

18 October 2023

Dear Special Rapporteur, Mama Fatima Singhateh

I write to you requesting a meeting when you visit Australia. I write as a victim of illegal intercountry adoptions, I am an intercountry adoptee from Vietnam to Australia in the early 70s.

My own adoption was done without any paperwork to identify who I am, no relinquishment, no birth registry, nothing from Vietnam my birth country to advise I was approved to be adopted and handed over, yet the Australian government allowed me access into the country as a 5 month old baby being escorted by my “meant to be adoptive father” who then didn’t adopt me legally until I turned 17 years old, facilitated by the Victorian government - who did nothing to ascertain my Vietnamese identity, but merely rubber stamped what my adopters wanted without doing any in-depth checks on them. Subsequently I have grown up, now 50 years old and last year I legally discharged my adoption because of the years of sexual abuse I endured within that family. I had no-one checking up on me during that 17 years I was not formally adopted. So you can get a sense of why as a victim of an illegal adoption, I am very much against such adoptions from happening and that support needs to be provided for us who are victims.

I have documented for you the ongoing history of Australia’s state and federal governments both ignoring our calls for acknowledgement, support, and reparation so that you can get insight into what has been happening here. It seems rather contradictory to me that this country apologises to the victims of the Stolen Generation for which we are most akin to, also to the Forced Adoption era, and yet we have been calling for over 18 years now to have our illegal intercountry adoptions recognised and addressed. It has been 18 years of turning a blind eye, of ignoring us, and of doing very little except give us psychological support which has not been trained in this niche area of intercountry adoption.

I look forward to hearing from you and the team but also have to advise that unfortunately I am out of the country and in Japan from Nov 6-29 and I’m interstate in Adelaide from Nov 1-4. If you have time to meet with some of the victims from our community, I will need to know ASAP so I can get them organised. If I can join in with that meeting online, I would like to do so. If you have time to meet me at any other dates, I will do my best to be there as I would love to meet

face to face given I couldn't afford to get to Geneva for the recent UN meeting<sup>1</sup> where I presented also.

Looking forward to your response,

Kindly

*Lynelle Long*

Founder & Executive Director  
InterCountry Adoptee Voices (ICAV)

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<sup>1</sup> <https://intercountryadopteevoices.com/2023/09/21/victims-of-illegal-intercountry-adoptions-speak-out-at-the-un/>

## **Australia's History of not Acknowledging the Illegal and Illicit Intercountry Adoptions in our Past and Present Times**

Australia has not been a country immune from illegal intercountry adoptions and we do not have a positive history of being responsive to the victims and survivors! Our early history of illegal and illicit practices in intercountry adoption began in the late 60s, early 70s with the work of adoptive parents who actively lobbied the Australian government to change the policy of not bringing in children from overseas countries like Vietnam, to actively allowing it and formally allowing adoptive parent adoption agencies to operate and actively bring in children from overseas.

Rena Briand's book *The Waifs*<sup>2</sup> documents what I term, "Australia's first women traffickers" under the guise of "save and rescue" from the Vietnam war. She actively worked to historically change the Australian government policy and practice at the time which was publicly against the removal of children from a war torn country. In her book she writes how the Australian government and the accredited adoption agencies were both against her bringing children in from Vietnam, none of them would work with her to fulfil her push to source in children, none of them would conduct the required home studies for prospective parents who were demanding a child from Vietnam. She documents how she broke into an agency to get copies of prospective parent files, typed up and created her own template from these, and proceeded to forge and fill in "home studies" for the prospective parents in Australia who wanted a child. Her book *The Waifs* documents how she created Australia's pathway to open up intercountry adoption of Vietnamese adoptees.

