



## 34 HUMAN RIGHTS COUNCIL

### Tackling illegal adoptions and addressing the rights of victims

Side Event - 8th March, 12:00, Room XXI

Ambassador Ricardo González Arenas  
Permanent Representative of Uruguay to the UN in Geneva

It is my pleasure to welcome you at this side event on “Tackling illegal adoptions and addressing the rights of victims” organized by the Special Rapporteur on the sale of children, child prostitution and child pornography, and sponsored by the European Union and my own country, Uruguay.

Let me start by expressing the continued support of Uruguay to the mandate of the Special Rapporteur, which is the only one of the Special Procedures system with an exclusive focus on children.

We commend the report of the Special Rapporteur presented yesterday at the Human Rights Council containing a study on illegal adoptions, which brought high attention to this phenomenon and the violations of the rights of the child linked to it, providing specific recommendations for its prevention and combat.

The Convention on the Rights of the Child recognizes adoption as an option for children without family relationships and establishes the obligation of the State to ensure measures of protection of children under these circumstances. In that cases, the best interest of the child should be take it into account. It is a last resort measure, as all children should grow up in a family environment to develop their full potential.

Uruguay was the first country in Latin America to legislate on full adoption. That was in 1945. But in our region, like the rest of the world, we have experienced the plight of illegal adoptions: particularly from the 1950s, there arose the threat of commercialism and abuses in the adoption of children between different countries, which materialised in the following decades (particularly in the 1990s and 2000s).

We have made a lot of progress since then, in particular with the ratification of the Convention on the Rights of the Child and its Optional Protocols, and with the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, to ensure that adoption processes comply with the child rights principles, such as the best interests of the child, the principle of subsidiarity, the prohibition of direct and independent adoptions, and the prohibition of improper financial gain.

It is also important to stress the need of ensuring coordinated responses from both receiving countries and countries of origin, to prevent illegal adoptions in highly fragile situations such as emergency situations.

States should also take measures to ensure investigations, prosecutions and convictions regarding criminal networks involved in the lucrative business of sale and trafficking of children for the purpose of illegal adoption. One of the expert panellists today will present the experience of Guatemala in that regard.

I would like also to refer to the case of some countries, such Argentina, and my own country Uruguay, that have addressed the rights to truth and justice of victims of large scale illegal adoptions in relation to enforced disappearances. Several cases have been resolved in relation to children who were victims of enforced disappearances together with their parents or born in captivity and subjected to illegal adoptions.

The Inter-American system of human rights has also adopted a response to cases of illegal adoptions as a means to ensure access to justice and remedies for victims. That is the Case of Gelman vs. Uruguay (judgement of 2011), which involved a child born from a forcibly disappeared Argentinean and placed illegally with adoptive parents in Uruguay. The Inter American Court of Human Rights characterised the results achieved by the illegal kidnapping and abductions as a form of trafficking for the irregular adoption of children, and found violations of the rights of the child to juridical personality, to life, to personal integrity, to personal liberty, to family, to a name, and to nationality, among others.

Finally, I would like to underscore the need to do more to address the rights of victims of past and present large scale illegal adoptions, including their rights to know the truth, accountability and redress, and guarantees of non-repetition through necessary legislative, policy and institutional reform. The positive steps taken in the Latin American region in this regard could enlighten the way for cases in other regions of the world.

I thank you.