

SC 1993 ADOPTION

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<b>Title</b>	<b>Analysis of the responses to the 2019 Questionnaire on possible topics and format for the Fifth Meeting of the Special Commission on the practical operation of the 1993 Adoption Convention</b>
<b>Document</b>	<b>Prel. Doc. No 2 of December 2019</b>
<b>Author</b>	PB
<b>Agenda item</b>	n.a.
<b>Mandate(s)</b>	C&R No 32 of the 2019 Council on General Affairs and Policy (CGAP) C&R No 32 of the 2018 CGAP Article 42 of the 1993 Adoption Convention Article 6 of the HCCH Statute
<b>Objective</b>	To take into consideration the views and opinions of Members and Contracting Parties to the 1993 Adoption Convention in the organisation of the Fifth Meeting of the Special Commission
<b>Action to be taken</b>	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
<b>Annexes</b>	Responses to the 2019 Questionnaire
<b>Related documents</b>	Table of Conclusions and Recommendations of previous meetings of the Special Commission (2000, 2005, 2010, 2015) on the 1993 Adoption Convention – <a href="#">Info. Doc. No 1 of December 2019</a> for the attention of the Special Commission of 2021 on the practical operation of the 1993 Adoption Convention Please note that this document (Prel. Doc. No 2 of December 2019) was first published as <a href="#">Prel. Doc. No 8 of December 2019</a> for the attention of the 2020 meeting of CGAP.

## I. Introduction

1. In March 2018 and again in March 2019, the Council on General Affairs and Policy (CGAP) agreed<sup>1</sup> that the Permanent Bureau (PB) should start preparing for the Fifth Meeting of the Special Commission on the practical operation<sup>2</sup> of the *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (hereinafter, “HCCH 1993 Adoption Convention”, “1993 Adoption Convention” or simply “the Convention”).

2. In light of this mandate, the PB circulated a Questionnaire<sup>3</sup> in July 2019 (2019 Questionnaire) to obtain views of Members of the HCCH, Contracting Parties to the Convention as well as States actively seeking to become a Party to the Convention, and some key international organisations regarding the matters that they would like to see discussed at the meeting as well as the format of the meeting. The responses, summarised in this document, provide the basis for the preparations for the meeting, including the drawing up of the agenda.

3. The PB wishes to express its gratitude to those having responded as it received a high number of responses: 72 responses, representing 67 States and 5 international organisations:

- 48 Member States of the HCCH which are also Contracting Parties to the Convention (17 States of origin, 23 receiving States, and 8 States that are both States of origin and receiving States): Andorra, Australia, Austria, Belgium, Brazil, Bulgaria, Burkina Faso, Canada, Chile, People’s Republic of China (Mainland, Hong Kong SAR and Macao SAR),<sup>4</sup> Croatia, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, India, Ireland, Israel, Italy, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, United States of America, Venezuela, Viet Nam and Zambia.
- 2 Members of the HCCH which are not yet Contracting Parties: Republic of Korea and Ukraine.
- 16 Contracting Parties which are not Members of the HCCH: Benin, Burundi, Cabo Verde, Cambodia, Colombia, Republic of Congo, Cote d’Ivoire, Ghana, Guatemala, Guinea, Honduras, Madagascar, Mongolia, Senegal, Thailand and Togo.
- 1 interested State: Niger.
- 5 international organisations: UNICEF, International Social Service (ISS), EurAdopt, Intercountry Adoptee Voices (ICAV) and RELAC-ADOP.

4. Of the total number of States responding, 36 identify themselves as States of origin, 23 as receiving States and eight as both.<sup>5</sup> This preliminary document mainly focuses on the responses given by States.<sup>6</sup>

5. The HCCH 1993 Adoption Convention currently has 102 States Parties. In addition, three States are signatories but have not yet ratified the Convention (Nepal, Republic of Korea and Russian

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<sup>1</sup> “Conclusions and Recommendations of the Council on General Affairs and Policy of the Conference (CGAP) (5-8 March 2019)”, para. 32 and “Conclusions and Recommendations of the CGAP (13-15 March 2018)”, para. 32.

