International Social Service and Network

Joint Submission to UN Committee on the Rights of the Child DGD 2014: Digital Media and Children's Rights

Introduction[1]

The use of digital media can duly create opportunities for respecting children's rights better, yet likewise breaches of these same rights. This is especially true in adoption matters where there can be advertising of adoptable children's profiles which can facilitate to some degree the matching process but can also lead to questionable practices such as offering of discounts for children with special needs or "re-homing"[2] where there is an adoption breakdown. A myriad of ethical questions arise, linked to privacy and lack of regulation, potentially resulting in the exploitation and sale of children as commodities.

Likewise, the use of digital media is widespread when adoptees access information about his or her origins. With the proliferation of new technologies, particularly the expansion of social networks, such as Facebook, Twitter, Instagram or Snapchat, the research of origins similarly faces the effects of this double edged sword. The Evan B Donaldson Adoption Institute *Untangling the Web* (Dec 2012) notes "there are also many sites that facilitate such connections. A google search of "adoption search" yields over 13 million results. Many of the online search services and supports are free or low cost, often staffed by people with personal connections to adoptions."[3]

This briefing note is based on International Social Service's (ISS)[4] work on research of origins, one of its core activities and endeavours to provide:

1. Direction to CRC Committee and other DGD attendants about better safeguarding children's rights with respect to Digital Media, specifically in research of origins (DGD objectives 1 and 2)
2. Concrete examples of how these rights can be implemented through promising practices (DGD objective 3)

Digital media: opportunities

Social media can positively assist in the research of origins, especially "useful in two ways. Firstly, post contact: in building and maintaining relationship and secondly when there is no contact: for gleaning information such as photos in the absence of any relationship. It is most useful when it is used observing all the standard contact and reunion etiquette... We can also see from this research though that many more people accept an ongoing relationship through social media that they would not manage or even tolerate in real life, particularly with extended birth family. Therefore we can learn that with cautionary

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advice and encouragement clients can make use of this incredible tool to ensure they do not lose touch with newly found family which can give comfort to birth mothers and can heal wounds for both parties." [5]

> *"Social networking sites do have the potential to be very useful and invaluable in searching for and maintaining contact with birth relatives. My birth Mother moved to Australia ... I did however manage to see my brother and sister through Facebook although I could never contact them and without this I would have never been able to find out what they look like."* [6]

Digital Media: dangers and risks

These developments may also complicate the steps taken by those searching for their origins, or on the contrary, dangerously simplify them. When a meeting between an adoptee and his or her biological parents occurs through social networks, without any intermediary, unfortunate situations may arise, such as the adoptee may be subjected to pressure by the family of origin in order to obtain money or hurt by some truths publicised for all to see.

These risks are due, in particular, to the total absence of professional support, prior preparation of those involved, or protection of the privacy and confidentiality of personal data. By initiating direct contact with the sought-after parent, the adoptee may jeopardise for instance the biological mother's safety and physical integrity, due to religious, cultural or incidental aspects. Indeed, the mother may have hidden the existence of this child to her family and social environment, and may have rebuilt her life, or her new partner may be opposed to any contact.

When faced with these risks, States find themselves a little destitute. The establishment of a system of control of social networks is indeed totally illusory and impossible. Only sanctions may be decided for violations of the confidentiality of some data. On this point, the State of Western Australia acknowledges, that even though its law condemns the violation of confidentiality clauses, proceedings in this regard are very rare. Thus, it appears that the only responses that may be offered are the following: prevention, information awareness-raising and education. The duty of States and professionals can consist in raising the awareness of adoptive parents during their preparation (Belgium, Norway, Portugal) or during the interviews prior to the search for origins (New Zealand, the Netherlands). Specific counselling sessions on research of origins exists in Tasmania including use of social media as one means available.

> **Promising practice – official warning to adoption community, Canada**
> In Quebec, as well as in Sweden, the Central Adoption Authority warns the concerned persons about the risks linked to personal initiatives, by publishing recommendations relating to this issue on its website. [7] Furthermore, it informs the latter that any attempt to directly contact the sought-after parent may entail difficulties, if the latter does not expect it, if there is a mistake as to his or her identity, if he/she is not prepared for it or if he/she has not expressed his or her consent to the reunion.

Digital Media: Transforming dangers into opportunities

Nonetheless, the majority of countries have so far, not adopted any regulations or guidelines in this regard. The professionals and affected persons therefore try to develop their own strategy to face this phenomenon, which they are overwhelmed with. Faced with the distress of many parents and social workers, two guides[8] have been published by the British Association for Adoption and Fostering (BAAF). The first one is directed at adoptive parents, and is designed to prepare them and their children to the use

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[5] Jane Adams, In Your Face – Social Media and Adoption Search and Reunion, Post Adoption Resource Centre, 2012 at 9

[6] Jane Adams, *op cit* at 7

[7] See « Informations destinées aux personnes adoptées à l'étranger à la recherche de leurs origines » available at http://www.adoption.gouv.qc.ca/download.php?f=d12b42e0fedc4f91ea363cfb1c05fd88.

