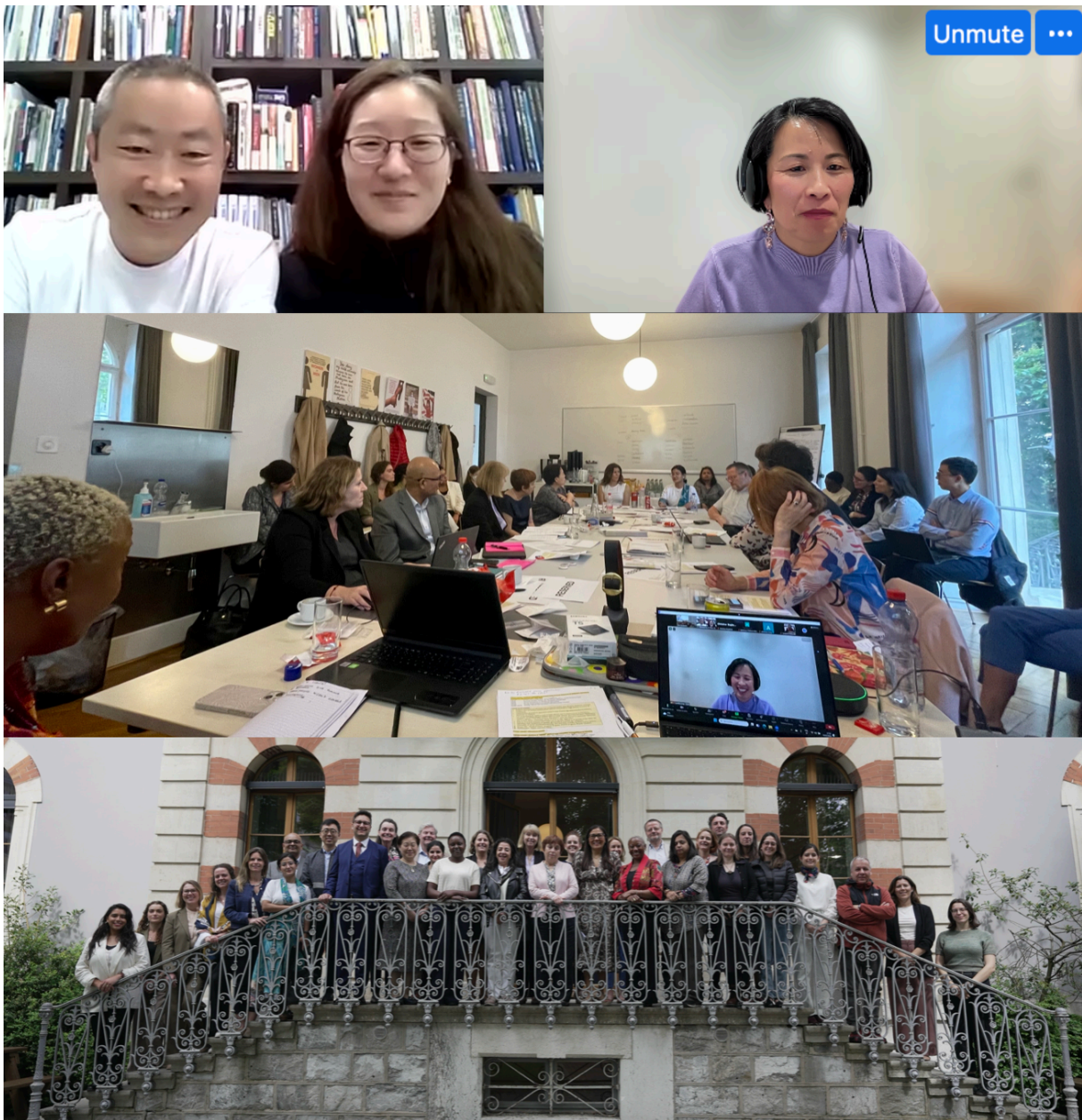


# ICAV PRESENTATION TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD (UNCRC)



Presented on 18 March 2024

# Lynelle Long

## Founder of InterCountry Adoptee Voices (ICAV)

Thank you for having me here!

Huge thanks to Mia and team from CHIP and the Committee for making today possible and giving us the opportunity to speak.

My name is Lynelle Long, I'm an intercountry adoptee born in Vietnam and flown to Australia. I am also the Founding Director of a global network InterCountry Adoptee Voices (ICAV) which is a space for intercountry adoptees of any birth or adoptive country.

