



## Orphaned and Vulnerable Romany Children and their Protection: Child Adoption, Foster Care, and Child Rights

The Romany people have been historically marginalized for centuries, and social discrimination is an unfortunate daily reality. Their family lives are largely misunderstood as Roma people are typically distrusted in the larger majority society; their family relations including parenting interactions are not understood or respected in general. The resulting disrespect is such that Roma people are confronted frequently with the fact that their family life is simply not protected in relation to traditional social welfare systems enacted by the majority society. As a result, Roma children are more likely to fall into

the category of 'orphaned' and 'vulnerable' children at risk. The former is a child who is un-parented as a result of the deaths of both parents or of abandonment so that the child becomes a social orphan. Both conditions are relatively uncommon under normal conditions in which family life is respected and supported. The latter are 'vulnerable' children and these are children who are at risk of becoming un-parented due to their social circumstances, which includes poverty and other social problems like violence and societal structures of oppression which systematically place Roma peoples in marginalized

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positions in the majority society as they struggle to meet their basic needs.

Orphaned and vulnerable Roma children first entered global consciousness at the end of the 1980s with the dire circumstances in post-Communist Romania. Institutional care of children has long been a feature of the social system in the Eastern Bloc country, dating back to at least WWII. When President Nicolae Ceaușescu came to power in 1966, his vision included the Stalinist pro-natalist idea that population and economic growth went hand-in-hand to achieve prosperity for a nation. Because the birth rate was low, in 1966 the government issued Decree 770 thereby outlawing abortion for women under 40 with fewer than four children. Women were required to give birth to 5 children, and Ceaușescu viewed children to be the property of the State. Reportedly, he proclaimed that “Anyone who avoids having children is a deserter who abandons the laws of national continuity”.

As birth control was prohibited and the birth rate began to climb, eventually doubling, motherhood was seen as an obligation or duty to the state. Fundamentally, the growth of a proletariat population

—those who would carry out the labor of the state in agriculture, factories, etc.—was highly oppressive for all, especially women and their obligations to family life. The struggle to meet the basic needs of their children was a real dilemma for Romanian parents. Institutional care of children therefore became a necessity, and Ceaușescu’s position was that the state could better raise children than the family. This ideological belief was a national narrative and the idea of ‘social orphans’ became a part of Ceaușescu’s legacy—an unfortunate social norm of abandoning children to massive institutions emerged in this era. The inhumane environment of state institutions was a sad reality for many thousands of children and the policy and practices disproportionately affected the Roma population.

By the mid to late 1980s, as Nedeclu and Groza point out, the economic system began to fail in a manner that was undeniable, and while all Romanians were deeply impacted, the most vulnerable suffered—children who were institutionalized lived in conditions of inadequate food, heat, and other basic necessities as they were confronted with bitter winters and other



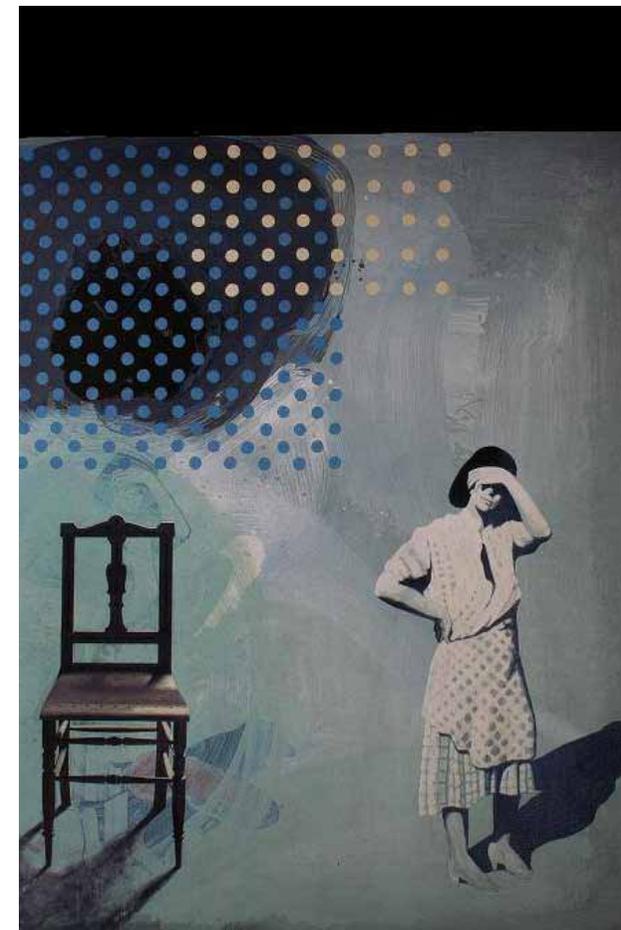
harsh conditions. The daily lives of social orphans were regimented, every major task was scheduled and children were often toileted at the same time among other daily routines of eating, sleeping, etc. While there is no established definitive number of children who were institutionalized at this time period, the population of institutionalized children in Romania is estimated to have been at least 150,000 by the late 1980s. While it cannot be verified due to inadequate records, it has been estimated that as much as 50% or possibly