[8] Eileen Fursland, Social Networking and Contact : How social workers can help adoptive families, BAAF, 2010 and Eileen Fursland, Facing up to Facebook, A survival guide for adoptive families, BAAF, 2010

of social networks. The second one is aimed at social workers, in order for the latter to be able to help the families in the appropriate use of these networks, and to warn them in relation to its potential consequences, in particular with regards to the initiation of contact with or by the biological parents.

> **Checklist - preparing the adopted child/person for a search of origins**
> Adopted child/person with professional help should:
> - *implement privacy settings on their facebook account – e.g.: account specific for birth relatives[9]*
> - *choose an intermediary via the internet (see guidelines below)*
> - *become aware of risks of social media as a first point of contact in a public arena where more traditional means such as a letter are usually more beneficial giving parties a period of private reflection*
> - *be able to identify and discuss the type of safe and neutral environment that contact needs to happen in, initial and on-going*

> **Promising practice– Facebook & adoption search & reunion information factsheet, Australia[10]**
> Extract of factsheet: Privacy settings
> *Your Facebook friends may not be aware of your connection to adoption and it is likely that the person you are seeking is in the same position. It is also likely that there are people you are connected with on Facebook that you would prefer did not know that you were doing a search for a birth relative. It has been recognised for many years that you are less likely to get a positive response to an approach if you knock on someone's door. It is now increasingly being acknowledged that direct approaches on Facebook will have a similar negative responses.*

> **Promising practice – social media use policy and guidelines: For pre and post adoption professionals, Australia**
> ISS Australia has developed guidelines encouraging organisations create generic social media profiles for each individual social media site as these profiles will represent the organisation or program conducting the search. In addition to more general guidelines, the policy covers tracing, maintaining a professional social media presence and relevant legislation. Such guidelines help prevent poor practices such as professionals using personal accounts to undertake searches on behalf of clients.

Having regard to such dangers and guidelines, the UK has developed innovative means for contact to capitalise on the many benefits of social media as per the example below.

> **Promising practice – making first contact, United Kingdom[11]**
> A virtual contact centre which allows for meetings via safe and secure electronic means has been established in the UK. It provides the adoptee with an opportunity to contact his or her biological parent online, without jeopardising either's identity. Furthermore, this process provides for the involvement of a moderator, who remains alert to potential risks and notices any issue or inappropriate language. Thus, if the biological parent asks the child for his or her mobile phone number, the moderator will intervene, will block the sending of the message, and initiate a discussion with the concerned parent.

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[9] Jane Adams, *op cit*
[10] Jane Adams, PARC, NSW Australia www.benevolent.org.au
[11] Eileen Fursland, Social Networking and Contact : How social workers can help adoptive families, BAAF, 2010 at appendix 3

> Checklist – choosing an internet site for search of origins for all adoption actors
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> Based on a yearlong review, the Evan B Donaldson Institute[12] suggests that parties to adoption ask the following questions (selected extracts):
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> *4. What are the titles and credentials of those offering services? Are they consistent with commonly recognized training and experience in the field? For instance, those offering counseling (unless clearly identified as volunteers or peer advocates) should have advanced degrees in fields like social work, psychology or counseling, and experience in the adoption field. Some sites use terms like "counselor" or "specialist" but do not define them or explain how the workers are trained or their levels of experience.*
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> *7. Does the service have accreditation or other recognition from regulatory bodies or from other appropriate groups? If the site assists with international adoption, it should have Hague accreditation. Sites that provide legal services should have attorneys that are members of the bar and licensed in the jurisdiction in which the adoption will take place.*
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> *9. Is information about costs and about the agency's financial operation clear and straightforward? If there are fees for services, are they clearly stated? When are they assessed? For example, on a search site are fees required upfront? What is the total amount that is charged for the service?*
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> *10. To what other services or sources of information is the site linked? Do resources or referrals profit from referrals?*
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> *13. What services are provided after placement and beyond? If an online site is used to arrange an adoption, determine what services are provided afterward. For instance, if a post-adoption contract agreement is made, can the first/birthparents or adoptive parents receive help from those at the site if problems arise? If a child develops medical issues and the adoptive parents need to learn more from the original family, or if a birthparent who does not have contact needs to share information about a recently discovered genetic problem, will the site facilitate communication?*
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> *15. Is the agency or service licensed?*
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> *16. What is the site's privacy policy?*

Recommendations:

ISS advocates that as part of the dialogue that the CRC Committee and other attendants of the DGD give careful consideration as to how the above protections can be implemented. With this overall objective, ISS recommends that the CRC Committee and its partners identify promising practices that:

1. Equip children to use social media to better implement their rights and be protected from the associated risks (e.g.: development of guidelines, fact sheets and awareness raising)
2. Promote training on maintaining a professional social media presence
3. Identify effective sanctions for breaches of children's rights associated to digital media use

ISS would be willing to support the CRC Committee and other professionals in implementing these recommendations as well as identifying a centralised hub for storing such information.

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[12] *Evan B. Donaldson Adoption Institute | Untangling the Web, page 52-54*