



**Monthly Review N° 5/2010
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EDITORIAL

June 2010: valuable opportunity to share experiences from the ground up

The 3rd Special Commission to be hosted next month by the Hague Conference on Private International Law provides a unique forum to share information on the implementation of THC-93 and make recommendations to ensure a better respect of the Convention's requirements.

During 9 days from 16 to 25 June 2010, the Permanent Bureau of Hague Conference on Private International Law will be holding its 3rd Special Commission on the practical operation of THC-93 as foreseen in its article 42. These Commissions present an opportunity for the State Parties to the Convention, other interested States, intergovernmental and non governmental organisations (the latter 3 being observers) to discuss the functioning of THC-93 in practice. Funds are generously made available by certain receiving countries for the attendance of State parties with fewer resources.

At first glance this occasion to exchange practices and ideas appears to be limited to an elect group, given that attendance at the Commission is by special invitation. Logically the list of invites is for the most part made up of the Central Adoption Authorities parties to the THC-93 excluding *de facto* professionals and other bodies independently working on the field with the children and families. Unless, the Central Adoption Authorities have consultative practices on adoption policies with a wider group of professionals (eg: NGOs, social workers, psycho-medical professionals, judges, lawyers etc), the weighty experiences of the latter may not be tapped.

Whilst fully realising the logistic unfeasibility of hosting a Commission that is "open" to all interested parties, not to mention the limited resources available to hold such an event, ISS/IRC believes that the 3rd Special Commission, nevertheless, is a valuable opportunity to share information from the ground up.

Information sharing opportunity

This Monthly Review will be sent to over 3 000 professionals in the 5 continents working directly or indirectly on the issue of intercountry adoption. Many of you as professionals have gained valuable experiences and views, based on your daily work, on issues including, inter alia, obtaining consent, preparation of children and parents, assessing the adoptability of children, recognition and effects of an intercountry adoption, post-adoption etc.

ISS/IRC believes that it is important for you to share your views (favourable and unfavourable) with your Central Authority (www.hcch.net/index_en.php?act=conventions.authorities&cid=69) about how the THC-93 functions in your daily activities, what are its strong and weak points, where are the main obstacles to its full implementation, etc. When necessary and appropriate, your Central Authority will then be able to share these experiences during the Special Commission. A

constructive way of sharing problematic scenarios is by also providing possible solutions to resolve such difficulties. Such practical information, may even find itself becoming a final recommendation.

Risks/abuses and Adoption Accredited Bodies

This year, the Australian Government has funded one day of the Special Commission to be dedicated to risks and abuses in intercountry adoptions. ISS/IRC welcomes this initiative and openness to deal with the reality that THC-93, in and of itself, can not eliminate flawed, corrupt and illegal practices. To this end, ISS/IRC is currently undertaking research to present a canvass of risks and abuses that have occurred on a world wide basis, which it will present at the Special Commission. The aim of the research is identify key warnings of risks of when abuses and other illegalities are most likely to occur, but falling out of the scope of THC-93.

Two other days will be devoted to the accreditation and authorisation of adoption

accredited bodies, which is one of the key principles of THC-93. The Convention made it mandatory for firstly, the accreditation or licensing of agencies which undertake intercountry adoptions, and secondly their supervision by the Central Adoption Authorities. As a result of this Special Commission, a second Guide to Good Practice (GGP) will be officially launched.

Keeping in the loop

We trust that this editorial, a bit different in style, will provide you with ideas of how to effectively share important and relevant information from the bottom up. We encourage all interested professionals to keep a regular look out on the website of Hague Conference for the recommendations and second GGP. We will of course, do our best to keep you in the loop.

ISS/IRC team
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