

Are we now shifting responsibility for adopted children offshore?

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Are we now shifting responsibility for adopted children offshore?

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Tony Abbott has been very responsive to high-profile adoption campaigners but a deregulated, consumer-driven system increases the risks for children. AAP/Jane Dempster

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It's not just refugees being sent overseas. Prime minister Tony Abbott is prepared to hand over Australia's obligations towards children to countries that are not party to the [1993 Hague Convention](#) on Protection of Children and Co-operation in Respect of Intercountry Adoption. [Proposed changes](#) to the Australian Citizenship Act will make citizenship automatic for children adopted under bilateral arrangements with non-Hague countries.

This means that adoptions will be finalised before they arrive in Australia. As soon as the papers are signed, children will be able to travel to Australia on an Australian passport with their new families.

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At first glance these changes sound fair, reasonable and benign, but the implications for intercountry adoption in Australia are serious. There are too many unanswered questions about this reform agenda.

Moving away from a child-centred system

This is the second step in the systematic dismantling of Australia's child-centred adoption system in favour of a more unregulated, consumer-led model. Countries not party to the convention aren't legally bound by mechanisms to protect children from being adopted through fraud, trafficking, duress or profit. Because of this, countries like Australia have greater responsibilities to make sure practices are above board.

Abbott [claims the seven countries](#) with which the government is pursuing agreements will meet the safeguards of the convention. The ABC's Foreign Correspondent [investigation into Ethiopia](#) in 2009 reminds us why Australia should never be complacent when it comes to intercountry adoption and why we should resist consumer-led models at both ends of the adoption process.

Australia is abdicating its international responsibilities by simply trusting processes in sending countries. The way children are made available overseas is not the same as in Australia.

Abbott says the children to be adopted are those without parents or without effective parents. In reality, the majority of children adopted into Australia have at least one parent or extended family. Their adoptions were about poverty and inadequate health and welfare systems.

What can go wrong?

There have been cases of children adopted into Australia who were lost, sold or trafficked. In some cases, records have been falsified and pressure put on parents and families to consent to adoption.

The less care we take with intercountry adoption programs, the greater the risk of improper practices and breaches of human rights. When improper practices occur under this new system (and they will), the government can place full responsibility on the sending country and none on its own responsibility for the adoption system Australia introduced.

The first 12 months after a child arrives in Australia are crucial for the child and adoptive family. This is the period where four post-



One US adoption agency tricked poor Samoan families into giving up 80 children in all.
AAP/Xavier La Canna

placement visits take place to professionally assess, support and report on the adjustment of the child and family before the adoption is finalised. Parents often need support, reassurance and advice, or referrals to other services. Although adoptions do sometimes break down early, it happens far less in Australia than in other countries.

This is also the time when children reveal information about their families, siblings or other children left behind. It's especially the case for older children who at first don't speak the same language and are grieving the losses in their lives. In the new system, there may be no legal obligation for adoptive parents to engage in this process or provide professional progress reports because the adoptions will be complete.

Sending reports home is important for adoptees who may later return to their country of birth and for the child's parent or extended family who seek news of their child overseas. The [Guidelines for Action on Intercountry Adoption of Children in Africa](#) say the provision of post-adoption reports, the preservation of information about identity and medical history and professional support are essential obligations.

Opening the door to abuses

With less regulation and the prospect of new bilateral arrangements, the doors may open to less trustworthy overseas agencies, private transactions through lawyers and other middlemen and increased pressure on countries from adoption lobbyists. Less regulation in bilateral arrangements, a closer relationship with trade agreements and pressure on countries that are dependent on Australian trade or aid are a recipe for poorer outcomes and systemic abuses.

If lobbyists are to be believed, Abbott has his sights set on engaging with the seriously flawed US system. Not only will Australia be able to receive American

children adopted from care or through private arrangements, Australia could hypothetically become a sending country in a two-way flow of children.

What are the plans Abbott has made with adoption lobbyists? He may be simply throwing a bone to the adoption lobby or handing intercountry adoption over to them but at the moment there is secrecy, no public accountability or informed discussion. A report has been released in part, submissions are secret and deals are being made behind closed doors.

A new national intercountry adoption service has been agreed to and will begin from 2015. This is not a matter of international security. Transparency and accountability for the fate of vulnerable children are not things we should have to ask for.

Adoption