



Child appropriations and irregular adoptions: Activism for the “right to identity,” justice, and reparation in Argentina and Chile

Childhood

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Abstract

In this article we examine the process of construction and transformation of the meanings surrounding the serious violations of the Right to Identity in Argentina and Chile, which encompass from child appropriations during dictatorships to so called “irregular adoptions.” We inquire about how activists have built their public claims of justice and reparation. We discuss the singularities and differences of these processes in both countries and the current challenges, particularly in the construction of those affected as victims of human rights violations.

Keywords

Activism, child appropriation, identity, irregular adoptions, reparation

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Introduction

Worldwide, intercountry adoptions boom (ICA)—associated largely with social conflicts and emergency situations—have historically precipitated grave human rights violations (Gibbons, 2017). The twentieth century produced numerous processes of forced adoptions, including the Australian case known as the Stolen Generation (Murphy, 2011), the case of Guatemala (Posocco, 2011; Rotabi, 2014), Spain’s “stolen babies” (Marre, 2009; San Román and Rotabi, 2019), and Ireland’s “Magdalene Laundries” (McCarthy, 1996). In Latin America—especially the Southern Cone—a critical relationship exists between child appropriations, “irregular adoptive practices,”¹ and dictatorial regimes (Cardarello, 2009; Regueiro, 2013; Villalta, 2010; Villalta and Gesteira, 2019). The political-ideological schemes of the dictatorships of the 1970s and 1980s counted among their objectives the discipline of family and youth (Filc, 1997). Associated repression included the appropriation of children of political activists who were detained-disappeared. During the same era, South America was the second-most active region sending children for ICA (Selman, 2012). These events prompted various political, legislative, institutional, and procedural reforms worldwide, which were embodied in the United Nations Convention on the Rights of the Child [UNCRC] (UN, 1989) and the Hague Convention on Intercountry Adoption (HCCH, 1993). Specifically, UNCRC’s Articles 7 and 8, known as the “Argentinian articles” (O’Donovan, 2002), recognize the importance of the right of adoptees (and all people) to know their origins.

The magnitude of this issue continues to be such that recently, the International Social Service (ISS) published a specialized document on the topic (Baglietto et al., 2016), and the United Nations (2017) developed a thematic report on illegal adoptions that addresses the relationship between this problematic and transitional justice, positing that various states emerging from authoritarian regimes must cope with systematic illegal adoption practices. However, few states have responded to the demands of victims searching for truth, justice, reparation, and guarantees that the process will not be repeated, reflecting a fragmented approach and a pattern of denial (UN, 2017). Among states that have addressed the issue, the majority have done so in response to continuous efforts by civil society, particularly victims’ organizations. The first adoptees’ associations emerged in Europe and the US during the 1970s driven by the negative consequences of the aforementioned ICA boom. In Latin America, those searching for their origins began organizing in the early 2000s, aiming to publicize their grievances, which both resemble and differ from the demands of relatives of children appropriated during dictatorial regimes (Gesteira, 2016).

In this article, we examine the cases of Argentina and Chile from a comparative perspective oriented toward elucidating similarities and differences, considering the cultural, historical, and political particularities of each country. Based on the following questions, we examine how the violation of the Right to Identity has developed in Argentina and Chile in cases of child appropriation and irregular adoptions and what types of activism have emerged: Which social frameworks have allowed for the illumination of certain naturalized practices related to childhood, and for making victims’ demands visible? How has this damage been publicized and thus prompted legislative

actions, new case law, or institutional adjustments, or on the other hand remained confined, unable to become widely known?

The latter has provided new ways of interpreting and denouncing these issues, significantly impacting the political construction of the Right to Identity, transforming these events into crimes against humanity, and enabling new forms of activism by people who claim this right. Likewise, we discuss how the its problematization is influenced by local social values and how it fluctuates according to the socio-political context it is inscribed within; these factors influence the strategies and modalities developed in demanding justice and reparation. First, we analyze the characteristics of processes of justice when confronting the crimes of the dictatorships in each society and the ways in which human rights were (or were not) transformed into a legitimate language of political struggle. Second, we address each society's construction of the Right to Identity and the emergence of new activisms regarding the search for origins. Third, we examine demands for justice and reparation, and lastly, we discuss the principal findings.

