Beyond Apology: Towards Transformative Justice after Intercountry Adoption

Inaugural Speech - 19 November 2026, Prof. dr. Elvira Loibl

I. Introduction

Esteemed Rector Magnificus, dear adoptees, dear colleagues, friends and family, ladies and gentlemen,

It is a great honor to stand here today to inaugurate the first Chair dedicated to Recognition, Dialogue and Redress after Intercountry Adoption. The work of this Chair begins as intercountry adoptions are coming to an end in the Netherlands. In 2024, the Dutch Parliament decided to gradually phase out intercountry adoption. Since then, no new adoption procedures can be initiated, and intercountry adoption is set to end by 2030.[1] What was once widely regarded as a humanitarian act of rescue increasingly came to be recognized as a practice that could cause profound harm to children and their families.

But how did we get here? How did a practice that was originally meant to give children a better life end up raising fundamental questions about injustice and redress? In this lecture, I would like to take you on a journey. A journey through the promises of intercountry adoption, the painful truths that have emerged over time, and ultimately to the question that lies at the heart of this Chair: How can we, as a society, come to terms with the legacy of intercountry adoption and do justice to those whose lives have been profoundly affected by it?

II. The Changing Narrative of Intercountry Adoption

The journey begins exactly 70 years ago. In 1956 adoption was legally recognized in the Netherlands[2] and it was around this time that the first children were adopted from abroad, mainly from Greece, Germany and Austria.[3] Whereas in the early years, only a few intercountry adoptions took place, that would quickly change in the 1960s. “Al redden wij er maar en”[4] - “If we can save just one”, these famous words of the Dutch writer Jan de Hartog on television in 1967 marked the beginning of large-scale intercountry adoption in the Netherlands.[5] In an interview, de Hartog drew attention to the heartbreaking plight of children in the aftermath of the Korean War. His appeal helped trigger a wave of interracial intercountry adoption that began with South Korea and would gradually expand to other countries across Asia, Latin America, and Africa.

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[1] Kamerstukken II 2023/24, 33 836, nr. 92 (motie-Van Nispen); Kamerstukken II 2023/24, 31 265, nr. 128; Kamerstukken II 2024/25, 31 265, nr. 133.
[2] Wet van 26 januari 1956 adoptie (Stb. 1956, 42).
[3] Hoksbergen, R.A.C., *Kinderen die niet konden blijven. Zestig jaar adoptie in beeld*, Soesterberg: Uitgeverij Aspekt 2011, pp. 65-66.
[4] ‘Boekenweek 1967’, interview with Jan de Hartog by Mies Bouwman, VARA, 26 February 1967, Nederlands Instituut voor Beeld & Geluid, De Schatkamer, at 22:30 min.
[5] Commissie onderzoek interlandelijke adoptie, *Rapport Commissie onderzoek interlandelijke adoptie*, Den Haag, 8 February 2021, p. 3.

In the years that followed, intercountry adoption in the Netherlands was surrounded by what René Hoksbergen, the first professor of adoption, would later describe as a "pink cloud" of idealism.[6] Moved by images of children suffering in war-torn and poverty-stricken countries, more and more adopters queued up to save a child. The prevailing assumption was that whatever a child had experienced or lost before the adoption could be compensated for through love and what was believed to be "a better life". Amid this overwhelmingly positive view of intercountry adoption, little attention was paid to the difficulties and long-term consequences it could bring, let alone the early signs of abuses and irregularities.[7]

But as the first generation of intercountry adoptees grew older and began to share their experiences, another perspective on intercountry adoption emerged: that of the children themselves.[8] Hilbrand Westra, who was adopted from South Korea in 1969, invites us to imagine what it actually meant for a child to be adopted: "When we landed at Schiphol, I was four and my sister was two. Looking back, it was a bizarre situation. Imagine a Dutch child, born and raised here, being put on a plane to Zimbabwe to grow up with a Zimbabwean family. That is essentially what happened to us."[9]

Over the years, a growing number of adoptees told their stories.[10] These stories revealed a reality of intercountry adoption that was much more complex than the idealistic picture had suggested. Adoption

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[6] Hoksbergen, R.A.C., *Kinderen die niet konden blijven. Zestig jaar adoptie in beeld,* Soesterberg: Uitgeverij Aspekt 2011, pp. 68-74.

[7] Ibid.

[8] Hübinette, T., 'On finding a voice and decolonising oneself: Practices of transnational adoption', in: S. Bagga-Gupta (ed.), *The Palgrave Handbook of Decolonising the Educational and Language Sciences*, Cham: Palgrave Macmillan 2025, 27–45.

[9] Van Dongen, M. (ed.), *De adoptiemonologen*, Scriptum Psychologie 2013, p. 131.

[10] See, among others, the autobiographical accounts and collections of adoptee testimonies published in the Netherlands, including Van den Berg-Bakker, H., *Ik ben mezelf: Adoptiekinderen aan het woord*, Anthos 1985; Yoon, J., *Eindelijk leef ik echt! Een verhaal over innerlijke pijn, boulimia, adoptie, zelfacceptatie en overwinning*, Aspekt 2004; Hoksbergen, R.A.C. (ed.), *Vertraagde start: Geadopteerden aan het woord*, Aspekt 2006; Fuente, S.A., *Slaaf van je eigen gedachten: Adoptie, burn-out, OCS*, Aspekt 2010; Van Dongen, M. (ed.), *De adoptiemonologen*, Scriptum 2013; Mosquera, M., *Ze noemden mij Mosquito: Over verwaarlozing, misbruik, ontworteling en kracht*, Aspekt 2014; Hendriks, T., *Gekleurde identiteit: Verhalen van geadopteerden*, Lecturis 2014; Sonneveld, S., *Geadopteerd zonder identiteit: Het verhaal achter mijn adoptie*, Aspekt 2015; Bruns, B.M.C., *Het verwenste kind*, Elikser 2016; Nibbering, C., *Aconchego: Dagboek van een geadopteerde*, Brave New Books 2026; Eigenraam, A., *Welkom in adoptieland: Een persoonlijke en kritische zoektocht*, De Arbeiderspers 2017; Van Rossen, S. & Ambaum, M., *Het verdriet van Sri Lanka*, Uitgeverij Bronsgreun 2017; Welscher, M., *Thuis in twee landen: Geadopteerden over het contact met hun biologische familie*, eigen beheer 2018; Bos, R., *Curry met hagelslag: Verkocht, misbruikt, bevrijd*, Scholten Uitgeverij 2018; Duijnker, R., *Bengaalse curry met een bloemkoolsausje: Over adoptie uit Bangladesh en leven in Nederland*, Elikser 2020; Deijle, D., *Postpakketjes van overzee: Gelegaliseerde kinderhandel in adoptie van kinderen uit Indonesië*, Bronsgreun 2020; Samwel, D., *Sterk als een leeuw: Adoptie, anorexia en liefde. Mijn zoektocht naar een gelukkig leven*, Boekerij 2021; Dijkstra, A., *Een verboden dochter uit India: Adoptie, terugkeer en bezinning*, Aspekt 2022; Van den Haak, S., *Niet geboren op mijn verjaardag: Een slachtoffer van adoptiefraude en misbruik vecht voor haar identiteit*, GrowingStories 2022; Hilhorst, M., *Wees: Moederliefde onder voorwaarden*, Stichting Booksupport 2022; Weenink, P.A., *Tussen palmboom en kumquat: Onderweg naar m'n moeder*, Boekengilde 2023; Westerbeek, C., *Als ik er niet meer ben: Het verhaal achter de muziek van een geadopteerde man*, Pumbo 2023; Brüning, S., *Ongezien verlies: Gedichten binnen de thema's verlies, adoptie, heling en herstel*, Boekscout 2023; Hagelstein, I., *Grenzeloos gewenst*, Brave New Books 2023; Choe, W.J., *Daarheen en weer terug*, Aspekt 2023; Blok, M., *Mama Lee: Een emotionele zoektocht naar mijn moeder, naar de waarheid en naar onvoorwaardelijke liefde*, Meulenhoff 2023; Van Brunschot, B., *Mam, ik kan niet*