more of these children were Roma even though the Roma people only made up 15% of Romania's population. This disproportionate number of Roma children living at the state institutions was a product of not only a repressive social policy for all individuals and families, but also a social environment where the Roma people were marginalized because they were considered to be mentally unfit and deviant. This racialized image, which has occurred throughout Romania's history, is part of the legacy of enslavement of Roma peoples that was occurring as late as 1856.

As President Ceaușescu's rule came to a dramatic end with the revolution and his execution on Christmas day in 1989, the international media displayed images of children languishing at state institutions. The documentary evidence was presented in a provocative manner and it was clear that children were warehoused in institutions that were lined with beds and cribs with little room to walk between them. The truth was startling as most of the children were suffering from a variety of medical and emotional conditions related to malnutrition and extreme neglect including a lack of stimulation. Images included chil-

dren tied to beds, children rocking back and forth and/or even self-protecting in fetal positions; some of these children were in a psychotic state after long-term sensory deprivation. The international outrage that followed was marked when the world suddenly learned of Ceaușescu's brutal regime and the impact on children. As a result, a massive move to international adoptions began almost immediately. Most of those who adopted were individuals and couples from Western Europe, Australia, Canada and the United States. From 1990-1991 alone, at least 10,000-15,000 children from Romania were adopted internationally and the record keeping was so poor that little is known about these children and the outcomes of the adoptions, including the disposition of the cases with the greatest medical and emotional needs.

The rapid and chaotic rise of international adoptions led to serious problems and the whole system was eventually reformed including the introduction of new laws, policy and procedure. Controls were set in place, largely as a result of European Union pressure, that ultimately led to an international adoption moratorium in



2001. This cessation of intercountry adoption largely persists today except in cases of close relative adoptions. Thereafter, there have been gains in the care of vulnerable children in Romania, including the introduction of foster care and domestic adoption. Nonetheless, some institutions

still exist and many children continue to suffer the consequences of impersonal care and living outside of family care. As is the case worldwide, those most vulnerable to out-of-family care are those with the lowest social economic status in addition to those who are ethnic and racial minorities.

For Roma children, growing up outside of the Romany community means a loss of cultural heritage including language. This dynamic is in conflict with Article 20 in the of the UN Convention on the Rights of the Child (CRC) that identifies the requirement for due regard for a child's upbringing including ethnic, religious, cultural and linguistic background if the child is adopted out of his or her community. However, being adopted outside of the cultural group is a reality because there are simply not enough Roma families available to provide care for children who need guardianship, foster care and adoption services. This experience creates an obvious dilemma and some argue that out-of-family and culture care is necessary while others rightfully point out that greater attention to the preservation of Roma families, with tailored so-

