



Fact Sheet N° 39

Intercountry adoption

ACCREDITED ADOPTION BODIES OF RECEIVING STATES – AABs (II): INDISPENSABLE CONDITIONS AND SUPERVISION OF THEIR INTERVENTION

Experience shows that the intervention of AABs may constitute an additional guarantee in the process of intercountry adoptions; however, this guarantee is not automatic. Thus, some private adoption bodies, which have sometimes been accredited in their State, have been or are accomplices and sometimes the perpetrators of pressure, abuse, violations of the rights of the child, and even trafficking. In order to constitute a guarantee, the mediation of an AAB therefore supposes that a certain number of conditions are met and that the receiving States and those of origin assume their joint responsibility in the matter.

Conditions for the accreditation and authorisation of AABs

Accrediting and authorizing AABs on the basis of the best interests of children entails:

▶ for the State of origin:

First, to periodically assess the needs for intercountry adoption, which exist in their country: it is a matter of analysing the profiles of the children who require an adoptive family and who will face difficulties in finding it within their country (age, gender, state of physical, mental, emotional health; special needs, for example, a sibling group), and of estimating the number of children concerned.

Secondly, based on these data and in accordance with the best interests of the child, to define the profile and estimate the desired number of:

- *families* which respond to the needs of these children;
- *foreign accredited bodies* with which to collaborate, in order for them to attend to adoptive candidates, whose profile corresponds to the needs of the children and who have professional skills and appropriate ethics;
- *the receiving States with which to develop collaboration*, giving priority to countries which offer favourable elements for the adequate qualification of available families for intercountry adoption (legislation, which allows for the adoption of children in need of it in the country of origin – age, state of health, etc –; organised and in-depth preparation of adoptive

candidates; etc) and of their accredited bodies. Being a State Party to the HC-1993 does not compel a State to organise intercountry adoptions with all other States Parties, but rather to comply with the obligations of the Convention in intercountry adoptions that could be carried out amongst these States.

The States of origin will inform the receiving States of these needs and will establish, within the framework of the HC-1993, the relevant norms of cooperation to achieve this objective.

▶ For the receiving State:

Firstly, to gain knowledge of the needs of the country of origin in relation to intercountry adoption: the profile of those adoptable children who cannot be adopted by domestic parents and estimation of the number of children concerned; number and profile of foreign accredited bodies estimated necessary by the State of origin; number and profile of accredited bodies of other receiving States, which already collaborate with the State of origin; identification of the stages of the procedure, in which the collaboration of an accredited body of the receiving State could be useful.

Secondly, on this basis, it is the responsibility of the receiving State to:

- **limit the number of accredited bodies** to work with the State of origin, depending on the needs of the children in the said country, taking into account that bodies of other receiving countries already collaborate with the State of origin;

- *establish accreditation and authorization criteria* which guarantee that those bodies authorized to collaborate with this country of origin will have the knowledge and the skills required to adapt to the needs of the children and of the country of origin. In order to do so, the following characteristics of the bodies will be examined:

- ethics in the best interests of the child (satisfactory degree of analysis of the rights of the child, enshrined in the messages issued and in its practices);
- a professional qualification, which is both medico-psycho-social and legal, sufficient human and material resources;
- a good knowledge of the adoption procedure, as well as of the factors, which influence the child's development and the process of attachment between the child and his/her parents;
- a good knowledge of the profile of the children who require intercountry adoption and of the policy for children and the family in the countries of origin with which the AAB collaborates;
- the establishment of clear commitments with regard to its various partners;
- clarity in its relations with other collaborators who could influence its activity (for example: membership of a national or international network, in which another entity determines the policy or which has profit-making objectives);
- a transparent financial management, as well as a proof of the ethical and reasonable nature of the various types of fees requested or charged;
- and, as an essential condition, an ethical and professional qualification of its representatives and/or collaborators in the States of origin.

Joint responsibility of the receiving States and the States of origin in supervising AABs

The accreditation and authorization of AABs are a privileged field in the dialogue and cooperation

between the authorities of the State of origin and of the receiving State, in serving the best interests of children. The responsibilities conferred upon the AAB of a receiving State differ in accordance with the acting structures, already existent resources and the still unaddressed needs, both in the receiving State and the State of origin. Prior agreement between the authorities of both states would make it possible to define to what extent, and how, an AAB would have to supplement the action of both central authorities in fully carrying out their mission. On this basis, they could define adapted accreditation and authorization criteria, implement them in a coordinated manner, and jointly and periodically supervise the activities of the AABs.

Currently, in many States – as much receiving States as those of origin – both the number and the qualification of accredited and authorized bodies are not based on the needs of the children in the country of origin and do not take into account the global situation encountered in this field by the State of origin (a great number of applications from foreign bodies stem from a great number of receiving countries). Consequently, they are not adapted to the mentioned needs. On the contrary, the anarchic appointment of accredited bodies is a source of pressure, of competition in obtaining children for “their” families, and is harmful to the interests of children. Furthermore, it is also important to reiterate the role of the Central or competent Authority of the State of origin in supervising the quality of the work of the AAB. Therefore, a periodic evaluation of the bodies, with which the country works, is indispensable and would facilitate the decision to renew or suspend collaboration agreements. The authorities of the State of origin shall not hesitate to stop the work of a body, of which they are not satisfied and/or to complain to the concerned receiving State.

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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.

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. We also invite you to share this file with other interested individuals in your country. Thanks in advance!

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