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Dear Commissioner Mitchell

I would like to provide a submission to “Have your say on Child’s Rights in Australia” on behalf of the adult intercountry adoptee community in Australia.

I am the founder of a 20 year old network in Australia of adult intercountry adoptees from many sending country, our birth countries. You can find out more about us at <https://intercountryadopteevoices.com/about/>

I am personally also an adult intercountry adoptee from the Vietnam War and have a vested interest to speak to you about the lack of human rights for children adopted to Australia under past and present intercountry adoption policy & processes.

As a firm believer in the UNCRC, I can speak to you at length about the various abuses of our child’s rights within Intercountry Adoption. Specifically, articles 3, 7, 8, 9, 10, 12, 19, 21, 27, 30, 34, 35, 39.

#### Article 3

In intercountry adoption, it is purported that adoption is done “in the interests of the child” however, I’d like to point out that Article 3 (3) we fail in all areas of adoption to provide supervision past post placement which is usually a max of 3 years in intercountry adoption - a requirement sometimes of our birth country. This supervision is so important because there are far too many adoptees who have suffered emotional, physical, and sexual abuse in their adoptive families. The supervision needs to be facilitated by professionals who understand trauma backgrounds and are taught to recognise the Adverse Childhood Experience (ACE) signals/symptoms in adoptive parents behaviour and their backgrounds. Too many adoptees suffered in this manner, which could have been prevented if those parents had been better screened or for that supervision of placement to include watching out for signs of mental instability in our adoptive parents. I also acknowledge, many adoptive parents are not abusive, but somehow, we need to improve upon what is happening and adult adoptees have always suggested - followup of adoptees longitudinally by professionals or peer reporting. Currently no register exists for reporting adoptive families who are abusive nor to even collate and find whether some states are worse / better than others at screening prospective parents.

#### Article 7 & 8

In intercountry adoption context, there are some cases, like mine, where it is not known or verified if we were legally relinquished by our birth parents. In cases where dubious, questionable practices were used for our adoptions, there needs to be an independent organisation we can turn to for legal, financial & emotional support. Currently, the cases in Australia of trafficked adoptees goes unaddressed by our Federal Government. There is a very high level Trafficking Protocol, but it is inadequate and does nothing practical to assist those who are impacted. ICAV recently took a group of trafficked adoptees with a variety of situations to the Dept of Social Services (DSS) and we have written to the Prime Minister for specific cases. We have as yet, not received sufficient support for adoptees in these situations. For adoptees in The Netherlands, they are the first worldwide to launch a legal suit against the Dutch government for the trafficking of Sri Lankan and Indonesian adoptees. It is an interesting situation because worldwide, we are seeing more of our birth countries acknowledge the trafficking and corruption in intercountry adoption and yet, we still have nowhere to turn as adoptees who find ourselves in these terribly complicated situations. I have spent years seeking and searching for the right legal expertise in Australia to help us. I have even written to [REDACTED], the lawyer who advised the Australian Government and was seconded to The

Hague for her expertise, however, she is not allowed I suspect to help us even in her retirement. The Federal Government will not assist by even guiding us to legal experts who could assist. What we need are Human Rights specialists with intercountry adoption expertise. A tough mix to find. We would appreciate some guidance.

In intercountry adoption contexts, our original identities are voided by our adoptions. This is a fundamental flaw in all adoptions but more so in the intercountry context because our birth countries often have little infrastructure to safely keep our birth identities and information that allows us to trace back to our origins. Unless we had proactive adoptive parents who could foresee our needs to find our origins, many of the artifacts we need to rely on for searching are lost.

There also needs to be more done for the past adoptees who arrived in this country prior to adoption laws and processes to find our original identity and family. Currently the Australian Federal Government has decided to no longer fund the search & reunification processes that began in 2016 via ISS (International Social Service) Australia for all intercountry adoptees. The States/Territories under the Commonwealth State Agreement are normally required to conduct all post adoption support, however, given Federal govt is the Central Authority and has overall ownership of our Hague responsibilities, there is huge disconnect between how our Commonwealth - States operate for allowing us to search for our identities, which results in very little resources available to assist us.

#### Article 9

For adoptees who are at an age where they know what is going on who have been sent to this country against their will, again, as above for article 7 & 8, we have no independent body to turn to for legal, emotional, financial help. This is made especially worse when the adoptee arrives here and can't even communicate with the adoptive family because of language barriers. For those who suffer an adoption breakdown ie their adoption doesn't work and the relationship falls apart, little is done to repatriate the child back to their country of origin if that is their wish. Usually they are misbelieved and labelled bad misbehaving children, diagnosed with reactive attachment disorder (RAD) or other such medical diagnoses - even tho' anyone who suffers this journey, would most likely respond in a similar way. They are not usually mentally unstable, they have suffered extreme trauma where people who are in a position to help them, don't believe them and tell them they should be grateful for being in a better country.