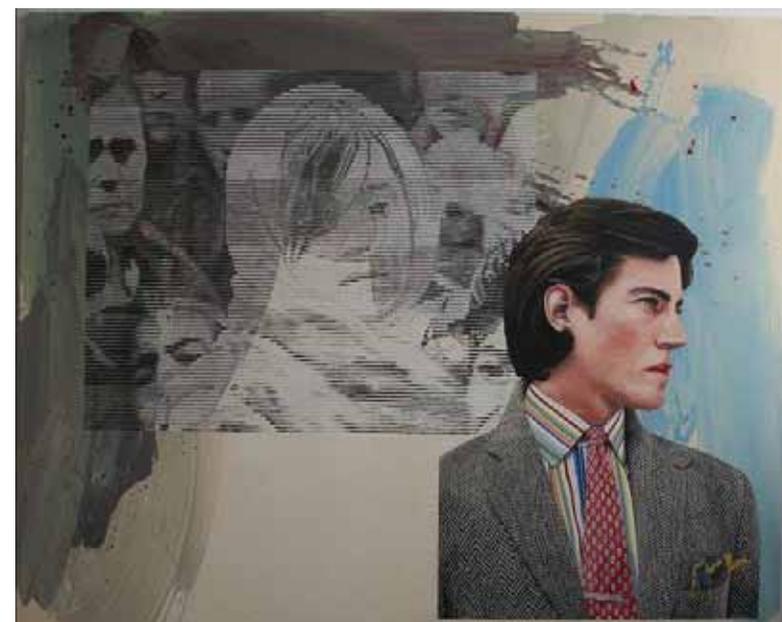
cial services, is essential to guaranteeing human rights.

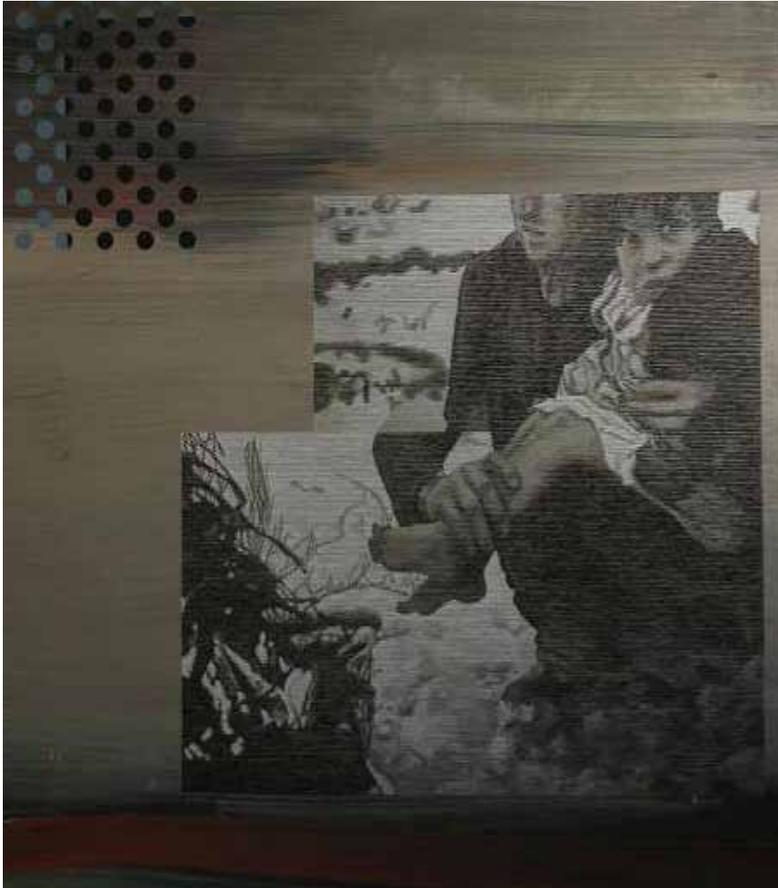
Today, Roma children continue to be adopted internationally from other Central and Eastern European countries such as Bulgaria, Slovakia, Poland, the Czech Republic and Hungary. The sheer number of Roma adoptees in relation to the total Roma population size in the countries of origin again indicates grossly disproportionate representation of these children in international adoption. For example, upwards to 90 per cent of the adoptees from Bulgaria were according to media reports from the Roma minority in the 2000s while less than 10 per cent of the total population is constituted of Roma peoples.