Human rights and transitional justice

The dictatorial processes that occurred in the 1970s and 1980s in Argentina and Chile left profound marks on different areas of social life that continue to impact the construction of the problems of the present and point to the existence of a framework of shared historicity. The cultural and legal mechanisms through which each country confronted their dictatorial past contributed differently to the construction of a human rights paradigm and the processes of transition toward democracy, laying the foundations for the rhetoric of human rights to address (or not) other claims and policies of reparation. As argued by Fonseca and Cardarello (1999), human rights mean little in their abstract and decontextualized form since they are a field of disputes and conflicts of interpretation, a product of political and ideological histories in local contexts that can be mobilized and recreated through different types of activity to construct new social categories and demands. In the transitional periods of both countries analyzed, diverse social and political actors, often with opposing agendas and demands, disputed the definition of a new political, institutional, and discursive order. This contributed to the construction of grids of intelligibility that have been used differently by distinct agents to make their demands visible.

In Argentina, the last dictatorship (1976–1983) was marked by the kidnapping and disappearing of approximately 30,000 people, primarily political activists, who were illegally detained in clandestine centers where they were tortured and assassinated. Moreover, it is estimated that around 500 children, those of the activists, were stolen and placed with families different from their birth families. This practice was called “child appropriation” by their birth relatives, particularly by their grandmothers, who in their demand for truth and justice constructed these criminal acts as “political events.” These denunciations occurred early on and were mainly driven by *Abuelas de Plaza de Mayo* (henceforth *Abuelas*), an association that emerged during the dictatorial period and exposed the fact that the members' grandchildren had been treated “as if they were abandoned minors” (Villalta, 2012). In a broader context, in the transitional period, diverse crimes committed during the dictatorship were adjudicated through the national justice system in the paradigmatic “Trial of the Military Juntas.” Therefore, the Argentinian

state assumed a central role in the construction of a policy of remembrance and reparation based on a human rights paradigm that gradually permeated society as a whole, generating an anti-militarist and anti-dictatorial political climate (Franco, 2018) that facilitated the construction of human rights as a public and political arena. However, it was not a one-way path. From 1986 to 1990, the “Impunity Laws” were enacted, following which the military officers previously tried were pardoned, preventing their sentencing for crimes against humanity. These laws were annulled in 2003 by the Kirchner presidency, in coherence with new policies of remembrance, truth, and justice promoted during this period, making way for the demands that the human rights movement had been asserting² (CELS, 2016).

Conversely, in Chile, well before the end of Pinochet’s dictatorship, the Decree Law of Amnesty No. 2191 of April 1978 was issued in the name of “national reconciliation,” covering all perpetrators, accomplices, and abettors of criminal acts during the period of the state of siege from September 11, 1973 through March 10, 1978. This decree followed the Chilean historical tradition of agreeing to amnesty laws to politically foreclose litigations and extinguish the memory of conflict based on the argument that shared impunity is the basis of social peace (Loveman and Lira, 2000) and that silence is a tool of peace-making (Frei, 2020). Although families’ grievances emerged early during the dictatorship, which lasted 17 years (1973–1990), this was not established as a problem for society at large in the post-dictatorial period. On the contrary, the democratic transition during the 1990s maintained civilians and military officers involved in human rights violations as actors in the political arena, exercising a role of guardianship of the dictatorial legacy, impeding public trials for the crimes that had occurred, and diminishing these human rights violations to a “victims’ issue” (Loveman and Lira, 2005). Despite the occurrence of crimes against humanity being extensively proven in the Rettig Report (1991) and the Valech Commission Reports I (2004) and II (2011), and the fact that several emblematic trials were carried out against certain civilians and members of the military responsible for them, in Chile a policy of remembrance ensuring truth, justice, and reparation has not been implemented thus far. Another unique factor that contributed to this situation, linked to the foundational character of the military regime, was the new project for society known as the “Chilean road to neoliberalism” (Gaudichaud, 2015). This continues to operate today through a pact of silence of the political class, and a decisive role does not exist for the Chilean state in the creation of public policy on related matters, resulting in the privatization of the demand of truth and justice for the families directly affected and circumscribing the meaning and scope of human rights issues through patterns of social silence historically rooted in Chilean political culture which are very difficult to reconfigure and disarm (Frei, 2020).