could offer a loving family and new opportunities; yet it also meant separation from one's family and culture of origin. For many, it meant growing up in an environment where almost everyone looked different from them, facing racism and struggling to find a sense of belonging.[11] It became clear that adoption was not simply a one-time event at the beginning of a child's life, whose consequences could be overcome through love and care alone. Rather, it was an experience whose meaning and consequences could unfold over a lifetime, often raising fundamental questions: Who am I? Where do I come from? Why did I lose my parents?

These questions led growing numbers of adoptees to search for their origins. In doing so, many discovered that the story they had grown up with was not true. Some learned that they had not been orphans or voluntarily given up for adoption, but had been forcibly taken from their parents. Others discovered that their birth dates were wrong or that they had brothers or sisters, sometimes also adopted abroad, whose existence had been erased from their personal histories. For many others, however, reconstructing their origins proved impossible: The adoption documents they had arrived with in the Netherlands contained too little or conflicting information to establish the circumstances of their adoption or trace their families. They are left with fundamental unresolved questions about their past and identity.[12]

As more and more adoptees discovered inconsistencies and false information in their adoption documents, broader questions arose about the intercountry adoption system. How had these adoptions been allowed to take place? And what had Dutch authorities known about abuses in the countries of origin? Driven largely by years of adoptee advocacy, demanding answers and accountability,[13] the government established the Joustra Commission in 2019.[14] Its mandate was to investigate adoptions from

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meer, Palmslag 2024; Vergeer, K.K., *Nieuw leven: Op reis naar jezelf kun je nooit verdwalen*, GrowingStories 2024; Huijgen, C.Z., *Dit is ook China: Terug naar mijn geboorteland*, Pluim 2024; Kocken, E., *Adoptica: Mijn leven als adoptiekind*, Querido 2025; Van Meeuwen, B., *Herenigd met mijn Zwart zijn: Over identiteit, adoptie en heling in community*, Mazirel Pers 2025; Kwak, M.M.A., *Verlangen naar een verloren bestaan: Over een persoonlijke reis en de impact van adoptie*, Uitgeverij Lineke Eerdmans 2025; Van Geel, A.R. & Van der Avert, K., *(On)gewenst*, Pelckmans 2025; The AdoptedBrownie, *De erkenning van adoptie: Wat het echt betekend*, Brave New Books 2025; Woo, Y.J., *De onzichtbare pijn van geadopteerd zijn: Een persoonlijk verhaal over adoptie, identiteit en eenzaamheid*, Boekscout 2026; Van den Haak, S., *Want DNA liegt niet: Over kinderhandel, adoptiefraude en een onverwachte bloedband*, Cargo 2026. See also the podcasts in which intercountry adoptees share their personal experiences, including Alles, S. & Cleven, E., *Zwart Gat*, NPO FunX/NTR; Yeny & Desiree, *La Vida de Podcast over adoptie*, and *Adoptie ervaringsverhalen* uit Haiti, Plan Kiskeya.

[11] Hübinette, T. & Tigervall, C., 'To be non-white in a colour-blind society: Conversations with adoptees and adoptive parents in Sweden on everyday racism', *Journal of Intercultural Studies* 2009, 30(4), 335–353.

[12] See, among others, the investigative documentaries *Adoptiebedrog* (Parts 1–4), Zembla, BNNVARA, 17 May 2017, 20 September 2017, 28 March 2018 and 3 December 2020; *De Afhaalchinees*, Omroep ZWART 2023; *Adoptiebedrog, het einde?*, Zembla, BNNVARA, 20 June 2024; *De Afhaalchinees: Thuisbezorgd*, Omroep ZWART 2025; *De non en de wegwerpkinderen*, WNL 2026. See also the journalistic investigations by Deters, S., 'Adoptiekinderen uit Bangladesh gaan op zoek naar hun ouders', *Trouw*, 6 June 2017; Deters, S., 'Alles wat ik over mijzelf wist, bleek niet te kloppen', *Trouw*, 15 October 2017; Vissers, P. & Hofstee, D., 'De gestolen kinderen', *Trouw* 2023 (investigative articles and podcast series).

[13] De Vries, S.K., De Vos, S.J.P. & Cheney, K.E., '"If We Do Not Speak Out, No One Else Will": Adoptee Activism and Its Impact on Intercountry Adoption in The Netherlands', *Genealogy* 2025, 9(4), 133.

[14] Commissie onderzoek interlandelijke adoptie, *Rapport Commissie onderzoek interlandelijke adoptie*, Den Haag, 8 February 2021.

Bangladesh, Brazil, Colombia, Indonesia, and Sri Lanka between 1967 and 1998 and to examine the role of the Dutch state.

In its report, which was released in February 2021, the Joustra Commission uncovered systemic abuses in past intercountry adoptions, including abduction and purchase of children, bribery and document falsification. Notably, it concluded that the Dutch government was aware of these practices but failed to take appropriate measures to prevent them.[15] The report challenged two persistent narratives that had prevailed until then: 1. that abuses were merely isolated incidents, and 2. that Dutch authorities could trust the foreign authorities' judgement that the adoption was in the best interests of the children.[16]

Following the recommendations of the Joustra commission, Sander Dekker, the Minister for Legal Protection at the time, formally apologized and announced that intercountry adoptions to the Netherlands would be suspended.[17] This was a historic moment, with the Netherlands becoming the first receiving country to acknowledge harm and wrongdoing in intercountry adoption in this way.[18] In 2023, INEA was established, a national expertise center to support intercountry adoptees with questions about their adoption and origins.