#### Article 10 & 12

Currently there is no process for which a child, an adoptee, could request to be reunified with their birth family. Once an adoption is done, no matter how illegal it was, the authorities in our countries do nothing to repatriate the child or to verify with the birth family (rather than thru' the orphanage or government) that the relinquishment was willingly given, rather than coerced.

#### Article 19

In intercountry adoption, as I've written for Article 3 above, currently there is no independent body to report adoptive parents who are abusive towards the child. In many many cases, we are disbelieved because people cannot fathom adoption = hurtful adoptive parents. There is a narrative from pro adoption lobby groups that all adoptive parents are angels who rescue us which is so damaging for us to talk realistically about the fact that adoptees do get abused in their families, at a much higher rate than non adopted children. We are more vulnerable than the non adopted population but yet, no specific process is designed to check longitudinally how we fare in our adoptive families. As the founder of the largest worldwide adult support network in intercountry adoption, I can attest to abuse existing all too often but goes unreported because the adoptee is struggling with so many complex issues, the abuse being a double / triple whammy on top of their relinquishment and loss of identity/culture/country/people.

#### Article 21

In all adoption, including Intercountry adoption, we should be changing the laws to ensure our adoptions are Simple rather than the existing Plenary in which our original identities become annulled. We already lose enough as an relinquished person, and we should be allowed our original identities with the full names of our birth parents in order to trace back and find them should we wish to at some stage. This should also include by law, dual citizenship with our birth country. Currently some countries are allowed by Australia to have dual citizenship, others not so.

This needs to change to ensure all intercountry adoptees are given the right to belong to both countries - our birth and our adoptive country.

#### Article 27

In intercountry adoption, there needs to be recognition of the extra layers of trauma an adoptee has to deal with when adoptions break down and they are left to “fend for themselves”. I know of too many who are struggling for basic housing & living costs because they have to move out way before they are old enough just to get away from an unhealthy adoptive family environment and they spiral downward with not being able to provide adequately for themselves. They suffer so much, they cannot finish their educations and then therefore can’t get decent employment. There needs to be a crisis organisation who understands intercountry adoptee needs where they can turn to for guidance. Many of the nation’s existing services have no knowledge of intercountry adoption complexities, hence provide inadequate supports for intercountry adoptees.

#### Article 30

This gets breached in intercountry adoption all the time. It is always assumed we adopted persons will take on our “adoptive parent” culture, language, religion. It is why some adult intercountry adoptee scholars have written about intercountry adoption as being akin to slavery, or others refer to the system of intercountry adoption as one of white privilege with those in power/riches taking advantage of those who are disadvantaged. These analogies shock most people until you think more deeply about what is happening for us - the children of minorities in general.

#### Article 34

This is breached when this occurs under the protective mechanism of “adoption” and prevents us, the abused, taking action against the governments who facilitated our adoptions into abusive families. We are not protected from this type of exploitation and we were not allowed into the Royal Commission for Institutional Childhood Abuse because we are “adopted”. Being adopted protects those who made the adoption decisions from being accountable when our adoptions were clearly “not in our best interests”. We need an independent body to be able to seek help from for legal and financial guidance, to seek legal justice and restorative justice.

#### Article 35 & 39

We clearly have no legal mechanisms for prosecution where this does occur in intercountry adoption. This is a worldwide problem because we cannot be considered “trafficked” due to the strict criteria, and yet, even at The Hague level, it is acknowledged that illicit intercountry adoption practices occur on a mass scale - but nothing is done to empower us, the victims who have to live with the consequences forever. I have many Australian intercountry adoptees who are in this situation and it will grow as they age and start to question. From India’s Preet Mandhir, we have hundreds who were sent to Australia from that illegal operation alone. We have the Julie Chu cohort from Taiwan which was exposed in the media many years ago. They are mature adults now. Wanting somewhere to turn. Wanting justice for them. Even if the criminals were prosecuted in our birth countries, that does nothing for those of us left to live our falsified lives. No justice, no reparation. It is clearly ethically wrong to bring children into a country via intercountry adoption without any mechanisms to prosecute when wrong doing is obvious. Australia continues to turn a blind eye.

I hope this gives you some idea of the breach of our child’s rights in the domain of intercountry adoption. I would love to personally speak with you further about these issues so hope to hear back at some stage.

Yours Sincerely,

*Lynelle Long*

Founder  
InterCountry Adoptee Voices



W: [www.intercountryadopteevoices.com](http://www.intercountryadopteevoices.com)