

July 2016  
(E)

**NOTE FOR THE MEETING OF THE WORKING GROUP  
ON PREVENTING AND ADDRESSING ILLICIT PRACTICES IN INTERCOUNTRY ADOPTION**

*drawn up by the Permanent Bureau*

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**NOTE POUR LA RÉUNION DU GROUPE DE TRAVAIL SUR LA PREVENTION DES PRATIQUES  
ILLICITES ET LES MOYENS D'Y REMEDIER**

*établie par le Bureau Permanent*

*Document for the attention of the Working Group  
(meeting of 13-15 October 2016)*

*Document à l'attention du Groupe de travail  
(réunion du 13 au 15 octobre 2016)*

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## GLOSSARY

*Note:* Although the following terms do not appear in the text of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (hereinafter, “the 1993 Hague Intercountry Adoption Convention” or “the Convention”), they are relevant to the Convention’s implementation and have been defined in “Guide to Good Practice No 1 on the Implementation and Operation of the 1993 Hague Intercountry Adoption Convention” and the “2012 Discussion Paper on Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases”. Definitions in those documents are the following:

**Illegal adoption:**<sup>1</sup> an adoption resulting from abuses, such as abduction, the sale of, traffic in, and other illegal or illicit activities against children. One of the main objects pursued by the 1993 Hague Intercountry Adoption Convention is to prevent such abuses (see also Guide to Good Practice No 1, Chapter 10.2.1).

**Illicit practices in intercountry adoption:**<sup>2</sup> refers to situations where a child has been adopted without respect for his or her rights or for the safeguards of the Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child’s origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other).

**Independent adoption:**<sup>3</sup> the term *independent adoption* is used to refer to those cases where the prospective adoptive parents are approved as eligible and suited to adopt by their Central Authority or accredited body. They then travel independently to a country of origin to find a child to adopt, without the assistance of a Central Authority or accredited body in the State of origin. Independent adoptions, as defined, do not constitute good practice. They do not satisfy the Convention’s requirements and should not be certified under Article 23 as a Convention adoption. In practice, sometimes no distinction is made between the terms *independent adoption* and *private adoption* and this may cause confusion.

**Private adoption:**<sup>4</sup> the term *private adoption* refers to one where arrangements for adoption have been made directly between a biological parent in one Contracting State and prospective adopters in another Contracting State. Private adoptions arranged directly between birth parents and adoptive parents come within the scope of the Convention if the conditions set out in Article 2 are present (inter alia, the child has been, is or will be moved from the State of origin to the receiving State), but such adoptions are not compatible with the Convention. [A private adoption (see below) could never be certified by Article 23]. A distinction is made in Guide to Good Practice No 1 between purely private adoptions and *independent adoptions* (see above). For further explanation, see Chapter 8.6.6 of the Guide.

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All the documents relating to international adoption drawn up by the Hague Conference and mentioned in this document are available on the Conference’s website at the “Adoption Section”.

<sup>1</sup> See Permanent Bureau of the Hague Conference on private international law, *Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention*, Family Law, Jordan Publishing Ltd, Bristol, [hereinafter, “Guide to Good Practice No 1”], 2008, Glossary.

<sup>2</sup> This definition is taken from the “2012 Discussion Paper on Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases” developed by the Working Group on preventing and addressing illicit practices.

<sup>3</sup> Guide to Good Practice No 1, *supra* note 1, Glossary.

<sup>4</sup> *Ibid.*

## INTRODUCTION

1. One of the main objects of the 1993 Hague Convention is to establish a system of co-operation amongst Contracting States to ensure that safeguards in intercountry adoption are respected and thereby, the abduction, the sale of, or traffic in children is prevented. With that key objective in mind, a Working Group on Preventing and Addressing Illicit Practices in Intercountry Adoption (“the Working Group” or “the Group”) was established in 2010 to “consider the development of more effective and practical forms of co-operation between States to prevent and address specific instances of abuse”.<sup>5</sup> The Group has worked remotely until now.

2. In March 2016, the Council on General Affairs and Policy (“the Council”) endorsed the proposal of the Permanent Bureau to have a first in-person meeting of this Group, with the aim of discussing its work and the possible tools that may be developed.<sup>6</sup> This note has been developed to assist with the discussions during that in-person meeting of the Working Group which will take place from Thursday 13 October to Saturday 15 October 2016. The meeting would start on Thursday afternoon, followed by a full second day. The session on the third day is expected to be in the morning only, depending on the development of the agenda.

