



## Fact Sheet N° 38

### Intercountry adoption

#### ACCREDITED ADOPTION BODIES OF RECEIVING STATES – AABs (I): THE NATURE AND ADVANTAGES OF THEIR INTERVENTION

Although the 1993 Hague Convention (HC–1993) does not impose it, the obligation for prospective adoptive parents to proceed through adequately qualified and supervised AABs, constitutes an additional guarantee for intercountry adoptions between Hague Contracting and non-Contracting countries. We recall that, in accordance with the provisions of the HC-1993, these private bodies are delegated responsibilities by the States in order to achieve the objectives of the HC-1993. In order to do so, a body shall, first, be **accredited** by the competent authority in the receiving State and, secondly, **authorised** both by the State of origin as well as the receiving State, in order to be able to work in the said State of origin.

#### The role and responsibilities of AABs

▶ AABs play the role of a close ‘third party’ and contribute to putting into practice the necessary intervention and mediation of society and of the State in the protection of children deprived of a family (arts. 20 and 21 UNCRC). AABs constitute a concrete link between families, relevant actors and authorities of the receiving countries and the countries of origin. Equally, they allow children, biological parents and adoptive parents, not to become mere paper files.

▶ Under the control of receiving States and States of origin, AABs should be guarantors of the ethics, professionalism and multidisciplinary nature of the intercountry adoption process. Their responsibilities vary from one receiving country to another, and from one country of origin to another, in accordance with existing child and family welfare systems in each of these countries. Nonetheless, the fields in which their presence may contribute much are the following:

- Information, awareness-raising, preparation of prospective adoptive parents;

- Designing the skills of adoptive candidates in helping to define the profile of the child who could be placed with them for adoption; motivation for encouraging the evolution of prospective adoptive parents’ willingness to care for a child with special needs.

- Matching: to associate, at a given moment, the body to the selection of an appropriate family for a particular child may be a beneficial contribution for the child, because the body can participate in the evaluation of the suitability between the skills of the families it serves, and the needs of the child for whom a family is sought; it is certainly a contribution when it comes to submitting the matching proposal to the prospective adoptive parents for their approval, given that it enables an individualised support.

- Preparation of the adoptive parents for the first meeting with the child; support in the meeting and in the period of mutual encounter; the presence of the body in these stages reduces tensions and anxieties and plays a positive role in facilitating the start of a child/parent relationship.

- Preparation of the child for the adoption, or training of the staff or of the foster family who

cares for him/her, in order for them to be competent, where these are not provided by the country of origin.

- Post-adoption follow-up.

### **Benefits of the AABs' intervention**

The Central and competent authorities of the receiving countries and countries of origin rarely have the material and human resources (a sufficient number of multidisciplinary, trained, and experienced personnel and who is close to the field) to fully fulfil the functions of preparation of and support to children and parents of origin and/or prospective adoptive parents. Therefore, the delegation of some of their functions to bodies from the private and/or public sector, which comply with specific criteria set by law, often constitutes a genuine necessity.

Similarly, the intervention of AABs enables Central Authorities to carry out their mission and to develop *a genuine comprehensive policy for intercountry adoption*, with the ever increasing concern of serving the children. *This function* is not ensured in independent adoptions, which we define herein as adoptions in which prospective adoptive parents directly contact the professionals or authorities of the countries of origin – i.e. without resorting to the agencies in its country – in particular with those which determine the adoptability of a child or undertake the matching, including sometimes with the parents of origin or the guardians of the child (which is even more open to criticism: see art. 29 HC–1993). The receiving State, as much as the State of origin, can impose on adoptive

candidates the obligation to proceed via the mediation of an AAB. The latter can constitute an element of additional guarantee in an adoption process respectful of the fundamental rights of children. Furthermore, it represents a means for States to contribute to the struggle against certain abuses, trafficking and failures, which are rooted in resorting to independent adoptions. Indeed, the accreditation granted to adopters at the end of their psychosocial evaluation is, at times, interpreted – erroneously – by some independent adopters as a “right to a child”, which justifies actions in the country of origin which may lead to pressure in obtaining a child or to a conscious or unconscious complicity in trafficking. Therefore, *the receiving State may be considered as a bearer of responsibility* in relation to the behaviour of its nationals, adoptive candidates, abroad.

Consequently, we recommend States to foresee the adoptive candidates' compulsory resort to AABs of receiving countries (a growing number of receiving States and States of origin already impose it; see: [www.iss-ssi.org/Resource\\_Centre/Interdiction\\_adoptions\\_Internationales\\_privéesFRA.pdf](http://www.iss-ssi.org/Resource_Centre/Interdiction_adoptions_Internationales_privéesFRA.pdf)).

However, this measure only constitutes an effective guarantee for the rights of the child if States also ensure, in parallel, the support, training and supervision of the AABs, as well as the establishment of a system of qualitative and quantitative regulations (see Fact Sheet N° 40).

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### **For further information:**

Nordic Adoption Council *Criteria for Accreditation, Organization and Conduct of Private Bodies Allowed by the Competent Authorities of a Contracting State to Perform Functions and Discharge Duties which are Imposed by the Convention*, 1998.

Ontario Ministry of Community and Social Services *Standards and Guidelines for Licensed International Adoption Agencies under the Intercountry Adoption Act, 1998 and Ontario Regulation 200/99*, Canada, February 2000.

**We are interested in your opinion!** To share your experiences with us, to ask us your questions about the themes addressed in this document, or to send us your suggestions for amendments, please do not hesitate to write to us at [irc-cir@iss-ssi.org](mailto:irc-cir@iss-ssi.org). We also invite you to share this file with other interested individuals in your country. Thanks in advance!

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