

RESPONDING TO ILLICIT PRACTISES

- VCA – VLAAMS CENTRUM VOOR ADOPTIE
 - CA – intercountry adoption (Hague since 2005)

- RETROSPECTIVE – WHERE DID IT ALL START?
 - disturbing reports on adoptions (e.g. from Ethiopia in 2010)
 - extensive reports in media & hearing in Flemish Parliament (2019)

- STARTING POINT OF A LONG AND FAR-REACHING PROCESS
 - expert panel appointed by Flemish Government – recommendations – initiating reforms
 - investigation of individual cases by CA

BRIEF INTRODUCTION AND RETROSPECTIVE

➤ LIVED EXPERIENCE

- advocacy by adoptee-led groups (India, Korea)
- individual cases (in)directly reported to CA

➤ POLITICAL LEVEL

- 'first time' politicians really "listened" to the stories of adoptees,
- balancing perspective of PAP's (pressure on CA to increase opportunities) and a more cautious approach

= individual voices, which gradually reinforced one another and given the political response eventually triggered a structural /systemic shift – also within the general public (society)

EXPERTPANEL

➤ APPOINTMENT BY FLEMISH GOVERNEMENT

- direct result of hearing in Flemish Parliament – commitment to bring clarity on past of ICA / improve the future
- consortium of four universities, supplemented by number of experts with lived experience and an academic background

➤ APPROACH?

- NO in-debt analysis van individual cases/files – more systemic approach
- analysis of practice and legal framework from different perspectives (social science & historical, ethical, psychological)
- 2 years of research – mostly theoretical approach

➤ REPORT & RECCOMENDATIONS

- extensive report concluding that past & current organisation of ICA presents considerable risks
- need to strengthen the system

RECOMMENDATIONS - REFORM

➤ RECOMMENDATIONS

- BEST INTERESTS of the child need to be first and primary consideration in ICA
- cautious approach: placement ICA only at explicit request of the SO
- reinforced focus on basic principles: adoptability & subsidiarity
- move towards open adoptions
- eliminate involvement of unnecessary intermediates and financial gain (strictly regulate)

➤ PRACTICAL IMPLEMENTATION?

- direct cooperation between CA (elimination of AAB's)
- reversed flow
- working with a limited number of SO, after careful screening of both child protection and adoption regulations/practice
 - cooperation with ISS, UNICEF and CHIP
 - standardized screening tool + working visits
- thorough review of all individual cases (art. 17)

➤ IS THIS THE END?

SCREENING

- OBJECTIVELY ASSESS IF ICA IS POSSIBLE WITH SUFFICIENT SAFEGUARDS
 - independent: input comes from ISS, UNICEF and CHIP – final call = CA
 - systemic review: child protection and adoption legislation and practice
 - criteria set out by Flemish government
 - Hague Convention - direct cooperation between CA is possible
 - robust child protection: prevent separation – work with families toward reunification
 - adoptability – informed consent of birth family is always guaranteed
 - principle of (double) subsidiarity is applied
 - dossier of the child is complete (reflects journey of the child – reason for placement, ICA and needs)
 - right of the adoptee to know his/her origins
 - professional matching

INVESTIGATING ILLICIT PRACTISE

➤ WHY?

- adoption cases from Ethiopia with clear indications of illicit practice

➤ WHAT?

- review of individual adoption files
- everyone who has doubts or concerns about the way the adoption (procedure) was handled
- adoptees, adoptive families and birth parents
- intercountry and domestic adoptions (1970 – 2010)

➤ HOW?

- call (by former minister) to report suspicions and doubts to CA
- starting point is a personal conversation (interview) with adoptees/adoptive parents/birth parents
 - clarify questions and expectations
 - informed consent
- review is entrusted to independent and professional partners (not CA)
 - identification and screening by ISS

INVESTIGATING ILLICIT PRACTISE

- SELECTION OF POTENTIAL PARTNERS
 - pre-identification of potential investigation partners by VCA
 - screening of potential investigation partners by ISS
 - development of a screening tool and quality manual + scoring system
 - screening report of every candidate
 - selection of 1 partner in every country
 - cooperation agreement and introduction to all concerned adoptees
 - start administrative investigations
- COUNSELLING provided from start to end
 - emotional impact is significant – psycho-social support provided from start to end
 - guidance in contacts with birth family / adoptee
- RESULTS = individual reports
 - consequences in case of established illicit practise?

SOME NUMBERS

- **256** total number of reports
- Largest groups:
 - India (**67**)
 - Belgium (**56**)
 - Ethiopia (**40**)
 - South-Korea (**26**)
- Most challenging countries:
 - China
 - Russia
 - India
 - South-Korea
 - Ukraine
 - Rwanda