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Mission report
Hague Special Commission 21-25 June 2010

- **The Special Commission on the practical operation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Inter-country adoption was held in The Hague 17-25 June 2010.**
- **The meeting was very successful: 74 Members of the Conference/State Parties to the Convention were present, including all EU Member States, the European Union, the United States of America, China and the Russian Federation.**
- **Many countries of origin from Africa, Asia and Latin America were present as observers. The United Nations Committee on the Rights of the Child, UNICEF, the International Commission on Civil Status, EurAdopt, the International Social Service, *Terres des Hommes* attended the meeting among many others inter-governmental and non-governmental organisations.**
- **In the margins of the official meeting, the EU (represented by the Commission, the Council Secretariat and the Spanish Presidency) held informal talks with the USA representatives (at their request) , in order to verify together possibilities to finance initiatives aimed at encouraging third States to accede to 1993 Hague Convention and/or helping them at implementing it properly.**
- **The inter-country adoption in the context of globalisation and international mobility was specifically addressed. The COM representative highlighted the specific problems encountered by EU citizens in this context as the lack of mutual recognition of adoption decisions between Member States has an impact on their freedom of movement within the EU and asked the representatives of MSs Central Authorities to report to the COM the cases they are dealing with.**
- **The Russian Federation gave no precise timeframe for accession to the 1993 Hague Convention. Negotiations for a bilateral agreement on inter-country adoption are on going with France and USA. A bilateral agreement has been signed with Italy in 2009.**
- **The Secretary General of the HCCH enquired about the process of ratification by the EU of the 1996 Hague Convention, expressing his concerns because of the lack of timely ratification within the deadline of 5 June 2010. I informed him that the issue was going to be discussed in the Council at the meeting of the Working Party on Civil Law matters (General Questions) on 5 July 2010.**

General structure and objectives of the 1993 Hague Convention

The 1993 Hague Convention does not intend to serve as a uniform law on adoption, but to **establish general principles and minimum standards**. The overriding principle is that **inter- country adoption shall take place “in the best interests of the child”** with respect for his or her fundamental rights. The purpose of the Convention is to define substantive principles for the protection of children, establish a legal framework of co-operation between authorities in the Sending States and the Receiving States and, to a certain extent, unify private international law rules on inter-country adoption. However, the fact that many questions are regulated by national law has led to **divergent interpretations** of certain key concepts under the Convention, such as “improper financial gain”. This led certain delegations to call for unification or clear guidelines with respect to e.g. fees and accreditation.

Another inherent weakness of the Convention seems to be that it does not require acceding States to present an implementation plan how they intend to fulfil the obligations enshrined in the Convention. As an example, Guatemala acceded to the Convention in 2002, despite objections of several States, although it was clear that the situation in Guatemala was such that the Convention could not be applied properly.

To date, 82 States have ratified or acceded to the Convention. The only EU Member State who has not yet ratified (Ireland) is supposed to do that in September 2010.

Issues addressed during the Special Commission

The first day of the meeting -17 June-(COM representative not present) was devoted to the issue of abduction, sale and traffic of children in the context of Inter-country adoption. It was underlined that the correct application of the 1993 Hague Convention is the best way to fight this phenomenon, even if its provisions should be read in conjunction with other international standards.

During the second and third day-18 and 19 June- (COM representative not present) the draft Guide to Good Practise N°2 entitled *Accreditation and Adoption Accredited Bodies: General principles and Good Practises* was reviewed by the delegates. The preparation of the guide was part of the mandate given to the Permanent Bureau during the last Special Commission in 2005. General principles on accreditation include, among others, professionalism and ethics in adoption, non-profit objectives and preventing improper financial gain.

The days from 21 to 25 June were devoted to the review of the practical operation of the Convention.

On 21 June Professor Peter Selman from the University of Newcastle gave an interesting presentation on trends and statistics in inter-country adoption considering the number of inter-country adoptions 1999-2008 based on data received from 23 countries.