Apart from her book, our child trafficking history into Australia is rarely documented. One of the few sources does identify the cases of Australian intercountry adoptions from Taiwan (Julie Chu cohort), India (Preet Mandhir), and a country where recent closures occurred due to concerns of trafficking have been Ethiopia. These have been documented publicly via ISS Australia's paper submitted to the Legal and Constitutional Affairs Legislation Committee on 15 July 2013. In that submission, it is stated:

*Two Examples of Illegal Practice from Non-Convention Countries*

*ISS Australia provides international post adoption support services and is well aware of the profound impact of illegal intercountry adoptions. Recently we provided support to*

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<sup>2</sup> <https://www.amazon.com.au/Waifs-Rena-Briand-ebook/dp/B00YG1DNSA>

*adoptees from Taiwan (a non-Convention country) who were adopted through a well-documented baby selling racket masquerading as an adoption agency. Approximately 26 children are believed to have been adopted from Taiwan by families in South Australia during the 1980s. The lead person behind these corrupt adoptions was a Taiwanese lawyer, Julie Chu. Allegedly, Ms Chu rented legitimate household registration documents of people she had met in public markets, then used data from the documents to formally register unrelated children she obtained by various means, as new members of these households. Ms Chu would then pass off the adults in the household as relinquishing parents of these children for intercountry adoption. The South Australian Government was unaware the adoption documents were fraudulent. Along with 37 other Taiwanese nationals implicated in the syndicate, Ms Chu has served a jail sentence for these crimes. It has left the Australian intercountry adoptees adopted through this program with no options to obtain legal birth records or the opportunity to trace or have contact with their biological parents. This can clearly have a profound impact on the adoptees' identity and their family and medical history.*

*Illegal activities in the intercountry adoption process can also occur within governments. For example in Cambodia (another non-Convention country), government officials were found to have issued documentation indicating the parents of a child were 'unknown', in exchange for a large fee. The apparent willingness of government officials to falsify documentation raises concerns about the government verification process in a non-Convention country.*

ISS Australia provided similar information again in their 2023 letter of proposal to the Australian federal government DSS, to provide services for victims of illegal and illicit adoptions. See Appendix A.

InterCountry Adoptee Voices (ICAV) is a lived experience peer support community, voluntarily run with no funding, created by and for intercountry adoptees. We have been active in Australia since 1998 (25 years) and we have been the only other source of formally documenting the history of trafficking into Australia. A couple of our ICAV members (one adopted via Julie Chu in Taiwan and another adopted via Preet Mandhir in India) have over the years written personal letters requesting help from the Prime Minister and the Minister for Social Services respectively. Their letters had been a request following on from that one time help from ISS Australia whilst running our 2016 - 2018 Search and Reunification service, asking again for further ongoing support. Nothing since has been done for these two victims.

A few Australian adoptive parents who I am aware of have also made fruitless attempts over the past 25 years to be helped by the Australian federal and state governments. The earliest one

has published her own book<sup>3</sup> about their experience and is Julia Rollings<sup>4</sup> who adopted children from India (Preet Mandhir). There were also two Queensland (QLD) families who ICAV directly worked with at the time the media covered their stories and I know personally they expressed frustration at the lack of guidance or support from both the state and federal governments. They described the experience as being “tossed from one to the other”, each claiming they had no jurisdiction.

Another New South Wales (NSW) family who adopted from Thailand in the past 10 years has endured an incredible ongoing legal battle with the NSW state government who refuses to acknowledge their role in their Thai adoption that has some illegal practices e.g., the father never consented, kin i.e., grandparent not sought or contacted to be a possible guardian before intercountry adoption was made an option, and the mother was never given any other options. One might assume our central authorities would be supporting us but instead what ends up happening from experiences some of these parents have shared with me, is that the states clearly have a conflict of interest –being too busy protecting their image, reputation and entity from potential legal suites, than supporting and working with the impacted victims who naturally turn to them for help given they were involved in facilitating the adoptions or have the role now as central authority for intercountry adoption. This family also turned to the Australian Federal Government DSS. They have been unsupported and left to fend for themselves having to fight the NSW State government who continue action against them today on the basis of being the son’s legal parents and them now apparently “abandoning him”. This is clearly untrue, as they have placed him back with his biological mother after realising he should not have been separated from her in the first place. This adoptive family spoke out in our webinar<sup>5</sup> in which we share the impacts as victims of the triad of illegal intercountry adoptions.

