

United Nations Office at Geneva
Office of the High Commissioner for Human Rights

Reem Alsalem

Special Rapporteur on violence against women and girls,
its causes and consequences

Bernard Duhaime

Special Rapporteur on the promotion of truth, justice,
reparation and guarantees of non-recurrence

Palais des Nations

1211 Geneva 10

Switzerland

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Response of the interest groups to the letter from the Kingdom of the Netherlands,
22 September 2024, with reference GEV-HRC 157/2024

Dear Mrs. Alsalem and Mr. Duhaime,

We are the Dutch organization for birth mothers the foundation DNA (De Nederlandse Afstandsmoeder), and the Dutch organization for Dutch relinquished children, the foundation VIZ (Verleden in Zicht). We look after the interests of the mothers and children, victims of forced separations. We are the groups to which the government refers in the letter of 22 September 2024.

First we endorse your excellent letter dated 23 July 2024 in which you share our concerns. Second, we would like to take the liberty to react to our government's letter of 22 September 2024. Unfortunately our government's response does not match our experiences concerning our needed support and repair due to the unlawfully domestic separations of mothers and children. Mothers suffered from being stigmatized as bad women and condemned to silence the infringement of their human rights, while their children were forced to lose their mother by separation and their identity when offered for adoption. These are all serious violations of human rights.

We have copied your format to react to our government's letter.

1. *Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.*

The Government places all bets on the investigation by the Commission though we doubt the commission's willingness to answer all pending questions. Is the commission actually able to answer all questions and if so, is it prepared to share all findings? The past years we repeatedly requested the government for support to meet some concrete requests we had

for pending problems we encounter in our daily lives. So far the government has refused to take action or help with anything we have been asking for. Please read on.

2. *Please provide information on the status of the inquiry into allegations of inadequate protection measures concerning forced adoptions, specifically with regards to State involvement.*

The government's answer suggests the Commission will fully examine the role of the State. We beg to differ. When asked by us, the chair of Commission lamented the slow progress of their research because they could not get full access to the necessary archives. Additionally they acknowledged to us the possibility the report could very well be finalized without having been able to study all documents requested, due to legal stonewalling. The Commission was forced to spend a part of its research budget and time on legal procedures because of denied access to necessary files. The chair of the commission was surprised by the lack of openness, especially in contrast to his previous investigation on violence in youth services, where no legal obstacle was raised. We fear this obstruction will prohibit thorough research and will lead to an incentive for all institutions involved, including the government, to keep sensitive or damning material in future behind locked doors. We suggest your question on mandate is inadequately answered in the 22 September letter.

We find the Commission shows prejudice. Regarding the questionnaires (**Attachment 1**) for relinquished and birth mothers we think it is uneven that most of the questions concern relations with the adopting family and the adoption (adoption bias), while far fewer questions are asked about the separation. The biological family equals the adoption family in the view of the relinquished and is sometimes more important because it relates directly to our true identity. Some of our constituents regard their original family as far more important but find little opportunity to share this information in the inquiry. Please see our attached analysis of the questions.

Both foundations DNA and VIZ, have spoken with Atria researchers and have offered to proof-read all questions before their inquiry was released so they would be appropriate for the various target groups intended. Sadly, our offer was declined.

We regret that Atria is attempting to make a full report with incomplete information. Furthermore, the chair of the Commission has in public radio-appearances, and in private meetings with our organizations, often stressed in advance, that the outcome of the report could be disappointing for parties concerned and stressed that he knows successful adoptions have occurred.

Another reason we fear that the research is not objective and as thorough as suggested, is the fact that the Commission has actively searched for mothers who knowingly and voluntarily gave up their baby, by repeatedly requesting them to step forward and the commission searched names of volunteering mothers in an active way by participants of the research.

3. *Please elaborate on the steps taken towards waiving the statute of limitations for forced adoption cases.*

The state is litigating relentlessly against birth mothers and adoptees. It is not only the case of Ms. Scheele-Gertsen. Transnational adoptees from Brazil and Sri Lanka, now Dutchmen, must sue all the way to the supreme court, even if they win the case, the government continuously appeals. We see this ruins people financially and emotionally and scares others to step up for their rights. In the lower House of Parliament the government was instructed to stop litigating relentlessly. However The government refuses to do this and denies equal justice for all, grinding the individual adoptees and birth mothers. It is disturbing to read in the government's reaction: *'Discussions are held with these interest groups and support needs are identified, such as psychological and legal support.'* This is far from the truth. The unbearable financial burden for these procedures is totally on the adoptees and the birth mothers' shoulders.