The top 5 receiving countries in the world are: USA, Spain, Italy, France and Canada.

In 2004 the highest rates per 100,000 population were found in Norway, Spain and Sweden.

Concerning the sending countries, no comprehensive global statistics exist except for Korea. Between major sending countries are China, Russia, Korea, Ethiopia, Vietnam Guatemala, Ukraine, Colombia, India.

International Adoption from Asia is often dated back to 1953 at the end of the Korean War. By 2006, over 160,000 Korean children were adopted worldwide. It was highlighted that 86% of babies sent to USA for adoption and the 92% of those sent to Europe by Korea in 2005 were less than 1 year of age. Since 1990 China has become the most important country of origin. Maximum level has been reached in 2005, but afterwards numbers are declining. In 2010 the total number of adoption from China should be near 100,000.

Concerning Europe, the particular situation of Romania was highlighted until the total end of international adoptions decided by this country in 2005. Interestingly, less attention has been paid to the steady rise in the number of adoptions from Hungary, Latvia, Lithuania and Poland, who joined the EU in 2004. The number of international adoptions has fallen in Bulgaria, Belarus and Russia since 2004. Adoptions from the Ukraine are now rising after 4 years.

In relation to Latin America, in 2008 only Guatemala and Colombia remained in the top 10 sending countries. Brazil still sends 500 children a year but most are older or have special needs. Haiti has become a major source for France, Canada, the USA and the Netherlands but all EU countries have stopped new adoptions from Haiti since the earthquake. Only on-going adoptions have been speeded-up.

For many years inter-country adoption from Africa was rare, but the publicity surrounding adoptions made by Madonna and Angelina Jolie has changed the situation (especially regarding Ethiopia) even if a more likely cause is that children from other States were no more or less available.

1. Applying the safeguards of the Convention

The Convention establishes a system of safeguards: the principal are: subsidiarity; adoptability of the child; consent to adoption; selection and preparation of prospective adoptive parents.

a) subsidiarity

On the basis of the subsidiarity principle adoption is one of the options for the child protection. But for some States these options are very few. Alternative options should be explored (in particular national adoption) before allowing Inter-country adoption (ICA).

Some experts from States of origin stated that particular solutions could be envisaged as alternative to inter-country adoption, depending on the culture of the country: for instance, kinship care, foster care or cluster foster care (the local community looks after the children). In any case, the "best interests of the child" has to be considered the overriding principle in the Convention, not subsidiarity. Each situation should be considered on a case by case basis. It is important to respect the "sense of time" of the child and avoid unnecessary delays in finding solutions. Timing is important for a proper child development; it is not possible to spend years in searching a national solution leaving the child without a family, for instance in institutional care. Time perception of the children is different from the one of the adults.

The opportunity to set a minimum age for adoptable children was also discussed and there were diverging opinions on the involvement of the birth mother in decisions about the child's placement.

b) establishing whether a child is adoptable

The first attempt should be aimed at the family preservation, than at finding possible option in the country of origin. Some abuses are reported (i. e. falsification of documents) in order to establish adoptability of the child.

Clear criteria are needed to guide the decision makers and safer procedures have to be established. For instance, over than one hundred million children (UNICEF) are not registered at birth. Persons who take decision should be independent and well trained and qualified. No financial gain should be allowed.

Colombia, Panama, Lithuania, Brazil: the consent of the child is also important according to the child's age and maturity. Guinea: primary concern is for the child abandoned at birth. A family is searched for the child for 1-6 months.

Ecuador recalled problems with over-lengthy procedures to declare a child adoptable. Afro-Ecuador children are difficult to be adopted nationally.

Mexico and Brazil: the adoptability of a child is declared by means of a judicial procedure. No other bodies should be implied in the process.

Canada: adoptability is to be decided by the country of origin, but also the receiving country should be involved in the procedure.

Philippines: make sure that kinship is explored, consent of the mother necessary.

Slovakia: judicial procedure. Biological parents are also involved, child represented by a guardian.