In the media, we can now only find a scattering of reports of illegal adoptions in Australia’s past, but if we did run a Royal Commission or some in-depth nationwide investigation, from the basis of our own ICAV survey alone in which 50 intercountry adoptees provided responses highlighting 43/50 had evidence of irregularities and violations within their adoptions<sup>6</sup>, I am sure we would bring to light many more of the current AND past patterns, practices and cases. What is obvious is that despite the allegations and claims from survivors and victims, Australia

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<sup>3</sup> <https://picclick.com.au/Love-Our-Way-book-Julia-Rollings-overseas-Indian-145231575468.html>

<sup>4</sup> <https://www.abc.net.au/listen/programs/lifematters/adoptions-from-india-and-child-trafficking/3203004>

<sup>5</sup> <https://intercountryadopteevoices.com/2021/11/19/lived-experience-of-illegal-and-illicit-adoption/>

<sup>6</sup> <https://intercountryadopteevoices.com/wp-content/uploads/2023/05/DSS-Family-Policy-Branch-Meeting-28Apr23.pdf>

responds by closing the program but some years later, reopens it again without ever addressing the victims for which the closure was brought about. A clear example is the intercountry adoptions from India which were halted in Australia in 2010 due to the allegations of illegal adoptions<sup>7</sup>. Here's a 2008 report on one of the QLD families with an Indian child adopted via MSS<sup>8</sup>. Yet almost a decade on, in 2019 the Northern Territory (NT) reopens its India program<sup>9</sup> and celebrates its first child to arrive since the closure.

We have also had birth countries, like Sri Lanka or Ethiopia, publish statements about their baby farming or illegal adoptions for which we have numbers of children adopted from these countries. ICAV included some of these impacted adoptees to meet with the Australian government over various years of advocacy, but for which again, the response is mostly inaction. Most recently, the AUSKRG group that represents the current South Korean cohort who have submitted their cases, together with the other over 300 cases around the world, to the Korean Truth and Reconciliation Commission<sup>10</sup> met with Australia's federal government. They too, have been met with little action or acknowledgement. It appears to be a "let's wait and see what Korea does first" approach before Australia as a country decides what we will do. See Appendix B for the AUSKRG statement.

We all know that while there are some attempts by Australia to safeguard from illegal and illicit practices in being a signatory of the Hague Convention, there are no guarantees that intercountry adoption practices are exempt from the harms. This is clearly identified by the Australian Senate Community Affairs References Committee on the Commonwealth Contribution to Former Forced Adoption Policies and Practices in 2012<sup>11</sup>.

Australia also holds a legal and ethical commitment to ensuring intercountry adoption respects fundamental human rights under the Hague Convention for Intercountry Adoption and the other relevant United Nations Conventions: specifically the conventions on the Rights of the Child, Enforced Disappearances, the Rights of Persons with Disabilities, the Elimination of all forms of Racial Discrimination, and All forms of Discrimination against Women.

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<sup>7</sup> <https://www.smh.com.au/national/evidence-of-trafficking-of-indian-children-for-illegal-adoption-emerges-20140124-31e84.html>

<sup>8</sup> <https://www.smh.com.au/national/qld-govt-probe-illegal-indian-adoption-20081015-50x2.html>

<sup>9</sup> <https://www.sbs.com.au/language/hindi/en/article/reactivated-india-australia-adoption-program-sees-first-family-adopt-indian-child-in-northern-territory/4j7166w7g>

<sup>10</sup> <https://www.theguardian.com/world/2022/dec/08/south-koreas-truth-commission-to-investigate-dozens-of-foreign-adoptions>

<sup>11</sup> [https://www.aph.gov.au/parliamentary\\_business/committees/senate/community\\_affairs/completed\\_inquiries/2010-13/commcontribformerforcedadoption/report/index](https://www.aph.gov.au/parliamentary_business/committees/senate/community_affairs/completed_inquiries/2010-13/commcontribformerforcedadoption/report/index)

ICAV has been actively representing Australian survivors and victims since 2005 to the Australian government. Firstly, at the Bronwyn Bishop Inquiry into Overseas Adoption in Australia in 2005, then at the National Intercountry Adoption Advisory Group (NICAAG) advising the Attorney General and developing a Protocol<sup>12</sup> for Responding to Allegations of Illegal and Illicit Adoptions. To date, this is the only documented protocol but it remains a high level and unhelpful document for those of us who are victims. In practice the community has found it is simply a method for the state and federal bureaucrats to sidestep their responsibilities and it continues to leave victims with nowhere to turn because the States have done very little to take up any responsibility and outline what supports they will provide.