The contrast between these cases contributes to the understanding of how state violence and repressive dictatorial practices were denounced and envisioned as human rights issues in each country. In Argentina, the activism of victims’ relatives allowed for the signification of the crimes committed as violations of human rights, initiating a process of truth and justice supported by the state. In Chile, on the contrary, repressive violence was positioned as a private issue for victim’s families, effectively making the responsibility of the state invisible. The ways in which human rights were constructed based on legitimate and available language in both societies and the labor of human

rights activist with particular forms of confronting the state, as well as the role that this played in the revision of the recent past and the assumption of responsibility, generated differing possibilities for the promotion (or not) of the visibility of other human rights issues, such as the Right to Identity.

Right to identity and search for origins: Legacies and new activisms

Child appropriation in Argentina was a crime that shocked the majority of society, an unexpected circumstance which many undoubtedly considered to be unthinkable (Villalta, 2012). This was a “critical event” (Das, 1995) that introduced disruptions in personal and collective biographies and shaped a new public rhetoric and new political actors that redefined traditional meanings and categories. Although child appropriation is a practice dating back to the military campaigns responsible for the indigenous genocide of the late nineteenth century, it was only following the denunciation and problematization of child appropriation during the last Argentinian dictatorship that the issue was made visible and questioned. Since their emergence in 1977, *Abuelas* developed innovative strategies to question society, attract attention to these cases, and “restore” the identity of these children in order to enable them to know the truth of their origins and birth relatives. Therefore, they transform into key political agents through distinct innovations, which are highlighted by the development of the Right to Identity in the UNCRC (1989), reforms in Argentinian legislation, and the consideration of child appropriation as a crime against humanity and consequently imprescriptible. Today, Argentina is one of few states that expressly prohibits ICA of children born in its territory and maintains the legal concept of “simple” adoption, in which adopted children do not fully sever their link with their birth family (Villalta, 2010). In addition, the legal-political activism of *Abuelas* enabled the emergence of key institutions for the search and restitution of appropriated children. In 1987, the National Bank of Genetic Data was created to carry out DNA tests and determine the parentage of appropriated children; in 1992, the National Commission for the Right to Identity was created, and more recently the Specialized Prosecution Unit for Cases of Child Appropriation during State Terrorism in 2012. Together with this activism, the actions and search policies of *Abuelas* were maintained by diverse and creative communication strategies (e.g. radio and TV spots), as well as cultural, artistic, and sporting events with the Right to Identity as their organizing axis (e.g. Theater for Identity, TV for Identity, Music for Identity), representing a key piece of the social awareness-raising and questioning of the situations of youth searching for their origins (Diz, 2018). Thanks to these legal-political and discursive strategies regarding child appropriation, *Abuelas* has achieved the restitution of identity of 130 grandchildren from 1977 to the present. However, their public demand and role in the development of the Right to Identity transcended their initial objectives, generating new interpretive principles for understanding childhood, identity, and family. Their complains of children being treated as “things” or “spoils of war” (Nosiglia, 1985) allowed for the questioning of socially accepted practices such as the false registration of children as one’s own and the concealment of their identity.