The Joustra report and the developments in the Netherlands helped build momentum for a broader wave of scrutiny across Europe. Investigations in Belgium,[19] Switzerland,[20] France,[21] Denmark,[22] Sweden,[23] and Norway,[24] reached similar conclusions, namely that abuses were systemic, and that state authorities had failed to respond adequately despite being aware of warning signs. At the same time, countries of origin,

[15] Ibid, pp.131-134.
[16] Loibl, E.C., 'The aftermath of transnational illegal adoptions: Redressing human rights violations in the intercountry adoption system with instruments of transitional justice', *Childhood* 2021, 28(4), 477–491, p. 478.
[17] Rijksoverheid, *Toespraak door minister Dekker bij de inontvangstneming van het rapport van de Commissie Joustra*, 8 February 2021.
[18] Loibl, E.C., 'The Future of Intercountry Adoptions in the Netherlands: Challenges and Possible Reforms', *Tijdschrift voor Familie- en Jeugdrecht* 2022, 44(2), 69–75, at p. 69.
[19] Expertenpanel inzake interlandelijke adoptie, *Eindrapport Expertenpanel inzake interlandelijke adoptie*, Vlaanderen, 15 February 2023.
[20] Bitter, S., Bangerter, A. & Ramsauer, N., *Adoptionen von Kindern aus Sri Lanka in der Schweiz 1973–1997: Zur Praxis der privaten Vermittlungsstellen und der Behörden*, Zürcher Hochschule für Angewandte Wissenschaften, 2020; Ramsauer, N., Bühler, R. & Girschik, K., *Hinweise auf illegale Adoptionen von Kindern aus zehn Herkunftsländern in der Schweiz, 1970er- bis 1990er-Jahre: Bestandesaufnahme zu Unterlagen im Schweizerischen Bundesarchiv*, Zürcher Hochschule für Angewandte Wissenschaften (ZHAW), November 2023.
[21] Macedo, F. & Denéchère, Y., *Étude historique sur les pratiques illicites dans l'adoption internationale en France*, Université d'Angers – TEMOS, 6 February 2023.
[22] Ankestyrelsen, *Mistanke om ulovlige forhold i adoptioner fra Chile til Danmark 1978–1988*, Copenhagen, 2021.
[23] Adoptionskommissionen, *Sveriges internationella adoptionsverksamhet – lärdomar och vägen framåt*, SOU 2025:61, Stockholm, 2 June 2025.
[24] Granskingsutvalget for utenlandsadopsjoner**,** *Forsvarlighet, risiko og tillit*, NOU 2026:7, Oslo, 22 June 2026.

including Guatemala,[25] South Korea,[26] Chile[27] and Greece[28], also began to reckon with their past involvement in intercountry adoption.

III. Intercountry Adoption as a Transnational Market

Two weeks after the Joustra Commission was appointed, I defended my dissertation *The Transnational Illegal Adoption Market*.[29] A few years earlier, I had completed my studies at Maastricht University, where I had developed a fascination with criminology and the question of what drives crime and injustice, and how they can be prevented. It was around this time that I came across David Smolin's work on illegal intercountry adoption,[30] which made a deep impression on me: How could abuses occur in a system that was supposed to help children? To my surprise, the subject had received remarkably little attention from criminologists. So I decided to address this gap and embarked on what would become one of the first criminological studies of intercountry adoption.

I wanted to understand how a system driven by humanitarian ideals could nevertheless give rise to crime and cause harm to children and their families. And I wanted to understand how the actions and decisions of actors in receiving countries could encourage and facilitate abuses abroad. Over the course of five years, I examined international and national laws and policies, spoke with adoption stakeholders in the Netherlands and Germany, and analyzed autobiographical stories written by adoptive parents. My aim was to identify not only legal weaknesses and institutional practices, but also underlying cultural assumptions and beliefs that helped encourage and facilitate abuses within the adoption system.

When I began my PhD, I was convinced that intercountry adoption could be adequately safeguarded against abuses if only we understood the weaknesses in the system and knew how to address them. But the deeper I delved into the literature and the better I understood how the intercountry adoption system

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[25] International Commission against Impunity in Guatemala (CICIG), *Report on Players Involved in Illegal Adoption Proceedings in Guatemala since the Entry into Force of the Adoption Law (Decree 77-2007)*, Guatemala, 1 December 2010.

[26] Truth and Reconciliation Commission, Republic of Korea, *Human Rights Violations in Intercountry Adoption*, 25 March 2025.

[27] Cámara de Diputados de Chile, Informe de la Comisión Especial Investigadora de los actos de organismos del Estado, en relación con eventuales irregularidades en procesos de adopción e inscripción de menores, y control de su salida del país, 2019, Salvo Agoglia, I., 'From Silence to Accountability: Chile's Path Toward Truth, Justice and Reparation for Forced Adoptions', *Facing the Past*, 11 March 2026.

[28] Van Steen, G., 'Finish what you start: The Cold War Greek adoption experience and recommendations for current policy reform', in: E.C. Loibl & D.M. Smolin (eds.), *Facing the Past: Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, The Hague: Eleven International Publishing 2024, 149–180; Van Steen, G., 'New Developments in "Old" Adoptions from Greece: When the Future Finally Catches up with the Past', *History & Policy*, 22 August 2025.

[29] Loibl, E.C., *The transnational illegal adoption market: A criminological study of the German and Dutch intercountry adoption systems*, Den Haag: Eleven International Publishing 2019.

[30] Smolin, D.M., 'Intercountry adoption as child trafficking', *Valparaiso University Law Review* 2004, 39(2), 281–325; Smolin, D.M., 'Child laundering: How the intercountry adoption system legitimizes and incentivizes the practices of buying, trafficking, kidnapping, and stealing children', *Wayne Law Review* 2006, 52(1), 113–200; Smolin, D.M., 'Child laundering as exploitation: Applying anti-trafficking norms to intercountry adoption under the coming Hague regime', *Vermont Law Review* 2007, 32(1), 1–56.

operated in practice, the more I began to question this assumption. I gradually came to realize that the system itself was intrinsically criminogenic. This is because intercountry adoption is built upon profound asymmetries between receiving countries and countries of origin. Its very structure creates opportunities and incentives for abuses and irregularities that are difficult, if not impossible, to eliminate.[31]