I am going to provide a brief talk about who our community is and the global issues we face for which we need to access justice and reparation. My colleague Boonyoung will present to you case studies highlighting some of these high-level issues that I raise. Peter will provide for you some of the solutions we have in place already plus some which we still need that don't yet exist. Our paper following on from this meeting will provide much more detail than what we can capture in this short presentation today.

So who is our community of intercountry adoptees and what are the problems we face in trying to access justice and remedies?

- We are an estimated minimum of 1.2m<sup>1</sup> people who have been adopted across countries since 1948. Within ICAV's network alone, we are born from at least 49 birth countries and get sent to 16 adoptive countries<sup>2</sup>.
- Our largest cohort is from South Korea (169,000 since 1953). The largest receiving country is the USA who has just over half of the 1.2m adoptees<sup>3</sup>.
- We are born in one country and because of a wide variety of situations, we end up being displaced to another country, removed from our culture and get adopted mainly to genetically unrelated people. During the adoption process (Hague or non-Hague) we have our identity and origins removed which gets replaced with fictionalised data. For most of us, our ability to know the original data remains a mystery for a good portion of

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<sup>1</sup> [Peter Selman \(2022\), Adoption across Race and Nation - US Histories and Legacies.](#)

<sup>2</sup> ICAV FB group, survey data May 2024

<sup>3</sup> [Peter Selman \(2022\), Adoption across Race and Nation - US Histories and Legacies.](#)

our life.

- Barriers are actively in place to prevent us from accessing our origins information. Barriers such as language, physical distance, culture, legislation, and finances.
- Within ICAV alone, 7% of adoptees have no desire to search for their family. In comparison, 51% have found their family and another 39% would like to but have found nothing because of the barriers. Only 1% was found by their biological family and 2% had an open adoption so did not need to search<sup>4</sup>.
- We are impacted emotionally throughout our lifespan. Research suggests we suffer suicidal rates between 3-6 times more than non-adopted people<sup>5</sup>, and up to 6 times overrepresented in mental health clinics<sup>6</sup>. Not knowing our origins, dealing with ongoing barriers - it impacts us significantly. We spend our lifetime trying to find who we are and why we are displaced.
- Post adoption support services vary by country and despite Hague countries reporting that they provide post adoption supports, it is often a different reality for adoptees. In Australia for eg., funding of AUD\$950k per year is provided for intercountry adoptees<sup>7</sup>. The level of insufficient funding is obvious when you consider there are over 15,000 of us which means only \$63 is provided for each adoptee, per year. This does not even cover the cost of 1 counselling session.
- Legislation in intercountry adoption is also written to support mostly the needs of the adoptive family, not the adoptee nor the biological family. For example, up to 44% of Hague signatory countries advise they provide legislation to annul or revoke an adoption<sup>8</sup> as a basic right for all adoptees. Yet the reality is vastly different. In the USA for eg, despite reporting to the Hague that they have legislation in place, in practice, only 3 out of its 51 jurisdictions allow for this<sup>9</sup>.

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<sup>4</sup> ICAV FB group, survey data 2021

<sup>5</sup> <https://www.dss.gov.au/families-and-children-programs-services-intercountry-adoption-research/intercountry-adoption-and-suicide-in-australia-a-scoping-review>

<sup>6</sup> <https://www.dss.gov.au/families-and-children-programs-services-intercountry-adoption-research/intercountry-adoption-and-suicide-in-australia-a-scoping-review>

<sup>7</sup> WhereTo consultation of Australia's InterCountry Adoptee and Family Support Service (ICAFSS), Apr 2024

<sup>8</sup> <https://assets.hcch.net/docs/a9c97f66-8dac-42bf-a526-cd521bc2c641.pdf>

<sup>9</sup> Gregory Luce (2024), [Adoptee Rights Law Centre](#)

Some of the worst-case problems that exist globally for our community who want access to justice and remedies are:

- Those who suffer Abuse and Neglect within their adoption  
The latest and most recent Human Rights Study of 658 KADs showed 1 out of 6 had been sexually abused, 1 out of 3 had experienced some form of abuse within their adoptive family<sup>10</sup>.
- Those who lack Citizenship and are Deported  
The USA lacks legislation to ensure automatic citizenship for intercountry adoptees who arrived prior to 1983<sup>11</sup>. The 10s of 1000s of adoptees this impacts, face legal quagmires of having: (1) conflicted resident status (2) being unlawfully present (3) having missing or fabricated documentation, and/or face (4) criminal deportation. Those who are deported struggle in their countries of origin where their legal ties were severed, and little to no support exists<sup>12</sup>.
- Those whose adoptions were Illegal and illicit  
The UN has previously worked with our community to understand this set of issues as outlined in the Joint Statement<sup>13</sup>.