The question of identity sowed in Argentinian society made it possible for many people to begin questioning their origins and organizing themselves to make their claims

public (Gesteira, 2016). This is how organizations such as “Who We Are” (*Quiénes Somos*, 2002) and “Birth Root” (*Raíz Natal*, 2003) were created, and more recently at least seven additional organizations and numerous virtual groups have formed, who estimate that approximately three million people were adopted in a fraudulent manner in Argentina. Based on their own inquiries, many activists are certain that they were “sold” and recount that their adoptive families systematically denied them information about their origins. More recently, women searching for their children have begun approaching these organizations reporting that their children were put up for adoption or stolen. Based on their accounts and denunciations, it has been possible to reconstruct a storyline composed of multiple actors—religious, medical, administrative, and legal—who for decades enabled, maintained, and legitimized these practices of concealment and substitution of identity. In addition, it has been confirmed that, in many cases, doctors and midwives were involved in cases of child appropriation during the dictatorship and were also linked to irregular adoptions and child trafficking (Villalta, 2012). The majority of Argentinian activists concur in defining the struggle of *Abuelas* as a “legacy,” recognizing the foundational character of their call to action and the enormous labor of installing the claim for identity within a human rights agenda. However, the relationship that they maintain is ambivalent, as their demands are similar in some ways, but different in others. While some of these associations question the fact that identity policies have been limited to the dictatorial period, *Abuelas* defends the singularity of their claim of children appropriated during the dictatorship and seldom fosters alliances with these new activists. Nonetheless, as recent cases have documented, the development of this grid of intelligibility has served to denounce diverse “practices of coercive circulation of children” (Villalta and Gesteira, 2019).³

In Chile, the crime of child appropriation during the dictatorial period (1973–1990) was observed to a far lesser extent than in Argentina. There are records of nine women detained and disappeared while pregnant, but no certainty exists regarding the occurrence of any such births or, if they did occur, what the children’s whereabouts might be (De Lorenzi et al., 2019). The sole exception is the landmark case of Tamara Callejas, the daughter of disappeared Chilean activists who was illegally adopted and discovered her biological identity as an adult. However, Chile was an active participant in the global ICA circuit during the Pinochet dictatorship. Selman (2012) identifies Chile as one of the top six countries sending children for ICA in the period from 1980 to 1989, which coincides with the statistics provided by international adoption centers.⁴ Nevertheless, the phenomenon known locally as “irregular adoptions” (Salvo Agoglia and Alfaro Monsalve, 2019) remained suppressed for decades and only became visible very recently. In 2014, numerous denunciations of irregular adoptions came to light that occurred during the 1970s and 1980s, known collectively as the “Joannon Case.” The public visibility of this case in the local and international press established the existence of a network formed by diverse operators. This caused a wave of new denunciations by 1000s of people with doubts about their origins and poor women and/or those from rural zones who claimed that their children were stolen to be put up for adoption. The *modus operandi* consisted of either informing mothers that their babies had been stillborn, or convincing them that the best option for their children was to give them away to “good families” that would adopt them. Usually, various strategies of persuasion or deception on the part of

the “recruiters” were used, including religious figures, social workers, and healthcare professionals who played key roles in approaching birth mothers in hospitals, nurseries, children’s homes, and other social institutions (Alfaro Monsalve, 2018). Although it is almost impossible to estimate the magnitude of this issue, according to Chile’s National Institute of Human Rights (INDH), in terms of children who were adopted both domestically and internationally (in Sweden, Italy, France, the United States, and Holland, among others), there are 3000 denunciations of irregular adoptions in Chile from the period 1950–2000, including periods both before and after the dictatorship, in addition to 1000s of ongoing legal cases. This figure is increasing as new victims both in Chile and abroad have begun to make denunciations, and activists estimate a figure of nearly 20,000 cases. Activism in this area began in 2014 with the media outbreak of the aforementioned Joannon Case, boosting the public visibility of the issue and the construction of new political narratives about “irregular adoptions” and child trafficking in Chile. That year, the first organizations were formed, including the NGO *Nos Buscamos* (“We Are Looking for Each Other”) and the group *Hijos y Madres del Silencio* (“Children and Mothers of Silence”) and more recently the association *Chilean Adoptees Worldwide* was created. Initially, both *Nos Buscamos* and *Hijos y Madres del Silencio* positioned themselves within a human rights rhetoric, expanding the idea of the Right to Identity with the mission of socially and politically denouncing the network of child trafficking in Chile, accommodating those affected, and supporting searches for and meetings between birth relatives, calling for restitution for this violated right.