The conclusion of the discussion was that is difficult to summarize individual practises in different States. Consent of the child is to be stressed and also the possibility to know his/her origin.

c) consent to the adoption

Social worker can be also responsible for counselling of birth parents; therefore an adequate training is needed.

Expert identified the case where birth mother is a minor and the consent is often given by her parents or by a guardian as a source of possible conflicts.

No consent before birth of the child should be possible. Adoption agencies offering pregnancy counselling should operate in accordance with ethical standards.

d) selection, counselling and preparation of prospective adoptive parents (given the importance of this topic this could be the subject of a Guide of Good Practise N°3) .

Some experts from countries of origin remarked that prospective adoptive parents (PAPs) are sometimes not prepared for the reality of ICA.

Switzerland: It is important that the State of origin inform receiving countries about the type of children that they are willing to give for adoption.

Italy: Double step procedure. Selection and approval is made by public services in general, and then there is the hand over to the accredited bodies which put the PAPs in touch with a specific country.

Spain: the family should be studied before deciding adoption. The validity of the evaluation in some State of origin is limited to 1 year; if this is the case we repeat the evaluation after the expiry of the deadline.

Some Latin American countries of origin require a working knowledge of Spanish in order to communicate with the child.

Malta stated that it could be difficult to update the reports on the PAPs if they move to other countries.

Belgium: No same feeling on which family could be suitable to adopt in the receiving and sending countries (for instance regarding singles, homosexual couples).

Brazil: working knowledge of Portuguese is required because children are 5 years old or more. Validity of the report: 2 years.

Philippines: as a policy better to focus on one country.

USA: Private and independent organisations of adopted parents inform PAPs about their experience and help children to keep their cultural heritage. USA Central Authorities use these organisations as resources to inform PAPs and provide them with updated information on the requirements of countries of origin (so-called reality check).

In general, States of origin should communicate to receiving countries changes to the child situation so that this information can be incorporated with the preparation of PAPs. On the other side, receiving countries should send updated reports on the PAPs to the State of origin (home studies should be not older than 2 years).

Good practices were identified in limiting PAPs to make only one application in one State of origin and for the State of origin in restricting the number of countries with which it works. This could help the preparation of parents: their basic knowledge of the cultural context and of the language will assist the child in his/her integration.

e) agreements given under Article 17-Conditions of entrustment-

No child should be entrusted to PAPs until Central Authorities have given their agreement (physical handing over of the child). This is under the responsibility of the State of origin. It is the moment to review all the adoption procedure in order to finalize it.

2. Cooperation between Central Authorities

During this session, experts discussed the topic of co-operation, communication and networking between Central Authorities. Communication problems between CAs were highlighted, especially concerning countries with multiple CAs. Quality of post adoption reports is important. Collaboration is needed also in case of failed adoption in order to understand the causes and learn from past experiences.

UNICEF stated that countries of origin should be encouraged working together (as Latin American countries). A similar approach from receiving countries could be also beneficial.

Reversal of flow proposed by the International Social Service (ISS): States of origin identify specific children in need of adoption and propose them to the receiving States. This practise could alleviate the pressure on State of origin and reduce processing delays.

3. Inter-country adoption in the context of globalisation and international mobility

The concept of ICA is based on the fact that the child and the PAPs are habitually resident in different countries and the child will have to be moved for the purpose of adoption. No mention of nationality is made in the Convention.

Defining the child habitual residence is usually easier. Instead, PAPs could be mobile, for instance, because of work reasons. Habitual residence is not defined in the Convention; this concept has to be applied on a case by case basis.

Several examples of the difficulties linked to the concept of habitual residence were reported.

Example: a couple habitually resident in the Netherlands spends 6 months a year in Malawi. If they want to adopt a child from Malawi is it a domestic adoption or an ICA? If the procedure starts in the Netherlands, this has to be considered an ICA, if it starts in Malawi is a domestic adoption. This kind of issues is very difficult to solve in practise.

There are also cases in which because of PAPs have close connection in the country of origin of the child, it could be considered national adoption.