In developing much needed state based protocols, in March 2021, ICAV was involved in providing feedback to 1 of the Australian states to look at further developing a state based protocol. We were told it was part of the federal government DSS initiative to push states to address this failing. To date, we have not seen any further development or work being done in Australia to proactively address this issue. This is not from a lack of us asking and pushing.

ICAV has repeatedly sought government meetings asking for responses. In Oct 2015, a group of us met with the Prime Minister's Senior Advisors<sup>13</sup> and again, we included the topic of needing support for impacted trafficked adoptees. In another formal meeting with federal government, DSS on 7 Dec 2017, I presented a small handful again of our intercountry adoptees with a range of illicit and outright illegal adoptions to Australia to speak directly to DSS about our concerns and our requests.

We were more specific this time, asking for the following:

1. Government to government assistance outside the ISS Australia search and reunification service to conduct a more thorough search for original identity and birth family especially when identity was falsified and criminal prosecution occurred.
2. Translation of any documents or letters back and forth to assist in finding our original identity .
3. Financial assistance to travel back to your country of origin regularly when it has been demonstrated we were not relinquished or our adoption papers fraudulent or non existent.
4. Financial assistance to cover dual citizenship application fees and assistance with the process.

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<sup>12</sup> <https://www.dss.gov.au/families-and-children-programs-services-intercountry-adoption-key-guidance-documents/protocol-for-responding-to-allegations-of-illicit-or-illegal-practices-in-intercountry-adoption>

<sup>13</sup> <https://intercountryadopteevoices.com/advocacy/australian-pm-senior-adviser-meeting/>

5. Financial assistance to cover fees for an adoptee to revert back to their original name / identity.

Since the new Relationships Australia ICAFSS contract in July 2021 our government has provided funding mechanisms to address points 2, 4, 5 but nothing concrete on points 1 or 3.

The lack of response prior to 2021, led me to compile and present at The Hague our voices of impacted peoples<sup>14</sup>.

In looking back over ICAVs 25 years of working unfunded and voluntarily representing our community time and again, it appears we have failed to get the Australian states to take this seriously and actually DO something in response. The Australian federal government seems responsive and willing in its leadership role as the overall central authority, but it appears that jurisdictional “tossing of the hot potato”, and the lack of clarity in the current 2020 Commonwealth State Agreement<sup>15</sup> is a huge failing. The agreement fails to even mention whose responsibility it is for post adoption support, let alone specify whose responsibility it is for responses to illegal and illicit adoptions of the past and the current times. Given that adoption legislation is state based, not federally controlled, one can understand why the federal government in it’s role as “co-ordinator” has so far failed to achieve any real progress on having the states step up and be responsible or accountable for their actions of the past and current times.

Sadly, Australia remains one of the most backward nations in responding to the history of illicit and illegal intercountry adoptions here, despite our forwardness in coming to terms with our history of domestic adoption practices and the Stolen Generation which is akin to many of our intercountry adoptions.

In 2015, I also worked jointly with ISS Australia to propose a Search and Reunification Service for intercountry adoptees in Australia. It was successful but only seed funded for 2 years (2016 - 2018) and then it was discontinued. In this funding, we were able to have our first piece of work to ever positively help one of our illegally adopted Taiwanese adoptees, Kimbra Smith with her trip back to Taiwan to meet with her trafficker who had been imprisoned along with some of the Taiwanese government. That funding also helped another Indian adoptee who has been illegally adopted to Australia at an older age. The funding enabled her return with support to

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<sup>14</sup> <https://intercountryadopteevoices.com/2020/08/08/lived-experience-suggestions-for-responses-to-illicit-adoptions/>

<sup>15</sup> [https://www.dss.gov.au/sites/default/files/documents/05\\_2020/commonwealth-state-agreement-continued-operation-australias-intercountry-adoption-program-2019-text.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2020/commonwealth-state-agreement-continued-operation-australias-intercountry-adoption-program-2019-text.pdf)



reunite with her newly found mother in India. That funding for the service could have continued to help more of our impacted adoptees but it was ended by the Australian government and we now currently only have a “counselling” service that does little more than listen to our emotional turmoil but does nothing to meet our logistical and cross border and cultural needs or to find and reunite with our families. Helping us find our families or enabling ongoing return between our countries should be the first response to a wrongful action that has changed our life irrevocably and forever.