3. This note is structured as follows:

- Part I provides a summary of work done up to now by the Working Group;
- Part II recalls the definition of illicit practices and provides some examples;
- Part III presents a brief summary of the key guarantees established by the 1993 Hague Convention in this field;
- Part IV reflects on next steps of the Working Group and proposes possible tools for consideration by the Group both to prevent and to address illicit practices; and
- Part V addresses expected outcomes.
- The Annex presents a chronology of the work of the Hague Conference in this area.

## PART I – BACKGROUND INFORMATION

### *The work of the Hague Conference in this area*

4. The “serious and complex human problems” in the area of intercountry adoption were among the reasons for drafting the 1993 Hague Convention.<sup>7</sup> As recognised by the 2015 Special Commission on the practical operation of the 1993 Hague Convention, the Convention has had a “significant, positive impact [...] on laws and practices relating to intercountry adoption over the last 20 years, transforming an area that was previously largely unregulated into a regulated, rule-based system which strives ‘to ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights’”.<sup>8</sup>

5. While the overall situation has improved greatly and the success of the Convention is widely acknowledged,<sup>9</sup> it is recognised that problems remain. Indeed, illicit practices were identified as an area of concern by the 2000 and 2005 Special Commissions on the practical operation of the Convention.<sup>10</sup> In 2010, the agenda of Special Commission meeting included a thematic day,

<sup>5</sup> 2010 Special Commission (SC), “Conclusions and Recommendations adopted by the Special Commission”, C&R No 2. Until this time, work in this area had taken place more informally via e-mail and conference calls.

<sup>6</sup> See “Conclusions and Recommendations adopted by the Council on General Affairs and Policy of the Conference (15-17 March 2016)”, C&R No 30 and “Work in the adoption area following the Special Commission meeting of June 2015”, Prel. Doc. No 4A of February 2016.

<sup>7</sup> J.H.A. van Loon, Report on intercountry adoption, Prel. Doc. No 1 of April 1990, *Proceedings of the Seventeenth Session (1993)*, Tome II, *Adoption – co-operation*, The Hague, SDU, 1994, pp. 11- 119 (hereinafter, the “van Loon Report”); see also G. Parra-Aranguren, Explanatory Report on the 1993 Hague Intercountry Adoption Convention, *Proceedings of the Seventeenth Session (1993)*, Tome II, *Adoption - co-operation*, The Hague, SDU, 1994, pp. 539 to 651, para. 6.

<sup>8</sup> 2015 SC, “Conclusions and Recommendations adopted by the Fourth meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention”, C&R No 1.b (quoting from the Convention’s Preamble).

<sup>9</sup> “20 Years of the 1993 Hague Convention - Assessing the impact of the Convention on Laws and Practices relating to Intercountry Adoption and the Protection of Children”, Prel. Doc. No 3 of May 2015 for the attention of the 2015 SC.

<sup>10</sup> 2000 SC, “Report and Conclusions and Recommendations of 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 Intercountry

sponsored by the government of Australia, to consider the extent of the abduction, sale and traffic in children in the context of intercountry adoption at that time. As a result of these discussions, in its Conclusions and Recommendations, the Special Commission drew attention to certain essential features of a well-regulated intercountry adoption system to prevent abuses.<sup>11</sup>

6. In addition, it noted that “[a]n informal group co-ordinated by the Australian Central Authority with the participation of the Permanent Bureau will consider the development of more effective and practical forms of cooperation between States to prevent and address specific instances of abuse. The result of this work will be circulated by the Permanent Bureau for consideration by Contracting States.”<sup>12</sup> The Group carried out its work via email and conference calls. In 2012 the [“Discussion Paper: Cooperation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases”](#) was published as a result of the work of the Group.

7. The Discussion Paper considered principles and co-operative measures relating to preventing and addressing illicit practices in individual intercountry adoption cases, with a particular focus on:

- co-operation and information sharing to prevent illicit practices in intercountry adoption cases (e.g. sharing of information, reporting and monitoring, and assistance to States of origin);
- preventing undue pressure on States of origin (e.g., avoiding competition or pressure between States and competition between accredited bodies, and educating prospective adoptive parents); and
- co-operation to address and respond to specific cases of illicit practices.