In other cases adopters are national of the country where the child lives but resident in another country. Sometimes the adoption is treated as national adoption when PAPs have citizenship of the country of origin of the child.

Other cases are related to the use of nationality as eligibility criteria to adopt. A couple is habitually resident in one country, they want to start an ICA, but they are not allowed because they don't have nationality of the country in which they reside.

Furthermore, PAPs can move in the middle of the process to another country.

Similar cases happen also within the EU. The European Commission representative explained the consequences of the lack of recognition of adoption decisions between EU Member States as it is an obstacle to the freedom of movement of EU citizens. She asked the representatives of MSs Central Authorities to report to the COM (possibly by October) the cases they are dealing with and the relevant data.

Ireland: the concept of habitual residence raises major concern in Ireland: need guidance and clarifications. Adoption tourism of Irish nationals is to be avoided.

Italy: habitual residence principle is to be followed but often it happens that foreigners living in Italy adopt following their national law. Normally Italian CAs adopt a very formalistic approach and ask these people to restart the procedure following the Hague Convention.

Hungary: It happens that Hungarian citizens living abroad try to ask for national adoption but instead they are addresses to ICA, while foreigners living in Hungary can start national adoption. An interesting case of Hungarian lady with Dutch husband living in Germany is reported. Where do they have habitual residence? Which Central Authorities are competent?

William Duncan, Deputy Secretary General of the HccH, stated that a certain amount of pragmatism is needed; a cooperative approach taking into account the best interests of the child is to be followed in these complicated cases. An adoption carried out under Hague Convention is immediately recognized by all Contracting Parties. If an adoption has been carried out as domestic instead ICA, Central Authorities should collaborate in order to find a solution which could allow the issue of certificate under Article 23.

Also adoptions by relatives should be carried out under the 1993 HC.

4. Cooperation (development aid) projects

UNICEF: the assistance projects should be of preventive nature for the family, accredited bodies should not contribute to development projects carried out in residential care facilities.

NAC (Nordic Adoption Council, NGO regrouping the 5 Nordic countries with included Nordic accredited bodies and Euroadopt) proposes establishing a technical resource group in order to advise States embarking on ethical assistance projects. A set of ethical rules for Members of NAC has been approved at its September Council.

France stated that the principles of the Convention are respected and that in 2008 a reform of cooperation actions has taken place based on ethic principles. It was not ethic to co-finance orphanages to pick from them children for adoption. Better finance child protection systems or help States which have acceded recently to the 1993 HC or are willing to do that. Ex: support to Togo, Ethiopia (2nd country of origin for France), Guatemala, Haiti, Mali.

USA: many assistance projects are focused on food and shelter without other finalities. There is a clear distinction between projects aimed at promoting child protection and projects with the hidden finality of render children available for ICA.

5. Certificate of conformity under Article 23 of the Convention

It is an essential tool to allow automatic recognition of adoption decisions. In some countries it is still necessary to obtain visa and /or citizenship for the adopted child.

Only 44 countries out of 82 Contracting Parties have designated the competent Authority to deliver the certificate.

Sometimes certificates are incomplete or incorrect or issued for adoption which were not made in accordance with the Convention (ex. national adoptions).

In other cases, the certificate is not mentioned in the national legislation and therefore it is not issued.

The use of the model of certificate of conformity should therefore be improved.

ICCS/CIEC (International Commission on Civil Status) noted the divergent practices between Members of the organisation. Problems encountered in practise are due to the lack of any certificate under Article 23 or to the fact that the certificate does not contain essential data. CIEC is working on a standard form which contains more information and could be render possible easier recognition.

The HccH clarified that there is no requirement of legalisation for an Article 23 certificate since it is already authenticated under the Convention.

6. Recognition and effects of adoption

The Deputy Secretary General reminded delegates that the simplified system of automatic recognition of the adoption decision was one of the most important objectives of the Convention.

It is recognition by operation of law, no other procedure is needed. Any additional formality is not permitted. Automatic recognition between the 82 contracting States can be achieved only through the certificate.

