

Geneva 13 February 2017

Superstar adoptions: Truly super?

Further to current issues being raised by the adoption of children by superstars, ISS wishes to recall the basic ethical and international standards which should safeguard the rights of the adopted child. ISS would like to ensure that all adoptions are “super” for the child. Superstars are in a unique position to reflect (or not) ethical practices, leading by example.

Truly super according to international standards?

Intercountry adoption is governed by article 21 of the Convention on the Rights of the Child and 1993 Hague Convention. This CRC – which is of a binding nature - has been ratified by all countries in the world, except the USA, and the principles it entails therefore ought to be applied throughout the adoption process. The text emphasises that the best interests of the child shall be the paramount consideration in all adoption procedures. In practice, this means that the child’s interests must take precedence over any other interests - truly super for the particular child.

Truly super in practice?

In practical terms, priority must go to allowing children to be raised in their own family, i.e. remain with birth parents or extended family. Only if all measures designed to ensure this have failed, should alternative care be considered. In that case, permanent solutions, such as domestic adoption, are strongly preferred over temporary solutions. Furthermore, within this range of measures, national solutions should be sought in the first place, and intercountry adoption only be considered if all other measures have been properly considered by competent and professional bodies.

One must not forget the controversy surrounding the birth parent’s possible lack of consent to adoption by certain superstars. Regrettably such conflicts of interests, even at times fuelled by illicit practices, are widespread as noted in ISS’ *Grey Zones of Intercountry Adoption* (2012) with often devastating consequences as documented in ISS’ [Responding to Illegal Adoptions – A professional handbook](#). In many cases adoptions are being undertaken in an environment conducive to illicit practices, due to weak child protection frameworks etc. as outlined by the UN Special Rapporteur on the sale of children, child prostitution and child pornography in her [2017 report on illegal adoptions](#) (see article XXX) and/or driven by politics as recently ruled by [the European Court of Human Rights in its judgment against Russia](#) (see article XXX). Not at all super for the child.

Ensuring that adoptions are truly super

In the current context of intercountry adoption, the wish to adopt often hides the real needs of children. The great majority of children living in residential care institutions are not truly orphans. This perception is even worsened further as the number of prospective adoptive parents wishing to adopt outbalances significantly the number of children in need of adoption in the countries of origin. Even though the wish to adopt results from a good intention, one must bear in mind that adoption will not always benefit every child and that a child’s situation must be assessed comprehensively and on a case-by-case basis. One should keep in mind at all times that adoption is to be seen as a suitable solution to children in need of parental care, before being a way for potential parents to fulfil their desire for children.

States therefore have a responsibility in ensuring that adoption proceedings between two countries respect international standards, in particular that prospective adoptive parents have been found suitable, well prepared, that the matching is in the best interests of the child and that proper follow-up will be

carried out. The economic situation of prospective adoptive parents especially that of superstars, should not be the paramount consideration.

We need to keep the best interests of the child at the centre of our decisions - ensuring that the outcomes for each child are truly super now and into adulthood. This is not only true in adoption matters, but particularly relevant in [international surrogacy arrangements](#) – as we see an increasing number of superstars becoming involved – where the CRC Committee has noted that the lack of regulation results in the sale of children. ISS is committed to working with actors including superstars to ensure that we leave children a legacy to be proud of.

For further information, please contact :
International Social Service – General Secretariat
32 Quai du Seujet
1201 Geneva
Switzerland
Tel : +41 22 906 77 00
Fax : +41 22 906 77 01
E-mail : irc-cir@iss-ssi.org