8. In 2015, in preparation for the Fourth Special Commission on the practical operation of the Convention, the Permanent Bureau published [Fact Sheet No 3 “Preventing and Addressing Illicit Practices in Intercountry Adoption”](#) which included some ideas regarding possible future work for this Group. In its Conclusions and Recommendations, the 2015 Special Commission “welcomed the frank and open dialogue which took place on preventing and addressing illicit practices, and the sharing of good practices in this regard. It noted that co-operation and coordination between States is key to preventing illicit practices.” It also recommended that the Working Group resume its work. The United States of America offered to co-ordinate the work of the Group.<sup>13</sup>

9. Following the Special Commission, the Permanent Bureau sent a circular to all States Parties to the Convention and Members of the Hague Conference, requesting suggestions regarding the way forward for the Working Group. The information sent by States in response to this request and the 2015 Fact Sheet provide the basis for this document.

### ***The work of other organisations in this area***

10. The International Social Service (ISS) is also working in this area and has recently published a [Professional Handbook entitled “Responding to Illegal Adoptions”](#). The primary aim of this handbook is to demonstrate the need for professional support when facing and / or responding to an illegal adoption. The Handbook equips professionals working with adoptees, biological families and adoptive families with a range of resources for responding to an illegal adoption. Finally, it also provides tools and inspiration for moving forward in such a challenging context.

11. In addition, the Special Rapporteur on the sale of children, child prostitution and child pornography, appointed in 1990 by the United Nations Commission on Human Rights, will be presenting a thematic study on illegal adoptions to the Human Rights Council in 2016/2017. The Special Rapporteur investigates the exploitation of children around the world and submits reports to the General Assembly and the Commission on Human Rights, making recommendations for the protection of the rights of the children concerned.<sup>14</sup>

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Adoption – 28 November-1 December 2000”, C&R No 11; 2005 SC, “Conclusions and Recommendations of the second meeting of 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 Intercountry Adoption, C&R Nos 10 and 19.

<sup>11</sup> 2010 SC, C&R No 1.

<sup>12</sup> 2010 SC, C&R No 2.

<sup>13</sup> 2015 SC, C&R Nos 44-45.

<sup>14</sup> See [www.ohchr.org/EN/Issues/Children/Pages/ChildrenIndex.aspx](http://www.ohchr.org/EN/Issues/Children/Pages/ChildrenIndex.aspx)

## **PART II – EXAMPLES OF ILLICIT PRACTICES IN INTERCOUNTRY ADOPTION**

12. As stated in the Glossary, the term ‘illicit practices’ “refers to situations where a child has been adopted without respect for his rights or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child’s origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)”. On the basis of the responses of States to a questionnaire circulated in advance of the 2015 Special Commission, the 2015 Fact Sheet presents some examples of illicit practices:

- improper payments or gifts to family members, intermediaries, officials, or others;
- other improper inducements to obtain the consent of the biological parents or family;
- fraud, such as misrepresentation of identity and obtaining children from biological families through false representations;
- forgery / falsification of documents;
- child laundering, whereby children are obtained illicitly by force, fraud, or funds, false documents of adoptability are created, and the child is then processed for intercountry adoption;
- bypassing the matching system;
- bypassing the intercountry adoption process, *e.g.*, by removing a child from the State of origin through guardianship arrangements or other means;
- abduction of children for the purpose of intercountry adoption; and
- directing children to intercountry adoption without regard to appropriate domestic solutions.

13. Some of these practices constitute activity that is likely criminal under the national laws of Contracting States (*e.g.*, certain improper payments, fraud, forgery, child laundering, child abduction), whereas other practices, while they may not be inherently criminal, contravene the principles and standards in the Convention (*e.g.*, bypassing the matching system, bypassing the intercountry adoption process, directing children to intercountry adoption without regard to appropriate domestic solutions).

