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### EDITORIAL

### What questions arise from the implementation of a new Central Authority?

*In the framework of its activities, the ISS/IRC is often confronted with questions from professionals responsible for setting up a new Central Authority following the ratification of the 1993 Hague Convention on Intercountry Adoption (HC-1993). This editorial seeks to shed some light on the difficulties and the questions, which may be faced by an administration in the implementation stage of the Convention.*

**M**any readers would agree on the following: implementing the HC-1993 is no easy matter! The ISS/IRC team regularly notices it in its talks with the authorities of new Contracting States. This undertaking, often long and tedious, raises an important number of questions amongst the professionals in charge, and it therefore seemed useful to us to address some of these.

#### Joining the dance...

Today, ratifying the HC-1993 relates every new State to the 73 other States, which are already members. Even though the classification 'States of origin – receiving State' reduces the number of potential partners, it is difficult to understand how to best enter this multilateral environment. Whilst a receiving State may progressively establish relations with States of origin, the latter must often, as soon as they are settled, rapidly deal with the pressing demands of the former. It is therefore essential that the new Central Authority has the time to organise itself before officially informing the Hague Conference of its contact details. On this subject, the latter is currently drafting a Guide to Good Practice under the HC-1993, which is a comprehensive document intended to help States in undertaking these steps<sup>1</sup>.

There are many countries (whether receiving countries, or of origin), which have faced the difficult experience of announcing the entry into force of the Convention, whilst the necessary administrative services were not yet ready to manage the procedures. Of course, the Central Authority is not the only body affected by the introduction of new practices; it is therefore all the more important for the whole range of services involved to receive the appropriate training and information. In concrete terms, it is appropriate to train the professionals (staff of institutions, social services, etc) on the principles governing the different stages of an adoption process, in particular in relation to the modalities of declaration of a child's adoptability, to his/her preparation for adoption, to the matching process, to the post-adoption follow-up, and to issues relating to Accredited Adoption Bodies (AABs). In addition to essential technical and procedural training, it is paramount to raise the awareness of these key participants on the importance of a professional and conscientious undertaking of these stages for the success of an adoption.

In general, exchanges with adoption professionals worldwide prove that, although the fundamental theoretical principles enshrined in the Convention on the Rights of the Child and in the HC-1993 are increasingly better known (the child's best interests, the principle of

subsidiarity, etc), their concrete implications sometimes still remain vague. In particular, the identification of the number and profile of children in need of intercountry adoption remains a major challenge. Indeed, this approach entails a considerable effort on the part of the responsible authorities, from the introduction of an effective mechanism of birth registration to the promotion of domestic adoption, including that of children with special needs. In the absence of a perfect system, an assessment of domestic needs should, at least, enable to draw a general picture, with the children's general characteristics, and therefore to take specific measures at the procedural level in order to better protect these children (quotas, reversal of flows, etc).

It is worth remembering that ratifying the HC-1993 does not compel new Contracting States to carry out adoptions with all the other Contracting Parties: each State is free to define the collaboration which best suits its needs. The same is true with regards to the number of adoption intermediaries, which may be accredited<sup>2</sup>.

### **Cooperation, exchanges and training**

Since cooperation is a basic pillar of the HC-1993, each Signatory State must, to the extent of its means and its willingness, support

newcomers (of course, without this being linked in any way to the number of adoptions potentially undertaken in the future). The exchange of experiences in informal meetings with an existent Central Authority is also an opportunity for strengthening often privileged contacts amongst States and amongst individuals, and allow for easier future communications. Similarly, the Hague Conference, which acts as a tutor, may support and guide Central Authorities in their first steps.

Finally, let us remember that the ISS/IRC remains available to States or individuals, who wish to address the various aspects of adoption in more depth. It regularly provides specialised training and attends meetings and conferences on these topics.

The ISS/IRC team

<sup>1</sup> The draft is available from the Hague Conference's website:

[http://www.hcch.net/index\\_fr.php?act=publications.de tails&pid=3657&dtid=2](http://www.hcch.net/index_fr.php?act=publications.de tails&pid=3657&dtid=2).

<sup>2</sup> On this subject, see 'Non relative intercountry adoption: Does the Hague Convention 1993 make it obligatory to cooperate with every receiving State or body that so requests?', Editorial, *ISS/IRC Monthly Review* N° 5/2005, May 2005.