

International Adoption and the Fight for Human Rights

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By Hilbrand W.S. Westra/[Conductive Magazine](#)

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"There are simply not enough healthy, adoptable infants to meet Western demand - and there's too much Western money in search of children. As a result, many international adoption agencies work not to find homes for needy children but to find children for Western homes."

From, 'The Lie we Love', E.J. Graff, associate director and senior researcher at The Schuster Institute for Investigative Journalism

Saving children from starvation and death will always make news headlines. In the case of adoption, especially intercountry adoption, this is far from the reality most of the time. What once was presented as a last resort for children without parents has become a global enterprise where children seemingly are sold to the highest bidder under the supervision and agreement of involved nations.

The practice of adoption has become an international market where children migrate mainly from relatively impoverished countries to more affluent countries with the help of funding from churches, NGOs, and financial institutions. Prospective adopters find themselves in a cafeteria system, where they can choose between domestic or intercountry adoption, and then have their pick from a variety of genders and skin tones. These consumers can also decide whether or not they are up to the task of raising a child with a physical or mental handicap. The final cost will determine which international program they will be limited to. For some it's not a matter of money because banks and financial institutions, especially in the United States, will provide loans to facilitate overseas adoptions.

Some people will be shocked by this characterization of adoption which is commonly perceived to be a purely humanitarian gesture. But, for those of us who do intercountry adoption research, such indicators of a warped child welfare system can be seen everywhere in the Western world, from Australia to Europe and from the United States to Canada.

What is even more shocking is to learn that race and gender are big factors in assigning a monetary value to those children made available for adoption. Caucasian boys generally carry the highest price tag with Asian girls following close behind. Prices can reach as much as \$35,000 according to an ABC News report, depending on demand which usually hinges on the child's racial and/or ethnic background.

The undeniable correlation between annually increasing infertility rates in Western countries and the growing demand for children put up for adoption forces one to question why the general public is slow in calling for the protection of the most vulnerable members of society.

Instead of establishing and funding good healthcare and social services, countries like South Korea and the United States have used adoption as a means to export their socially ostracized or racially undesirable children to families in countries like the Netherlands.

Organizations like UNICEF, International Organization for Migration, Save the Children, the European Union for Fundamental Rights Agency, Terre des Hommes, and even World Vision report on child abduction, trafficking, and trade worldwide for the purposes of adoption. Academics, such as David Smolin and Brian Stuy, followed by Kay Johnson, report regularly about children stolen for adoption, as well as the flaws and weaknesses in adoption laws, if such laws even exist, in both sending and receiving countries. Authors, such as Mirah Riben (*The Stork Market: America's Multi-Billion Dollar Unregulated Adoption Industry*), and Roelie Post, a European Commission official (*Romania for Export Only: The Untold Story of the Romanian Orphans*), have written extensively on how deep international politics has penetrated the racket of trafficking children. They have exposed a horrific money-making scheme that is motivated by pure political and financial interests.

But, lest we forget the role of the Church in paving the way for child trafficking, initially within Western countries and later in their colonies, Carine Hutsebaut, criminologist and founder of ICMAC (International Center for Molested and Abducted Children), wrote a very important book (*Kleine zondaars – Kerk en kinderhandel [Little sinners – The Church and Child Trafficking]*), explaining how the Catholic church had a hand in trafficking children to childless parishioners in different cities and countries.

The fortress that religious groups, adoptive parents, agencies and politicians have built to protect their monied interests and feelings of entitlement to other people's children appears to be almost impregnable. However, the first cracks in their bastion are slowly becoming visible. The question we must ask ourselves, though, is who else is willing to push for necessary changes? Until now, the group fighting for children's rights and family preservation programs is small, but committed.

Establishing Legal Protections

There is an urgent need to come up with solutions to the problems plaguing the practice of intercountry adoption; if not for the sending countries that are reconsidering their views on intercountry adoption due to the exchange of information amongst themselves, then certainly for those adult adoptees who are the victims of falsified birth certificates, identity theft, or embezzlement of their origins by authorities who do not want them to find out the truth behind their adoptions. But, first and foremost we need to acknowledge the close relationship between money and adoption that leads to charges of modern-day slavery and cultural appropriation for the single-minded interest of procuring babies and children for the well-off.

First, in order to put a stop to the coercion and corruption caused by the exchange of money and adopting a child, an internationally accepted range of fees, independent of the child's origins, should be established. Also, a switch from private to state-controlled adoption agencies should be initiated.

Next, an independent international agency should be established quickly. It would be charged with monitoring and enforcing international adoption procedures in order to protect first parents and their children from exploitation and corruption. Child trafficking for the purpose of adoption should be treated as seriously as any other type of human trafficking. International

criminal law should be enhanced to apprehend and prosecute those who would abuse adoption for financial gain. This mission would be to uphold each person's physical and mental integrity in the face of possible exploitation and abuse during the adoption process, being especially mindful of the vulnerability of children.

Finally, an amendment to the present Hague Convention on Intercountry Adoption, which was introduced in 1993 as an international treaty to regulate risks of illegal, irregular, premature or ill-prepared adoptions abroad, should be introduced and implemented in order to address and eliminate corruption in adoption. Contrary to how it is presented most of the time, the Hague Convention on Intercountry Adoption does not actively and effectively protect parents and children, nor do its signatories follow the guidelines and principles of the Hague Treaty effectively. While the Hague Convention is focusing on the procedure of adoption and the administrative execution, another convention, the UN Convention on the Rights of the Child, especially articles 21 b and c [(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin; (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption] reflects on adoption, but also initially with respect to the rights of children which has been neglected in the Hague Adoption Treaty due to many unclear definitions. Even though the implementation and operations guide ? the so-called Guide to Good Practice, which is the implementation handbook, released by the permanent bureau of the Hague Adoption Convention ? tries to cover this gap in the Hague Convention, it does not really add up, as we speak, to the best interests of parents, children and adoptees. Only an amendment to the present Hague Adoption Treaty that would be connected to international criminal law in order to accept adoption as a possible cause of exploitation of vulnerable children would change this conclusion. The International Criminal Law Court should be responsible for the prosecution of criminal adoption activities in that sense. However, it is well understood that most Western countries would not want to sign and ratify such a revised treaty because it would actually involve changing countries' laws and obligating them to prosecute people in both sending and receiving countries who are found to have violated these newly defined laws. Such prosecutions would immediately place certain adoption practices under scrutiny and possibly lead to an emergency halt of intercountry adoptions.

And, that of course would not sit well with those people who stand to benefit from lax oversight and non-existent enforcement when it comes to international adoption. Now, whose best interests are we really serving?

BIOGRAPHY HILBRAND WESTRA

Biography Jung Woon Seok was born in Yaksu Dong, an old district in downtown Seoul, South Korea. He was sent to the Netherlands with his younger sister Jung, Joo Min, for adoption in 1973. Both came from an extended family of eight children. In the Netherlands, he received the name Hilbrand Westra and became the oldest adopted son of eight adopted siblings from three different countries in a typically traditional 'Frisian' family. After completing his international business studies, Westra worked as manager and director of studies for famous international companies and renowned business schools.

Hilbrand has been actively involved in the adoption world since 1989 and was chairman for several adoptee organizations. Nowadays, he is the Chairman of United Adoptees

International (UAI), a foundation based in the Netherlands but internationally linked with many adoptee groups, first parents, adoptive parents, adoption institutes and academia around the world.

The UAI advocates for a full understanding of the practice of adoption, both past and present, to improve the human rights of children and families affected by adoption.