What happens in case of procedural defeats (lack of certificate under Article 23 or irregularities)? The Central Authorities should co-operate in helping to ensure that the situation is rectified whenever possible. However, once the certificate has been issued, the refusal to recognise the adoption is only possible if recognition would be manifestly incompatible, under Article 24, with the public policy of the recognising State, taking into account the best interests of the child. There is very limited scope of application of this article. In case of minor defects, a solution should be found.

Article 23 does not specify which authority should issue the certificate, but normally is a governmental/public body. Quite a larger number of States have not yet designated the competent authority under article 23 and this situation has to be corrected.

7. Private and independent adoptions

These adoptions are often carried out outside the Convention even if they are included in its scope as defined in Article 2. If these adoptions are between Contracting States they have to be carried out under the Convention.

Independent adoption means that PAPs recognised suitable for adoption travel to the country of origin to find a child without assistance of Central Authorities or accredited bodies.

Private adoption is an arrangement for adoption made directly between PAPs and biological parents.

A double standard is applied in some countries: Contracting States are not allowed to private adoption while non Contracting States are permitted. There is a lack of awareness among adoption actors. In some Convention countries private adoptions are still permitted under domestic law.

Experts agreed to the necessity of prohibiting private adoptions.

Belgium-Flemish Community: PAPs cannot go independently in the country of origin. They have to inform their Central Authorities which will send the dossier to the Authorities of the country of origin. Only when the matching is done PAPs can go the country and take the child. A new terminology is proposed to designate this kind of situation: individual adoption.

Nordic Adoption: ethic rules are needed to eliminate contact with biological parents and private adoptions.

Russia asked if Contracting Parties can have a system of independent adoption or this should be carried out under the Convention. The HccH responded that parallel systems between Contracting Parties are not permitted in order to guarantee the safeguards of the Convention.

UNICEF stressed the importance of prohibiting or at least limiting independent adoptions to prevent procurement of children for adoption which could lead to trafficking, sale or abduction of children.

France reported that negotiations are on going for a bilateral agreement with Russia to avoid private adoptions, as Russia does not intend to accede to the 1993 Hague Convention. The bilateral agreement with Vietnam has also prohibited private adoptions.

8. The role of the HCCH in the collection of statistics related to adoption

The importance of using standard forms to collect statistics on adoption was highlighted by the Permanent Bureau.

Four alternatives were identified for a centralised collection of statistics by the Permanent Bureau : 1. keep status quo and using existing forms with the continued involvement of Permanent Bureau; 2. continuing being involved in collection of data but without asking States for compilation of standard forms: States provide only links to the data that they collect 3. instead of using standard forms use of electronic data base like in the 1980 Convention. 4. stop collection of statistics from Permanent Bureau.

Prof. Selman: Statistics are important to assess operation of Convention and evaluate trends.

UNICEF: data normally exist but are not made public by the States. Consultations should continue on options for the future collection of statistical data by the Permanent Bureau.

9. International (cross-border) surrogacy arrangements

A surrogacy arrangement happens when intending parents make a contract with a surrogate mother in another country who can or cannot have biological connection with the intending parents. Very difficult problems rise in this case concerning the status of the child and the validity and enforceability of the contract.

It is important to look at the possible interplay with ICA. In some countries surrogacy is not allowed.

The question is if international surrogacy falls under the scope of the 1993 HC. Technically yes, even if this situation was never discussed during negotiations.

Example: Intending parents are living in a certain country. The contract is made with a surrogate mother living in another country. After birth, the child is recognized as child of the couple. It happens that this status is not recognized in the State of residence of the intending parents. In this case, ICA could be a possible mechanism to establish filiation.

But, given that commercial agreements are an essential part of surrogacy, the situation cannot fit in the structure of the 1993 Convention which cannot be used to facilitate commercial arrangements. Furthermore, in ICA the consent of the biological mother should be given only after childbirth, while in surrogacy agreements is granted even before pregnancy has started.