On one side of the system are mainly wealthy countries of the Global North where there is a demand for adoptable children.[32] While intercountry adoption had initially been driven largely by humanitarian ideals, the interests and needs of adopters began to play a more prominent role from the 1970s onwards. Increasingly, adoption from abroad was seen not only as a way to help children in need, but also as an opportunity for couples and individuals to fulfill their wish to have a child.[33]

On the other side of the system are countries of the Global South, where poverty and difficult social conditions leave many families and their children vulnerable.[34] The Western demand for children, combined with the substantial sums of money involved, creates powerful incentives to secure a supply of children, including through illegal means.[35] Parents would be persuaded to entrust their children to institutions with promises of food and education, only to have them sent abroad for adoption without their consent. Others would be tricked into signing documents they did not understand, unknowingly giving up their parental rights. Mothers would be told that their babies had died shortly after birth, when in fact they had been sent abroad for adoption.[36] For the families left behind, this could mean a lifetime of searching for a child they never agreed to give away, or mourning a child who never died.[37]

For adoptive parents who had gone through the official adoption procedure, there was often little reason to suspect that anything was wrong with the adoption. After all, they had gone through a long and complicated process, involving extensive paperwork and approvals from various authorities in both sending and receiving countries, including child welfare offices, courts and embassies. By the time their

[31] Loibl, E.C., *The transnational illegal adoption market: A criminological study of the German and Dutch intercountry adoption systems*, Den Haag: Eleven International Publishing 2019, pp. 47-50.
[32] Ibid, pp. 28-33.
[33] Hoksbergen, R.A.C., 'Changes in Motivation for Adoption, Value Orientations and Behavior in Three Generations of Adoptive Parents', *Adoption Quarterly* 1998, 2(2), 37–55.
[34] Loibl, E.C., *The transnational illegal adoption market: A criminological study of the German and Dutch intercountry adoption systems*, Den Haag: Eleven International Publishing 2019, pp. 33-41.
[35] Cheney, K.E. & Ucembe, S., 'The orphan industrial complex: The charitable commodification of children and its consequences for child protection', in: K.E. Cheney & A. Sinervo (eds.), *Disadvantaged Childhoods and Humanitarian Intervention: Processes of Affective Commodification and Objectification*, Cham: Palgrave Macmillan 2019, 37–61.
[36] Loibl, E.C., *The transnational illegal adoption market: A criminological study of the German and Dutch intercountry adoption systems*, Den Haag: Eleven International Publishing 2019, pp. 33-41.
[37] Monico, C., 'Implications of irregular transnational adoptions within international standards: A review of intercountry adoption systems and Guatemalan birthmother perspectives', *Childhood* 2021, 28(4), 509–524; Kim, H., *Birth Mothers and Transnational Adoption Practice in South Korea: Virtual Mothering*, New York: Palgrave Macmillan 2016.

child arrived in the Netherlands, the adoption had passed through several stages of official approval and therefore seemed legitimate.

How can an adoption that bears all the hallmarks of a legal procedure actually be illegal? The answer lies in a mechanism that we also see in other illegal markets, such as the illegal art market, namely a laundering process.[38] Think of a statue stolen from an ancient temple. To be sold on the art market, it needs a false story about where it came from. The same applies to children obtained illegally: they need false histories to appear legally available for adoption. To achieve this, adoption documents are falsified or fabricated: children are given new names, dates and places of birth are changed, and information about their family circumstances is altered or invented. This laundering process is often facilitated by orphanage personnel, judges, lawyers, social workers or diplomats - actors who are supposed to act as gatekeepers, but who may misuse their positions and authority to pass children through the adoption system.[39] By the end of this process, it may be impossible to distinguish children who were legitimately available for adoption from those who were obtained illegally.

The abuses often occurred in countries of origin. Yet my research has shown that the way the adoption systems of the receiving countries operated helped encourage and facilitate these abuses.[40] Adoption agencies and state authorities often blindly trusted the stakeholders abroad. The prevailing assumption was that it was primarily their responsibility to ensure that adoptions were legitimate and in the best interests of the child. And there were strong incentives not to question this assumption. Adoption agencies were financially dependent on the number of adoptions they arranged, while state authorities could have economic and diplomatic interests at stake. Combined with the conviction that children were better off in receiving countries anyway, these interests contributed to a “see no evil, hear no evil” attitude. As a result, clear signs of abuses and irregularities abroad would be overlooked or dismissed.[41]

These weaknesses, identified in my PhD research, also became the focus of the Dutch government's efforts to make the intercountry adoption system safer. In 2022, a year after the government's apology, it was decided to reform the system by replacing the adoption agencies with a single central organization and introducing stricter oversight of adoption practices in the sending countries.[42] What followed, however, was a period of political debate and reconsideration that, in some ways, was similar to the shift in my own thinking: from the belief that better regulation could make intercountry adoption safer to the

[38] Smolin, D.M., ‘Child laundering: How the intercountry adoption system legitimizes and incentivizes the practices of buying, trafficking, kidnapping, and stealing children’, *Wayne Law Review* 2006, 52(1), 113–200; Loibl, E.C., *The transnational illegal adoption market: A criminological study of the German and Dutch intercountry adoption systems*, Den Haag: Eleven International Publishing 2019, pp. 41-46.
[39] Loibl, E.C., *The transnational illegal adoption market: A criminological study of the German and Dutch intercountry adoption systems*, Den Haag: Eleven International Publishing 2019, p. 50.
[40] Ibid, pp. 413-431.
[41] Ibid.
[42] Kamerstukken II 2021/22, 31 265, nr. 103.

growing realization that its inherent vulnerabilities might never be overcome.[43] Eventually, in April 2024, the Dutch Parliament decided to phase out intercountry adoption altogether.

IV. Confronting the Aftermath of Intercountry Adoption

The wave of intercountry adoption that emerged in the late 1960s is therefore drawing to a close. Over the past six decades, more than 40,000 individuals have been adopted to the Netherlands from more than 80 countries.[44] The actions taken and decisions made about them decades ago continue to affect their lives, those of their families and subsequent generations, though in different ways.[45] How can we deal with the injustices caused by intercountry adoption, while making room for these diverse lived experiences? How can we redress the harm caused by abuses in ways that respond to the different needs of those affected? These questions are now at the center of the debate, and they have been central to my research since completing my PhD.[46] In this research, I have focused particularly on the relationship between adoptees and receiving states.

