



## ANNEXE VII : Obstacles et leçons apprises (Question 8 de la Circulaire)

<b>Afrique du Sud</b>	Conflict of rights / There limited resources that assist social workers in tracing adoptees, adoptive and biological parents.
<b>Australie</b>	
<b>South Australia</b>	<ul style="list-style-type: none"> <li>• Frequent lack of post-adoption support in overseas countries in relation to intercountry adoption searches for family of origin.</li> <li>• Maintaining connection with families and authorities in overseas countries due to lack of infrastructure.</li> <li>• For intercountry adoption in particular, limited/incorrect information provided about the child and his or her birth family at the time of allocation.</li> <li>• Inability to obtain the consent of parties in another country in relation to the release of sensitive information.</li> <li>• A challenge may come from birth families who, at the time of placing a child for adoption, do not have the expectation that child will try to contact them in the future. Therefore, contact may be highly problematic.</li> <li>• Lack of openness in the adoptive family about the child's origins and their lack of support in relation to their origins may cause significant difficulties and dilemmas for the adopted person in searching for their birth parents.</li> <li>• Due to such obstacles and challenges encountered in this area, the Department has improved and strengthened training and education provided to prospective adoptive parents during the adoption process, as well as the biological parents (in local adoption) about these matters.</li> <li>• In such training, the Department emphasises the need for openness in adoption in relation to the best interest of the child.</li> <li>• Information and training is also provided to prospective adoptive parents in relation to obstacles and challenges in search and contact matters.</li> </ul>

<p><b>Tasmania (Australia)</b></p>	<p>Social networking sites are a new means to searching for a birth relative which adds to other resources such as electoral roles, telephone books, newspapers and birth and marriage certificates which have been used for some time. Our service, through the mandatory counselling interviews and written material provided, seeks to inform registrants about issues associated with searching and outreaching to birth relatives. It is the manner of making contact which seems to bring the most distress and conflict rather than the medium. Understanding the situation for the other person and making a respectful approach are important. Providing support and advice through experienced counsellors is helpful in managing this process.</p>
<p><b>Victoria (Australia)</b></p>	<p>There is strong a need to know about biological origins and ancestry by adopted persons. This need is inter-generational and more adult of adopted children are applying for this information about their parents adoption. Birth parents do think about the child that they placed for adoption. They undergo grief and loss that can be triggered by certain events such as birthdays or the birth of other children in the family. Birth siblings who are aware of sibling placed for adoption can also express a desire to meet that sibling. Similarly, this interest extends to birth grandparents, aunts and uncles.</p> <p>In Victoria where there were over 60,000 adoptions since 1928, there have now been in excess of 34,000 applications for adoption information since the introduction of the Victorian Adoption Act 1984. There continues to be around 500 applications a year for adoption information. Retrospective legislation enables adopted persons, birth parents and family to access records that is beneficial for all parties concerned. As adults, all parties to an adoption are capable of managing decisions - to exchange information, meet or decline contact - that suit their individual circumstances.</p>
<p><b>Western Australia</b></p>	<p>Individuals' wishes and needs may at times impede consideration of wishes and needs of others. Mediation and availability of education is of value in these cases.</p> <p>Needs and wishes of parties may change over time – schedule 2 of the Act addresses the changing needs of adoptees through developmental stages.</p>
<p><b>Croatie</b></p>	<p>At this moment, the Republic of Croatia is preparing a sub-legal act which regulates rules regarding the education of prospective adoptive parents in terms of their parental responsibilities. The same sub-legal act will also regulate the type of professional assistance to adoptive parents after the administrative process of adoption is finished. Special attention should be paid to education of adoptive parents regarding their obligation to inform the child that he/she was adopted (when and how to inform the child). Current legal practice treats adoptive parents as biological parents, and from the moment when the administrative process of adoption is finished, professionals from the Centres for Social Welfare are not interfering in their life.</p>