<sup>2</sup> The Special Commission on the *implementation* of the HCCH 1993 Adoption Convention met in 1994 to discuss the application of the Convention to refugee children and two model forms. Since then, the Special Commission has met to discuss the *practical operation* of the Convention on four different occasions (2000, 2005, 2010 and 2015). See also “Table of Conclusions and Recommendations of previous meetings of the Special Commission on the HCCH 1993 Adoption Convention (2000, 2005, 2010, 2015)”, Info. Doc. No 1 for the attention of the Special Commission of 2021 on the practical operation of the HCCH 1993 Adoption Convention.

<sup>3</sup> “Questionnaire on possible topics for the Fifth Meeting of the Special Commission on the practical operation of the HCCH 1993 Adoption Convention” (July 2019), Prel. Doc. No 1, drawn up by the PB (“2019 Questionnaire”).

<sup>4</sup> Please note that for the purpose of determining the percentages of the responses, a single consolidated response has been considered for each State.

<sup>5</sup> This categorisation is based on the country profiles of the relevant States.

<sup>6</sup> The responses given by international organisations are very similar to those given by States (for most of the topics, the answer is a yes, with high or medium priority). Their responses can be found in the Annex.

Federation). Since the last Special Commission meeting in 2015, the Convention has been signed and ratified by two non-Member States of the HCCH (Benin and Honduras) and acceded to by five non-Member States (Republic of Congo, Ghana, Guyana, Kyrgyzstan and Namibia).

## **II. Responses to Questionnaire on the topics for the next Special Commission meeting**

6. The topics suggested by the PB in the 2019 Questionnaire were based on the current work being undertaken by the Organisation and suggestions made to the PB by different authorities and stakeholders during recent years. The responses show that States generally agree with the main subjects proposed in the Questionnaire, as all those subjects received a majority of “yes” responses (although the degree of priority - high, medium, or low - varies from one subject to another). For the majority of topics, there are relatively few responses saying that the particular topic should not be discussed at the Special Commission meeting, or that a particular topic is not applicable for a specific State.

7. The fact that the Convention “is founded on universally accepted principles and that States Parties are ‘convinced of the necessity to take measures to ensure that intercountry adoptions are made in the best interests of the child and with respect of his or her fundamental rights, and to prevent the abduction, sale of, or traffic in children’”<sup>7</sup> means that States do have now a very similar understanding of issues.

8. However, as Contracting Parties reported at the last Special Commission meeting, there are “many challenges which remain in relation to the full and proper implementation and operation of the Convention.”<sup>8</sup> Therefore, there is still room for improvement, especially in the implementation of the Convention, and the purpose of the Special Commission is to assist and guide States in this regard. As recent developments in intercountry adoption have shown, there is now, more than ever, a need to ensure that all Contracting Parties apply the Convention properly, consistent with its spirit and taking into consideration the situation of the child not only at the particular time when he or she is in need of care, but also in the future throughout his or her life including, for example, when the adoptee may search for his or her origins.

### **A. Topics**

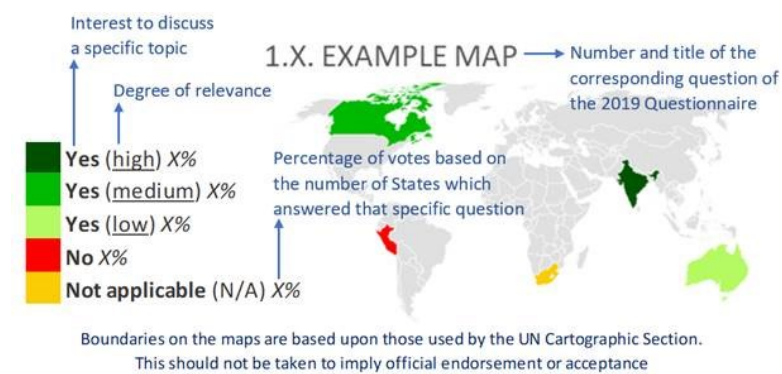
9. The maps in this section present for each question (1) the answers by State and (2) the percentage of responses from States that think that a particular topic:

- should be discussed at the Fifth Meeting of the Special Commission and the degree of priority: high priority (dark green), medium (green) or low (light green);
- should not be discussed: no priority (red); or
- is not applicable (yellow) to that particular State.

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<sup>7</sup> “Report and Conclusions of the Special Commission on the practical operation of the 1993 Adoption Convention (28 November – 1 December 2000)”, drawn up by the PB (“C&R of the 2000 SC”), para. 11.

