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Dear Mia,

Please allow me to respond more in-depth to your latest proposal concerning my contribution to ISS' Practical Handbook For Professionals, with the promising title, 'Discovering Illicit Adoption Practices When Searching For Origins'.

When you first officially invited me to write a contribution for this handbook – after I was already informally invited by Hervé – in May of this year, I was very excited about ISS' initiative to publish this handbook.

I would like to emphasize that I still cheer this project very much, I am honored to be one of the authors of such an essential publication in the field of ICA, and I am anxiously looking forward to see the end result.

In this regard I am happy that, after several rounds of critical and constructive review from your side, which has led to significant improvement of the quality of my contribution, we are now pleased with the final version of my contribution.

Reaching the end result before publication, it appears that we still have to take one final hurdle concerning my contribution, namely the text box '[Double Subsidiarity Principle and the Right to Identity](#)'.

Before I will address your latest proposal concerning my text box into detail, I would first like to remind you of some facts.

Since I was officially invited by ISS as an author, I expect that my credentials concerning my academic background and my professional commitment were approved for by ISS.

This means, ISS was informed of the [justification for founding NGO Brazil Baby Affair](#), which is rooted in the [United Nations Convention on the Rights of the Child](#) and the



[European Convention on Human Rights](#) because these international human rights conventions safeguard the human rights to know one's origins and identity.

Consequently, ISS was also informed about [NGO Brazil Baby Affair's Objectives](#) which consist of advocating the full implementation of the [United Nations Convention on the Rights of the Child](#), which puts forward, first and foremost, the children's right to be cared for by his or her parents; accomplishing full realization of the mission and vision of the NGO.

Furthermore, in general, through the professional relationship I have maintained with ISS since 2011, **ISS was also informed about my commitment to the crucial and conditional importance of the subsidiarity principle of article 21.b UNCRC for ICA.**

In addition, more specifically, ISS could also have taken note of my publicly shared stance at the [Hague Talks](#): during the [Q&A](#) I have specifically addressed the importance of the subsidiarity principle of the UNCRC as opposed to the subsidiarity principle of the HC-1993, directly related to the right to identity.

The same goes for my publicly available [BA Thesis](#), which essentially handles about the universality of human rights (UNCRC) versus private law (HC-1993), covering the subsidiarity principle of the UNCRC as an integral part of the repeated, temporarily and illicit removal of the UNCRC from the Acquis Communautaire, favoring the subsidiarity principle of the HC-1993, benefitting the ICA lobby.

During your reviews of my contribution and my subsequent feedback, in combination with our deliberations by telephone, it became apparent to you that the consequences of the double subsidiarity principle for the right to identity form the foundation of my contribution.

Therefore, you helpfully offered me to take this complex issue out of my lines of argumentation and form it into a text box, for which I am very grateful and which I did accordingly.

Thus, you might understand my surprise to receive your feedback on my textbox, stating that this debate not needs to be made in this publication and suggesting that I should summarize the relevance of the double subsidiarity principle for the right to identity in a very brief 100-words explanation.

I created the text box upon your advice, precisely because of the problems which arose with such a very brief explanation!

Additionally, I would like to stress that I am stating merely verifiable facts in my text box, hence the vast number of footnotes. It is clear that anything else is unacceptable and should be corrected or left out of this textbox.

Please note that the number of ratifying State parties to the HC-1993 does not qualify for this kind of rigorous editing, being a verifiable fact not subject to interpretation.

Although you might have been confused because of the terminology countries and State parties, I consider your surprised reaction, focused on the delicate legitimacy deriving from the



relatively low number of HC-1993 ratifying State parties in comparison to the UNCRC, to be illustrative for the argument I am making about my contribution to the handbook, and in particular my text box:

ICA professionals should be informed about (i) the fundamental importance of the UNCRC, in particular regarding article 8 on the right to identity, for ICA, (ii) the possible consequences of applying the HC-1993 subsidiarity principle for the right to identity and (iii) the unlawful situation in the EU, which might result from giving preference to the HC-1993 subsidiarity principle over the UNCRC subsidiarity principle.

It is conceivable that an adult adoptee in family reunion, based on his or her ICA case-file in combination with his or her birth family statements, who was adopted into the EU, questions the legitimacy of his or her adoption based on the double subsidiary principle.

This means that involved organizations and State parties could be challenged for national court and eventually for the European Court of Human Rights and possibly as well for the UN Human Rights Council.

The HC-1993 subsidiarity principle not only endangers the continuity in a child's upbringing and the child's ethnic, religious, cultural and linguistic background, which are considered to be fundamental aspects of a child's identity, it also inherently risks the right of the child to preserve his or her identity, including nationality, name and family relations.

As I explain in my text box '[Double Subsidiarity Principle and the Right to Identity](#)', disregarding the subsidiarity principle of the UNCRC in favor of the HC-1993 is unlawful within the EU and, in analogy with mentioned examples, would represent human rights violations of, inter alia, article 8(1), 20(3) and 21(b) UNCRC.

I was not informed about ISS' institutional stance – as this particular matter, so far, has been unrelated to the professional relationship I have maintained with ISS – which goes against the subsidiarity principle of the UNCRC, nor was I informed that this could implicate and de facto censure my text box on the double subsidiarity principle.

Therefore, I am proposing that ISS drafts a statement, dissociating from my text box on the double subsidiarity principle, informing about ISS' institutional stance, which can be published with my contribution.

Many thanks for your kind understanding – I am looking forward to see my contribution published in the handbook.

Kind regards,

Patrick Noordoven, BA
Founder and Managing Director
NGO Brazil Baby Affair – Researching Informing Tracing – Advocating the Right to Identity