

**The “Madonna Adoption Case”:
A statement by International Social Service**

Geneva, 17 October 2006

Further to current issues being raised by the adoption of a child from Malawi by the pop-singer Madonna, ISS wishes to remind the basic ethical and international standards which should safeguard the rights of the adopted child.

Inter-country adoption is governed by article 21 of the Convention on the Rights of the Child. This Convention – which is of a binding nature - has been ratified by all countries in the world, except Somalia and 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.

In practical terms, priority must go to allowing children to be raised in their own family, i.e. staying with the 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 inter-country adoption only be considered if all other measures have been properly considered by competent and professional bodies.

In the current context of inter-country adoption, the wish to adopt often hides the real needs of children. This perception is even worsened further as the number of candidates 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, that the matching is in the best interests of the child and that proper follow-up will be carried out.

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