	<p>However, significant number of cases has shown that the professional support is needed. Therefore, a sub-legal act which is under preparation will also include the professional support to adoptive parents during transition period.</p>
<b>Honk Kong</b>	<p>Identifying information should be restricted and not to passed to the adoption home when the adoption is completed for the name of the birth parents may appear in some legal documents. Yet this may involve some changes in the legal aspects.</p>
<b>Communauté flamande (Belgique)</b>	<p>It is very difficult to find adoption files from the past. Sometimes they are destroyed and sometimes the country of origin is reluctant to give the information. It is a big challenge to convince these countries of the importance of access to origin.</p>
<b>Communauté française (Belgique)</b>	<p><u>Adoption internationale</u> : il est souvent difficile de faire des recherches sur les origines, car le pays d'origine de l'enfant fait obstacle à la diffusion de ces informations (ex. nouvel acte de naissance après adoption et destruction de l'ancien). Il est arrivé que des recherches d'une mère d'origine et de ses enfants adoptés se recourent, par l'intermédiaire d'autorités qui gardent les demandes de recherches (exemple : une mère indienne, qui faisait une recherche sur ses enfants adoptés via le SSI, a retrouvé ses enfants, adoptés par une famille belge, qui avaient lancé une recherche via la Direction de l'adoption).</p> <p>Lorsque les recherches d'origine sont faites sans aucun encadrement professionnel (via les réseaux sociaux, notamment), il arrive qu'il y ait ensuite pression de la famille d'origine pour obtenir de l'argent de l'adopté.</p> <p><u>Adoption interne</u> : lorsque les recherches d'origine ont été faites sans aucun encadrement professionnel, et donc sans intermédiaire, il est arrivé que l'adopté « débarque » chez sa mère biologique (ou l'inverse d'ailleurs) sans aucune préparation, et que cela cause de gros problèmes (psychologiques ou familiaux) à l'un ou à l'autre.</p>
<b>Burkina Faso</b>	<p>Les obstacles peuvent être essentiellement liés à la non disponibilité des informations, aux pesanteurs socioculturelles pouvant empêcher certains parents biologiques de rencontrer l'enfant et à l'insuffisance financière car les recherches d'origine demandent beaucoup de déplacement et de communication.</p> <p>Les leçons que nous pouvons tirer :</p> <ul style="list-style-type: none"> <li>-la nécessité de disposer d'un système d'archivage efficace qui permettra de conserver les informations aussi longtemps que possible ;</li> <li>-l'importance de disposer d'un texte juridique en la matière ;</li> <li>- la nécessité de développer un service post adoption efficace.</li> </ul>
<b>Brésil</b>	<p>Acreditamos que uma das maiores dificuldades em relação à busca das origens por um filho adotivo, deva causar um sentimento de rejeição pelos pais adotivos. A manifestação de vontade de ter conhecimento às suas origens, pelo filho adotivo,</p>

	significa a sua necessidade imprescindível de conhecer e de melhor formular a sua história, e não uma atitude de rejeição aos pais adotivos.
<b>Canada</b>	
<b>Saskatchewan (Canada)</b>	It is critical for prospective adoptive parents to receive as much family background as possible. The challenge is that information from the foreign country is typically not complete. This lack of information would also make it difficult to assist a child with understanding his or her origins.
<b>Manitoba (Canada)</b>	Manitoba is aware that the trend of openness is ongoing and we are regularly reviewing our legislation and regulations to balance the rights of the individuals impacted by Manitoba adoption orders.
<b>Prince Edward Island (Canada)</b>	Since we are obliged to follow the laws of the jurisdiction where the adoption was finalized, we can be of limited assistance to an adoptee seeking information about his/her origins.
<b>Québec (Canada)</b>	En adoption internationale, le principal obstacle est le manque de connaissances de la législation et de la pratique étrangères en matière de recherche des origines. Le pays d'origine permet-il les retrouvailles? Donne-t-il accès au dossier d'adoption ou, du moins, aux informations qu'il contient? A qui adresser une demande de retrouvailles? Ces renseignements sont recueillis lors du traitement d'une demande de retrouvailles transmise à l'étranger. En général, les pays d'origine collaborent et nous informent sur la question de la recherche des origines dans leur pays. Un autre obstacle important se pose lorsque la demande de retrouvailles provient du parent biologique. Différentes barrières (culturelles, linguistiques, éducationnelles) compliquent le traitement de la demande de retrouvailles, puisqu'il ne comprend pas toujours très bien les limites de notre législation, surtout en matière de consentement à la divulgation de l'identité et aux retrouvailles. La collaboration des autorités compétentes étrangères est primordiale pour un traitement adéquat des demandes de retrouvailles à l'étranger. Sans elles, il est très difficile, voire impossible, de localiser une personne à l'étranger pour l'informer qu'elle est recherchée et obtenir son consentement aux retrouvailles. Il est toutefois compréhensible que ces dernières n'aient pas nécessairement le personnel ni l'organisation administrative pour traiter les demandes.
<b>Espagne</b>	Algunos de los problemas mencionados por las Entidades Públicas de Protección de Menores de las Comunidades Autónomas son:  - la localización y acceso de expedientes o información que, por su antigüedad, no está custodiada por dicha Entidad; - poca formación y dificultades de encontrar personal en esta materia ; -dificultades en algunos casos de localización de familias y acceso a datos personales; - dificultades propias de la prospección en expedientes elaborados con otros criterios, con una

