INTRODUCTION

Thanks
Honor:

- This is an important group;
- You could make a difference
- And on an issue that’s important – enormously important to children

INSERT SLIDE: IA CHART  See Appendix A

What represents:

- US down by 2/3 as of 2013
- World down by 1/3 or more
- Devastating Human Rights Tragedy
  o Tens of thousands of kids whose lives being systematically destroyed, deliberately.. by deliberate Government (& NGO) policy
 Hundreds of thousands if recognize that with ease – with adoption-friendly regulation facilitating IA – could have hundreds of thousands of IA

Do Child Human Rights Matter?

- Apparently Not: To the Policy Makers – US & Foreign Governments, UNICEF & other NGOs – who have chosen to shut down IA
- To Us?? Do Child Human Rights matter enough for us to take action?

NEXT: More on Nature of the Cliff, and on Whether Child Rights Matter

THE CLIFF: More on why I say

- Devastating Child Human Rights Tragedy
- Deliberately caused

IA represents provision of nurturing homes – kinds of homes Kids need to grow up capable of enjoying other basic human rights: we know from the Social Science IA works for kids

Need for such homes ever-greater: The cliff not in response to world taking better care of its kids

- Increased number of orphans
- Increased number growing up in Institutions devastating to life prospects; now some 8-12 million... too many for any agency even to have count
- Even those arguing for allegedly better in-country alternatives know that in foreseeable future won't have nurturing in-country homes for more than a small fraction of Unparented

Capacity of IA to provide enormous: Prospective parents now begging for opportunity to parent the unparented; this true even though current IA regime insists on
- Long waits
- Huge expense
- Horribly damaged children – The reg that insists kids languish in institutions for 2-5 yrs or more makes child damage a prerequisite of IA
- If we had IA regulation *encouraging* Prospective Parents could easily have millions

**SO we have an institution, IA:**

- That provided in 2004 40,000 plus homes for kids in desperate need, could easily provide 10X or 100X
- Magically transforming lives from destitution to AOK – truly unusually successful social program
- At no cost to governments, no real cost, indeed actual savings plus

**Why the Cliff?**

- **Deliberate Policy by those in charge:**
  - Our & Other Governments,
  - Most powerful Child Rights organizations like UNICEF & Save the Children –
  - Not just Tragedy but Evil because deliberate imposition of suffering & life destruction
- **Examples of such Deliberate Policy:**
  - Countries of Origin: Out of National Pride shut down IA to demonstrate they are proud, strong, can stand up to the US, can take care of their own (even if can’t and aren’t)
    - China recent years cut-backs: we don’t want to be seen as 3rd world, but as proud strong world power
    - Africa: recent African Conference “African Child Policy Forum” reacted against increase in African IA by announcing we can all take care of our children, can stand up to those prior colonialist nations, will make IA a LastLast Resort, regardless of the millions Unparented
Receiving Countries like the US: Nothing in it for our national interests to help foreign Unparented, so protect ourselves, set “not a single ethical violation” as our standard even though in any field that would shut it down (imagine Wall Street!)

UNICEF etc: Won’t admit totally anti-IA for PR reasons but effectively are; officially Last Last Resort position; never advocate for it

But does IA Shutdown = Child Human Rights Violation?

- Some would say IA shutdown vindicates Child Human Rights, Need to keep Kids in country for their sake
  - To protect Heritage Rights
  - To protect vs Adoption Abuses & Corruption

- Can’t take these seriously; think astounding and outrageous hypocrisy represented by these claims; may address briefly at end, or Q&A, but now just ask you to think:
  - What if US were to say to Adults in other countries we want to keep you from immigrating because in your best interests to enjoy your heritage rights?
  - What if Russia or China were to build a wall locking their Adult citizens in and preventing emigration saying that they would do better in-country enjoying their heritage rights?
  - Would anyone make such arguments with a straight face today? Could anyone hearing them take them seriously?

- These arguments can only be made bc Kids are involved and can’t speak for selves, or act to try to escape their institutions, or to break down the walls locking them in, as those adults locked in by the Iron Curtain walls of the past could at least try.
  - So East Berliners could at least try to get over or around the Wall between East & West Berlin. If shot trying, at least the world realized that they wanted out, at least nobody would justify the walls as designed to provide protection for those shut them in.
Institutionalized Kids don’t get a chance to try to break down the walls that shut them in. It’s up to us to understand their needs and to provide help breaking down those walls.

Recent Russian shut-down a positive only in this limited sense – helps give the lie to the idea that IA shut-downs are EVER instituted to serve Child interests.

At least Russia’s leaders made no such pretense, pure power play, punish US for its attempt to stand up for human rights of an adult Russian prisoner, use kids as pawns to punish the US.

- Also National Pride: Russia’s Child Rights Commissioner spoke not of Child Rights but National State Rights: “I think any foreign adoption is bad for the country.”

My claim is that all IA shut-downs are equally cynical, just not equally honest. All are designed to serve Adult interests, and have nothing to do with serving Child interests even when Child related arguments are made in justification.

DO CHILD HUMAN RIGHTS MATTER? DOES ANYONE CARE ENOUGH TO ACT?