For all these worst-case problems and the big picture issues, adoptees lack protections. Countries fail to provide access to justice or remedies, there is no independent monitoring of countries to ensure their responsibilities are met, nor is there any enforcement or independent complaint mechanisms for victims.

I have presented to you a sample of the global picture from the intercountry adoptee community. A huge gap is to understand the biological family perspective. I hope governments will consider what needs to be done to ensure they also have access to justice and remedies.

My colleague Boonyoung will now present to you a couple of case studies.

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<sup>10</sup> <https://intercountryadopteevoices.com/wp-content/uploads/2023/05/230222-Korean-Human-Rights-Study-on-Koreans-adopted-overseas.pdf?>

<sup>11</sup> Gregory Luce (2024), [Outline of Issues with Intercountry Adoption to the USA](#)

<sup>12</sup> Joy Alessi (2024), [Mind the Citizenship Gap - How U.S Intercountry Adoption led to a terminal crisis for thousands of adoptees](#)

<sup>13</sup> [https://www.ohchr.org/sites/default/files/documents/hrbodies/ced/2022-09-29/JointstatementICA\\_HR\\_28September2022.pdf](https://www.ohchr.org/sites/default/files/documents/hrbodies/ced/2022-09-29/JointstatementICA_HR_28September2022.pdf)

# Boon Young Han

## Co-Founder of Danish Korean Rights Group (DKRG)

Thank you Lynelle and everyone here today for addressing this urgent issue of identity rights.

My name is Boon Young HAN, I'm a Danish Korean adoptee and returned to Korea about 20 years ago. I'm a social worker and assisting adoptees on the ground here, along with finishing my Ph.D. in social welfare.

The 2 case studies I will present today are the stories and experiences from two fellow Danish adoptees who have been pursuing information disclosure and identity restoration for years. Our solutions emerged from these lived experiences, taking place as we speak.

### Case 1 – Jack

Jack is according to his adoption documents found on the streets of Busan.

He was then brought to the welfare authorities in Busan, and placed in an orphanage named Namkwang, also located in Busan. Following this, Jack was relinquished by the orphanage for adoption to the Korean adoption agency, Korea Social Services (KSS), located in Seoul, in the very opposite end of the country from Busan.

Jack has never that any reason to doubt the stories told in his adoption documents, that is, until the day he actively begins to search for background information.

The very first request, is a request to see the mandatory police report which should accompany any abandoned child with a describing of the details of how, who and where his has been found.

The adoption agency is not able to provide him with this document and instead they inform him that his adoption documents are falsified and that is not found on the streets of Busan, nor brought to the welfare authorities in Busan, nor was he placed at the orphanage NamKwang. In fact, Jack was never in Busan.

Jack is now told that he was born in Seoul and that the adoption agency is knowledge of his mother's identity but refuse to share this information, as they consider this information their private property.

Jack's story is literally representative for many adoption cases. Jack has the past couple of years compared his adoption documents with other adoptees and found that his background information is identical with 52 other adoptees. His case clearly shows that the adoption

agencies not only used falsified adoption documents but also used templates in place of individual assessments.

Jack has approached both Danish and Korean authorities but been turned down by both.

His search remains ongoing.

## Cae 2 – Beth

Beth is also, according to her adoption documents from the orphanage NamKwang in Busan. She decides to visit the orphanage to obtain more information, but she is immediately told by the director that she should contact and go to her adoption agency, Korea Social Services – located in the opposite end of the country.

Beth does go to visit the adoption agency and during the meeting, Beth is presented with 2 stacks of adoption documents. The director explains to her that 1 stack is the documents used for her adoption to Denmark but that this is not her actual identity, but that this identity belongs to a dead Korean girl. The director then points to the other stack and tells her that this is her real identity.

However, the director refuses Beth's request to access this 2<sup>nd</sup> stack of documents, the one with her true identity is, arguing that it would violate Beth's parents' privacy. Importantly, the social worker ensures Beth that her mother did indeed give consent for the adoption.

Years pass, and with Beth's relentless pursuit of information and answers she is in fact able to find and reunite with her mother through DNA tests. Much to Beth's surprise, her mother tells her that she never consented to the adoption.