	<p>extrema reserva y confidencialidad sobre los datos de los padres biológicos, en ocasiones madres que solicitaban que fuesen preservados, ocultados e incluso fueron omitidos (partes de nacimiento sin datos de la madre);</p> <ul style="list-style-type: none"><li>- negativa de muchas madres biológicas, que entregaron a sus hijos en adopción, a aceptar un contacto con los que inician la búsqueda debido principalmente a que su entorno familiar y/o social desconoce el hecho del abandono y a que no están preparadas emocionalmente para el encuentro temiendo que el adoptado les reproche y juzgue el abandono. Negativa de los parientes en general;</li><li>- dificultades en relación a las personas que inician la búsqueda, en algunos casos no son los adoptados y son otros hijos que no fueron dados en adopción, otros parientes, hijos de los adoptados etc. Se plantean problemas en cuanto a la legitimación. En estos casos se deja esta solicitud de búsqueda en el expediente del adoptado;</li><li>- en la búsqueda de orígenes en Adopción Internacional, es necesaria la coordinación de España con los Estados de Origen;</li><li>- posibles problemas que pueden surgir debido al choque de legislaciones en algunos casos;</li><li>- dudas sobre el concepto de búsqueda de orígenes, extensión del mismo, tipo de información que se puede facilitar, datos de identidad;</li><li>- límite de la información que se debe facilitar a la persona que inicia la búsqueda en supuestos concretos como violación, incesto etc.</li></ul> <p>La experiencia demuestra, en general, que el acceso a los orígenes es positivo tanto para las madres biológicas (normalmente es el progenitor identificado) como para los adoptados. Además, se manifiesta la importancia del apoyo y acompañamiento profesional.</p> <p>Alguna entidad está llevando a cabo una campaña trabajando con los padres que quieren dar a sus hijos en adopción explicando la importancia de dejar información escrita a su hijo o hija de cara al futuro.</p> <p>Según la CRE, el principal obstáculo que podemos encontrar es la falta de experiencia y el retraso que llevamos en esta área de trabajo frente a otros países. Además, el desconocimiento de figuras profesionales muy nuevas, como el mediador familiar, y de la psicología del adoptado, que necesita cubrir unas tareas adicionales diferentes a otro tipo de búsqueda, como el de construcción de su identidad. En la actualidad, la ley no especifica qué tipo de profesional debe participar en este proceso, suelen ser funcionarios administrativos quienes proporcionan la información, sin preparación ni formación en adopción. Se espera que, en el futuro, se contemple de una manera más activa la figura del mediador familiar y del psicólogo, como piezas imprescindibles en este proceso.</p> <p>El primer paso que debemos dar para tener esta experiencia que nos avale, es crear un servicio organizado que pueda ser de utilidad para las</p>
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	<p>personas adoptadas, y de ahí, comenzar a pulir las imperfecciones humanas que se cometan y prepararse para mejorar y ampliar hacia la MF en Adopción Internacional (asunto que debería alertarnos, dado el alto número de adopciones internacionales que existe en nuestro país).</p>
<b>Italie</b>	<p>Currently, our Legislator has not faced yet this issue that is increasingly becoming of public interest. For sure, the future challenge will concern the conflict between the right of adopted persons to learn about their origins and the biological parents' right to remain anonymous.</p>
<b>Mexique</b>	
<b>Mexique (Hidalgo):</b>	<p>No se ha presentado en este Sistema DIF Hidalgo ningún caso bajo esta premisa pues al crecer los menores y sobre todo si fueron al extranjero, sólo quieren conocer el país donde nacieron y los Centro Asistenciales donde estuvieron albergados, sin interesarles quien o quienes fueron sus padres biológicos.</p>
<b>Nouvelle-Zélande</b>	<p>The lesson in New Zealand is that the majority of people wish to have information about their origins, as the uptake on the New Zealand legislation has far exceeded expectations over the past 25 years. The lesson also is that those concerned as adults can be empowered to act for themselves and largely will do so appropriately. NZ has also learned that most birth parents welcome contact; though they do not initiate the enquiry so much as do adopted persons. The challenge for professionals is to empower the person to feel a sense of 'permission' to proceed and to work at the person's pace, and not to take over the process. Sometimes the search and reunion process does not work out, so the task of the professional is to support the persons involved and if necessary refer the person to further assistance.</p> <p>In NZ the need to search for origins is now widely accepted across society.</p>
<b>Pays Bas</b>	<p>Most importantly the agencies and governments of the sending countries should understand the importance of knowing one's origin. It is there where information of the birthparents and the reasons for giving up a child for adoption is available and should be filed. The licensed agencies in the receiving countries rely on them as to this kind of information.</p> <p>In the past there was hardly any information in the files about the reasons for releasing a child for adoption and about the birthparents themselves. This partly because of legislation that protected the anonymity of the birthparents and partly because of the social - or other workers working in the institutions that took care of these children before their adoption to a foreign country. They saw it as their duty to protect the birthmothers and thought that the children were well of as they went to "rich" countries and had nothing to complain about.</p> <p>So the awareness of the importance of this kind of information has to be improved in order to make it possible for almost all children to know their origins.</p>



