EL COMERCIO sábado 7 de agosto del 2010 Metropolitana a19

Entrevista ELIZABETH BARTHOLET

Esta abogada estadounidense adoptó a dos bebes peruanos en los años 80. Dice que las leyes rígidas han reducido la posibilidad de que otros extranjeros hagan lo mismo

"El Estado monopoliza la adopción"

En noviembre del 2009 Eliza-beth Bartholet, exitosa abogada de Estados Unidos y catedrática de la Universidad de Harvard, se presentó ante la Comisión Interamericana de Derechos Humanos (CIDH) para pedir que se declare que el derecho de los niños más fundamental escrecer en una familia amorosay, porende, que la adopción es un derecho.

Además extgtó que se recono ctera que en países como el Perú Honduras y Guatemala las re glas de imposición de una moratoria sobre las adopciones internacionales, la prohibición de intermediarios privados y otras restricciones sobre la adopción internacional violan el derecho fundamental de los ntños.

¿Cuál fue su interés? ¿Quién es ella? Para Elizabeth, la lucha por este derecho es parte de su historia. En otoño de 1985 ella adoptó a un niño peruano al qu bautizó como Christophe r v dos años después acogió a Michael, otro menor sin hogar. Han pa sado dos décadas y se considera una muter dichosa, pero lament que la adopción internacional es inadaenel Perú.

FICHA

ace 35 años

¿Porquévino al Perúpara ado tara sus niños?

De niña tenía una buena amiga que había crecido en Lima por uesunadreeraelembatador.de EE.UU. Ella llenó mi cabeza con historias sobre las maravillas del Perú: el arte, las rutnas históricas, etc. Así, cuando penséer adoptar, quise hacerlo en un país que me hubtera atraído mucho Además, un colega mío había





nte la CIDH con otros abogados para defender la adopción internacional



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cifra de adopciones interna-Hubo un número crectente de

niños peruanos adoptados por familias foráneas entre los 80 v 1991, año en que se adoptaron a 705 pequeños solo en EE.UU. uego se promulgó una legislarohibición de intermediarios cionalese internacionales.

anosen lastnstituciones y calles, la adopción internacio nal ni siquiera figura como una dopciones internacionas v 36 nacionales aprobó a Secretaría Nacional de Adopciones este año hasta opción. Si los gobiernos quieren preventr la trata y la explotación de niños, deben centrarse en tales males, encarcelando a los res-

la adopción producen el efecto contrario: encarcelan a niños ¿Qué se debe promover para simplificar las adopciones y, a lavez, evitar la explotación?

Se deben cumplir las leves vigen tes que son bastante eficaces: ción restrictiva que incluía una prohíben comprar bebes, exigen el consentimiento de los padres privados. Esto llevó a que en el biológicos antes de la adopción. 2009 apenas hubiera 29 niños y aseguran que los padres adopadoptados en EE.UU. entre na- tivos han sido examinados para versitienen aptitudes.

Interview: Elizabeth Bartholet

This American lawyer adopted two Peruvian babies in the 80s. She says that rigid adoption laws have reduced the possibility that other foreigners can do the same.

"The State Monopolizes Adoption"

By Andres Flores Escudero Saturday, August 7, 2010

In November of 2009. Elizabeth Bartholet, American lawyer and professor at Harvard University, presented a case before the Inter-American Commission on Human Rights (IACHR), asking that the Commission declare that a child's most fundamental right is to grow up in a loving family, and that it follows that adoption is a right.

Bartholet also asked that the Commission recognize that in countries like Peru, Honduras, and Guatemala, restrictions on international adoptions such as the prohibition of private intermediaries, and temporary moratoria on international adoption, violate the fundamental rights of children.

Why is Bartholet interested in adoption? Who is she? The fight for adoption rights is part of Elizabeth's personal history. In the fall of 1985, she adopted a Peruvian boy she named Christopher, and two years later, she adopted Michael. Two decades have passed, and Elizabeth considers herself incredibly fortunate to have been able to parent these boys, but she laments that international adoption has been practically eliminated in Peru.

Why did you come to Peru to adopt your children? When I was a child I had a good friend who had grown up in Lima because her father was the American ambassador. This friend filled my head with stories about the marvels of Peru: the art, the historical ruins.... So, when I decided to adopt, I wanted to adopt children from a country I was drawn to, I thought of Peru. A colleague of mine and his wife had adopted Peruvian twins, so I contacted the lawyer who helped them.

In those years how long did the adoption process take? They told

me that the amount of time it would take was unpredictable, but that the average wait was at least three months. I felt that the process was too long, since most people don't have the liberty of spending so much time away from home and work. I was lucky that my work gave me that flexibility.

Today is it more difficult to adopt a Peruvian child? Yes. Today the state has a legal monopoly on adoption, while in the late 1980s private intermediaries, including lawyers, could facilitate adoptions. The elimination of private intermediaries through almost all of South and Central America in the last decade has resulted in the near elimination of international adoption, as I demonstrated before the IACHR.

By how much have the numbers of international adoption diminished? There were a growing number of Peruvian children being adopted by foreigners between the 1980s and 1991, the year in which Americans alone adopted 705

Peruvian children. Then. restrictive legislation was enacted that prohibited private intermediaries The result was that, in 2009, there were only 29 Peruvian children placed for adoption in the United States.

But weren't the restrictions meant to prevent the trafficking of minors and exploitation? Some people do think that that is the purpose of the restrictive laws. But many of the organizations that promote these laws do so because they think that no international adoptions should take place. If you read the reports by UNICEF about what to do with the millions of orphans living in institutions and on the streets, international adoption isn't even mentioned as an option. Also, if governments really want to prevent the exploitation of children; they should focus on incarcerating those responsible for that exploitation. These recent restrictions on adoption instead incarcerate innocent children in institutions.

What should be done to simplify adoptions and, at the same time, avoid exploitation?

We should enforce the laws against exploitation that are already in place: prohibiting the purchase of babies, requiring that the biological parents give consent before an adoption is arranged. and assuring that the adoptive parents have been examined to make sure they're fit to be parents.

THE RECORD

Name: Elizabeth Bartholet Born: New York, 1940 **Profession**: Professor at Harvard Law School for 33 years Career: Director of Harvard Law School's Child Advocacy Program (CAP), a non-profit whose mission is to advance children's rights and interests, including through both national and international adoption.

THE STATS

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International adoptions (along with 36 national adoptions) that the National Secretary of Adoptions approved this year, as of May 31st.