The US Government cares, at least a little, when Adult Human Rights violated abroad:

- The US DOS keeps an Annual Human Rights Report on ALL countries in world, a naming/shaming vehicle with consequences for countries ID’s as violating Human Rights (Human Rights Bureau w-in DOS);
  - Publication gets attention, which itself can have significant impact, lead to other action
    - Generates extensive media coverage
    - Helps direct nat’l and intnat’l attention to violations, educating, providing advocacy opportunities, & stimulating action
  - Can lead to sanctions

1 See generally Henkin et al, chap 10, International Human Rights Obligations of U.S.
Examples: both Russia and Guatemala listed for things including Arbitrary Detention & Harsh Prison Conditions²

- Arbitrary denial of liberty to Kids and Detention in Destructive Conditions Characterize both countries
- These type denials violate Human Rights treaties like CRC and International Covenant on Civil & Political Rights, & more gently International Human Rights Law (Customary Law binding on us)
- But where are the DOS Human Rights Bureau reports that list, shame, & encourage sanctions for countries that institutionalize children, shut down IA when no other options for children, thus denying some of most fundamental Child Human Rights? Russia & Guatemala listed for violations but not these violations.

Legislative & Administrative sanctions can be imposed and sometimes are on countries ID’d as Rights violators involving, e.g.: Denial of trade, of US Aid, of Rights to Travel & Hold Property in US., arms sales, military assistance – indeed US law actually forbids arms sales & foreign aid to nations guilty of gross violations of Human Rights; Congress sometimes targets particular countries and sometimes particular practices

- Again done in response to violation of Adult Rights
- Sometimes Child Rights like “Trafficking,” Child Labor, Child Soldiers
- But not in response to the Systematic Denials of Child Fund Rights to grow up in Family, the imprisonment of innocent children in Institutions, the denial of nurturing & life itself in Institutions

The US Government seemed to care when ONE adult prisoner in Russia was denied his Human Rights in form of needed medical care – Congress passed the Magnitsky Bill, sanctioning those deemed responsible by limiting certain travel & property ownership privileges in the US.

But neither Congress, nor the White House, nor the DOS seem to care about the systematic violation of Child Rights involved in denying Kids IA homes, eg:

- Russia’s IA shutdown, limiting the opportunities of its 650,000 Unparented children to get needed homes: ok some care but action? Likely limited if any to pressure for the 45 children assigned to specific adoptive parents; see Guatemala where still fighting for pipeline kids but not for the 5,000/year
- The Institutionalization of 8-12 million children worldwide, institutionalization known to systematically destroy life prospects of children
- UNICEF’s policies systematically shutting down IA, forcing it over the cliff

But then perhaps obvious can’t expect the US Government to address the Child Human Rights violations it’s to some degree responsible for:

- The US Gov helped shut down Guatemala, Ethiopia, & many others
- The US Gov funds UNICEF – Congressional allocations every year -- and thus enables UNICEF’s IA shutdown policies

Or could we work for some change in US Gov Policy?

- Could we demand that Congress, the White House, the DOS work to expand IA to serve needs of Unparented?
- Now those US Gov entities cooperate with ever-increasing restrictions on IA; Could we demand a shift to a policy of facilitating IA?
- Could we demand that the DOS Human Rights Bureau include in its Annual Reports analysis of Nations’
  - failures to meet the needs of Unparented Children,
  - institutionalization of the Unparented,
  - restrictions on IA that prevent it from providing homes to children in need?
- Could we demand that Human Rights Sanctions be imposed by Congress and the Administration on Nations that institutionalize children and deliberately deny them available homes?
Could we demand that Congress condition any funding of UNICEF on a change in UNICEF policy?

We could. We should. But will we?

Together those of us in this room could change US policy, and UNICEF policy, and other policy that is forcing IA over that Cliff, denying Kids needed homes.

I hope we will. I hope that Child Human Rights matter enough to inspire us all to action.

THE DEBATE?

Don’t choose to focus on bc don’t believe the issues raised by David Smolin are the real issues. Don’t believe that IA being driven down by:

- Child Heritage concerns
- Adoption Abuse/ Law Violation issues
- Corruption: Alleged Evils involved in the $ associated with IA

The real reasons are Adult Power Politics as illustrated by Russia. Those opposed to IA for these reasons seize on the Smolin-type issues as excuses for IA shut-down.

My responses:

- Heritage: Kids in institutions don’t enjoy their “heritage” rights; Kids in Foster care or group homes don’t thrive as IA kids thrive; Parental Love trumps “heritage” romanticism – see Social Science.
- Heritage hypocrisy point already made: We don’t insist Adults stay in their countries to enjoy their Heritage Rights; Many Adults desperately want to jettison heritage and come to the land of opportunity; many even seek for their Children – note recent story about Chinese Pregnancy
Tourism – Chinese parents in sig numbers giving birth in US so as to give their kids US citizenship rights.

■ Adoption Abuse/ Law Violations:
  o Abuses in every area of human/social life; Normal response jail the abusers/law violators; only in IA do we jail the innocents
  o Law violations that mean fraudulent adoptions are terrible; but occasional compared to systematic CAN of Institutional Life
  o Policy makers need weigh the costs of
    ▪ Occasional abuse
    ▪ Systematic abuse – eg Guatemala: yes no of mothers getting paid but no evidence systematic abuse; and 5000 kids/yr denied homes – that’s systematic abuse

■ Corruption – Alleged Evils of $ flooding into Poor countries
  o In all other contexts see $ as good thing, eg when immigrants send $ back to their families
  o Lots of $ to improve conditions for birth mothers & kids – an evil?
  o And why examine corruption only when IA involved; what when IA shut down? Shut down of Ethiopia (by 90%) involved US Gov Grant of $100 million (5 yrs) for only in-country solutions (no IA just group homes, soup kitchens etc); 10% went to UNICEF. So:
    ▪ Ethiopia told to shut down IA in exchange for $100 million
    ▪ UNICEF gets $ ($10 million) in connection with IA shutdown
    ▪ And no Qs asked re Corruption??
Appendix A

INTERNATIONAL ADOPTION TREND 1944-2013:
United States Immigrant Orphan Statistics