In the case of Vietnamese adoptees, Cherot (2009) argues that autobiographical stories can be a form of activism because they tap into moral understandings of the world. This way, activist and narrative examinations can become part of an interpretive process integrating past, present, and future events. Similarly, activists in both countries produce search narratives (Gesteira, 2016) in which they struggle to create new meanings regarding the Right to Identity and demand policies that will allow them to find information on their origins. As in other parts of the world, they generically refer to themselves as “searchers.” Nevertheless, multiple terms exist with which they also identify themselves, including “falsely registered,” “substituted,” and/or “appropriated.” The debate over how to term these practices and what to call themselves form part of the process of production of this social and political issue and its new frameworks of intelligibility. In Argentina, activism on the search for origins take up the rhetoric and technologies of demonstrators from the human rights movement in order to question society regarding the responsibility of the state in these occurrences and the importance of knowing one’s biological origins. In so doing, they reopen the discursive platform constructed by *Abuelas* and, at the same time, resignify it through the incorporation of other terms related to the notion of identity such as “of origin,” “biological,” or “true” (Gesteira, 2016). Accordingly, they demand the protection of and access to the archives of the civil registry and hospitals, as well as laws that safeguard their searches, the creation of public advisory offices, and access to a free and public DNA bank. Through these efforts, they seek to expand the meanings associated with the Right to Identity so it is not restricted to the theft of children during the military dictatorship and can include other practices that have violated this right, such as the coercive separation of children from their family

environment, the concealment of children's identity, false registration of parentage, or stolen.

In both cases analyzed, efforts exist to resituate a problem that has traditionally been considered as private and intimate and frame it as a human rights issue (Gesteira, 2016). However, the relationship between activism about the search for origins and the culture of rights in Chile is ambivalent, as the rhetoric of human rights is limited to the political activism of the left (Caldeira, 2007). As a result, issues conceptualized as "human rights" lose their referentiality as a societal construction and are positioned from within a particular political culture. Thus, the fragmentations between Chilean groups in terms of their strategies and forms of activism are strongly linked to the idea of politicization that human rights in general entail. Consequently, the problematization of the Right to Identity in both countries is inscribed within a wider debate not exempt from conflicts and tensions with the human rights paradigm. This is demonstrated by the differential use that activists make of the notion of human rights. Initially, Chilean activists invoked a discourse of rights to construct their claim and legitimize their search; subsequently, some, such as the NGO *Nos Buscamos*, moved on from that semantic field to invoke more emotional repertoires such as achieving "meetings" between birth relatives, strategically opting not to situate their searches for origins in the area of demands for human rights, which are often associated with other groups of relatives of victims of the dictatorship.⁵ Meanwhile, although the "legacy" and potential rhetoric of *Abuelas* has been a central resource for enabling other searches for identity and new activism in Argentina, it has also operated by asserting the singular and unique character of the appropriation of the grandchildren of its members, restricting the possibility of extending state policies toward those who seek information about their origins but do not identify as victims of the dictatorship.

