



**Monthly Review N° 07/2011
July 2011**

EDITORIAL

On the role of diplomatic missions

As essential actors in the intercountry adoption procedure, the embassies of receiving countries take on various technical tasks, whilst playing a nonetheless important political role, which is however not always easy to reconcile with the demands of their different counterparts.

Diplomatic missions have long been the key feature in domestic intercountry adoption systems, often as the only actors able to provide reliable information on the context prevailing in those countries of origin, which they found themselves in.

The Hague Convention 1993 completely changed the situation by establishing a network of Central Authorities, which are able to communicate among themselves directly, and to search together for solutions to those problems that may punctuate the adoption process. Embassies and consulates, however, continue to play an essential role in the intercountry adoption panorama, if only due to the fact that, at the end of the procedure, they grant the travel document, which will enable the child to leave his country of origin and enter his receiving country.

Even though the role of the diplomatic network varies considerably from one country of origin to another, depending on the number of intercountry adoptions to be processed and the available resources to carry these out, on the relations between the receiving country and the country of origin, on the legal and ethical security conditions prevailing in the latter, sometimes important differences can be noticed between the views of the expatriate personnel and the perception of their respective States.

Neither a detective nor a social worker

The professionals of receiving countries are very often faced with countless questions in the management of intercountry adoption procedures: what is the nature of such or such a document issued by the country of origin, is it possible to ascertain the child's background, are the invoiced costs reasonable, what is the reputation of such or such local actor, etc. And to answer these, the first reaction is often to 'ask the embassy'. And yet, in most cases, diplomatic services are simply not able to provide replies to these questions. Indeed, a diplomatic mission is not intended to enquire on the territory of the country hosting it and that it is, on the contrary, sensitive to the respect for that country's sovereignty. It may certainly search for information (laws, social and political context, etc.), but it cannot, in principle, send staff to the field in order to undertake criminal investigations (fraud in documents, corruption) or social inquiries (biological parents' consent, background of the child, etc.). If this type of activities is undertaken in some countries of origin, this is due to the fact that the embassy has been granted the agreement of the national authorities to do so, or because it takes advantage of a certain level of *laissez-faire* by the latter. Whatever it may be, it is important to remember that the diplomatic network often has neither the right,

nor the capacity, to respond to the request for investigations that it receives from the receiving country.

A partial filter

Within the framework of the adoption process as such, the embassy will check the content of the adopted child's file, in order to issue his or her travel document. However, here too, its intervention has its own limits, beyond obvious abuse cases. For example, if the adoption process in a country of origin is known for not being very clear, but the children's files are compliant with this country's domestic law and complete from a formal point of view, the embassy will certainly be able to highlight the problems it observes, but will hardly be able to refuse to issue a visa, precisely because the formal domestic requirements are met. In this case, it is incumbent upon the receiving country to intervene, either by requesting additional information from the country of origin, or by limiting or prohibiting intercountry adoptions with the above-mentioned country, considering that the safeguards are not sufficient to authorise the adoption.

Field or politics?

The ISS/IRC's assessment missions have often shown that the reality experienced by diplomatic missions were sometimes very distant from the views of their respective countries. It is indeed not unusual for the diplomatic corps and its teams to adopt a critical view of intercountry adoption in 'their' country, whereas the receiving country, which they represent, appears to be more inclined to close an eye in order to maintain a certain number of adoptions per year.

Differences in views also naturally exist amongst diplomatic missions; this is not

without consequences for the country of origin, which will hear different views depending on the counterpart expressing them. The ISS/IRC has highlighted several times that this lack of coordination has contributed to keeping the *status quo* in those situations, in which safeguards remain insufficient, thereby allowing abuses and bad practices to continue.

Better support

Intercountry adoption surely is not the diplomatic missions' first concern, even though the latter remain an essential actor. It is therefore important for their personnel to be better aware of, and better trained to, the delicate issues linked to adoption. In this respect, we suggest that the Monthly Review be more widely disseminated, in particular by the Central Authorities that finance the ISS/IRC.

Knowledge of the field, information networks and diplomatic status remain very useful tools in the positive development of intercountry adoption. It remains essential to ensure their incorporation into domestic adoption systems, in order for the latter to develop in the best possible conditions. Some receiving countries have already started to engage on this course, by inviting, for example, representatives of the diplomatic corps to national meetings on adoption, or by involving the embassies into the various assessment processes. These interesting initiatives prove the need to strengthen the relations and to ensure the best possible coordination amongst intercountry adoption actors.

*The ISS/IRC team
July 2011*