<sup>8</sup> “20 Years of the 1993 Adoption Convention – Assessing the impact of the Convention on laws and practices relating to intercountry adoption and the protection of children” (May 2015), Prel. Doc. No 3 drawn up by the PB, para. 95.



10. Given that all topics received a majority a “yes” votes, the order of the topics presented below is based on a combination of the total “yes” votes and the “high priority” responses.

## 1. Post-adoption matters

11. One of the large topics that seems to be of particular interest to States is post-adoption matters (96% of States think this topic should be discussed), including the majority of its subtopics. This comes as no surprise, as today, despite the fact that the global number of intercountry adoptions continues to decrease,<sup>9</sup> there are many adoptees (and family members) from previous years (according to Professor Selman, more than 1,000,000 children were adopted intercountry between 1948 and 2018)<sup>10</sup> who wish to have some type of support. In light of this, the Special Commission has previously recognised that post-adoption services are essential and should take into account the life-long nature of adoption.<sup>11</sup>

12. The topic of **preservation of records and data protection** (Arts 9(a) and 30(1) of the Convention) raised a lot of interest (97% of States believe the topic should be discussed, among which 57% specified it was a high priority) and did not receive any “no” votes for being included in the agenda of the next meeting. Indeed, today there is no doubt about the obligation to collect and preserve all information about the adoption and the benefits of doing so. This is key to the right to identity of any person and it is also the way to prove that an adoption has been made according to the standards of the 1993 Adoption Convention. Regarding **access** to such information (*i.e.*, search for origins – Art. 30(2)), while it is also an important topic (92% of States believe the topic should be discussed, among which 69% specified it was a high priority), it is still controversial in some States.

13. The topics of **counselling** for adoptees and their families (94% of States support) and **breakdown** or disruption of the adoption (97% of States were in support with no votes against) are also of interest. For example, it may be interesting to discuss how States have implemented the recommendations of the past meetings of the Special Commission that recognised the value of the 1996 Child Protection Convention in protecting children following a breakdown of an adoption,<sup>12</sup> or whether Central Authorities from receiving States are more informed today of breakdowns, even if these are dealt with by the child protection authorities of a State and not necessarily by the Central Authority under the 1993 Adoption Convention.

14. Most States (92%) showed a great interest in discussing the possibility of developing a **Guide to Good Practice** on post-adoption matters (65% high priority) which could build upon Chapter 9 of the HCCH Guide to Good Practice No 1 on the implementation and operation of the 1993 Adoption Convention. A new Guide could provide more information and good practices, as especially during the

<sup>9</sup> See Statistics at the Adoption Section of the HCCH website < [www.hcch.net](http://www.hcch.net) >.

<sup>10</sup> Selman, P., *One million children moving, reflections on 70 years of international adoption since the end of World War II*, to appear in Hackenesch, S. (ed) (forthcoming) “Making Families Across Race and Nation; Histories and Politics of Transracial and Transnational Adoptions”, Ohio: Ohio University Press.