Even though some adoptive families in other countries try to incorporate Roma culture into their family life, it is impossible to 'replicate' the beliefs and social norms of Roma peoples in a foreign country and within a non-Roma family. In addition to culture there are critically important communication skills and an unrelated (non-Roma) family's ability to teach a child their native language is essentially impossible given variants and dialects, etc. To raise a child without clear knowl-

edge of her culture and language is in direct conflict to a child's rights according to the CRC. It should be noted that this is the reality for the vast majority of transracially and transculturally adoptees in the West, and not just adopted Roma children. And, the resulting dilemmas have been documented by many international adoptees themselves in documentary films, blogs, books, and research studies although the topic of Roma children specifically is under-documented.

Other care strategies of Roma children include foster care when a child is deter-





mined by child protection authorities to be in threat of harm from child abuse and/or neglect. Recently, the foster care of Roma children has received attention in the international media as with the case of the United Kingdom. That country has been responding to the influx of Slovak Romany people and their welfare needs. A rise in

the foster care of Roma children has also been documented as the inherent problems are emerging; in 2009 only 40 Roma children were in England's foster care system, but by 2013 reportedly there were 180 children in the foster care system. With this significant increase of Roma children receiving out-of-family and usually out-of-culture alternative care services, there has been a call to craft social programming appropriately. This is based, in part, on the fact that the UK child protection law is consistent with the CRC and it requires children's language, religion and culture to be respected. As follows, children have the right to live with other family members (relative and kinship care) as a priority when a child is unable to live with their biological parents due to incarceration or ongoing child abuse and neglect. However committed to this obligation, social services workers most typically find it exceptionally difficult to develop a care strategy guaranteeing these child rights. One problem is the general distrust of Roma peoples, particularly towards government authority. As a group, they typically resist anything other than superficial relations with outsiders and

authority figures like judges and social workers are deeply distrusted given the Roma social history. As a result, recruiting Roma families to act in the role of guardians, foster families or adoptive families is very difficult.

Also, a concern is that some social workers, child protection officers, and foster families view the Romany culture to be deviant resulting in biased 'care' decisions as the local authority intervenes. As a result, there are concerns that the children and their families are often treated as objects of remediation rather than seen for their resources and strengths of family and community life. Again, when Roma children have been removed from their families and placed into foster care, the major problem has been the loss of language and culture. When prolonged family-child separation occurs and the child is socialized in more typical or majority group family life, many Roma children eventually lose their social ties. This loss of capacity to engage in one's family and community of origin is fundamentally a re-socialization of children. Such erasure of a child's history is a blatant disregard for a child's rights to family life within the cul-

ture of Roma people. An unknown number of cases of such abuse related to biased care decisions have occurred due to the negative attitudes and racism directed at Roma family life.

Viewing Roma children and their families from such a deficit perspective has been well documented in several countries. For example, in Italy during 1990s and into the 2000s, multiple human rights abuses were documented as Italian authorities deemed begging and other street-level activities (vending goods, etc.) to be a form of neglect and/or child exploitation. Sometimes Roma children were accordingly removed from their families and communities. The European Roma Rights Center has documented such unfair practices, calling for human rights of family life to be respected. For instance, they reported that on one single day, May 22, 2000, 18 Roma minors were picked up in and around the capital city of Rome. The children were reportedly caught begging or stealing, and they were placed in police custody, later to be placed into residential care institutions or foster homes.

