

**Will my child come home?  
Shedding light on the grey-zones of international adoption**

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Imagine, for a moment, that you were struck by poverty caused by the on-going financial crisis or harvest failure and took up an offer from local officials to have your child supported temporarily in a child care centre till your economic situation had improved. Now imagine going to visit your children, only to be informed that they had been sent abroad for international adoption and the official explaining that your house was too far away to inform you and let alone ask your opinion.

This was the story told to me by a Ruc mother in the remote part Quang Binh province of Central Vietnam. Ruc communities, a sedentarized hunter-gatherer people, only total a few hundred people. Within the last few years, several families had accepted to temporarily place their children in a provincial nurturing centre, only to later discover their children had been sent abroad. One mother explained how she had become worried and gone to town to see her children, only to be informed that they were gone. Officials had apparently told her that the distance had been too far to tell her about the children being adopted. She had received a photo picturing what seemed like a ceremony of her children being handed over to foreigners and was now seriously worried about the fate of her children. It seems likely that a legal loophole was used involving illiterate ethnic minority parents signing over all rights to their children thus allowing centre officials to have the children adopted without the consent of the parents. This despite official letters from social authorities specifying the return of the children upon the improvement of living conditions back home.

Authorities and other institutions have since then been alerted about the situation and a number of embassies, adoption agencies and have since then responded to the case. Field investigations by the US embassy quickly confirmed the gravity of the matter, one case is now in process in the US and Italian authorities are currently investigating at least 4 cases of Ruc children reported to be in Italy. Vietnamese authorities have also undertaken a series of efforts to address irregularities in both Quang Binh and elsewhere. In June, police arrested the heads of communal healthcare centres in another province (Nam Dinh) for illegally putting up some 300 children for adoption reportedly involving both Italian and French adoption agencies<sup>1</sup>. Vietnam is also making a series of policy moves to strengthen legislation, centralize adoption activities and the management of funds. Interviewed about the specific case in Nam Dinh, the head of Ministry of Justice's International Adoption Agency, Mr. Vu Duc Long informed a journalist that "There will be no change for the children who were adopted. The violators in Vietnam will be penalised, the adopted children will not be brought back to Vietnam."<sup>2</sup>

Two questions thus remain. First, a part from the children whose cases are being investigated in the United States and Italy, Ruc parents mentioned up to 13 children from their 3 hamlets

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<sup>1</sup> <http://vietnamnews.vnagency.com.vn/showarticle.php?num=01CAS150708>,  
<http://vietnamnews.vnagency.com.vn/showarticle.php?num=02COM160708>, accessed 14/10/08

<sup>2</sup> <http://english.vietnamnet.vn/politics/2008/08/800516/>, accessed 14/10/08

alone. It is also known that other ethnic minority children have gone through the centre in question. The total number and the status of these cases is yet verified and assessed. It is now critical that the respective countries, not only Vietnam, but also Italy and the United States, facilitate independent investigations into these cases giving the children a true chance to reunite with their families.

The second question now remains whether the Ruc children, and other victims of questionable adoption circumstances whose cases are documented, will see their families again. The question is not unique to Ruc parents, but is commonly experienced in many other cases of questionable international adoption practices. In the case of the Ruc children, it is particularly important to take their special situation and conditions into account when considering follow-up action. Whereas the Vietnamese decision in the case of the Nam Dinh children has been not to bring back trafficked children (many of whom were very young, even babies), the older Ruc children (born between 1997 and 2001) will surely remember where they came from, still speak their language and may even be suffering considerably due to the separation. Don't they have a right to see their parents again?

Many actors in the adoption community today acknowledge the problem of questionable adoption practices, yet the return of children afterwards remains a grey-zone. Whereas the return and support for reintegration of children being trafficked for sexual exploitation, child labour and child soldiers are now part and parcel of international action, the question whether children having been trafficked for child adoption is somehow left behind.

What are some of the challenges at stake?

