

INTER-COUNTRY ADOPTION IS WRONG:

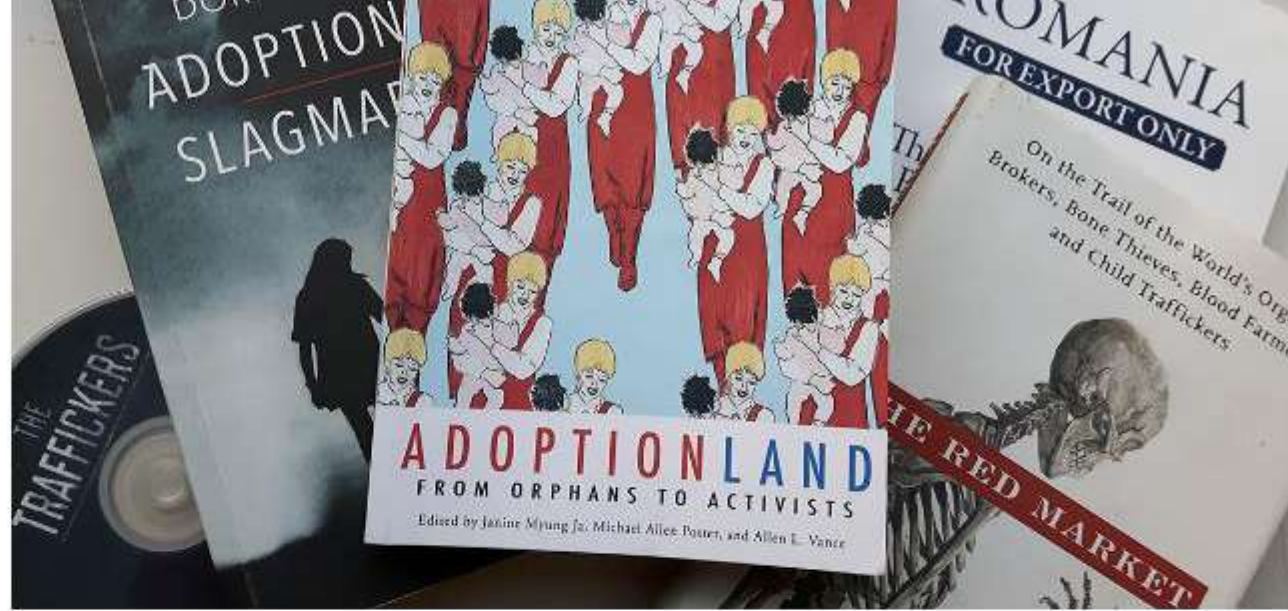
**Children have rights.**

Intercountry adoption has become a demand-driven market.

**It is much better to help children and their families where they are.**

Intercountry adoption undermines the setting up of social support systems.

**Children are not commodities.**



# Against Child Trafficking

Since 2008, **ACT (Against Child Trafficking)** provides the evidence that inter-country adoption is a legalised form of child trafficking. **ACT** is critical of the Hague Adoption Convention as it results in a legalised market in children (see Perverse Effects of the Hague Convention).

**ACT** was set up as a child rights NGO in 2008 by **Roelie Post**, an EU official, at the suggestion of the European Commission. It is currently run by **Arun Dohle**.

**ACT** has had a major impact on reducing inter-country adoption around the world (inter-country adoptions have declined by 75%).

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ADOPTION LOBBY ALERT

Adoption Lobby Alert

ACT'S BLOG

Blogpost

WEBSTATS



# ACT on TV

This page shows various TV news reports, as well as documentaries, in which ACT is featured. Not only are we quoted in all these reports but our investigations often led to the actual reports. ACT works well with investigative TV reporters.

## 2017: Manufactured Orphans



Preview. Online in April 2017. With the help of ACT, a Swedish adoptee follows the criminal trail to India to unmask the deception behind her adoption story. ACT's founder Roelie Post explains the pattern on Channel AsiaNews.

## 2016: The Traffickers



# My link to judicial precedents

- Laxmi Kant Pandey vs Union of India and another
- St. Theresa's Tender Loving Care home and ors Vs Parchuri Jamuna and others
- Stephanie Joan Becker vs State
- Robert Heijkamp and his wife Astrid Jacoba Maria Heijkamp Wagenveld
- Jayna Kothari - Maria Chayya Schupp
- Current Scandals West Bengal
- International Mission of Hope
- Sri Krishna Nursing Home
- Filed my own case
- Supreme Court Petition by Sakhee / Advait
- Assistance to HAQ
- Wereldkinderen
- Adoptee case / Nirmala Social welfare center / Eva Dohle



# Market Value

## India

We are open and transparent about our fees and want you to be aware of all potential costs involved in an adoption, including third-party costs and travel.