<b>Portugal</b>	L'expérience et la pratique des services d'adoption rapportent toujours une certaine difficulté pour les familles adoptives à bien assimiler ce besoin de communication ouverte dans la famille et malgré les cours de préparation il est souvent constaté par les équipes qui assurent le suivi la tendance à ajourner la révélation.
<b>République Dominicaine</b>	Los obstáculos y dificultades que hemos podido notar son básicamente fruto de la falta de legislación en cuanto al tema, que había en nuestro país en años anteriores. En tal sentido, no existía la conciencia de la importancia de la preservación de esta documentación respecto al proceso de adopción, en muchos casos esta fue destruida. Nuestra normativa actual sí lo contempla, pero permanece el problema de los casos anteriores a la promulgación de dicha ley. Otra dificultad que hemos encontrado es la falta de recursos para adecuar y ambientar la estructura física donde se conservarían los documentos de manera que podamos aumentar el tiempo de vida útil de los mismos.
<b>Suède</b>	<p>MIA is currently developing information about the background of adopted persons. We are gathering and coordinating the knowledge and experience of different actors in the field such as adoption associations, organizations for grown up adoptees, professionals and ourselves. Our plan is to publish general information in a website next year. The website will have practical information, guiding advice and examples of personal experiences.</p> <p>One purpose is to raise awareness about the complexity of searching and the need to preparation. The aim is to give information to help the adoptees reach well-founded decisions about how they want to relate to their background. There will also be information for adoptive parents, partners, friends and professionals about how to give the adopted person support.</p> <p>However, the search for origins is usually about so much more than information. We hope that our information project will contribute to awareness in society and improved support.</p>
<b>Suisse</b>	<p>L'expérience a montré que dans les cas d'adoptions internationales ou d'enfants trouvés suite à un abandon, les autorités ou organismes suisses ne devraient pas pouvoir détenir des informations relatives à l'identité des parents biologiques.</p> <p>Selon le SSI suisse, il serait préférable d'éviter la pratique actuelle des autorités compétentes - en Suisse, mais surtout dans les pays d'origine - qui consiste uniquement à transmettre copie du dossier et/ ou l'identité des parents biologiques, sans accompagner la personne plus avant ; précisément au moment le plus délicat de la démarche où un intermédiaire public ou privé serait nécessaire. Il semble urgent que les Etats prennent leurs responsabilités quant aux recherches effectives sur le terrain, comprenant qu'ils peuvent très bien déléguer ces tâches à des organismes professionnels comme le SSI.</p>

	<p>Le Canton genevois souligne que la principale difficulté est l'éparpillement des données concernant les procédures menées avant la création de l'autorité centrale cantonale d'adoption. En raison de nombreux intervenants durant la procédure, les documents relatifs aux origines de la personne adoptée peuvent se trouver disséminés auprès de diverses autorités et leur accès peut être plus ou moins compliqué, notamment lorsque lesdits documents se trouvent dans les archives d'autorités judiciaires.</p>
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