Demands for justice and reparation policies

At the international level, several organisms propose that in cases of systematic illegal adoptions, states must guarantee victims reparation through symbolic as well as material measures, including the right to know the truth, accountability and redress, and guarantees of non-repetition through necessary legislative, the provision of support for those who wish to know their origins, as well as efficacious participation in the design and application of measures tending toward full reparation (UN, 2017). In both countries analyzed, the demand for policies of truth, justice, and reparation have been diverse in their form, scope, and results. We have noted diverse discursive positionings with regard to being a "victim" of a violation constructed within the field of human rights, as well as the multiple meanings acquired by "reparatory," in other words, that which those affected as victims identify, require, and demand as reparation (Lira, 2010). For decades, 1000s of people affected by these actions kept their situations hidden, as an effect of policies and practices of silencing, concealment, and denial of the truth, as well as the secrets, stigmas, and conflicts of loyalty traditionally associated with adoption. Such policies and practices, habitually justified by a salvationist attitude, unparented, and relocated children whose families were considered, for diverse reasons, to be unsuitable, instead parenting them with families considered adequate, who were both residents and foreigners

to the countries analyzed. This occurred especially frequently during dictatorial periods, but also before and after. Thus, a powerful machinery was set in motion that was extremely difficult to dismantle, one which was erected over a network of pre-existing and “naturalized” relations and social practices related to Christian charity, abandonment, and adoption, interwoven with particular notions of gender, social class, parentage, and identity (Alfaro, 2018; Cardarelli, 2009; Jelin, 2002), as well as the extremes of inequality embedded in the interconnections of a politically and economically globalized world with an imbalance between North and South and the latter’s position of subalterity (Leinaweaver and Fonseca, 2007; Marre and Briggs, 2009).

In view of this, in the first place, the moral and subjective dimension of reparation has been situated fundamentally in “breaking the silences” through making the issue publicly visible. Therefore, the experience itself of associating and organizing with others who have suffered similar predicaments has allowed those affected to recognize themselves as victims and, at the same time, as agents of a real and legitimate demand. More recently, new subjects are finding “their voice as political actors” (Fonseca, 2009), particularly women who began publicly denouncing that their newborn children were robbed to be placed in adoption and identifying as victims of multiple forms of state violence directed toward poor women.⁶ Moreover, to ensure that their claims are rendered in political terms, Argentinian and Chilean activists have developed technical and emotional knowledge of searches for origins and accompanied and guided 100s of people. Thus, in pursuit of making their claims heard and generating reparatory policies, they have questioned their respective states in various manners.

The actions carried out in Argentina include the development of legislative projects for the creation of institutions to aid searchers. In 2014, for example, a legislative national bill known as “Right to Identity of Origin and Biological Identity” (No 3,466D) was formulated, in which nearly all the organizations participated (Gesteira, 2016). Although the bill has not yet been passed, at the provincial level it has been possible to enact various laws and create programs under the authority of human rights to guide and accompany searches for origins. In addition, diverse artistic and cultural strategies and manifestations have been developed—documentaries including *Nacidos Vivos* (*Born Alive*, 2014), directed by Alejandra Perdomo, and *Secreto a Voces* (*Open Secret*, 2018), directed by Misael Bustos, as well as the artistic exhibition “De eso no se habla” (*That Isn’t Spoken About*) by Claudia Raimondo, among others—which have allowed the problem to take form as a recognized issue and the suffering of those affected to be narrated, performed, and organized, joining them together as a collective. Even though the activists maintain that this is not enough, these examples constitute a sample of the visibility that the problem has acquired. Meanwhile, in Chile, the activism of *Hijos y Madres del Silencio*-HyMS (“Children of Mothers of Silence”) has promoted a public demand for truth, justice, and reparation through diverse strategies of visibility, advocacy, research, and support directed toward diverse political and institutional actors and government bodies (ministries, policymakers, public services, parliament, etc.) and civil authorities. In our fieldwork, we have observed creative strategies and mechanisms self-managed by HyMS such as the use of “search boxes” on social media, the coordination of large, periodic assemblies with activists, the administering of DNA kits, and the broadcast of a weekly radio program, among others. In addition, this group has accompanied 100s of

searches for origins, which face multiple institutional and bureaucratic obstacles. Likewise, HyMS has built alliances with similar international organizations, especially in Argentina, strengthening their place in international activism. In November 2018, the first special commission was formed in the Chilean Congress to clarify the reality of irregular adoption in Chile and determine state policies of justice and reparation (Salvo Agolia and Alfaro Monsalve, 2019). The final report of this commission established the need to create a Commission of Truth and Reparation in order to elucidate these cases, create a public DNA bank of genetic fingerprints, endow greater funding to related processes of legal investigation, and strengthen coordination between public and private organizations. Thanks to this activism, important achievements have been made. However, a high degree of fragmentation among these organizations is evident, which limits the assertion of a shared claim that would challenge society as a whole.