Over the past few years, numerous consultations have been organized by the Ministry and INEA in which adoptees have articulated a range of concrete demands in relation to recognition and redress including: support in searching for their origins and reuniting with their families, restoration of their original identity, adoption recovery leave, and reimbursement of adoption-sensitive therapy, also for subsequent generations.[47] Although several measures have been introduced, many adoptees feel that what has been offered falls short of what they actually need and asked for.[48] This has contributed to a growing sense

[43] Loibl, E.C., 'De deur sluiten of het pad verleggen? Het Nederlandse verbod op interlandelijke adoptie en het risico van omzeiling', *Tijdschrift voor Familie- en Jeugdrecht* 2026, 48(6), 228–234, pp. 228–230 (FJR 2026/38).
[44] Commissie onderzoek interlandelijke adoptie, *Rapport Commissie onderzoek interlandelijke adoptie*, Den Haag, 8 February 2021, p. 23.
[45] Kim, O.M., Flikweert, B.S.V., Zhou, X. & Lee, R.M., 'Byproduct of adoption: The experiences and voices of the descendants of Korean adoptees', *Asian American Journal of Psychology* 2026.
[46] See Loibl, E.C., 'The aftermath of transnational illegal adoptions: Redressing human rights violations in the intercountry adoption system with instruments of transitional justice', *Childhood* 2021, 28(4), 477–491; Loibl, E.C. & Smolin, D.M. (eds.), *Facing the Past: Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, The Hague: Eleven International Publishing 2024; Loibl, E.C., 'Receiving states' obligations in the aftermath of illegal intercountry adoptions as enforced disappearances', in: E.C. Loibl & D.M. Smolin (eds.), *Facing the Past: Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, The Hague: Eleven International Publishing 2024, 279–306.
[47] Kamerstukken II 2024/25, 31 265, nr. 134; Ministerie van Justitie en Veiligheid, *Inventarisatie ondersteuningsbehoeften*, annex to Kamerstukken II 2024/25, 31 265, nr. 134; Stichting ARAN, Dutch Adoptee Action Group (DAAG) & Stichting RADAR, 'Herstelwet adoptie en rechtvaardig beleid voor geadopteerden', letter to the Standing Committee on Justice and Security of the Dutch House of Representatives (*Tweede Kamer*), 26 February 2025; see also Long, L. (comp. & ed.), *ICAV Perspective Paper, Illicit Intercountry Adoptions: Lived Experience Views on How Authorities and Bodies Could Respond*, InterCountry Adoptee Voices 2020.
[48] Santoshini, S., Jayasundara-Smits, S. & Icaza, R., 'The endurance of coloniality and the embodiment of structural violence in intercountry adoption: Sri Lankan adoptees in the Netherlands search for belonging', Globalizations 2026.

among adoptees that the state is not really listening and, despite its apology, is not really willing to fully take responsibility for its role in the past.

One reason why dialogue between adoptees and state institutions is so difficult is that they do not meet on equal terms. Most adoptees are adults now and many are demanding that their needs be recognized and responded to. Yet they remain dependent on institutions that exercise considerable power over how their past is understood and addressed; institutions that were themselves implicated in past injustices. In this sense, the unequal power relations that characterized intercountry adoption continue to shape how its consequences are addressed today. As one adoptee told me: "No matter how hard we knock on the door of the state, we are not taken seriously. We are still seen as adopted children, with no voice and no trace."[49] The original injustice may have happened decades ago, yet the way institutions respond to claims for recognition and redress may cause another form of injustice in the present.[50]

V. Unequal Power Relations in Processes of Recognition and Redress

The central aim of this Chair is to examine and make visible the power dynamics that shape how the legacy of intercountry adoption is addressed. In particular, I want to understand 1) how they influence whose voices are heard in the dialogue with institutions, 2) how responsibility for adoption abuses and injustices is understood and defined, and 3) how they affect adoptees' ability to exercise their rights in practice. I then want to explore how these power dynamics can be transformed in ways that enable adoptees to exercise greater influence over how the past is understood and addressed. In doing so, I draw on the idea of transformative justice, which calls for what Paul Gready and Simon Robins describe as "the challenging of unequal and intersecting power relationships and structures of exclusion."[51] This requires looking not only at individual redress measures, but also at the processes through which they are sought.[52]

1. Multiple voices and emotions in dialogue

In the public debate, two opposing voices of adoptees often become visible. On the one hand, there is the voice of the adoptee who speaks positively about their adoption, the opportunities it gave them and the sense of belonging they found in their adoptive family and in the Netherlands. On the other hand, there is the voice of the adoptee who emphasizes loss and injustice: separation from their family, country and culture of origin, and the lasting impact this has had on their life. The juxtaposition of these two voices has contributed to a polarized and emotional debate about intercountry adoption and, at times, to tensions between adoptees themselves.

[49] Participant, roundtable discussions with intercountry adoptees on the research agenda of the Chair, Utrecht, 16–17 January 2026.
[50] Fricker, M., *Epistemic Injustice: Power and the Ethics of Knowing*, Oxford: Oxford University Press 2007.
[51] Gready, P. & Robins, S., 'From Transitional to Transformative Justice: A New Agenda for Practice', *International Journal of Transitional Justice* 2014, 8(3), 339–361, p. 340.
[52] Ibid.

Yet, I think that these two opposing voices do not fully capture the complexity of adoptees' experiences.[53] Over the years, I have spoken with many adoptees, listened to their stories and read their autobiographical books. And what I observed is that the picture is far less black and white: Some adoptees are not preoccupied with their adoption and do not follow the public debate surrounding it either.[54] For others the way they understand their adoption changes over the course of their lives.[55] As one adoptee told me: "For a long time, I was a really happy adoptee. Only after a few years did other layers of myself - older, deeper layers - begin to emerge, and questions about identity and origins became important."[56] Many adoptees, I noticed, have mixed, sometimes contradictory feelings about their adoption. As one adoptee put it: "In the Netherlands, I had opportunities to develop myself in ways I might never have had in Colombia. But I do feel sad that I was simply plucked out of my country."[57]

Hubert Hermans' theory of the dialogical self helps us understand this "multiplicity of voices" within ourselves.[58] It starts from the idea that the self is not a unified and stable entity. Rather, we have different voices within us that may support or contradict one another and change over the course of our lives. These voices can also express different emotions. For example, an adoptee may feel love and gratitude towards their adoptive family, while also experiencing grief over the loss of their family and country of origin, or anger about the circumstances of their adoption. These emotions can coexist, even when they seem contradictory. Ambivalence is a normal part of how we experience and make sense of our lives.

