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EDITORIAL

Special Commission on the operation of the HC-1993: An assessment tool with multiple facets

The fourth Special Commission on the operation of the HC-1993 (hereinafter, the 'Commission') took place from 8 to 12 June 2015 – a unique opportunity for all receiving countries and countries of origin, whether current or prospective Parties to the Convention, and some well-known observers, to meet and debate on some – sometimes sensitive – issues relating to intercountry adoption, provided that the tongues loosened themselves...

The Commission took place under the good auspices of the Permanent Bureau of the Hague Conference, which provided it with some new dynamics, in particular thanks to the introduction of round tables and simultaneous sessions, which made it possible to debate in smaller groups on specific issues chosen by the participants, such as *kafalah*, open adoption or relative adoption. The Commission is, undoubtedly, an essential tool for the assessment of intercountry adoption, not only globally, but also at the domestic level of every country. Whether in the course of its preparation, during the meeting itself, or in its subsequent follow-up, it allows for a snapshot to be taken, which enables to identify the progress made and the concerns linked to the good implementation of the HC-1993.

Assessment in its preparatory stage

The detailed questionnaires¹ drafted by the Permanent Bureau of the Hague Conference, and sent to all participants, are a valuable instrument for the assessment of the domestic systems of adoption, and of the impact that the Convention has been able to generate on the latter. Indeed, even though the adoption of international child protection instruments is a decisive step forward, the establishment of mechanisms aimed at

measuring their impact in law (see p. 7) and in the countries' internal policies (see p. 11) is just as fundamental. Furthermore, the publication of synoptic technical factsheets² on some of the debated topics (see p. 6) is not only an efficient preparation tool, but also a compilation of useful resources for the implementation of specific aspects of the HC-1993, such as the supervision of costs, the conclusion of agreements between Contracting States, or the increasing resort to new technologies. Finally, this preparatory stage has fostered regional actions, for example in Africa (see p. 9).

Assessment during the meeting itself

The first day of the Commission celebrated the 20th anniversary of the HC-1993 and allowed to pay tribute to its major impact on the implementation of the rights of children without parental care (see p. 4). Furthermore, the Commission witnessed the submission of instruments of accession to the HC-1993 by Zambia and the Ivory Coast. The Convention has successfully met its challenge, *i.e.* to regulate the field of intercountry adoption, which was, until then, subject to the discretion of the countries, and marred by serious violations of children's rights. New challenges for the next twenty years are arising and were identified in the debates that



32 Quai du Seujet ■ 1201 Geneva ■ Switzerland
irc-cir@iss-ssi.org ■ www.iss-ssi.org

took place throughout the Commission: to improve the preparation of potential adoptive parents through a franc speech and the ongoing search for profiles that are as adjusted as possible to the needs of adoptable children; to search for solutions that would allow accredited adoption bodies to face the decline in intercountry adoption and to preserve the expertise developed by many of them; to develop the means of prevention of illicit practices and of compensation for the adoptees and families, who are the victims of fraud, amongst many others. The ISS/IRC is currently undertaking a project aimed at offering responses to the latter (see p. 6).

Assessment thanks to its follow-up

The final conclusions³ suggested by the Commission, and approved by all the States that were present, are a first step forward towards rising to these challenges, that affect us all as intercountry adoption and child protection actors. However, the non-mandatory nature – from a legal perspective – of these conclusions makes their implementation unpredictable, including some crucial aspects, such as the prohibition of

private adoptions, the systematic application of the HC-1993, even in non-Contracting States, or the ban on donations, for want of being solved once and for all. These final conclusions are also an advocacy tool when placing States, accredited adoption bodies and civil society before their responsibilities. Domestic, regional and international cooperation, that is transparent and focused on the needs of adopted children and adults, and of those, who may require an adoption, is key to the success of the HC-1993. Receiving countries and countries of origin must, in their day-to-day work, offer as many safeguards as possible to every adoption that is undertaken.

The ISS/IRC reiterates its constant offer of support to Central Authorities, aimed at strengthening the dialogue amongst the latter, at assisting them in the development of their competences, and their capacity to offer to every child a family environment that is adapted to his needs. Now more than ever, time has come for receiving States and States of origin to ensure a decent future to the children in alternative care on their own territory.

The ISS/IRC team
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