At the state level, the demands of these victims go unheeded in both countries, as they lack comprehensive public policies for recognition and reparation of these painful issues. Neither government has undertaken symbolic forms of reparation, such as public apologies in which these actions are recognized as they actually occurred, nor have material forms of reparation been implemented in either country, both of which exhibit a scarcity of state resources dedicated to address this issue. Although the Argentinian case has been highlighted as an example of policies oriented toward justice and reparation for child appropriation (UN, 2017), in the case of new demands for violation of the Right to Identity, the naturalization of social and gender inequalities appears to still generate suspicion toward those who seek to know their origins. As a result, although these activists self-define as victims within their collectives, in the public and social space they have not reached the point of being considered “victims” of the violation of a fundamental human right—that is, as legitimate figures of suffering and representation in a manner that would see reparations for their conditions on the part of the state. This is likely because in both Argentina and Chile, this category has been monopolized by the victims of the most recent dictatorships and the activism of their relatives (Pita and Pereyra, 2020). In effect, the figure of the victim or their condition is not given as fact, but rather “produced” socially (Lefranc and Mathieu, 2009), which reveals the complex struggles in which it is enveloped, the pluralities, ambiguities, and paradoxes that constitute it (Gatti, 2017), as well as the fact that, even if achieving this status, the legitimacy of certain groups of victims can differ in standing and hierarchy. This increases the invisibility of their demand for justice and reparation and, consequently, impedes the possibility of designing specialized reparatory policies. In this sense, it follows that in the cited UN (2017) report, Argentina would be considered a country on the vanguard of addressing the child appropriation associated with *Abuelas*, while new demands in relation to the Right to Identity go entirely unrecognized. Meanwhile, the Chilean case is not mentioned in said report, which could point to the limited and recent visibility of this issue at the international level. Thus, those affected are scarcely envisioned as victims of human rights abuse, but rather as objects of an erroneous humanitarian act, as their adoption, in spite of everything, represented a “benefit” for them. In consequence, irregular adoptions are seldom investigated, and those responsible are not prosecuted. Aside from rare exceptions in Argentina involving those who arranged for children to be surrendered or falsely registered them as their own (Gesteira, 2016; Villalta and Gesteira, 2019). In both

countries, many cases have been declared prescribed, and those responsible have been absolved.

Discussion and conclusions

The inquiry into the ways in which child appropriation and irregular adoptions have been constructed as issues points to the fact that these processes are closely linked to the ways in which Argentinian and Chilean society have coped with their dictatorial past, traversed the post-dictatorial stage, and orchestrated distinct forms of transitional justice. In Argentina, the process of remembrance, truth, and justice began when the dictatorship came to an end and the human rights movement questioned the state, gaining significant legislative and institutional achievements; in Chile, despite the activism of some victims' groups and the public denunciation of dictatorial crimes, no mechanisms have been developed aimed at prosecuting and convicting those responsible for such cases as a whole. The differing characteristics of these processes strongly influenced the ways in which distinct types of activists denounced the practices of child appropriation and irregular adoptions, which was strongly linked to the political cultures of both societies and the ways in which they made use (or not) of a human rights approach as a grid of intelligibility to make their demands visible.