Another problem is Roma parents can be charged with child abandonment when

children are left unattended in camps. The alternative to being left unsupervised is to accompanying parents during the day's street-level and other work activities. When child welfare authorities step-in and remove children from their family life, the further marginalization of the Roma people is justified by a child's right to an education and to live without exploitation. However, it is critically important to note that this view is that of the majority population rather than a view shared by the minority Roma people. The alternative to a heavy-handed approach is to develop culturally relevant services that account for how to meet the specific needs of Roma children and their families instead of simply removing the children from their families and communities. One such approach may be a childcare strategy that supports family and community life within camps. While there have been some attempts to improve social services in a culturally relevant manner, especially in the UK, as Adams and Allen point out, problems persist and Roma people continue to distrust government authorities and their rights to family life.

There have been some dramatic cas-



es of child removal that have been followed quite intensely by the international media, especially cases in which a child is viewed to be 'too pretty' and too white to be a Roma child. This has been the case for children with a fair skin complexion, blond hair and/or those children who have an eye color other than brown. For example, in Italy in 1999 there was the case of 'Elvizia' who was removed from her mother and was not returned to the family until her father traveled to Italy to prove the child's lineage and blue eye color as a common feature in the family. The bias of belief about the characteristics and appearance of Roma people continues to occur. This happened at a time when xeno-

phobic Right-wing populism was gaining ground in the Italian political landscape, which further exacerbated the situation for the Italian Romany people, and also resulted in violent attacks. In 2013 there were similar cases both in Ireland and in Greece. In the latter country, 'Maria' was a blond haired and blue-eyed child who came to the attention of the authorities and legal/criminal intent questions were raised to determine if the child had been abducted. This assumption is in line with long held belief in Europe that Roma people have engaged in the abduction of white Christian children since the beginning of their existence; this theory is in line with rumors about witchcraft, etc.

In the case of Maria, when the investigation began, it was learned that the family in which the young child was living was not her biological family. Upon investigation it was learned that the family had agreed with Maria's mother (a Roma woman) to care for Maria. This informal care arrangement is not uncommon amongst Romany people as well as other traditional and tribal cultural groups. Again, in Maria's case, the child was removed by authorities from her new family system (acting

as guardians) because she did not 'look like' a Roma child. In the press, Maria became known as the 'blond angel'. In swift action, a Greek court removed the guardianship of Maria from the couple/family. In the end, Maria's long-term best interests were determined to be cared by a charity organization until she reaches adulthood and due to confidentiality no further information has been reported about Maria's care. The media reported on this case intensely, but when the court order was issued deciding this, the mainstream media engaged in no critical discourse about the child's rights to resume family life and remain in her own community. In all likelihood, given her age and circumstances, Maria was adopted into a family with the facilitative help of the charity group. However, that is speculation and there is no way of knowing if a Roma family was given the opportunity to adopt the child.

The practice of more or less systematically removing Roma children from their families and communities, by the force of law with social services facilitation, is congruent with a pervasive belief that Roma peoples are deviant and a 'problem' for society to control. This majority popula-



tion view and resulting social control practices can be traced back in history in Europe. For example, in 18th century imperial Austria upwards to 18,000 Roma children were put into Catholic foster homes as part of a forced assimilation project. This early modern program is generally seen as the first full-scale forced assimilation project in Europe directed towards a Roma population, and would be followed by many more in several European empires and nations. For example, in the



Scandinavian countries, and particularly in the social welfare states of Norway and Sweden between the social engineering years of 1920-1970, Roma children (as well as the children of Travellers) were specifically targeted for child welfare 'interventions'. During this high modernity period, many Romany and Traveller children were placed at institutions, and fostered and adopted out to majority Scandinavian families. Also, women of these minority groups were sometimes sterilized as they were viewed to be 'inferior' and without reproductive rights. This unfortunate history is reminiscent of the fact that

Nazi Germany enforced sterilization upon Roma and other minorities (e.g., Travellers). Romany people were also systematically exterminated as undesirable people in concentration camps of Nazi Germany. The systematic killing of millions of people including European Romany and Traveller people, as a result of the genocidal racial politics of Nazi Germany, eventually led to the 1948 Genocide Convention in which various acts of genocide were defined. The forcible removal of children from their family life is here seen as one form of genocide, that is cultural genocide, as children are re-socialized into the majority population's culture, family life, and social norms.

