australian Welfare National Conference p. 112

²¹⁷ 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 too early caused physical damage to the baby and psychological damage to the mother.

²¹⁸ 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

²¹⁹ Since the Inquiry apologists for past practices in adoption state they were in line with the social mores, this was obviously not true.

²²⁰ 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

to their infants was illegal and constituted duress if it was used to facilitate adoptions.²²¹

Adoption laws did not protect natural parents, there seemed to be no reliable mechanism to protect their civil and human rights or to enforce even basic legal tenets. In fact the Adoption Acts that were proffered as protecting the rights of natural parents were used to legitimise the theft of newborns. There is the potential that the Haig Convention may be used in the same way. It is promoted as providing a means to regulate intercountry adoptions from being overtaken by traffickers yet it lacks the mechanism to enforce even the basic rights of poor families or mothers in developing countries. The illegal activities now substantiated in domestic adoptions were ignored for decades, just as Smolin suggests has been the situation in intercountry adoption.

Smolin states:

The Hague Convention, rather than representing a comprehensive approach to intercountry adoption, is primarily an anti-trafficking treaty, and a very incomplete anti-trafficking treaty at that. Its primary impetus and purpose is to prevent abusive adoption practices by specifically targeting the abduction, buying, and trafficking of children (p. 452).

Even within this goal of combating child traffic in the intercountry adoption system, the Hague Convention is not designed to be comprehensive. Thus, the work of preparation indicates that the Convention is not designed to address criminal law responses to these practices. At most, the Convention facilitates the reporting of criminal offenses to appropriate authorities. The Convention is based on the assumption that other means, supplemental to the Convention, will address appropriate criminal law responses to such illicit practices (p. 451).

Seventeen years after the creation of the Hague Convention, the Convention thus far has failed to meet its goals. Child laundering scandals have continued to arise in the Hague era in sending countries such as Cambodia, Chad, China, Guatemala, Haiti, India, Liberia, Nepal, Samoa, and Vietnam. Many potential sending countries, particularly in Africa and Latin America, have decided to close themselves to all or almost all intercountry adoptions, in significant part based on concern over abusive practices. Years of determined cheerleading by the adoption community have failed to cleanse intercountry adoption from its associations with scandal, corruption, trafficking, and profiteering. The boom in intercountry adoption that accompanied the initial decade after the creation of the Hague Convention is now abating, with further declines anticipated (p. 493).²²²

²²¹ Health Commission of New South Wales, *Circular No: 82/297*, issued 1 September 1982.

²²² Smolin, D. (2010). 'Child Laundering and the Hague Convention on Intercountry Adoption: The Future and Past of Intercountry Adoption' *Selected Works of David M. Smolin* January 2010, Retrieved 7 December, 2011 from <http://works.bepress.com/cgi/viewcontent.cgi?article=1007&context=david_smolin>

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.²²³ 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 old adage ‘if we don’t learn from history we are destined to repeat it’ is apt here and 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.

The ‘Orphans’

And what of the adoptees themselves: the orphans saved by angels?²²⁴ It is well established that babies separated from their mothers at birth suffer life long trauma. There is an extensive body of research on the outcomes of adoptees, going back to the early 20th century, much of which suggests they suffer from various psychological problems not the least being life long grief.²²⁵ Consequently they are over-represented in psychiatric clinics.²²⁶ Similar findings, if not more dire, are emerging about intercountry adoptees. This is also attributed to the trauma of being separated from their mother’s and other family members. In fact they are disconnected from all that that they know, cut off from their homeland and brought up in an alien culture.²²⁷ Findings from several large, longitudinal studies done in Sweden should give even the most enthusiastic proponents of intercountry adoption cause to pause and reflect.²²⁸ 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.²²⁹ So concerned were the researchers that they advised adoption professionals to warn adoptive parents of the suicide potential and to familiarize them with the danger signs.

The research also indicated that intercountry adoptees experienced high levels of drug and alcohol problems;²³⁰ males: significant rates of ADD²³¹ and females: significant

²²³ C Sherry, ‘Violations of women’s human rights: births and adoption’, unpublished paper, 1992.