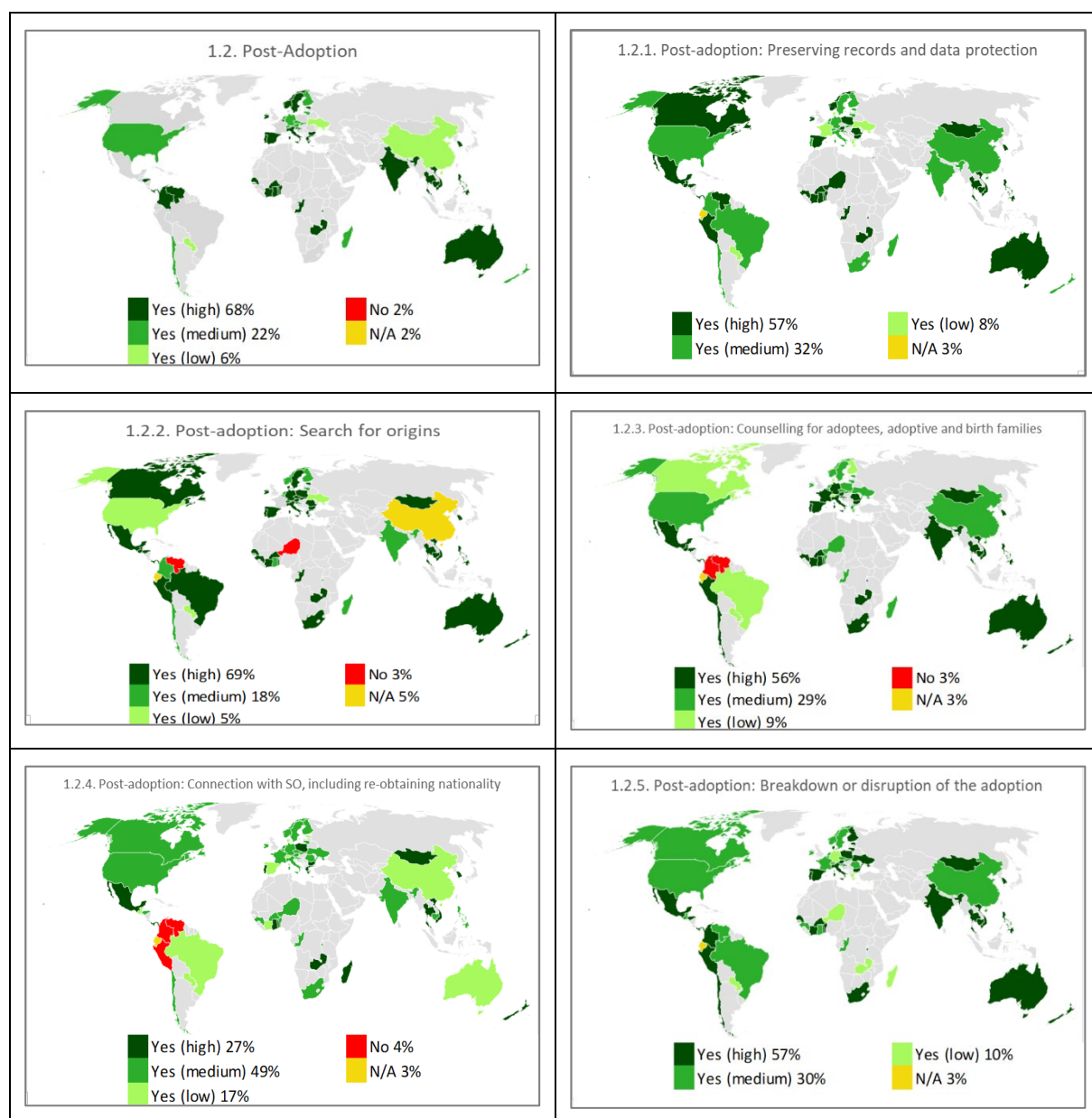
<sup>11</sup> “Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Adoption Convention (8-12 June 2015)”, (“C&R of the 2015 SC”), para. 18.

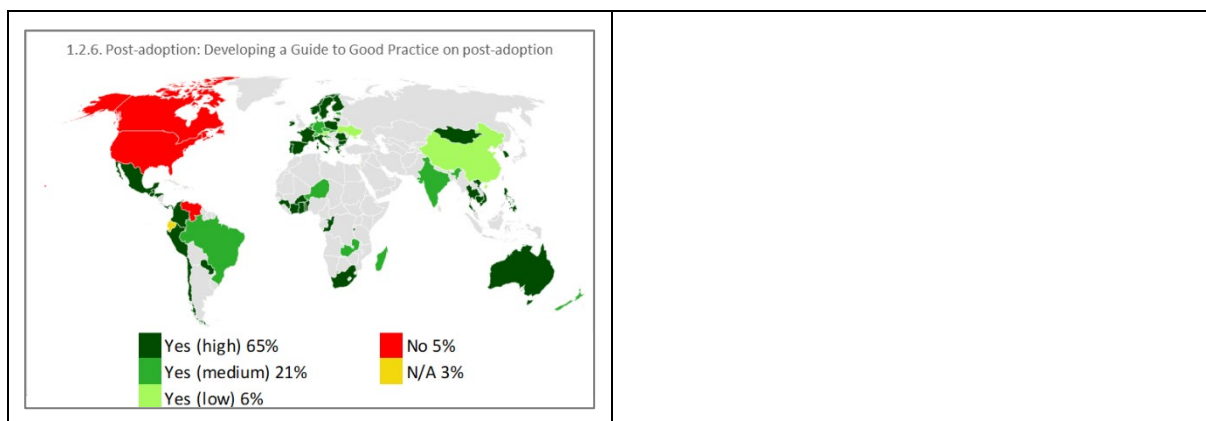
<sup>12</sup> *Ibid.*, para. 20.