## **PART III - PROVISIONS OF THE 1993 HAGUE CONVENTION RELATING TO PREVENTING AND ADDRESSING ILLICIT PRACTICES**

14. A number of provisions of the 1993 Hague Convention relate to preventing or addressing illicit practices. Some examples include (but are not limited to):

- States are convinced of the necessity to take measures to prevent the abduction, sale of, or traffic in children (Preamble);
- The objects of the 1993 HC include establishing a system of co-operation amongst Contracting States to ensure that the 1993 HC’s safeguards are respected and that abduction, sale of, or traffic in children is prevented (Art. 1(b));
- Central Authorities shall ensure that proper consents are given and that adoptability is well determined (Arts 4 and 16);
- Central Authorities shall keep one another informed about the operation of the 1993 HC and, as far as possible, eliminate any obstacles to its application (Art. 7(2)(b));
- Central Authorities shall take all appropriate measures to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of the 1993 HC (Art. 8);
- No one shall derive improper financial or other gain from an activity related to an intercountry adoption (Art. 32(1)); and
- A competent authority which finds that any provision of the 1993 HC has not been respected or that there is a serious risk that it may not be respected, shall immediately inform the Central Authority of its State. The Central Authority shall be responsible for ensuring that appropriate measures are taken (Art. 33).

## PART IV – SUGGESTIONS OF PRACTICAL TOOLS AND OTHER WORK THAT MIGHT BE CARRIED OUT BY THE WORKING GROUP

15. Part IV of this document presents some suggestions of practical tools and other work that might be carried out by the Working Group.

16. The Permanent Bureau proposes the following way forward:

- To start with, the Group might agree on the use of harmonised terminology;
- Then, the Group might discuss specific steps which could be taken to enhance co-operation in relation to illicit practices; and
- Finally, the Group might focus its attention on developing strategies to prevent and address illicit practices.

17. In the discussion that follows, suggested objectives have been included in each section. Experts are requested to think about the suggestions proposed by the Permanent Bureau and, if possible, identify examples and current practices that could help the Group to decide whether it should work on that particular proposal.

### TERMINOLOGY

#### *Objective 1: Use of harmonised terminology*

18. The fact that the Convention does not define illicit practices can lead to ambiguity, confusion and inconsistent interpretations by Contracting States. Therefore, as a first step, it is recommended that the **Working Group agree to use the existing definitions** in the Guide to Good Practice No 1 (illegal adoption, independent adoption and private adoption) and the 2012 Discussion Paper (illicit practices) in order to minimise the potential for misunderstanding in determining the way forward and developing practical tools such as the ones discussed below.

19. The Working Group may wish to **discuss whether there are other terms** used in relation to this topic that should be discussed, defined and included in the Glossary.

### CO-OPERATION

#### *Objective 2: Improving cooperation to prevent and address illicit practices*

20. The Working Group may wish to do an **inventory of the existing mechanisms for co-operation** at different levels, and discuss how to improve them. This should include co-operation:

- *at the global level* (all States and concerned international bodies),
- *between* the Central Authority of a State of origin and its partners,
- *among* Central Authorities of *receiving States*,
- among Central Authorities of *States of origin* (globally and at *regional level*),
- at the *national level* of receiving States, and
- at the *national level* of States of origin.

21. The Group may then discuss if **further mechanisms for more robust co-operation and regular exchange of information** are needed and if so, how they could be established.

22. For example, in relation to enhancing co-operation and communication *internally* in States:

- Central Authorities might regularly **seek specific information** on trends in illicit practices, with the assistance, as relevant, of NGOs and professionals; and
- Central Authorities might conduct **awareness-raising campaigns** to help educate the public regarding illicit practices in intercountry adoption. The Working Group might share information on current national campaigns and strategies in this regard.

23. In relation to enhancing cooperation *between* States, the Working Group may wish to consider, for example, whether:

- States might designate a specific **point of contact** in each Central Authority who would be responsible for communications and co-operation with respect to illicit practices. Contact

persons could exchange information regarding incidents of illicit practices and good practices that they have developed for preventing and addressing them; and

- Central Authorities might organise **regular, informal meetings** between them in relation to illicit practices specifically.

24. The Group might also discuss **strategies to determine how relevant information can best be made available**, in a constructive manner, to stakeholders and the public in general, and to prospective adoptive parents in particular.

25. The Working Group may wish to discuss the feasibility of implementing the above-mentioned proposals, as well as propose other ideas to improve co-operation in this area.

## PREVENTING ILLICIT PRACTICES

### *Objective 3: Creating an environment where the risk of illicit practices is reduced*

26. The Group may wish to consider measures designed to create an environment where the risk of illicit practices is reduced. In some cases the legislation, policies and actions of States **fail to address and may even promote practices that create the conditions in which abuses continue**. Some directly involve financial questions, but others create an environment wherein illicit practices can thrive (e.g. private and independent adoptions, an unduly high number of accredited bodies, and rapid expansion of adoptions from a country).