²²⁴ www.orphanangels.com.au/

²²⁵ Verrier, N. (1993). *The Primal Wound: understanding the adopted child* Baltimore, MD: Gateway Press

²²⁶ Schechter et al., ‘Emotional Problems in the Adoptee, *Archives of General Psychiatry* 10 pp. 109-118, Feb, 1964; Toussieng, P. W. ‘Thoughts Regarding the Aetiology of Psychological Difficulties in Adopted Children’ *Child Welfare* Feb, 1962 pp. 59-65, 71

²²⁷ 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

²²⁸ 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

²²⁹ 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

²³⁰ 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

²³¹ 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-

rates of depression, anxiety, schizoid and delinquent behavior.²³² Children generally were shown to have problems with scholastic difficulties due to hyperactivity and concentration problems.²³³ Finally adopted delinquents were admitted to institutional care for juvenile delinquents mainly for treatment for antisocial behaviour and acute crisis in the family.²³⁴ 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.²³⁵ 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.²³⁶ Further, 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.”²³⁷

In recent governmental inquiries adoptive parents groups wishing to promote adoption put forward the argument that bringing in more overseas children will assist with Australia’s ageing population, but 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.²³⁸

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.

Intercountry adoptees in the United States are also experiencing major difficulties. According to Dr. Ron Federici,²³⁹ 30,000 intercountry adoptees have been returned to

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

²³² Bimmel, N., Juffer, F., van IJzendoorn M. HY. and Bakermans Kraneneburg, M. J., ‘Problem behaviour of internationally adopted adolescents: a review and meta-analysis’. *Har Rev Psychiatry*, 2003. 11(2): pp. 64-77

²³³ 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*, 1999 29(1): pp. 104-111, pp.94-103

²³⁴ 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

²³⁵ Hoksbergen 1981; 1986 and 1987 cited in *Discussion Paper: Intercountry adoption* prepared by The Australian Catholic Social Welfare Commission August, 1991

²³⁶ The Australian Catholic Social Welfare Commission (1991) *Intercountry Adoption: Discussion Paper* August 1991, p. 14, 3.9.

²³⁷ Elmund, A. M R., (2007). Overrepresentation of Internationally Adopted Adolescents in Swedish institutions Digital Comprehensive Summaries of Uppsala Dissertations from the Faculty of Medicine Uppsala Universitet www.diva-portal.org/diva/getDocument?urn_nbn_se_uu_diva-7423-1__fulltext.pdf p. 53

²³⁸ 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

²³⁹ 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

State care. Family disruption has increased to such an alarming rate that facilities had to be provided to take care of the children.²⁴⁰ Three horse ranches have been set up to provide 24/7 counseling and support for some of these troubled youngsters.²⁴¹ 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*.²⁴²

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 most of the 20th century.

According to Hermann and Kasper²⁴³ the demand for children has “contributed to the continued oppression²⁴⁴ of tens of millions” of children, because of the creation of 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.²⁴⁵

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?²⁴⁶

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 Deborah-lee Furness is organising a contingent of adoptive parents to visit and donate money to 'unwedded mothers' Homes' [sic]²⁴⁷ when the Homes are a part of a

at 9th National Conference on Adoption September 4, 2008 Stamford Plaza Double Bay (Author is grateful to Isabel Andrews (Jigsaw WA) for this reference.

²⁴⁰ <http://www.matr.net/article-27357.html> ; <http://mentallhopenews.blogspot.com/2008/01/troubled-adoptees-last-stop-chicago.html> Accessed Sept 25, 2008

²⁴¹ Ranch for Kids: Wyoming, Montana and Maryland Accessed Sept, 25 <http://www.ranchforkids.org/>

²⁴² Adopters Against Adoption Accessed Sept 25, 2008 <http://www.amfor.net/Adopters.html>

²⁴³ Herrmann K. J., & Kasper, B. International Adoption: The Exploitation of Women and Children *Affilia* Spring 1992 7(1), p. 50

²⁴⁴ 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.”

²⁴⁵ *Ibid*, p. 19, 4.4

²⁴⁶ The Australian Catholic Social Welfare Commission *Intercountry Adoption: Discussion Paper* August, 1991, p. 12, 3.6

²⁴⁷ www.orphanangels.com.au

intricate system that provides up to 99.5% of infants from that country for the international baby trade.²⁴⁸

²⁴⁸ 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>