It’s so important that where it has been proven an adoptee was stolen from their country of origin, a redress or something similar must be considered as has been done after the Royal Commission into Institutional Responses to Child Sexual Abuse.

ICAV also asked again in our most recent letter<sup>16</sup> to the Prime Minister 30 Sept 2022, to please consider opening an investigation in Australia as to our history of illegal and illicit intercountry adoptions or as a minimum, provide support services to those of us who live this reality and continue to suffer in silence. The wrongs of the past for our domestic peers, are provided with a formal apology, memorials, and support services including DNA genealogy support, however the wrongs of the past for our intercountry adoptee community remain invisible, unrecognised and minimally provided for through only emotional counselling.

Responding on behalf of the Prime Minister, a letter of reply was sent to ICAV from Tim Crosier (Branch Manager of Children’s Policy Branch, DSS), advising that the government, “is prioritising a focus on preventing and responding to illegal and illicit adoption practices, expatriate adoption and concerns about past ICA practices.” This is an ongoing and repetitious message we receive from the Australian government over many years but can be clearly questioned as to it’s truth and integrity. Providing funding for a search and reunion service would be the very basic essential response required to address this ongoing issue yet they tell me time and again, no we are not going to provide this.

Also, in response to ICAV’s letter to the Prime Minister, ICAV was invited to meet with Veronica Westacott, DSS Family Policy Branch Manager on 28 April 2023. In readiness for this meeting, ICAV and AUSKRG ran a survey amongst the community to gather some data to show the government the support from the community. Within a 3 week period of surveying the intercountry adoption community we obtained signatures from 57 intercountry adoptees, 19

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<sup>16</sup> <https://intercountryadopteevoices.com/wp-content/uploads/2022/10/LLong-Letter-to-PM-Albanese-Sept-2022.pdf>

domestic adoptees, 34 international adoptee organisations, 31 others including adoptive parents / academics / adoption professionals / counsellors in adoption / partners of adoptees<sup>17</sup>.

*In the 28 April 2023 meeting we formally asked for Australia to:*

- ◆ *Apply the UN Joint Declaration and ensure official acknowledgement and recognition of illegal intercountry adoptions by the Australian States with States taking responsibility, including helping victims hold those accountable via legal means where appropriate.*
- ◆ *Create nationwide legislation so that offences and crimes related to illegal intercountry adoptions become offences with appropriate limitation periods.*
- ◆ *Facilitate the Search for Origins and adequate reparation measures such as a DNA database.*
- ◆ *Apply the ToolKit from The Hague Working Group especially pages 7-8<sup>18</sup>:  
Counselling, mediation, legal assistance, financial and other assistance, between country contact at government level, between country contact between adoptee and birth family.*
- ◆ *Legally prevent expatriate and private adoptions unless exceptional circumstances such as kinship; investigate what legislation needs to be changed to ensure these types of adoptions are almost impossible.*

At this meeting we also presented our survey results showing what adoptees want in response to their suspicions and/or confirmations of illegal and illicit practices:

50 adoptees participated and a summary of the results are:

*Top 5 countries: Korea, Sri Lanka, Vietnam, Haiti, (Philippines, Taiwan, Thailand)*

*9/50 of the adoptions were done outside Australia*

*Largest number from NSW, then SA, VIC*

*50% found birth family (Korea, Sri Lanka, Philippines, Taiwan, Vietnam)*

*Adoptions finalised in years 1963 - 2009 but peak is in 1980 - 1990*

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<sup>17</sup> <https://intercountryadopteevoices.com/wp-content/uploads/2023/05/Letter-calling-for-investigation-FINAL.pdf>