In more recent times, further complicating matters is the problem of Roma children being treated poorly and as unwelcome outsiders in school systems. While this is a violation of child rights, addressing this issue and creating welcoming schools is a difficult—fundamentally, the view that Romany people are deficient and are to be distrusted persists today and Roma children frequently face bullying by other children. For survival, historically Romany people have moved from place-

to-place as they were not allowed to settle down in communities and houses permanently. In both Norway and Sweden, truth and reconciliation processes have been initiated lately regarding this history of systematic discrimination of Romany and Traveller peoples including the forced removal of their children.

Scandinavian citizens/countries have recently also adopted many children from Eastern Europe including Roma children. In the year 2006 a scandal erupted as a Roma child, adopted from the Czech Republic, by the name of 'Freddie' was physically abused by his adoptive parents in Sweden leading to his homicide. The tragic event, taking place just seven months after the child was adopted, led the Czech Republic to close its borders in moratorium of international adoption temporarily. When the press looked more deeply into the case, including the child's family of origin, reportedly his mother said that she did not give consent for the child's adoption thereby highlighting the complicated nature of international adoption. Apparently, the child was 'removed' from his mother by Czech government authorities and placed into a children's home, later



to be adopted internationally by a couple in Sweden. While the facts of the child's removal from Roma family life are not entirely clear, the tragic outcome of homicide called the entire case into question. In other words, Freddie's death served as a reminder of the rights of children and families of origin, who were Roma in this case. The case of Freddie also highlighted the screening process of prospective adopters in Sweden, which several adult international adoptees pointed out is not always sufficient and satisfying.

When it comes to foster care, Roma children frequently face significant social

discrimination when they are removed from their families and then later try to re-enter/re-assimilate into their communities. The experiences are complex and underscore the need for culturally appropriate social care that is oriented to child and family rights regardless of race, ethnicity, and other factors including way of life. Obviously this is an area for future research, especially as social service authorities attempt to truly provide culturally relevant care for the orphaned and vulnerable Roma children. To do so in a sensitive and effective manner with an empowerment and active engagement strat-

egy of the Roma people in problem solving is a tremendous challenge. This is particularly true given the general distrust the group has towards authorities within the context of a long and persistent history of racial and social discrimination.

In close, it is clear that implications of social discrimination have come to bear upon Roma children and their families such that there have been very serious violations of child rights. When, considering The United Nations Convention on the Rights of the Child, multiple articles are being violated. A child's right to preserve his or her own identity, to include family relations (Art. 8) is an obvious concern. Among other rights, children also have the right to alternative care (foster care, adoption, etc.) with "due regard to the child's ethnic, religious, cultural, and linguistic background" (Art. 20). Given these obligations to protect child rights, culturally sensitive family support services are essential and they must be developed and implemented with an orientation to the vulnerabilities of Roma children and their families. It is our hope that we have shed some light on the complexities and urgency at hand.

## ABOUT THE AUTHORS OF THE TEXT

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PhD, MSW, MPH is Professor of social work at California State University- Monterey Bay. Dr. Rotabi is an international child protection expert and she has worked in child welfare in a number of countries to include the USA, UK, Belize, India, Malawi, and Guatemala. She has a broad research agenda with an emphasis on intercountry adoption, including practical implementation of the Hague Convention on Intercountry Adoption. Dr. Rotabi co-edited *Intercountry Adoption: Policies, Practices, and Outcomes* (Ashgate Press, 2012) and more recently, she co-authored *From intercountry adoption to global surrogacy: A human rights history and new fertility frontiers* (Routledge, 2017).

