



Monthly Review n° 70 September 2004

The Internet websites of the references quoted are listed at the end of the review.

Editorial: Inter-country adoption: Benefits of compulsory participation of adoption accredited bodies in the receiving countries under the supervision of the Central Authorities

Making it compulsory for prospective adopters to go through the adoption accredited bodies (AAB) of the receiving countries, although not imposed by The Hague Convention of 1993 (THC-1993), constitutes an absolute guarantee for inter-country adoptions between countries, be they members or not of the Convention. These AAB must be approved by the receiving countries (art. 9-11 of THC-1993), and authorised by the country of origin (art. 12).

In fact, the Central and Competent Authorities of the receiving countries and the countries of origin rarely have the material and human resources (trained and experienced, interdisciplinary staff on site in sufficient number) to fully discharge the functions of preparing and supporting children, parents of origin and/or future adoptive parents (art. 12 and 21 of the Convention on the Rights of the Child - CRC – and 4-5 of THC-1993 ; the ISS Ethical Guidelines : www.iss-ssi.org/Resource_Centre/ethical_guidelines.PDF). And yet it is a matter of achieving an adoption procedure that conforms as far as possible to the rights of the child and to the ethics advocated by international conventions. The role of the AAB thus depends upon a *delegation by the States of a part of their duties* to bodies in the private and/or public sector that correspond to the specific criteria set by law.

Moreover, the AAB should be a guarantor, under the supervision of the receiving States and the States of origin, of the ethics, the professionalism and of the interdisciplinary nature of the inter-country adoption process. It plays the role of a close “third party” and contributes to providing the necessary interventions and mediations by society and the State in defence of children deprived of their family (art. 20 and 21 of the CRC). The adoption body serves as a strong link between families, protagonists and the authorities of the receiving countries and of the countries of origin. The supplementary intervention of the AAB enables the Central Authorities to fulfil their mission and to pursue a *genuinely integrated inter-country adoption policy*, out of an ever greater concern for the service of children. *This role* is not guaranteed in independent adoptions, which we define here as adoptions in which the prospective adopters, with no recourse to an AAB, make direct contact with the professionals or the authorities of the countries of origin, particularly with those who determine the adoptability of the child or the matching – and sometimes even with the parents of origin or the child’s guardians (which is even more dubious: see article 29 of THC-1993).

In addition, the obligation for these prospective adopters to go through an AAB is part and parcel of the combat against certain abuses, trafficking and failures that stem from recourse to independent adoption. The approval bestowed upon adopters at the end of their psychosocial assessment is sometimes interpreted – wrongly so – by certain independent adopters as a « right to a child » that justifies action in the country of origin that can lead to exerting pressure to obtain a child or complicity, conscious or otherwise, in trafficking. Thus, *the receiving State can be seen as bearing responsibility* for the behaviour of its nationals, prospective adopters, abroad. As a reminder, the United Nations Committee on the Rights of the Child in its recommendations to France in May 2004 recalled the risks incurred by independent adoption, and encouraged recourse to AAB (see Bulletin 68-69). If it authorises independent adoption, the receiving State should, at the very least, in order to assemble a minimum of

guarantees and in collaboration with the State of origin, *make enquiries about the reliability (in terms of the rights of the child) of contacts outside the country of each candidate*, a virtually impossible task to fulfil effectively when there is a great number of applicants.

To fully meet their international and ethical obligations, therefore, it is incumbent upon the states to envisage compulsory recourse by prospective adopters to the AAB in the receiving countries. A growing number of receiving States and States of origin are already insisting upon it: see IRC, « Obligation to go through an inter-country adoption accredited body? », www.iss-ssi.org/Resource_Centre/Interdiction_adoptions_internationales_privéesANG.pdf. However, this measure only constitutes an effective guarantee for the rights of the child if, at the same time, the States ensure the support, training and supervision of the AAB, as well as putting in place a qualitative and quantitative regulatory system (especially in relation to the number and profile of children in need of inter-country adoption: see Editorial in Bulletin 65, www.iss-ssi.org/Edito.65.eng.pdf). We will come back in a subsequent bulletin to the regulation of the AAB in the receiving countries. *See too below: Protagonists, Analysis and commentary, France and Switzerland.*

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