

ISS Australia Position Statement

Intercountry Adoption

Core Position

1. International Social Service (ISS) Australia supports the position that first and foremost, intercountry adoption must be a service for children which is squarely focussed on the needs and best interests of individual children.
2. ISS Australia strongly supports the principle of subsidiarity in which intercountry adoptions should only be considered as a last resort, and once family, and other local alternative care options (including kinship care, foster care and local adoption) have been exhausted in a child's home country; and only if intercountry adoptees are placed into families who will actively support and nurture the adoptees' cultural identity and background.
3. ISS Australia is of the view that intercountry adoptions should only occur with countries who have signed the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (the "1993 Hague Convention") as it safeguards against unethical, illicit and fraudulent intercountry adoptions.
4. ISS Australia does not facilitate intercountry adoptions but we do support intercountry adoptees in their post-adoption journeys about information, identity, culture and reunification.
5. We believe intercountry adoptees have a right to access specialised government funded supports across the lifespan and especially when they embark on the emotional and complex journey to access their overseas records and reconnect with their parents, siblings and other family members.

Background

6. Intercountry adoptions were previously private arrangements in Australia from the 1950s, often as part of a response to children of countries afflicted by war, poverty and social and political disruption. The first government supported program was in 1975 at the close of the Vietnam War, when around 300 children entered Australia as part of 'Operation Babylift'.

7. Then the Australian Government ratified the 1993 Hague Convention on 25 August 1998 and it came into force in Australia on 1 December 1998. The Convention is implemented in Australia through the *Family Law Act 1975* (Section 111C) and accompanying regulations called *the Family Law (Hague Convention on Intercountry Adoption) Regulations 1998*, which detail the roles and responsibilities of the Commonwealth, states and territories and the processes required for intercountry adoptions between contracting states.
8. In the latter part of the 20th century, intercountry adoption became more widely practiced in Australia and the number of intercountry adoptions continued to increase up until 2004. However after 2004, there has been a steady global decline due to 'sending countries' increasing their capacity to domestically support orphaned or abandoned children, as well as changing attitudes to single parenthood and the increased prosperity of many of the 'sending countries' emerging economies.
9. ISS Australia, when providing post adoption support, acknowledges that each intercountry adoptee's experience is unique whether positive or negative. We recognise that even in positive adoptive family environments some adoptees can still experience impacts on their social, psychological, and cultural wellbeing and identity.
10. ISS Australia is aware of intercountry adoptions that have occurred through the abduction, sale and trafficking of children in overseas countries. The practice of falsifying the child's status and documents has resulted in children being given 'orphan' status for the purposes of intercountry adoption.
11. ISS Australia is aware that in countries whose child protection systems have limited capacity to monitor individual cases, individuals and intermediaries and criminal organisations may exploit loopholes in the adoption system, for financial gain or other unlawful or unethical purposes.
12. ISS Australia has provided adoption tracing and reunification services in Australia for over fifty years, and since 2008 we have been funded by the NSW Government to provide post adoption tracing services in that jurisdiction.
13. In a partnership with another NGO (LifeWorks), ISS Australia provided the Australian Government (DSS) funded Intercountry Adoption Family Support Service from 2016 to 2019. Moreover from 2016 to 2018, ISS Australia received Commonwealth funding to provide a specialised Intercountry Adoption tracing and reunification service.

14. ISS Australia believes there should be government funded services to support intercountry adoptees across the lifespan, that provide access to holistic emotional and practical support from qualified social workers who understand the complexities and issues associated with intercountry adoptions. These include services around grief and loss, identity, belonging, placement disruption and breakdowns, relationship counselling, disability, health and educational issues, and workshops delivered by people with lived experience. Adoptive parents should also have access to support when needed.
15. ISS Australia supports the Hague's 2015 Special Commission on adoption recommendation to all signatory countries (including Australia) that '*when an adopted child or an adult adoptee undertakes a search, professional support at all stages is recommended*', which again suggests government funded support in this area.
16. ISS Australia recognises the importance of cultural and identity needs, and believes intercountry adoptees have a right to access specialised government funded support when they embark on the emotional and complex journey to access their overseas records and reconnect with their (birth) family. The post adoption and reunion process is often profound but also complex to navigate due to distance, and emotional, cultural and language barriers between the two parties.
17. There are over 10,000 intercountry adoptees in Australia, and an increasing number of overseas children brought to Australia through expatriate adoption arrangements. At some time in their life, most intercountry adoptees will have a strong desire to connect with their country of origin and reunify with their family.

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