27. The Group may consider **identifying such practices and the measures needed to eliminate them** effectively.

### *Objective 4: Ensuring that adoptions take place in the best interests of the child*

28. A fundamental objective under the Convention is to ensure that adoptions take place in the best interests of the child. Although this consideration should be at the heart of all intercountry adoption decisions, the determination of "best interests" in intercountry adoption is neither systematic nor based on agreed criteria. Lack of consensus on whether or not best interests are respected is reflected in, for example, the very different reactions of receiving States to the situation in a given State of origin that gives cause for concern (some may suspend adoptions while others continue).

29. Based on the 1993 Hague Convention, the Group may wish to consider establishing a list of **agreed minimum criteria to be fulfilled when determining that intercountry adoption is carried out**, generally and individually, **with the best interests of the child** as its paramount consideration.

## ADDRESSING ILLICIT PRACTICES

### *Objective 5: Recognising illicit practices*

30. When an illicit practice occurs, authorities must be aware of it and be able to identify it as illicit. For this purpose it may be useful if the Working Group considers, for example:

- enhancing the vigilance of the government authorities and educating them on **how to identify illicit activities**;
- a **system** encouraging actors in the intercountry adoption process **to report** information about illicit practices to the appropriate authorities for investigation and possible prosecution;
- a **complaint registry** for reporting concerns about the conduct of adoption accredited bodies and others, and appropriate action in response to complaints;
- a **catalogue with examples** of illicit practices and **past responses**, both in individual cases and regarding more general patterns; and
- a system ensuring that these **practices are brought to the attention** of prospective adoptive families, adoptive families, the relevant authorities and bodies and the general public.



**Objective 6: Responding effectively when illicit practices occur in specific cases and improving the responses for victims**

31. Once an illicit practice has occurred, it should be promptly addressed. The Working Group may wish to discuss establishing a **basic common procedure for responding to illicit practices**, including:

- develop a **list of steps** that need to be followed to address individual cases of illicit practice;
- where appropriate, taking into account, among other things, the seriousness of the illicit activity and the stage of the adoption process which has been reached, States might (1) if the **adoption** process is ongoing, consider whether it should be **halted**, or (2) if the adoption decision has already been issued, consider whether, in very exceptional cases, the extreme remedy of **non-recognition** of the adoption is warranted;
- address the needs of victims, and the provision of **services, counselling and support** to them (with appropriate confidentiality), including through recognition, redress, and re-establishing contact and/or identity where desired and appropriate, as well as research and training; and
- Where appropriate, consider new **restrictions that might be imposed on authorities and bodies** requiring that they take corrective actions, the suspension or revocation of the accreditation of such bodies, and restricting, suspending or closing country programmes.

32. The Working Group may refer to the ISS Professional Handbook entitled "Responding to Illegal Adoptions".

**Objective 7: Responding effectively to general patterns of illicit practices**

33. This discussion might address, for example, the actions that States of origin and receiving States have taken in response to situations in which there are chronic problems of illicit practices in intercountry adoption in a particular State. The Working Group could **analyze whether those responses have been effective, and whether alternative approaches are needed**. The Group may again wish to refer to the above mentioned ISS Professional Handbook.

34. In addition, the Working Group may wish to **consider States' domestic law enforcement response to patterns of illicit practices**. It would be beneficial if experts could explain the laws in their respective States dealing with illicit practices and provide examples of criminal prosecutions that have been successfully conducted.

**Objective 8: Developing a comprehensive toolkit**

35. The Working Group may wish to discuss the utility of **developing a toolkit** that, based on the above proposals, could **present in a concise and user-friendly way recommendations on the different steps to follow with regard to co-operation, preventing illicit practices, and addressing them**. In developing such a toolkit, it may be useful to consider examples in other areas. One such example is the [Toolkit: Working With Drug Endangered Children and Their Families](#).<sup>15</sup> The approach in that toolkit may also be relevant in the context of illicit practices in intercountry adoption, *i.e.*, awareness, collaboration and response.

**PART V. EXPECTED OUTCOMES**

36. It is hoped that the Working Group will be able to establish a work plan and a tentative timeline for completion of its proposed work product. A report of the in-person meeting would be prepared for the next meeting of the Council.

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<sup>15</sup> United States, Federal Interagency Task Force on Drug Endangered Children, *Toolkit: Working With Drug Endangered Children and Their Families*, 2011.

