

Intervention of Mr Ignacio Packer, Head of Programmes, Terre des hommes Lausanne, Switzerland

The results of the comparative study on the practices and legislations in six European receiving countries: Germany, Spain, France, Italy, Norway and Switzerland shows how the receiving countries also have a certain responsibility. With procedures and legislation which have little, if any, respect to the interests of the child, and policies which tend to respond to the demands of adopting couples or put pressure on the countries of origin in order to obtain children, the receiving countries do not respect the engagements they undertook by ratifying the Hague Convention on international adoption. It is the Hague Convention itself which aims to avoid these types of dysfunction.

The fulfillment of children's rights, including those to protection, depends on a global movement in which everybody not only understands and respects their duties to children, but also acts upon them. Parliaments and their members can and should be among the foremost champions of child protection. They can legislate, oversee government activity, allocate financial resources and connect with communities and constituencies to influence opinions and actions.

What can be done?

Parliaments and their members as leaders within their nations and communities, should raise awareness of issues and provide advocacy

One of the issues developed in the report concerns the question on "Children's rights or the right to a child?"

Prospective adoptive parents have rights: the right to be informed, the right to receive support, the right to financial transparency. Nevertheless, even if the suffering of number of infertile prospective adoptive parents must be taken into account, no-one ever holds "the right to adopt". An erroneous ideology. If existed, it would imply the right over another human being, who would become the "object" of the right. The adoptable child is neither an object of competition between prospective adoptive parents, nor between receiving countries.

We therefore strongly recommend parliaments and their members raise awareness of the issue that no-one ever holds "the right to adopt".

Parliaments and their members should legislate

There is a shocking discrimination, contrary to article 2 of the Convention on the Rights of the Child, which is practiced against certain children from non-contracting states, for whom numerous receiving countries accept simplified rules of procedure and diminished guarantees.

"Strictly private" and "independent" adoptions, carried out with no aid whatsoever from the Central Authority, bare the highest ethical risks mainly when allowed with countries not party of the Convention.

We strongly recommend that "private" and "independent" adoptions prohibited. For some rare cases exception mechanisms should be found.

Parliaments should increase the targeted allocation of financial resources

Through the budgetary process, parliaments are responsible for approving the national and community budget, thereby allocating resources to the government, and monitoring government spending. Ethical international adoption has a financial cost for the state.

Governments should increase the allocation of financial resources, improve financial mechanisms and transparency as preventive measures against decisional contradictions, lengthy procedures, gaps in procedure verification, lack or absence of post-adoption services that increase the risk of serious violations of children's need for protection (and children's rights).

We recommend that Governments should invest in training, professionalism and cooperation among the intervening bodies.

Global movement

This document thus recapitulates a series of recommendations for good practice which should contribute effectively to combating child trafficking and promote intercountry adoptions that are focused on the needs and rights of children.

A scheme of this nature presupposes the development of a political will which departs from the unproductive ideological conflict "for" or "against" intercountry adoption, so as to combat pressure from lobbies of adults and focus on the best interests of the most vulnerable children. Moreover, it aims to establish ethical co-responsibility between the host countries with regard to internationally adoptable children and their countries of origin.

As Nigel Cantwell said this morning but limiting my self to declining the "right" and not both "right" and "wrong":

Lets get the "right" children adopted in the "right" manner by the "right" people. I will add, in respect of their "rights" and with the "right" financial incentive mechanisms.

The fulfillment of children's rights, including those to protection, depends on a global movement in which everybody not only understands and respects their duties to children, but also acts upon them. Issues on international adoption must therefore be put in a general context of development cooperation.