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Editorial: The Mediation of the Adoption Accredited Bodies (AAB) of the Receiving States: a guarantee for inter-country adoption but on what conditions?

Experience shows that the involvement of the adoption accredited bodies of the receiving States in the inter-country adoption process can make a positive contribution to promoting the rights of the child deprived of family, to respecting the principle of subsidiarity of inter-country adoption, as well as providing multidisciplinary support at various stages for the children, the parents of origin and the adopters. The AAB' mediation thus increases the chances of a successful adoption and serves as an ethical guarantee (see the Editorial in Bulletin 70). Nonetheless, this safeguard is not automatic. Thus, numerous private adoption accredited bodies, sometimes accredited in their own State, have never given serious consideration to what, in their practice, the ethics of the best interests of the child means. Some have been or are accomplices and sometimes protagonists in exerting pressure, in abusing, in violating the rights of the child, or even in trafficking. Furthermore, determining the number and the profile of adoption accredited bodies authorised to collaborate with a State of origin, often takes no account of children's needs and from the outset becomes a source of competition and pressuring (see the Editorial in Bulletin 65).

The mediation of an AAB in a receiving State is only a safeguard if a certain number of conditions are met at two levels.

1) At the level of the AAB itself

The body must display the following characteristics:

- the ethics of the child's best interests, namely an adequate degree of analysis of the rights of the child, embodied in the messages it conveys and in its practice;
- a medico-psychosocial and legal professional competence, human and material resources sufficient to assume its responsibilities, and the benefits of an ongoing training programme;
- a sound knowledge of the entire machinery of adoption, as well as the factors that influence the development of the child and the process of forming attachment with its ups and downs both in the child and the parents;
- a sound knowledge not just of the adoption procedure, but also of the profile of children in need of inter-country adoption and of the family and child policy in the country of origin with which the AAB is co-operating;
- building firm commitments to its various interlocutors (children, prospective adopters, the authorities, workers in the field, etc.);
- transparency in its links with other partners who could influence its activities (for example belonging to a national or international network where another body sets policy or is profit-oriented);
- transparent financial management, as well as a close check on the ethical and reasonable nature of the different types of fees charged or paid;
- and, as a *sine qua non*, the ethical and professional competence of its representatives and/or partners in the States of origin.

Respect for these conditions presupposes, on the part of the receiving States and the States of origin concerned:

- regular supervision of the AAB;
- a systematic review, at a fixed date, of the accreditations and authorisations granted;

- support, particularly financial;
- the incorporation of the AAB in the States' global policy.

2) In the joint responsibility between the receiving States and the States of origin

For the mediation of the AAB in the receiving countries to serve as a safeguard, the authorities responsible for their approval in the receiving State (art. 9, 10 and 11 of THC-1993) and their authorisation in the State of origin (art. 12 of THC-1993) must also commit themselves jointly to promoting the best interests of children by applying a principle of joint responsibility. Dialogue and international co-operation should, in future, be enhanced to allow the authorities in the two countries to reply jointly to the following questions:

- a) *Which children in the country of origin (their profile and an estimate of their number) need to be found prospective families in the receiving country?* The answer to this question will make it possible to determine the profile and the number of families sought after, and on what basis to determine the profile and the number of the AAB in the receiving country needed to manage the co-operation. Thus, this is not a matter of dialogue between just two States but between several : the State of origin and the receiving States involved in the co-operation must co-ordinate their decisions. Through such a dialogue, their authorities should, before any decision to approve or authorise an AAB, check that it responds to a real need and that it is not just attaching itself in the case in point to a list of AAB of various receiving States co-operating with the State of origin that is already too long.
- b) *How is the domestic and inter-country adoption system organised and how does it function in each receiving State and State of origin?* At what stages can an AAB collaborate qualitatively in the work of the central or competent authorities or be associated with it: preparing the child for adoption or training the staff in charge of it, checking the suitability of prospective adopters, in-depth preparation of the latter for adoption or training the staff responsible for this preparation, for matching, the psychosocial follow-up of the adoptive family, etc.? The answer to this question will make it possible to identify the professional profile of the AAB and the substance of the tasks assigned to them by the receiving State and the State of origin, in the children's best interests. It will also contribute to determining the role and the professional profile of the AAB's representative in the country of origin.

In respecting the interests of each child, finally, it is for the receiving States that have subscribed to THC-1993 to offer the same guarantees to all children, whether they hail from a country of origin that is a party to the Convention or not. And it is for the States of origin that are parties to THC-1993 to offer the same guaranties to all children, be they adopted in a receiving country party to the Convention or not. When a State that is not a party is not fully able to furnish these guarantees on its own, they must be implemented jointly by the AAB, their representatives and their local partners. In this case, the level of involvement, the demands made, the support and supervision by the State party to the Convention must be particularly high in relation to the accreditation and authorisation of adoption bodies.

The IRC team.