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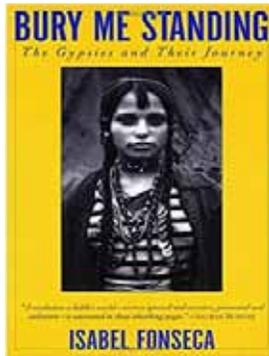
## ABOUT THE AUTHOR OF THE IMAGES

### **Amable Villarroel**

He was born in Tejerina, León, in 1959. He is a self-taught painter. He has lived in Avilés and Madrid. Since 1988, he lives in Palma de Mallorca. In 1997, he exhibited in the Galeria Els 4 Gats in Palma de Mallorca, by Ferran Cano, and became one of the artists of the Galeria Ferran Cano. He participates in collective and individual exhibitions in his two galleries, in Mallorca and Barcelona, and he presented his work in various fairs, such as ARCO and other international fairs, with Ferran Cano.

His work is in Spanish and European private collections, as well as in different collections in public institutions in Mallorca.

## FURTHER READING



Fonseca, I. (1996).  
***Bury me standing. The gypsies and their journey.***  
New York: Vintage Publishing.

A masterful work of personal reportage, this volume is also a vibrant portrait of a mysterious people and an essential document of a disappearing culture. Fabled, feared, romanticized, and reviled, the Gypsies—or Roma—are among the least understood people on earth. Their culture remains largely obscure, but in Fonseca they have found an eloquent witness. Alongside unforgettable portraits of individuals—the poet, the politician, the child prostitute—this book offers sharp insights into the humor, language, wisdom, and taboos of the Roma. The author traces their exodus out of India 1,000 years ago and their astonishing history of persecution: enslaved by the princes of medieval Romania; massacred by the Nazis; forcibly assimilated by the communist regimes; evicted from their settlements in Eastern Europe and most recently, in Western Europe as well. Whether as handy scapegoats or figments of the romantic imagination, the Gypsies have always been with us—but never before had they been brought so vividly to life.



Hancock, I. F. (2002).  
***We are the Romani people.***  
Hertfordshire,  
UK: University of Hertfordshire Press.

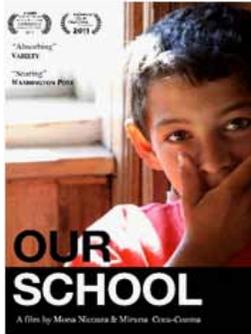
Written by a Gypsy, this introduction to Roma life, health, language, food, culture, politics and society provides an insightful look at this despised by mysterious minority originating in India. Highly recommended and extensively illustrated, this work looks at the people, their history since leaving India 1,000 years ago, and their rejection and exclusion from society in the countries where they settled. Hancock offers candid advice on rejecting prejudices and stereotypes and getting to know the Roma as individuals, with short biographies of Roma in many different walks of life



Koudelka, J. & Guy, W. (comp) (2011)  
***Koudelka Gypsies.***  
London: Thames & Hudson Ltd.

This is a splendid book and an essential landmark of photography of the last century. Its first publication in Paris was the title *Gitans, fin du voyage* (1975) and received in 1978 the Prix Nadar, a prestigious prize awarded to the best book of photography in France. In 2011, a revised edition, that was edited and enlarged by the author himself, was published. With more than a hundred images -instead of sixty as in the original- it is one of the most impressive and extensive reports on the life of the gypsies in five European countries, realized between 1962 and 1971.

## FURTHER VIEWING...



Nicoara, M. (2011)  
***Our school***  
US / Switzerland /  
Romania, 94 min.

This film follows three Roma children in a rural Transylvanian village who are participants in an initiative to integrate the ethnically segregated Romanian schools. When their school is desegregated, Alin, Benjamin, and Dana set out for the city school, optimistic for education and new friendships, even as funds earmarked for integration are questionably used to build a "Roma-only" school in their village. Their innocent optimism quickly sours when the children met with low expectations and further isolation. Shot over four years, the filmmakers' tender portrait of rural village life and its rhythms fosters an intimacy in the children's profound reality and admiration for their indomitable spirit, punctuated by shocking instances of prejudice and ignorance. Their story touches on issues ranging from institutionalized racism, public education, and the intractability of poverty, culminating in an outrageous finale that cements the Roma children's struggle in the annals of egregious human rights violations. The film is an absorbing, infuriating, and ultimately bittersweet story of tradition and progress.