Besides the logistical difficulties of identifying parents afterwards, one argument seems to be that in the interest of the child putting them through another process of separation, travel and change could pose difficulties. Nor is it an easy situation for Western adoptive parents, who have often waited years to adopt a child. Yet, exactly therefore, most adoptive parents will be the first to recognize the rights, wishes and ethical importance of birth parents being reunited with the children again. Nevertheless, there is also a widely held perception that poor rural children from Vietnam (or other Southern countries) in the end would be better off in Western families. The argument, however seductive from a material perspective, is fundamentally flawed and discriminatory.

For one, there is no doubt that the legal rights of birth families, who have not given their informed consent to adoption, to be reunited with their children should be upheld. I would certainly be happy to see my children again even if they had been sent to other end of the world and even if they had managed to adapt themselves to new living conditions. The fact that the parents are poor and largely illiterate should not influence how this basic human right is recognized and put into practice.

Secondly, there is easily a discriminatory bias in assuming that a child is better off in the West. Furthermore, all evidence from other indigenous peoples and ethnic minorities points to the traumatic experiences and stress children have experienced being placed in foreign cultural environments. In the case of the Ruc children, many are older children who speak their language and are socially and culturally integrated in Ruc society and culture. While global experience has shown how indigenous children have generally adapted themselves to new adoption circumstances, it is also evident how many of these exact children continuously

suffer from invisible wounds inflicted caused by separation. The emotions and relief expressed by indigenous representatives upon the recent official apologies in Canada and Australia are a case in point. Canada, for example, very recently delivered an official apology to the estimated 150.000 indigenous children who were separated from the families and sent to boarding schools. The suffering from this period continues to be felt to this day, but at least serves as a global lesson in terms of the consequences at stake when separating indigenous children from their families, communities and cultures however well-meant intentions may have been.

Thirdly, the argument about better material conditions in the West is fundamentally simplistic. Not only does it disregard the emotional and personal stress involved, the international community also has all the means and the responsibility to facilitate appropriate material conditions for the reintegration of poor children, who have been separated from their birth families. There is no lack well-intended child support programmes in development cooperation. Such support could very well form part of a reparation package ensuring that the Ruc and other children not only return to their birth families, but indeed received the support necessary (and available) for their reintegration, schooling and improvement. Such collaboration beyond boundaries is now urgently needed to bring back hope to Ruc parents and others, who have been separated from their children. This will require concerted action by both Vietnamese authorities and the international community. A number of steps have been taken in recent months to crack-down on questionable adoption practices revealing not just irregularities in relation to US adoption agencies, but equally European Union agencies as the Ruc and the Nam Dinh cases reveal. Both Vietnamese authorities and international agencies are undertaking a number of efforts to improve practice. Vietnam is centralizing adoption practices. The US is after having been unusually vocal and critical of adoption practice, in the process of renegotiating a bilateral agreement after heavy lobbying by the US adoption community. Similar efforts are likely underway among European Union countries. This has involved pushing for a rights-based approach and generally tightening regulations both on behalf of Vietnamese and international authorities.

Yet, the question remains in the end what this really matters for children, who have already been pushed through the adoption process. For the moment, after several months of documentation and further investigations in a context of unusual public discussion both within and outside Vietnam, a solution has yet to be found. Wouldn't efforts to reunite children being separated from their birth families be a clear sign to both the Vietnamese public and prospective adoption parents, that the system was indeed seeking to work in the best interest of the child? Wouldn't it be considered a minimum that the rights of birth parents and children are taken into account when questionable and illegal trafficking of children for adoption has taken place? Wouldn't it also be a sign of respect and support, not only for the specific families concerned but the wider Vietnamese population, if receiving countries of trafficked children committed themselves to provide the economic, moral and social support to facilitate rapid investigation, reunification and contact?

Vietnamese authorities alone cannot secure such a socially-responsive programme requiring concerted international collaboration. This will need the immediate support of US authorities currently renegotiating a bilateral agreement as well as a collective effort by the European Union. Had it been my children, I would certainly appreciate such respect and support. Wouldn't you?