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EDITORIAL

Adoption and illegal practices: A sign of hope in the face of these tragic situations?

Since its creation, the ISS/IRC, together with other actors, has fought illegal practices carried out in the context of adoption, through the implementation of an adequate international legal framework and the development of training and information tools aimed at preventing these practices and at remedying what may be irreparable.

Behind the words ‘intercountry adoption’, there are thousands of destinies, tragic fates with happy endings, or less happy endings... Illegal practices have been part of the history of adoption, with each country having had its set of grey zones, which, whilst buried in the past, often end up coming to light, sometimes in a brutal manner for those affected: adoptees and their biological and adoptive families. In the face of these scandals, which the future will not stop, the international community has been mobilising itself, for example, through the establishment of a working group on this issue at the Permanent Bureau of the Hague Conference on Private International Law (see p. 9) or the development of studies, such as the one currently being drafted by the Special Rapporteur on the sale of children, child prostitution and child pornography for 2017. This is also the case of ISS, which, through recent publications, has recorded and documented the various forms of abuse, and provided tools to professionals faced with these situations. The latest one, presented below, intends to offer signs of hope by giving a voice to the victims and other actors involved, in order to open the way ahead to potential solutions (see p. 9).

Providing justice, yes but how?

Without going into the details of the numerous scandals linked to intercountry adoption, we may agree on one issue: their management remains

extremely complex and deficient, domestically and internationally. Indeed, there are many aspects that must be taken into account: the anger and deep suffering of the adoptees and their families, sometimes the responsibility and unbearable silence of governments, the helplessness of the professionals, who lack the needed tools, the outrage of society when faced with the messages conveyed by the media. In the face of these challenges, judicial bodies try to reestablish some form of balance through the development of case-law in terms of compensation of the victims at regional level (decisions of the European Court of Human Rights and the Inter-American Court of Human Rights) and domestic level (in the Netherlands, for example), as well as through the comprehensive reform of the adoption system (Argentina, Chile, Spain, etc.). Whilst it is unrealistic to believe that justice will be fully restored, such efforts, which have been detailed in ISS’s new publication, are promising.

Daring to talk, yes but how?

Beyond the personal development of each victim, a common right unites and sometimes reunites them: the right to know the truth about their origins and their story, to be recognised as victims, and to be legally, psychologically, socially and politically compensated. Whilst it is not difficult to obtain moral consensus on this element, what about the latter in practice? Are specific mechanisms available, as diverse as

possible, and able to support the victims in each step that they may take, from the discovery to the reporting of the abuse and its authors until its reparation? These are questions that bother those governments, whose responsibility is sometimes at stake. Courage is required and the official apologies expressed by countries, such as Australia or Belgium, are a decisive first step that must be followed up with concrete actions, such as evidence-based studies on these practices and their recording on national archives, in order to ensure the right to memory (Switzerland, Australia, etc.).

Moving forward, yes but how?

In the face of the devastating effect of these irregularities, personal experiences become a lever to act, for everyone one at their own level. The despair then opens the door to hope, as demonstrated through the various personal testimonies and promising practices developed in several countries. In addition to the above-

mentioned legal route, associations of adoptees have been created (South Korea, France, India, Lebanon and Switzerland), awareness-raising campaigns aimed at prevention have been launched, and other experiences, which are all very enriching, have been born (book-writing, film-making, theatre performances, etc.). As stated by the President of the Committee on the Rights of the Child and the Special Special Rapporteur on the sale of children, child prostitution and child pornography, '*[o]ur hope is that we can learn from our past, to ensure that adoption is truly used as a child protection measure*'.

The ISS/IRC's new publication intends to offer signs of hope – hope for the unique experiences of adoptees, families or professionals to inspire those who, today or in the future, may or will face this harsh reality.

The ISS/IRC team
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