10. Post-adoption issues

The added value of having adult adoptees involved in the ICA process was highlighted, as they can provide assistance in preparing PAPs and in helping adopted children to develop a sense of identity.

The importance of preserving adoption records in perpetuity, in order to facilitate the possible adoptive child's search for his /her origins, was also pointed out.

11. Monitoring the Convention

Meetings like the Special Commission are the best opportunity to monitor the functioning of the Convention; also State responses to questionnaires are an important tool in this respect.

However, given the limited resources of the Permanent Bureau, co-operation with organisations as UNICEF, ISS and *Terres des Hommes* is indispensable. Further support from States Parties was requested to help with monitoring and technical assistance programmes.

The Netherlands propose the establishment of an International Supervisory Authority to deal with malpractices and monitor the implementation of the convention. The issue of financing such an initiative was raised.

12. Technical assistance programme

The Permanent Bureau presented the technical assistance programme of the HccH and its contribution to law reform and training, thanking specific States for their support. For instance, USA, The Netherlands, Norway and Italy have supported the 2007 Programme, while other States, as France and Belgium, have contributed for specific projects in Cambodia, Guatemala, Mexico, Nepal and Namibia. The need for more funding was stressed. The role of the Permanent Bureau was unanimously acknowledged.

Some experts underlined also the benefits of horizontal co-operation between countries of origin (example: Chile and Guatemala).

The representative of the UN Committee for the Rights of the Child noted that the Committee systematically recommends ratification of the Convention, raising the question of whether it would be beneficial to habitually include a proposal to seek assistance from the Permanent Bureau. The Secretary General agreed that this would be helpful.

13. Dealing with non Convention countries

Recommendations N.11 of Special Commission 2000 and n.19 of Special Commission 2005 were recalled: States Parties as far as possible should apply the standards and safeguards of the Hague Convention in dealing with non-Contracting States and also encourage them to accede/ratify the Convention.

Bilateral agreements with non-Contracting States can be useful in so far they include standards and safeguards of the Convention such the articles based on the UN Convention on the rights of the Child: subsidiarity, free consent, authorisation given by public body. They are also an opportunity to regulate issues that are not covered in the Convention (ex: preparation of PAPs).

In general, it could be said that a bilateral agreement could prevent or encourage the accession to the Convention (Russia and Vietnam).

General recommendation applies to these cases. Some disadvantages of the bilateral agreements:

1. reinventing the wheel each time with every country; 2. exclusion from the multilateral network of the 1993 HC; 3. dealing this matter bilaterally does not guarantee universal recognition of adoption decisions in this situation of global mobility of families.

Bilateral agreements, on the other hand, could include possible additional safeguards, as, for instance, in post adoption follow-up or more specific provisions. However, this could be done within the Convention framework. It is possible to accede to the Convention, while concluding a bilateral agreement with a specific country.

Pipeline cases: country of origin switches from an unregulated system into the 1993 HC framework. Last minute applications could block the activities of Central Authorities for a long time. Guide of Good practise contains information in how to deal with these cases. Sometimes pipelines cases could be converted in applications under HC 1993.

UNICEF: receiving countries should follow the general recommendations mentioned but sometimes there is disagreement between them in how to proceed in respect to non contracting parties: regarding the content of bilateral agreement a number of receiving countries do not follow the principles of the Hague Convention.

France negotiations regarding bilateral agreement with Russia should be finalized by the end of the year. The bilateral agreement was requested by Russia because they "*cannot accede to Hague Conventions*".

14. Response to disaster situation: Tsunami and Haiti

The necessity to take a common approach to managing inter-country adoption during disaster situations was underlined. The declarations of the Permanent Bureau and other international organisations in the aftermath of the Haiti earthquake were of great assistance to States in formulating their ICA policy. Praise was made also to the Commission by some EU Member States (the Commission endorsed the position of UNICEF and of the Permanent Bureau, namely no new adoption procedures in disaster situations but accelerating those procedures already completed in the best interests of the child).