In Argentina, the legal-political strategies deployed by *Abuelas* have been fertile ground for the emergence of new demands concerning access to origins and the Right to Identity, promoting new legislation on adoption and important judicial achievements, including that the substitution of identity has come to be considered imprescriptible as long as the crime continues to be committed. However, this has not led to public policies being set in motion that would give new seeking their origins access to comprehensive government support. In the case of Chile, although the guidelines have been followed regarding the subsidiarity of ICA, privileging domestic adoptions, legislation on the matter of adoption does not protect the Right to Identity, maintaining the figure of full adoption. Furthermore, during the past decade, situations in which children enter the condition of "adoptability" for reasons such as "parental inability" have increased, with distinct state operators defining this separation, which has led to the strong problematization of new forms of violence directed at birth families. More recently, in May 2020, another child-trafficking case was denounced in southern Chile, resulting in a criminal investigation in which the Children's Ombudsperson and other organizations have taken part.

In effect, as can be documented in both countries—before, during, and even following the dictatorships—numerous irregular adoption practices have been developed which, based on discourses of eugenics, hygiene, and rescue, and appealing to the categories of "abandonment" and "risk," have justified practices of vertical transfer of children and the erasure of their identity (Marre and Briggs, 2009). Thus, the formation of the issue of Right to Identity and the denunciation of irregular adoptions as violations of this right has involved questioning long-standing, socially tolerated practices anchored in classist, patriarchal, and paternalistic notions and intertwined with gender inequality, which have been targeted at children and families from vulnerable groups. Therefore, beyond the efforts of activists to denounce these practices, lingering suspicion toward their origin families and especially toward their mothers, who are traditionally labeled as bad, unfit

parents, has precluded the practices from being constructed as “intolerable” (Bourdelaïs and Fassin, 2005). Due to the overlap of concealment of identity and irregular adoptions with a particular moral hierarchy that has historically encouraged processes of social differentiation of children and families, such practices have not yet crossed the threshold of no longer being tolerated. The attempt to inscribe this demand within the framework of human rights is hindered in large measure, then, by the class origin of the families of those children, today adults, and by a salvationist rhetoric that continues to operate and to impede the construction of a claim that could be universalized. This being the case, the differentiation of the intolerable—as framed by Fassin (2018)—undermines the universality of rights. For this reason, in both nations, reparatory policies are far from being a reality for those who have seen their right to know their biological origins violated and recognized themselves as victims of fraudulent adoptions. Even though activists seek to legitimize their demand as the violation of human rights and the state is called upon to guarantee mechanisms to prevent these violations from occurring again, their materialization will remain merely a wish as long as those affected are not publicly and socially recognized as “victims.” Therefore, it is imperative to recognize past wrongs and undertake reparations in order to begin redressing the harms done to the victims as markers for present and future policies and practices.

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Notes

1. In this article we use the notions of “irregular adoptive practices” or “irregular adoptions” to name those practices that simulate a legal adoption, using fraudulent or “irregular” mechanisms, making false registrations of children or lacking official records and documentation that accredits adoption. Furthermore, in Chile, it has been an emic term initially used by activists and the media. When we use “illegal adoptions,” we refer to the term commonly used by international organizations such as UN and ISS.
2. For example, trials for crimes against humanity and recuperation of clandestine torture centers as spaces of remembrance, as well as systematic support for the work of finding grandchildren undertaken by Abuelas.
3. Following Lallemand (1993) and Fonseca (2002), we call the coercive circulation practices of children those by which they can circulate between different social groups, but even

consensually by their mothers and not mediating money, originated in coercive contexts (Salvo Agoglia and Alfaro Monsalve, 2019; Villalta and Gesteira, 2019).

4. The organization *Adoptionscentrum* recorded 2000 Chilean children adopted in Sweden 1975–1989.
5. This NGO primarily brings together victims of the “Joannon Case,” in which the social profile of the birth mothers, who surrendered their children under pressure from their parents, was middle or high class; in the majority of these instances, it is the children who are searching.
6. Two groups were recently formed in Argentina: *Madres en Búsqueda* (Mothers in Search) and *Madres por la Verdad* (Mothers in Truth) (2017). In Chile, the group HyMS bases its actions on the active participation of birth families -especially birth mothers- seeking a child.

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