past decade a lot of work has been done in relation to post-adoption matters. One reason for this is that, now more than ever, adoptees want to have their voices heard and they ask for services and support when needed. However, 5% of States indicated that this item should not be discussed at the next meeting of the Special Commission.

15. A new topic which came to the attention of the PB recently is the **connection of adoptees with their State of origin**, including re-obtaining the nationality of that State. Indeed, as a consequence of the fact that many adoptees are now adults and search for their origins, some of them would like to be closer to their State of origin, which may include the possibility of regaining the nationality of the State of origin that they lost after their adoption. 92% of States indicated that this topic should be discussed (but only 27% as a high priority), and 5% of States indicated that it should not be discussed.

16. The PB proposes that post-adoption matters be given appropriate time for discussion at the Fifth Meeting of the Special Commission. In terms of documentation, it is proposed that the PB prepare a Fact Sheet on post-adoption matters – based on the structure of the Fact Sheets prepared for the last Special Commission meeting in 2015 – to present the issues and propose questions for discussion.





## 2. Preventing and addressing illicit practices

17. For almost all States (96%), how to prevent and address illicit practices should have a special focus at the next meeting of the Special Commission (with 71% high priority). It is important to recall that the 1993 Adoption Convention was drafted, among other reasons, to prevent the abduction, the sale of, and traffic in children that were happening at the time. This topic has already been discussed at previous meetings but today, with the uncovering of many scandals and abuses concerning intercountry adoption, in particular before the entry into force of the Convention, it has even more relevance.

18. Following previous meetings of the Special Commission, a Working Group was formed to discuss how best to prevent and address illicit practices in intercountry adoptions.<sup>13</sup> This Working Group is developing tools to assist States to better identify, prevent and address illicit practices (the “Toolkit”). These tools include Fact Sheets that would identify illicit practices, enabling factors and ways to prevent them; a Model Procedure to respond to specific cases of illicit practices; and Guidelines on coordination to prevent and respond to patterns of illicit practices.<sup>14</sup> The “Toolkit” was considered by 94% of States to be a topic that needs to be discussed at the Fifth Meeting of the Special Commission.

19. At its most recent meeting in May 2019, the Group proposed that raising standards in relation to improper **financial** and other gains be examined in more depth at the next Special Commission meeting. Indeed, while Article 32 of the 1993 Adoption Convention stipulates that only costs and expenses may be charged or paid, there are still many other financial payments made during an adoption procedure, and such payments are the origin of many of the abuses in adoption. Among others, “some questioned on what children’s rights basis the child protection system, including the adoption system, in a country should be partially funded by prospective adoptive parents or adoption accredited bodies through contributions, donations and / or cooperation projects.”<sup>15</sup> These worries are reflected in the responses of States, as 91% of States recommended that this topic be discussed (53% high priority).

20. Consistent with a recommendation of the same Group,<sup>16</sup> 92% of States thought that how to best respond to abuses and illicit practices that predate the entry into force of the Convention (“**historical cases**”) should be discussed by the Special Commission, but only 39% indicated that this was a high priority.