**ANNEX / ANNEXE**

**CHRONOLOGY OF THE WORK IN THIS FIELD BY THE HAGUE CONFERENCE**

| Event / Document                                                                    | DATE             | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2016 <b>Council</b> on General Affairs and Policy – Conclusions and Recommendations | 2016<br>March    | 30. The Council noted the Conclusions & Recommendations of the Special Commission on the practical operation of the 1993 Inter-country Adoption Convention held in June 2015, and mandated the Permanent Bureau to continue its work as set out in Preliminary Document No 4A.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Publication of <b>Preliminary Document No 4A for Council</b>                        | 2016<br>February | <p>The Special Commission meeting recommended that the Working Group on Preventing and Addressing Illicit Practices resume its work. A number of States and organisations have expressed interest in participating in the Working Group. The Permanent Bureau has received input from some States regarding topics that the Working Group might consider.</p> <p>The Permanent Bureau proposed to have an in-person meeting of the Working Group in 2016.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Circular</b> to States parties and Members of the HCCH                           | 2015<br>November | <p>Following the Special Commission meeting, the Permanent Bureau sent a circular regarding the “next steps” of the Working Group.</p> <p>The circular asked for comments / reactions regarding the proposals of further work proposed by the 2015 Fact Sheet.</p> <p>In addition, the Permanent Bureau asked States to identify those illicit practices which, in their State’s experience, occur most frequently and, where possible, share examples illustrating these practices.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>2015 Special Commission</b> - Conclusions and Recommendations                    | 2015<br>June     | <p>44. The SC welcomed the frank and open dialogue which took place on preventing and addressing illicit practices, and the sharing of good practices in this regard. It noted that co-operation and coordination between States is key to preventing illicit practices.</p> <p>45. The SC recommended that the Working Group on Preventing and Addressing Illicit Practices resume its work. It noted that the United States of America has offered to co-ordinate the work of the Group and invited States to notify the Permanent Bureau of their interest in joining the Group.</p> <p>46. Recalling 2010 SC C&amp;R Nos 22 and 23 and the fact that private and independent adoptions are not compatible with the Convention, the SC encouraged Contracting States to move towards the elimination of private and independent adoptions.</p> <p>47. The SC recalled paragraph 20 above [urging States to consider ratification or, or accession to, the 1996 Hague Convention], and noted the relevance of the 1996 Hague Convention to enhancing co-operation to protect children, including trafficked children.</p> |

| Event / Document                                                              | DATE        | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Publication of <b>Fact Sheet</b> No 3 for the 2015 Special Commission meeting | 2015<br>May | Publication of Fact Sheet No 3 "Preventing and Addressing Illicit Practices in Intercountry Adoption"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Publication of <b>Discussion Paper</b>                                        | 2012        | Publication of the "Discussion Paper: Cooperation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>2010 Special Commission - Conclusions and Recommendations</b>              | June 2010   | <p>1. Concerned to prevent, in the context of intercountry adoption, the abduction, sale and traffic in children and their illicit procurement, the Special Commission draws the attention of States to the following as essential features of a well regulated system:</p> <ul style="list-style-type: none"> <li>a) effective application of Hague Convention procedures and safeguards including, as far as practicable, in relation to non-Convention adoptions;</li> <li>b) independent and transparent procedures for determining adoptability and for making decisions on the placement of a child for adoption;</li> <li>c) strict adherence to the requirements of free and informed consent to adoption;</li> <li>d) strict accreditation and authorisation of agencies, and in accordance with criteria focussing on child protection;</li> <li>e) adequate penalties and effective prosecution, through the appropriate public authorities, to suppress illegal activities;</li> <li>f) properly trained judges, officials and other relevant actors;</li> <li>g) prohibition on private and independent adoptions;</li> <li>h) clear separation of intercountry adoption from contributions, donations and development aid;</li> <li>i) regulated, reasonable and transparent fees and charges;</li> <li>j) effective co-operation and communication between relevant authorities both nationally and internationally;</li> <li>k) implementation of other relevant international instruments to which States are parties;</li> <li>l) public awareness of the issues.</li> </ul> <p>2. [...] An informal group co-ordinated by the Australian Central Authority with the participation of the Permanent Bureau will consider the development of more effective and practical forms of co-operation between States to prevent and address specific instances of abuse. The result of this work will be circulated by the Permanent Bureau for consideration by Contracting States.</p> |