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EDITORIAL

Internet-based listings: An ethical and effective measure for children awaiting adoption?

Often faced with questions relating to the mechanisms available to States to fight against the violation of children's rights through internet-based listing systems for children awaiting adoption, the ISS/IRC hereby wishes to address, question and raise the conditions under which this practice could be used to respond adequately and carefully to the needs of children.

The development of websites featuring children for adoptive families is a relatively recent phenomenon. The first ones were created in the U.S.A. in 1994, in Canada in 1997, and in the Russian Federation in 2005. Nowadays, the listing of children is used as a measure in the recruitment strategy, and in order to maximise the opportunities in the search for families for children awaiting adoption. This kind of resource is used worldwide, but unfortunately, the regulation and control of these websites is often insufficient, thereby facilitating deviation and the use of children's pictures for unethical practices.

Different practices for different aims

As a first point, a clear distinction has to be drawn between official websites controlled by competent authorities, and the websites of adoption agencies, which use photo-listing as a way to promote their activities. The first attempts, in North America, to publicly offer children in need of adoption, were seen as a means to address the lack of applicants for the domestic adoption of special needs children. Nowadays, some countries of origin are proposing, via their websites, anonymous profiles of children, in order to find parents willing to adopt them. In this case, children can never be identified (no name, no picture), and only their personal history and medical status is presented. Subsequently, a proper matching will be carried out, without guarantee for the applicants.

Even though they are today less frequent, photo-listings on the websites of adoption agencies are of a complete different nature and are to be banned.

Risks and discrimination in the selection of a child

Some adoption agencies use a terminology, photographs and other means to promote children as an object of desire. There are cases, in which prospective adoptive parents are allowed to select a child based on her or his appearance, thereby neglecting the child's real needs. Such practices violate the children's privacy, and may lead to a misuse of these pictures. It has also been reported that, in some cases, the visitors of websites may have access to personal profiles, multimedia video and/or audio clips, upon a payment by credit card, thereby transforming the child into a mere product. Furthermore, by inserting the cost of the adoption procedure below the picture, the adoption procedure is perceived as merchandise, and/or as a trade. On some adoption agencies' listings, it is easy to find an advertisement for a child with a physical disability, with, below his/her picture, the cost of the child's adoption. This leads to possible

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comparisons between the adoption costs of healthy and disabled children – the costs of the adoption of healthy children being much higher. Such discrimination must be prevented, and therefore be the object of urgently needed control by the competent authorities. The Convention on the Rights of Persons with Disabilities has special provisions prohibiting discriminatory attitudes, and these provisions should be respected by the adoption agencies.

Positive aspects of listing programmes under strict regulations

Organised ethically, listing websites may be considered a tool in helping children to find a family and to promote the adoption of children with special needs. In some circumstances, the latter may not considered for adoption by most applicants, and may suffer from a lack of opportunities in finding an adoptive family. From this perspective, the internet could be a vehicle to promote their adoption. The listing system could be useful in reducing the discrimination, which these children may suffer from on a daily basis. Furthermore, it could raise the awareness of prospective adoptive parents, by allowing them to access profiles of children in need of adoption, under strict conditions. However, their use should not be allowed without the adequate legislative measures guiding the implementation and operation of such mechanisms.

Today, countries are issuing specialised legislation in relation to the advertisement of children for adoption; this measure is considered an important tool in the protection against the use of the media and the internet in a negative fashion. New South Wales (*Adoption Act 2000*, ss. 178-179) and Queensland (*Adoption of Children Act 1964*, s. 44) in Australia; British Columbia (*Adoption Act 1996*, s. 85) in Canada; New Zealand (*Adoption Act 1955*, s. 27 and art. 26) and the United Kingdom (*Adoption and Children Act 2002*, ss. 123-124) are examples of countries, which have developed specific provisions, which could be used as a reference in the protection of abuses against children, caused by the use of internet.

Brazil could be another example in the change of attitudes. In 1996, it was still possible to choose a child on the internet, based on a programme which was promoted by the Court of Justice of Rio de Janeiro. The prospective adoptive parents used to have access to a special programme, provided in three languages, with the possibility of accessing the profile and pictures of children. This programme is no longer available, and the access to profiles of children awaiting adoption is now restricted. Now, only judges and authorised personnel from the judicial authorities have access to private information about a child.

Recommendations for the use of listings

Considering their potential advantages, listing programmes should not be seen as a purely negative means. It has proved to help reduce the number of children awaiting adoption, especially children with special needs. However, it should always be used in a way, which does not violate the children's privacy and rights. The ethical use of listings is not an easy task, but it should be strictly framed. As a principle, listings shall only be prepared and managed by competent authorities and never by private agencies, unless there are duly authorised as official partners. Among ethical measures, agencies, prospective adoptive parents, Governments and NGOs should avoid discriminatory advertisements, and always take into account the child's vulnerability. The implementation of specific legislation is also essential. The Convention on the Rights of the Child, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, as well as the Convention on the Rights of Persons with Disabilities, provide useful provisions to protect the privacy and identity of the child, and to protect him against non-discriminatory attitudes.

The ISS/IRC team

Sources: 'Websites featuring children waiting for adoption: a cross-country review', Madelyn Freundlich, Sarah Gerstenzang and Meredith Holtan, *Adoption & Fostering*, Vol. 31, N° 2, United Kingdom, Summer 2007; 'Finding families on the web: Be My Parent goes online in the UK', Mo O'Reilly. *Adoption & Fostering*, Vol. 31, N° 2, UK, Summer 2007; 'Intercountry adoption on the internet', Shihning Chou, Kevin Browne and Melanie Kirkaldy, *Adoption & Fostering*, Vol. 31, N° 2, UK, Summer 2007; 'Les orphelins de Rio présentés sur internet', *Le Nouveau Quotidien*, 29 June 1996 ; 'Adoption sur catalogue: le danger d'Internet', Jean-François Mattei, France, 1996.

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