But what happens when this multivoicedness - both among adoptees and within individual adoptees - enters into dialogue with state institutions? How does power shape which voices are heard? Which emotions are considered legitimate when they speak about their adoptions? As Arlie Hochschild explained, there are shared expectations about what people should feel in particular situations and how those feelings should be expressed - expectations that she calls "feeling rules".[59] These expectations are

[53] See also Withaeckx, S., Cawayu, A. & Candaele, C. (eds.), *Voorbij transnationale adoptie: Een kritische en meerstemmige dialoog*, Brussel: ASP – Academic & Scientific Publishers 2023, pp. 7–16.
[54] See, for example, Cawayu, A. & Clemente-Martínez, C.K., 'Complicating the search imperative in transnational adoption: An anthropological analysis of non-searching transnational adoptees in Belgium and Spain', Genealogy 2025, 9(4), article 124.
[55] Baden, A.L., Treweeke, L.M. & Ahluwalia, M.K., 'Reclaiming culture: Reculturation of transracial and international adoptees', *Journal of Counseling & Development* 2012, 90(4), 387–399; Branco, S.F., Kim, J., Newton, G., Cooper-Lewter, S.K. & O'Loughlin, P., 'Out of the fog and into consciousness: A model of adoptee awareness', *International Body Psychotherapy Journal* 2023, 22(1), 53–66.
[56] Participant, roundtable discussions with intercountry adoptees on the research agenda of the Chair, Utrecht, 16–17 January 2026.
[57] Mosquera, M., *Ze noemden mij Mosquito: Over verwaarlozing, misbruik, ontworteling en kracht*, Aspekt 2014, p. 116.
[58] Hermans, H.J.M., Kempen, H.J.G. & Van Loon, R.J.P., 'The Dialogical Self: Beyond Individualism and Rationalism', *American Psychologist* 1992, 47(1), 23-33.
[59] Hochschild, A.R., 'Emotion Work, Feeling Rules, and Social Structure', *American Journal of Sociology* 1979, 85(3), 551–575.

not neutral; they are shaped by dominant narratives and ideas about how a situation should be understood.[60]

"But you do have a good life in the Netherlands, don't you?", "Aren't you happy that you were adopted?" These are questions that adoptees are often confronted with. Questions that carry an implicit demand for gratitude, the emotion adoptees are expected to feel. A demand that reflects a narrative that has long presented intercountry adoption as an act of rescue. But what happens when adoptees express grief or anger instead? How are these emotions received when adoptees seek recognition and redress from state institutions?[61]

Emotions do not only arise from adoption itself and how it was experienced. They also emerge from how others respond to those experiences.[62] This is particularly apparent in encounters between adoptees and state institutions, where emotions often run high. Not being listened to, not being taken seriously, or not having their experiences recognized and acknowledged has led to a lot of frustration and anger among adoptees. In that sense, emotions are also shaped by the unequal power dynamics that characterize these encounters. As Jonathan Heaney puts it, "affect is the effect of relations of power."[63] But how do the emotions that emerge from these encounters, in turn, shape the dialogue between adoptees and state institutions about recognition and redress? How do they influence which voices are heard and taken seriously?

2. Rethinking responsibility

Several Dutch adoptees have taken the state to court.[64] A prominent case is that of Dilani Butink, who was adopted from Sri Lanka in 1992. As she later discovered, her adoption documents contained gaps and inconsistencies that made it impossible for her to understand the circumstances of her adoption and to trace her parents. She sued the Dutch state and the adoption agency, claiming that they failed to carefully check the legitimacy of her adoption, even though there were persistent warnings about abuses in Sri

[60] Flam, H., 'The transnational movement for truth, justice and reconciliation as an emotional (rule) regime?', *Journal of Political Power* 2013, 6(3), 363–383.
[61] Head, N., 'Sentimental politics or structural injustice? The ambivalence of emotions for political responsibility', *International Theory* 2020, 12(3), 337–357.
[62] Gallen, J., 'Emotions and dealing with the past', in: *Transitional Justice and the Historical Abuses of Church and State*, Cambridge: Cambridge University Press 2023, 106–132, p. 110.
[63] Heaney, J.G., 'Emotions and Power: Reconciling Conceptual Twins', *Journal of Political Power* 2011, 4(2), 259–277, p. 270.
[64] Rechtbank Den Haag 9 September 2020, ECLI:NL:RBDHA:2020:8735; Gerechtshof Den Haag 12 July 2022, ECLI:NL:GHDHA:2022:1248; Hoge Raad 19 April 2024, ECLI:NL:HR:2024:622; Gerechtshof Amsterdam 7 April 2026, ECLI:NL:GHAMS:2026:925 (Butink/Sri Lanka); Rechtbank Den Haag 24 November 2021, ECLI:NL:RBDHA:2021:12781; Gerechtshof Den Haag 12 September 2023, ECLI:NL:GHDHA:2023:1716 (Bangladesh); Rechtbank Den Haag 24 November 2021, ECLI:NL:RBDHA:2021:12780; Gerechtshof Den Haag 21 May 2024, ECLI:NL:GHDHA:2024:670 (Brazil); Rechtbank Den Haag 16 October 2024, ECLI:NL:RBDHA:2024:16503 (eight Sri Lankan adoptees); Rechtbank Den Haag 20 September 2023, ECLI:NL:RBDHA:2023:17538; Gerechtshof Den Haag 9 June 2026, ECLI:NL:GHDHA:2026:2304 (Haiti).

Lanka at the time.[65] Her case came to symbolize the broader struggle to hold the institutions involved in intercountry adoption responsible, and in particular the Dutch state.[66]

The Dutch state occupied an important position within the intercountry adoption system. First, it was formally responsible for regulating and supervising Dutch adoption agencies.[67] And second, although adoptions were arranged and often legally approved in the sending countries, Dutch authorities still had a role in deciding whether children could enter the Netherlands, through visa and other admission procedures.[68] As the Joustra Commission revealed, despite repeated warnings about abuses in countries of origin, Dutch authorities continued to allow children to enter the Netherlands without adequately verifying the legitimacy of their adoptions.[69]

Dilani's legal case raised hopes that the Dutch state would move beyond its apology and finally take responsibility for its role in intercountry adoptions. The case exemplifies a broader trend in which victims of historical or institutional injustice increasingly turn to civil courts to seek justice.[70] As Nicole Immler observes, "litigation can be understood as the outcome of a failed dialogue - one that ultimately compels the defendant to engage and enter into a relationship that had previously been denied."[71] Litigation then offers a way to challenge powerful institutions and their dominant narratives, and to reclaim voice and agency.[72]

Yet litigation also reinforces existing power inequalities. Individuals must confront well-resourced institutions in costly and emotionally exhausting legal battles. Dilani's case lasted for several years. Although the Court of Appeal initially ruled in her favor,[73] that judgment was overturned by the Supreme Court,[74] and her claims were ultimately rejected in 2026.[75] The outcome of her case illustrates why the