Just a month ago, Beth and her mother visited the Korean adoption agency together and this time Beth's mother requested to see the consent for the adoption and Beth requested to see her actual adoption documents, as the much-used privacy-argument cannot be valid with her mother present. But, requests were denied.

Together, they then visit the Korean adoption authorities. Asking to see their adoption documents. Again, they are denied. This time with an explanation that it's due to "Korean law". Later, however the case worker corrects herself and admits that there is no such law, but that practice is to turn down these requests.

Beth may have found her family, but the adoption agency and authorities along remains adamant that she cannot access her true adoption documents.

Peter will now talk about what solutions have been provided globally already and what is needed as solutions that are yet to be implemented.

## Peter Regal Møller

### Co-Founder of Danish Korean Rights Group (DKRG)

These years adult adoptees from all over the world are searching for the truth about their adoption. This interest is due to the many scandals around the world that demonstrate extensive fraud with adoption information, theft of children, forgeries of adoption papers, adoptions made without the consent of birth families and adoptions used as part of ethnic cleansing of for example "mixed-race" children.

In recipient countries such as Sweden, Norway, Belgium, France, Switzerland and Denmark, investigations into international adoptions have been initiated or are underway. It is positive and historic.

The world's largest donor country of children for international adoption is my own country of origin, South Korea. In 2022, South Korea's Truth and Reconciliation Commission has initiated a commission investigation into the country's adoptions, focusing on the role of the Korean state and the role of adoption agencies.

It is a well-documented fact that adoption agencies in both donor and recipient countries, intermediaries and public authorities have contributed to extensive falsifications of adoptees' identities and background information with the aim of obscuring adoptees' true parentage.

For more than 2 years, together with other international adoptees, I have collected extensive documentation for the theft of children, adoptions without consent using coercion against the biological mothers, and adoption used for non-lethal ethnic cleansing, which for example took part in South Korea in connection with the political initiative from 1954 "One Nation, One Ethnic People", where "mixed-race" children were ethnically cleansed to keep the Korean race pure.

We adoptees are looking for the true information about our background and not the fabricated information that should make adoption procedures and the transaction from donor country to recipient country possible. We are looking for our correct background information and biological origin.

Adoptees around the world invoke Article 8 of the Convention on the Rights of the Child. We do this in our requests to the adoption agencies that withhold our personal and intimate information. We go to the authorities in our recipient countries and countries of origin and ask

them to live up to the convention they have ratified.

Seen from the outside, the Convention on the Rights of the Child is a success. Where do you find a convention that most countries have signed, ratified and committed to comply with. This should provide the best starting point for adoptees, but the reality is unfortunately quite different.

Adoption agencies consider their records to be private property that cannot be accessed. The authorities in both sending and receiving countries do not have systems or procedures for handling or enforcing Article 8.

In most cases, Article 8 requests are treated as access to information requests, with the adoptee receiving only a copy of the falsified adoption papers they already hold or no response at all. Therefore, the adoptees are left to manage the search themselves, and many adoptees have been searching for both 10, 20 and 30 years.

The responsibility of the states according to the convention, has become the adoptees' own responsibility. What is considered a human right has become a time-consuming nightmare for many adoptees.

In those cases where adoptees have been stolen, lied stillborn and have written admissions from the adoption agencies that their adoption papers are falsified, the authorities in both the donor and recipient countries are found to be passive. The states do not initiate speedily recovery of adoptees' true background information or identity.

Instead, the authorities of the receiving countries point out that it is the responsibility of the sending countries to initiate the recovery of identity, because the receiving country does not have jurisdiction in the sending country. The sending countries point out that it is the recipient countries' responsibility to initiate the recovery, because the adoption is overseen by the recipient country's adoption agencies.

The states that have ratified the Convention on the Rights of the Child must submit periodic reports to the UNCRC for the periodic review.

We propose that Article 8 of the Convention on the Rights of the Child becomes a central part of this report where the states report:

- how the countries have arranged themselves legislatively to ensure the enforcement of rights
- how the states have organized themselves in terms of authority and administratively to ensure the fulfillment of rights



- description of which specific procedures and actions the state's authorities have taken in order to comply with the enforcement of rights

We also suggest that the UNCRC develop guidelines and clarify the purpose, content and scope of Article 8 that can contribute to the enforcement of rights addressed to adoption agencies and state authorities.

Article 8 is one of the most important rights for adoptees and for many both time and hope are running out. Just as the adoptees get older, so do the biological parents.