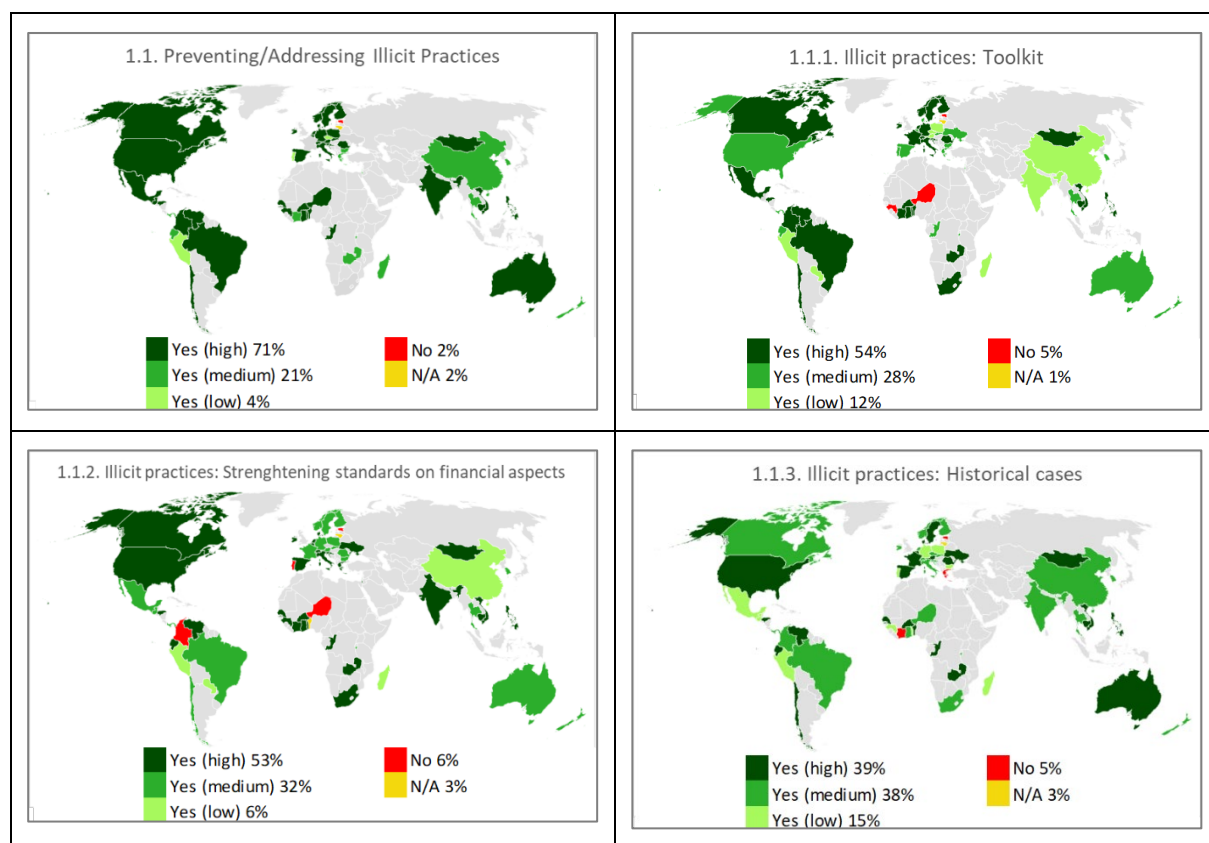
<sup>13</sup> “Conclusions and Recommendations adopted by the Special Commission on the practical operation of the 1993 Adoption Convention (17-25 June 2010)”, (“C&R of the 2010 SC”), C&R No 2; C&R of the 2015 SC, para. 45.

<sup>14</sup> “Conclusions and Recommendations of the Working Group on Preventing and Addressing Illicit Practices in Intercountry Adoption (meeting of 21-23 May 2019)”, [Prel. Doc. No 6 of May 2019](#) for the 2020 CGAP.

<sup>15</sup> *Ibid.*, para. 9.

<sup>16</sup> *Ibid.*, para. 5.

21. Therefore, the PB proposes that this topic be discussed in detail at the Fifth Meeting. The basis for the discussion will be the draft tools being prepared by the Working Group that will be distributed in advance of the meeting to all participants.