Kusturica, E. [1988  
(1989)]  
***Dom za vesanje***  
(Time of the Gypsies).  
Yugoslavia, 142 min.

The Gypsies in the Balkans suffered especially with the disintegration of Yugoslavia and the "ethnic cleansing" that took place in Croatia and Bosnia-Herzegovina. The war forced Bosnian Muslim Roma to cross the border with Serbia to other villages where there were already a large community of Orthodox Roma Christians. Half of a million people emigrated to the rest of Europe. In 1999 with the Kosovo War many Gypsies fled to Serbia and from there to Montenegro from where they hoped to reach the Italian coast, the trip to Italy across the Adriatic Sea cost about 1,200 dollars per person. In Serbia, both Gypsies and Kosovo Serbs were considered officially "internally displaced"; this meant that they had to return home indefinitely. Meanwhile, they were not entitled to humanitarian aid, employment or education. The film portrays an exodus ignored by much of the chronicles of the time, through the trip that a young gypsy undertakes, from the lands of the former Yugoslavia to the north of Italy.



Gatlif, T. (1993)  
***Latcho Drom***,  
Documentary.  
France, 103 min

This documentary follows, mainly through music and dance, the gypsy people from its origins in the northwest of India to Spain. In *Latcho Drom*, the director focuses on the ethnic minority that is the gypsy people, taking their music, essential in weddings, baptisms or funerals, as a fundamental formal element to evidence two types of transmission: the one done from generation to generation by oral tradition and the one that a town receives from the place that inhabits successively.

## AFIN NEWS

**Surrogacy debate**

AFIN Research Group and Fundació Dexeus organized a debate in Barcelona the last 1st of June about surrogacy. Several professionals from different disciplines –such as Medicine, Demography, Psychology, Anthropology, or Law– agencies, families built through surrogacy, politicians and policy makers participated at the event.

During the professional presentations, some questions were discussed. For example, if surrogacy could be considered a caring job and consequently could be paid, the effects of different legal frameworks in several countries, the children right to know their origins, if having children is a right or a principle or the medical risks that a surrogate can have and how to avoid them, among other topics.

The participation of families built through surrogacy was very enlightening, especially when 18 years old twins explained their experience as children born through surrogacy, considering themselves like other teenagers who were not born through surrogacy. They were with their mother, who explained the medical reasons that didn't allow her to get a pregnancy, and their father. The debate closed with the participation of politicians and policy makers from different political parties and social movements, with opposite opinions about surrogacy. While some of them pointed out the necessity of regulating surrogacy in Spain, others claim to ban it, not only in Spain but internationally. The debate concluded with the necessity of considering the voiceless: on one hand, the surrogates, in the sense of listening to their opinions, their point of views, their experiences, the conditions under they choose to become surrogates and including them to the public debates about surrogacy; on the other hand, children born through surrogacy, who should have the right of knowing their origin and their own story.

**Cineforum Granada**

The Film Festival "Cines del Sur" (Cinema from the South) talked about international adoption through "A Brand New Life" (2009), directed by Ounie Leconte. The story was based in her own biography as a child brought in an orphanage by her father and adopted by a French family. The film focused on the adopted child point of view, feelings and emotions, sometimes ignored from adultocentric perspectives. Kim Sae-rom, the actress who performed Ounie Leconte as a child, allow us to understand the thoughts about adopted children's everyday life, such as how they experience the arrival to the orphanage, adoption, pain, lost... According to Ounie Leconte, this project was a vital necessity.

The debate after the film was organized by Mariano Hernán García from the *Escuela Andaluza de Salud Pública* together with María Ángeles Prieto, the director of Adoptive and Foster Families and Arantxa Gallego, from Universidad de Granada, AFIN, and AFAM member. Along the debate, participants talked about international adoption, the origins, the feeling towards biological families, children participation in the adoption process, the pain that children suffer because of what it is called "abandonment", blame, anger, loneliness, and how to fix and accept the past to have a healthy life in the present.