[65] Rechtbank Den Haag, 9 September 2020, nr. C-09-568132-HA ZA 19-149, ECLI:NL:RBDHA:2020:8735.
[66] Loibl, E., 'Justice out of reach: Why tort law fails intercountry adoptees', *Facing the Past,* 10 April 2026.
[67] See Articles 15–16 and 23 of the *Wet opneming buitenlandse kinderen ter adoptie* (Wobka).
[68] Loibl, E.C., 'Receiving states' obligations in the aftermath of illegal intercountry adoptions as enforced disappearances', in: E.C. Loibl & D.M. Smolin (eds.), *Facing the Past: Policies and Good Practices for Responses to Illegal Intercountry Adoptions*, The Hague: Eleven International Publishing 2024, 279–306, pp. 293-294.
[69] Commissie onderzoek interlandelijke adoptie, *Rapport Commissie onderzoek interlandelijke adoptie*, Den Haag, 8 February 2021, pp. 133–134.
[70] Loibl, E.C., 'Intercountry Adoption and Historical Injustice: Reflections from the Conference "How to Repair Historical Injustice?"', *Facing the Past*, 24 April 2026.
[71] Immler, N.L., *De (Dia)Logics van Erkenning en Herstel: Het Belang van Geschiedenis voor Rechtvaardigheid*, inaugural lecture, Utrecht: Uitgeverij Netty van Haarlem 2022, p. 29.
[72] Wentholt, N.M. & Immler, N.L., 'How Tort Can Address Historical Injustice: Exploring the Momentum for the Slavery Justice Movement in Dutch Civil Courts', *Netherlands Journal of Legal Philosophy* 2023, 52(2), 189–210.
[73] Gerechtshof Den Haag 12 July 2022, ECLI:NL:GHDHA:2022:1248.
[74] Hoge Raad 19 April 2024, ECLI:NL:HR:2024:622; Maes, K.L., 'Fout of denkfout: aansprakelijkheidsvragen na adoptiemisstanden', *Tijdschrift voor Vergoeding Personenschade* 2024, 27(3), 49–64; Loibl, E.C., 'Justice delayed? Dutch state and agency liability in historical cases of illegal intercountry adoption', *Maastricht Journal of European and Comparative Law* 2025, 32(3), 326–334.
[75] Gerechtshof Amsterdam 7 April 2026, ECLI:NL:GHAMS:2026:925.

requirements of tort law can make it so difficult for victims of historical injustice to hold powerful institutions accountable.[76]

First, tort law judges past conduct according to norms at the time. In Dilani's case, this allowed the Dutch state to rely on the dominant narrative of intercountry adoption as an act of rescue. That way, the very narrative that had led institutions to turn a blind eye to abuses, and that adoptees were now challenging, also helped shield the Dutch state from legal responsibility. Second, tort law requires individuals to provide concrete evidence of wrongdoing in their own case. Yet this is particularly difficult for adoptees, whose records may be incomplete, falsified, or held by the very institutions whose conduct they are challenging. As a result, they are expected to prove wrongdoing that the adoption system itself has made extremely difficult to uncover.[77]

Finally, tort law requires victims to prove that the harm they suffered was caused by wrongful acts or omissions of a particular person or institution. Yet, as I explained earlier, harm in intercountry adoption was not caused by a single actor but emerged from a transnational process involving multiple stakeholders. Tort law therefore individualizes responsibility for harm that, in the context of intercountry adoption, is systemic.[78]

Taken together, the very conditions that facilitated abuses in intercountry adoption now make it difficult for adoptees to obtain justice through tort law.

It is because of these limitations that I think we should move beyond the individualistic legal lens and toward a more relational understanding of responsibility.[79] This requires shifting the attention from individual actors and isolated acts or omissions towards the relations between actors and the wider systems and structures in which they participated.[80] When injustices result from the way different actors and institutions interact, how should we understand and assign responsibility? What responsibility follows from the Dutch state's position and role within the intercountry adoption system, even when abuses were committed by others? And what obligations towards adoptees arise from that responsibility? These are questions I want to explore through this Chair; questions that, I think, are important because recognition and redress should not simply depend on the state's goodwill, but on the responsibility it bears towards those affected by its past conduct.

3. Realizing Rights in Unequal Relationships

[76] Loibl, E., 'Justice out of reach: Why tort law fails intercountry adoptees', *Facing the Past*, 10 April 2026.
[77] Ibid.
[78] Ibid.
[79] Loibl, E.C., 'Recognition, Dialogue and Redress after Intercountry Adoption: Introducing a New Special Chair', *Facing the Past*, 7 April 2026.
[80] See Young, I.M., 'Responsibility and global justice: A social connection model', *Social Philosophy and Policy* 2006, 23(1), pp. 102–130; Young, I.M., *Responsibility for Justice*, Oxford: Oxford University Press 2011; Kutz, C., *Complicity: Ethics and Law for a Collective Age*, Cambridge: Cambridge University Press 2007; Lepora, C. & Goodin, R.E., *On Complicity and Compromise*, Oxford: Oxford University Press 2013.

Moving beyond the individualistic approach of tort law does not mean moving away from law. In fact, a central aim of this Chair is to examine the state's responsibility under human rights law, both at the time adoptions were arranged and today. Human rights law allows us to reimagine the position of adoptees in relation to the state. Adoptees are then no longer seen as supplicants asking the state to respond to deeply personal needs, but as rights-holders making claims on a state that has corresponding obligations. Human rights can thus hold the promise of creating a form of equal standing in a relationship with a state that is profoundly unequal in terms of power. As Joel Feinberg famously wrote: "Having rights enables us to 'stand up like men', to look others in the eye, and to feel in some fundamental way the equal of anyone."[81]

A human right that is important in the context of adoption is the right to identity.[82] Article 8 of the UN Convention on the Rights of the Child requires states to respect the child's right to preserve their identity, including their nationality, name and family relations.[83] The European Court of Human Rights has also recognized that the right to private life, protected under Article 8 of the European Convention on Human Rights, includes a person's interest in knowing their origins and the identity of their parents.[84] Yet it is not entirely clear what this right entails and under what circumstances it was violated in the context of past intercountry adoptions. What obligations did a receiving state like the Netherlands have to protect a child's identity? Did it violate the right to identity by allowing an adoption to take place, despite signs that the information about the child's identity or origin might be false?