<sup>18</sup> [https://assets.hcch.net/docs/1123716f-f737-4beb-9675-294c94551065.pdf?fbclid=IwAR3ae93tiWC-6ZaoW5mjredCeiepfqzMJGYOdNGfbYqUJshQS6rV\\_WoRabk](https://assets.hcch.net/docs/1123716f-f737-4beb-9675-294c94551065.pdf?fbclid=IwAR3ae93tiWC-6ZaoW5mjredCeiepfqzMJGYOdNGfbYqUJshQS6rV_WoRabk)

*86% indicate a violation or irregularity in their adoption*

*76% do not have any evidence of consent from their original families*

*44% experienced abuse in whilst in care*

*40% arrived with serious illness, malnutrition or in poor health*

*30% were made paper orphans for purposes of adoption*

*16% had adoption breakdown*

*16% were knowingly separated from siblings by the facilitator*

*2 were switched (paperwork of another child)*

*35% indicate the facilitator failed to help their original families make an informed decision about adoption*

*23% indicate their facilitator failed to properly search for family before being sent for intercountry adoption*

*12% have family who tried to get them back but were refused*

***What they want as Solutions from Australian government:***

*Preservation of our records (45/50)*

*Request birth country to send the complete files (45/50)*

*Make info publicly avail on what constitutes an Illicit and Illegal Adoption (44/50)*

*A comprehensive investigation by an independent body (44/50)*

***What forms of Redress Solutions:***

*Establish and fund an adoptee community led national archive (45/48)*

*Establish and fund an adoptee led research and journalism institution commissioned to conduct research, public outreach and education to adoptees (45/48)*

*National Apology (38/48)*

***Funded Services Solutions:***

*DNA testing and family tracing service (47/48)*

*Specialist Counselling **trained** in illicit and illegal intercountry adoption knowledge (47/48)*

*Translation Services (45/48)*

*Travel Support (44/48)*

To date, nothing further of substance has been provided since that meeting and we continue to be told the same story of “we are working on it” (see Appendix C) but as I have documented, ICAV has been asking since 2005 (18 years) that our illegal and illicit intercountry adoption history be responded to appropriately with the bare minimum, an outline of what the state vs federal government roles are and what supports we can expect. The impacted community continues to push for recognition as survivors and victims of illegal and illicit

adoptions to Australia. We won't give up, we have joined in with our colleagues around the world and remain inspired by the responses other governments have provided.

It remains to be seen over the next decade whether the stance of our Australian states and federal government will shift and change or whether they will remain entrenched in silence and inaction. I implore the United Nations Committees and Special Rapporteurs to help us where you can in pushing for acknowledgement of and accountability for the Australian state and federal government roles in our historic and current illegal and illicit intercountry adoptions, but also now for the ongoing years of silence and inaction in response to our pleas for help and support.

There are many victims like myself who came out of various birth countries to Australia who would like the Australian government to acknowledge the past harms from illegal and illicit intercountry adoption practices and provide supports to search for our families and reclaim what is rightfully ours!

## Appendix A

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### Letter to the Australian Federal Government DSS by ISS Australia 13 February 2023

There are two well-known cohorts of Australian intercountry adoptees whose adoptions are likely to have involved illegal or illicit practices, the Taiwanese 'Julie Chu adoptees' and the Indian 'Preet Mandir adoptees'.

#### Julie Chu adoptees

In the early 1980's a Taipei illegal adoption agency was coordinated by Julie Chu, a Taiwanese para-legal. Around 64 children were sold and illegally adopted to families overseas. It is thought that 26 of these 'Julie Chu adoptees' were illegally adopted in Australia to parents unaware that their adopted child's records were fraudulent.

Julie Chu's illegal adoption agency rented legitimate household registration documents of people and then formally registered unrelated children who they obtained by various means, including sold, stolen and coerced. Julie Chu along with 37 other Taiwanese nationals who were also involved in the syndicate, served jail sentences for their crimes.

#### Preet Mandir adoptees

Preet Mandir was an orphanage and adoption agency in Pune, Maharashtra, India. After a television 'sting' uncovered its corruption, it was charged with 'illegally sourcing' children from poor families and selling children for intercountry adoption while also extorting money from the adoptive parents.