**Holt fees: \$23,460-\$24,360**

**Third party costs: \$1,905-\$9,075**

**Travel costs: \$5,000-\$15,000**

**Estimated total: \$30,365-\$48,435**

<http://www.holtinternational.org/adoption/fees.php>

Inter-Country Adoptions : Laws and Regulations		
1.	<p>Convention on the Rights of the Child United Nations Treaty Series, vol. 1577, p. 3</p>	1
2.	<p>Convention on Protection of Children and Co-operation in respect of Inter-country Adoption (Hague Convention on Inter-Country Adoption) United Nations Treaty Series, vol. 1870, p.167</p>	16
3.	<p>Convention Abolishing the Requirement of Legalisation for Foreign Public Documents United Nations Treaty Series, vol. 527, p.189</p>	25
4.	<p>The Juvenile Justice (Care and Protection of Children) Act, 2015</p>	29
5.	<p>The Juvenile Justice (Care and Protection of Children) Model Rules, 2016 (Relevant parts/chapters)</p>	74
6.	<p><b>CARA Adoption Regulations, 2017</b></p>	90

# United Nations Convention on the Rights of the Child

- Art 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best

interests cannot be allowed to remain in that environment, shall be entitled to special protection and

assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary

placement in suitable institutions for the care of children. When considering solutions, due regard shall

be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

## Art 21. b

- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;



# Subsidiarity Principle

## **UNCRC**

- Local care
- foster placement, kafalah of Islamic law, adoption or if necessary
- placement in suitable institutions for the care of children
- ICA: “ cannot in any suitable manner be cared for in the child's country of origin;”
- Adoption and Intercountry adoption is not a Child protection measure, rather civil law
- Drastic measure, changing identity and severing all family ties.
- Reference “ Independent panel” RSJ report.

## **Hague Adoption Convention**

Familypreservation ( limited)

In-countryadoption

Inter-countryadoption

Foster care , residential care no longer accepted. ICA preferred.

„ Permanency“

## **Dutch Independent Expert Report (RJS report):**

Scientific studies have demonstrated the ‘pull’ effect of adoption. It creates a supply of children in children’s homes.

Intercountry adoption undermines the solution preferred under the CRC (in-country care).

Intercountry adoption goes against setting up a child protection system in the country of origin.

The Council believes that the principle of subsidiarity cannot, in practice, be properly observed, which is a convincing argument against intercountry adoption.

[https://www.rsj.nl/binaries/Samenvatting%20Interlandelijke%20adoptie%20Engels%2020161101\\_tcm26-176572.pdf](https://www.rsj.nl/binaries/Samenvatting%20Interlandelijke%20adoptie%20Engels%2020161101_tcm26-176572.pdf)

# Example Conflict Act versus CARA Guidelines

## **JJACT 2015**

- section 38 (4) - The decision to declare an orphan, abandoned or surrendered child as legally free for adoption shall be taken by at least three members of the Committee.

## **Cara Guidelines 2017**

- no. 7 (4) If the surrendering parent is an unmarried mother, the Deed of Surrender may be executed in the presence of preferably any single female member of the Child Welfare Committee.

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# Rubber Stamping ? ( JJACT Rules 2016)

- **45. Procedure before the Court.-** (1) The procedure for obtaining an Adoption Order from the court concerned would be as provided in Adoption Regulations.
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- (2) The Court, for the purpose of an application for adoption order, shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) and Evidence Act, 1872. The procedure, as laid down in the Juvenile Justice (Care and Protection of Children) Act, 2015 and Adoption Regulations shall be followed.
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- **46. Period for disposal of applications.-** (1) The Court shall dispose of an application for making an adoption order within a period of two months from the date of filing of the application, as provided under sub-section (2) of section 61 of the Act and where the judge of the court concerned ordinarily exercising jurisdiction in such matters is not available for a period of more than one month, the applications shall be disposed of within stipulated time by other senior most judge.
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- (2) No information or Court order regarding adoption disclosing the identity of the child shall be uploaded on any portal except as may be stipulated in Adoption Regulations.

Thank you!

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[www.againstchildtrafficking.org](http://www.againstchildtrafficking.org)

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