Nobody ever received 'legal support' in any way . Ms Scheele-Gertsen is a single person battling the formidable state and its limitless resources while she has to do all this on her own means. Furthermore, all birth mothers and lately more and more children are of older age and therefor lack time and (emotional) energy for long lasting lawsuits.

4. *Please provide information on concrete measures to provide redress and reparations to mothers who were forced to give up their children for adoption.*

By far the most needed reparation and help for us is full openness of all the archives, both private and public files concerning the adoptions and separations of mothers and children. We have over and over reiterated this with the Ministry of Justice. We have asked and were declined access to the committee which drafted the protocol on the opening of the archives mentioned above. Once everything was officialized we got hold of the protocol that was drawn up without us. It turns out every document is to be scrutinized by a civil servant on all kinds of restrictions. This results in restricted access for mothers and children involved. Documents are willingly withheld. Sometimes adoptees aged 60 years still can't learn about their heritage or siblings who are still alive but unknown to them. The relinquished may only learn about the names of their siblings and caregivers after these siblings and caregivers have died. This information is crucial for us for successful restorative justice.

Birth mothers are (although repeatedly requested) not allowed to adjust or correct false, subjective, and misleading information in their file, just by adding their own experiences. Yet again their requests are denied by the government. Others (mostly government) still decide about and for them and preserve these unlawfully created files with falsified and incorrect reports about them. Their children were taken from them and now their history is taken from them while the perpetrators still determine history. In our view this violates basic human rights.

We attached the protocol used by the *Nationaal Archief* on selecting documents **(Attachment 2)** . You will learn that even after 60 years, mothers who were often forced into giving their baby up for adoption are still judged on the basis of old stigmas, false information, such as assumed bad sexual behaviour, breaking the law, showing otherwise not appropriate behavior. Frankly, this appalls all of us, mothers and children.

The letter of the government states: *'Discussions are held with these interest groups and support needs are identified, such as psychological and legal support.'* We strongly disagree, nothing is done to support our needs in the most important field of opening all our archives. In the letter of the government the reason for limited access to archives is unnamed.

The government uses the General Data Protection Regulation legislation to prohibit access to existential information about birth and separation and such as names of siblings, names of caregivers or guardians. They also use the GDPR to prohibit access to information they describe as worrying, while the person who requests the information will never learn what was the information. GDPR is not meant for keeping siblings separated, and continuing unlawful retained information hidden for parties concerned as mothers and children.

Please note the Dutch parliament's motion which states the need for unrestricted access to all archives, with overwhelming support. The government still refuses to give us full access to all files. You can find a copy attached **(Attachment 3)**.

The government also states in their letter: *'The NGOs and interest groups that look after the interests of the mothers and children involved, are subsidized by the government in order to support and professionalize their advocacy.'* Both our organizations are surprised to learn in this letter that, due to government subsidy, we have professionalized. On the contrary: our foundations are completely based on hard and intensive volunteer work. Subsidy had to be used for developing a website, a few meetings with our target group, seminars with our target group and some podcast made by volunteers.

Everything we did and still do to lobby, address courts, give legal advice, psychological support and influence our lot has not been subsidized, we do all the work voluntarily.

For quite some time we request financial legal aid for people in our target group. People meet costly legal problems as for changing names, registrations, roll back adoptions, inheritance law issues, dna-searches, psychological or medical support. These are concrete problems which are demonstrably the result of the involuntary separation of mothers and children; the government does not acknowledge our concrete needs.

The government points out that they will involve us after the publications of the findings to see what follow up is desirable and appropriate. We as interest groups have been talking to the government for years and presenting them our actual needs and requests. The problems we face are concrete and urgent so there is no need to wait for the publications.

The governments points out that they do want to acknowledge feelings and memories. We request restoration of legal positions, full access to our files and possibilities for mothers to add their true stories to the files. Only when these requests are granted we can talk about feelings and memories. The government does not acknowledge our priorities and needs.

As we speak relinquished children die without knowing the real story of their mother, siblings die without knowing they had brothers, sisters, aunts, uncles or other family members; caregivers die. They are the only ones who can tell us the true stories about the institutions mothers and children were sent to. Time is running out for us.

Thank you for reading our concerns. We would be happy to explain our letter in a personal conversation therefore we are gladly available for a meeting, in person or on videoconference to elaborate on this.

We think our cause would be served with a rebuke on the government's letter from your organization.

Yours truly,

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Attachments, in Dutch:

1. Questions asked inquiry Commission on adoption.
2. Protocol on selecting documents Nationaal Archief
(Kader voor belangenafweging en het recht op privacy versus het recht op afstamming)
3. Motie nr. 94 , 33836 Personen en familierecht 11 april 2024¹.

¹ <https://www.tweedekamer.nl/kamerstukken/motes/detail?id=2024D14585&did=2024D14585>