During the 1990's and early 2000's, Preet Mandir and the Indian Child Adoption Resource Agency (CARA) facilitated at least 50 adoptions of children to families in Australia and ISS Australia believes it is highly likely these adoptions involved illicit practices. In 2011 five Preet Mandir staff and the CARA Chairman were charged with criminal conspiracy for child trafficking.

In 2010, several Australian adoptive parents found that the paperwork for their adoptions from Ethiopia was falsified with their child's age dramatically altered. Furthermore, ISS Australia has been drawn to the issue of illegal or illicit activities by Australian intercountry adoptees from a number of other countries.

## Appendix B

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### **AUSKRGs Statement 20 September 2023**

The Australia US Korean Rights Group (AUSKRG) was established in November 2022 and is currently participating in South Korea's Truth and Reconciliation Commission investigation into human rights violations in Korea's overseas adoption system. Along with numerous cases lodged by the Danish Korean Rights Group (DKRG) and Swedish Korean Adoptees Network (SKAN), the AUSKRG's concerns include but are not limited to: systematic falsification of orphanhood, failure to obtain informed consent of original parents, and being sent overseas with the paperwork of another child.

All AUSKRG members were sent overseas via Eastern Child Welfare Society (now ESWS), one of the four agencies granted permission by the Korean government to carry out overseas adoptions - and the agency responsible for all 3,500+ formal Korean adoptions to Australia.

Along with ICAV, the AUSKRG has raised their concerns regarding illicit adoptions with Australian government authorities. The AUSKRG has provided updates on the status of the Commission's investigation, and met with Australia's central authority. Australian government authorities have been receptive to this ongoing communication and offered general support in terms of assisting the AUSKRG in their efforts to find more information on Korea's overseas adoption history. However, despite Korea's ongoing investigation and inquiries launched by several European receiving countries, there does not seem to be a willingness on behalf of the Australian government to launch an inquiry into Australia's intercountry adoption system at this stage.

## Appendix C

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### Reply from DSS upon ICAVs request for a copy of the National Action Plan and progress on the Jurisdictional Support Guides on illegal and illicit adoptions

21 September 2023

Thanks for getting in touch regarding the National Action Plan (NAP), progress of the work in the illicit and illegal adoption space and the Jurisdictional Support Guides.

The current 2022-23-2023-24 NAP was agreed by State and Territory Central Authorities (STCAs), then approved by the Children and Families Secretaries group in March this year. The NAP is an internal working document between the Commonwealth and STCAs and not for distribution outside of that, so unfortunately I am unable to provide you with a copy.

However, here is an update on some of the priority work that is being progressed via the NAP:

- Finalising the current round of Country Program Reviews on Australia's partner country programs (scheduled every 2 years). The findings of these reviews will inform a broader project on the future of intercountry adoption in Australia.
- Addressing Australia's ongoing concerns with expatriate adoption activity, via the Expatriate Adoption Working Group.
- Liaising with STCAs to progress finalisation and endorsement of Jurisdictional Support Guides. We are also working on updating the National Protocol for Responding to Allegations of Illicit or Illegal Practices in Intercountry Adoption in line with the now endorsed HCCH Toolkit on Preventing and Addressing Illicit Practices in Intercountry Adoption.
- Managing the ICAFSS program delivery and ongoing evaluation, including working with WhereTo and RASA on reviewing the interim findings and implementing recommendations, where possible.
- Reviewing and planning amendments to our financial aspects policies for intercountry adoption, in particular, strengthening policies on contributions and donations made by prospective adoptive parents. We will be working closely with the STCAs to formulate a plan going forward to strengthen Australia's financial aspects policies and contribution towards the HCCH Financial Aspects Working Group (due to meet again early next year).

I understand the frustration you may experience in feeling like nothing is being done, or that progress is too slow. As you are all too aware, the intercountry adoption landscape is very complex, particularly the search for origins process, historic illicit and illegal adoption space, as are the needs and barriers faced by adoptees. This complexity, along with managing resources and capacity to progress all of the important projects on hand, including careful consideration and consultation, unfortunately means these things can take time. We really appreciate you working closely with us and your engagement on intercountry adoption, including advocating the community's needs, and providing your expert advice to assist us in progressing this important work.