France recalled that its government organized a special flight to evacuate to France children for whom a judgement was already issued. Only the dossiers started before earthquake are managed. Post adoption services are important for these children. A common EU approach would have been desirable, but this has not happened.

ISS and UNICEF recalled the danger of fast track procedures in the aftermath of earthquake. They would support also a common approach to respond disaster situation.

Canada encouraged Haiti to take advantage of HCCH technical assistance programme and also to adopt proper legislation on adoption.

USA supports humanitarian help but considers not appropriate to move children in the aftermath of the earthquake. Haitian children moved to USA only when their adoption was already approved by judges or children were already matched with American families. The eligibility of parents was also checked again. Children travelled with documents provided by Haiti government.

There was clear understanding that adoption should not be the first response to disaster situations. The need for a coordinated approach in these situations was pointed out.

15. The 1996 Convention on Protection of Children.

The Deputy Secretary General recalled Article 2 *b*) of the 1993 Convention and noted that it did not apply to other forms of child care such as *kafala*, foster care or institutional care. He invited experts to describe measures taken within their States in relation to the cross-border aspects of

these alternative forms of care. He also noted that States could apply principles underlying the 1996 Convention to inter-country adoption (for example, the jurisdictional provisions in Chapter II could be used in determining responsibility in cases of adoption breakdown).

Experts noted that some States have implemented formal procedures for cross-border *kafala* that are based in part on the procedures under Chapter IV of the 1993 Convention. *Terres des Hommes* observed that some States do not recognise *kafala*, and that others allow *kafala* to be “converted” into a full adoption.

France: *kafala* cannot be converted in adoption because it does not establish filiation.

Belgium: Moroccan Community transfer children in Belgium within the framework of *kafala*. PAPs have to follow preparatory course and are submitted to suitability judgement. In Belgium only abandoned children without parents (i. e. they don’t have filiation ties) could be adopted in the framework of *kafala*. Moroccan authorities are fully aware of that. Normally at least one member of the couple is Muslim.

Spain: the procedure is very similar to Belgium: only abandoned children are concerned. However, there is a different treatment of PAPs, in the sense that not only Muslims are admitted to *kafala*. There is also a procedure to transform *kafala* in adoption.

The majority of experts expressed their support for the 1996 Convention. A number of experts encouraged States to ratify/accede to this Convention to improve its effectiveness.

16. Future work priorities

The draft Guide to Good Practice No 2 on accreditation will be revised by the Permanent Bureau in the light of discussion held at the Special Commission, then a further consultation between Contracting Parties and organisations present at the Special Commission will be carried out.

All experts supported the proposal by the Permanent Bureau to develop a new guide to good practice on the selection, counselling and preparation of prospective adoptive parents

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Meeting EU/USA: In the margins of the meeting, the EU (represented by the Commission, the Council Secretariat and the Spanish Presidency) held informal talks with the USA representatives, in order to verify possibilities to finance initiatives aimed at encouraging third States to accede to 1993 Hague Convention and/or helping them at implementing it properly.

The countries mentioned by the USA were, for instance, Laos, Ethiopia, Vietnam (non-contracting States), Guatemala (signed), Nepal (accession but adoption suspended for non corrected implementation of the Convention).

COM said that activities as those mentioned by USA are currently carried out by the HCCH in the framework of the **technical assistance programme** which has proved to be very successful. It is possible under this programme that some receiving countries coordinate themselves in order to finance HCCH activities in a specific country of their interest.

From the COM point of view, we are reflecting on the possibility to co-finance in a more permanent way the work of the HCCH in the framework of the Civil Justice Programme in the timeframe 2014-2020.

We agreed to stay in touch and discuss again the issue at another suitable occasion. (N.B.: as a follow-up, USA requested to meet the Commission and the Belgian Presidency: the meeting will take place on 3 September 2010).

[*Signed*]

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Enclosure: Conclusions and Recommendations

Cc: Mr Brun (DG JUST), Unit A1 list (DG JUST)
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