The right to identity is not only relevant when we look at what happened at the time of adoption in the past. It also imposes obligations on the state today that are relevant a) when adoptees search for their origins and b) when they want to restore their original identity. Adoptees have a right to know: they have a right to know who their parents are, and they have a right to know the circumstances in which they were separated from their families and placed for adoption.[85] Archives are crucial for realizing this right, as they may contain information that is essential for adoptees to understand their origins.[86] As one adoptee told me: "Every paper, every picture, every single piece of information about our history could make a

[81] Feinberg, J. (1970), 'The Nature and Value of Rights', *The Journal of Value Inquiry* 4, 243–260, p. 252.
[82] Fenton-Glynn, C., 'Who am I? The child's right to identity', in: *Children's Rights in Intercountry Adoption: A European Perspective*, Cambridge: Intersentia 2014, 185–210; Bou-Sfia, S., 'Article 8 UNCRC: To protect or neglect? Consideration of its (potential) meaning and effect', in: M. Freeman & N. Taylor (eds.), *Children's Right to Identity, Selfhood and International Family Law*, Cheltenham: Edward Elgar Publishing 2025, pp. 24–43.
[83] The UN Convention on the Rights of the Child entered into force for the Netherlands on 8 March 1995 and therefore does not generally apply to situations that occurred before that date.
[84] ECtHR 13 February 2003, no. 42326/98, *Odièvre v. France* [GC], paras. 29 and 44; ECtHR 13 July 2006, no. 58757/00, *Jäggi v. Switzerland*, paras. 25 and 37–38; ECtHR 25 September 2012, no. 33783/09, *Godelli v. Italy*, paras. 47–53.
[85] See Article 7(1) of the UN Convention on the Rights of the Child; Article 30 of the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption; ECtHR 13 February 2003, no. 42326/98, *Odièvre v. France* [GC], paras. 28–29; Salles Vieira Pinto, V., 'Adoptees' right to know: A right we do not fully "know"? Steps toward conceptualisation via a textualist analysis of legal sources', *Family & Law* 2025.
[86] International Council on Archives, Section on Archives and Human Rights, *Guidance on Access to Childhood Records: Access Rights of Adults to Documents Relating to Their Own Childhood Experience of Adoption or Being in Care*, 2024.

difference".[87] Each could be another fundamental piece of the puzzle that helps them understand where they come from and who they are.

However, having a right to know does not remove the unequal power relations through which that right must be exercised. Archives are often held and controlled by the actors and institutions that arranged or oversaw adoptions in the past.[88] And because access to this information is not absolute, they must balance adoptees' right to know against the rights and interests of others, particularly their right to privacy.[89] Hence, the very actors and institutions whose actions and decisions profoundly shaped adoptees' lives in the past continue to have power over records about those lives today. The very actors and institutions that once decided how adoptions were arranged now decide what information adoptees can access and under what conditions.[90] How can we challenge the unequal power relations that shape how adoptees exercise their right to know? And how can we shift control over information about their own lives towards adoptees themselves, while ensuring a fair balance with the rights and interests of others?[91]

But access to adoption records does not necessarily mean access to the truth about the past. Archives are not neutral: they do not simply preserve what happened, but what institutions recorded about what happened.[92] Some information may never have been recorded or preserved. Other information may have been deliberately altered or falsified as part of the laundering process I explained earlier. As a result, the very records adoptees rely on to understand who they are and where they come from may preserve an incomplete or false version of their history, rather than what actually happened.[93] Adoptees then need more than access to records: they need support in uncovering the truth about their origins and establishing their original identity.

The UN Joint Statement on Illegal Intercountry Adoption, issued in 2022, emphasizes that states must take an active role in providing this assistance, including helping victims restore their true identities.[94] Yet when

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[87] Participant, roundtable discussions with intercountry adoptees on the research agenda of the Chair, Utrecht, 16–17 January 2026.

[88] Rich, K.M., 'Adoption archives: Documents, subjecthood, and the possibility of justice', *Law & Literature* 2025, 37(2), pp. 367–392; Saraya, D., 'Who controls adoption archives?', *InterCountry Adoptee Voices*, 13 July 2026.

[89] See Article 30(2) of the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption; ECtHR 25 September 2012, no. 33783/09, Godelli v. Italy, paras. 53–58; ECtHR 14 May 2024, no. 20949/21, Mitrevska v. North Macedonia.

[90] Clapton, G., 'The right to information in practice: Adoption records, confidentiality and secrecy', in: C. Clark & J. McGhee (eds.), *Private and Confidential? Handling Personal Information in the Social and Health Services*, Bristol: Policy Press 2008, 129–146.

[91] Condit-Shrestha, K., 'Archives, adoption records, and owning historical memory', in: D. Levison, M.J. Maynes & F. Vavrus (eds.), *Children and Youth as Subjects, Objects, Agents: Innovative Approaches to Research Across Space and Time*, Cham: Palgrave Macmillan 2021, 155–173.

[92] Schwartz, J.M. & Cook, T., 'Archives, records, and power: The making of modern memory', *Archival Science* 2002, 2(1–2), 1–19.

[93] Saraya, D., 'Geschonden oorsprong door onvolledige archieven', *Archievenblad* 2024, nr. 6.

[94] UN Committee on Enforced Disappearances, UN Committee on the Rights of the Child, Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Special Rapporteur on the Sale and Sexual Exploitation of Children, Special Rapporteur on Trafficking in Persons, Especially Women and Children, and

we look at how identity restoration works in practice, we see that much of the burden falls on adoptees themselves: In many cases, they must initiate and pay for legal proceedings to correct their officially recorded identity, and they must prove that this identity is incorrect.[95] To do so, they may once again depend on evidence that is controlled by institutions and may itself be incomplete or false. In other words: while the state accepted and formalized their false identity in the past, it is now up to the adoptee to take steps to correct it.

VI. Towards Transformative Justice

How can we, as a society, come to terms with the legacy of intercountry adoption and do justice to those whose lives have been profoundly affected by it? I hope to have shown that this requires more than acknowledging past wrongdoing or providing individual measures of redress. It also requires us to examine how the unequal power relations that characterized intercountry adoption continue to shape the ways in which its legacy is addressed today. And, importantly, it requires us to transform these relationships: by creating more space for adoptees' diverse voices and emotions in dialogue with institutions, by moving beyond an individualistic legal understanding of responsibility towards a more relational understanding, and by shifting burdens and control in ways that enable adoptees to exercise their rights more effectively. Exploring how these transformations can be achieved is the overarching aim of this Chair, and I will pursue it in dialogue with adoptees and institutions.

VII. Acknowledgements

I would like to thank INEA and Fiom for funding this Chair and for endorsing the appointment of someone who has spent years critically examining the intercountry adoption system and will now bring that same critical perspective to the processes of recognition and redress. I am grateful for the trust and freedom to do so. I would like to thank the Rector and the University of Humanistic Studies for placing their trust in me and for welcoming me so warmly.

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Working Group on Enforced or Involuntary Disappearances, *Joint Statement on Illegal Intercountry Adoption*, UN Doc. CED/C/9, 5 December 2022, paras. 15–16.

[95] See Kamerstukken II 2025/26, 31 265, nr. 136, pp. 4-5; Ministerie van Justitie en Veiligheid, *Conceptwetsvoorstel Wet afbouw interlandelijke adoptie en vereenvoudiging identiteitsherstel*, 2026.

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I have spoken.