### 3. Model Forms

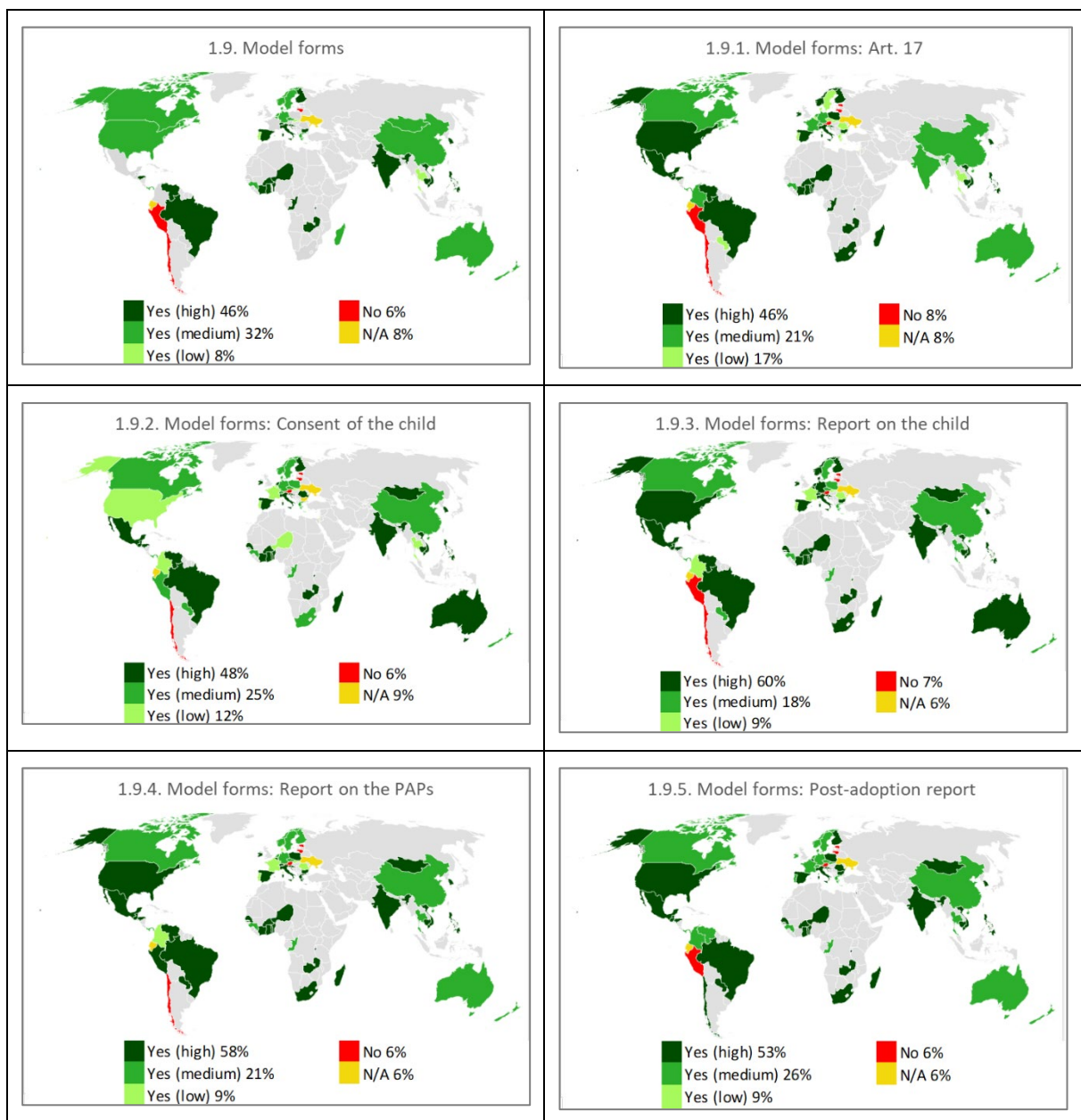
22. The general topic of Model Forms received somewhat lower interest (86%, with 46% high priority) than the topics mentioned above. However, specific model forms – in particular the ones on the **report on the child** (60% high priority) and the **report on the prospective adoptive parents** (58% high priority) – are of importance to many States. The model forms on the **post-adoption report, Article 17** and the **consent of the child** received similar levels of support, but with a lower degree of interest.

23. The PB prepared a first draft of several of these model forms for the 2015 Special Commission meeting,<sup>17</sup> and some States provided comments. As these model forms seem to be a priority for many States, it is proposed that updated versions be distributed for further comments, and that the responses then be discussed at the Special Commission meeting.

24. Interestingly, many receiving States had comments on the model form on the report on the prospective adoptive parents, whereas States of origin had comments on the model form on the report on the child, in both cases probably because these model forms vary from the existing (and in some cases very long-standing) practice of some of these States. Accordingly, it is expected that some flexibility and compromise may be needed if States are to agree on these recommended model forms.

<sup>17</sup> Except the model form on Art. 17 which is being drafted by the Working Group on Preventing and Addressing Illicit Practices.



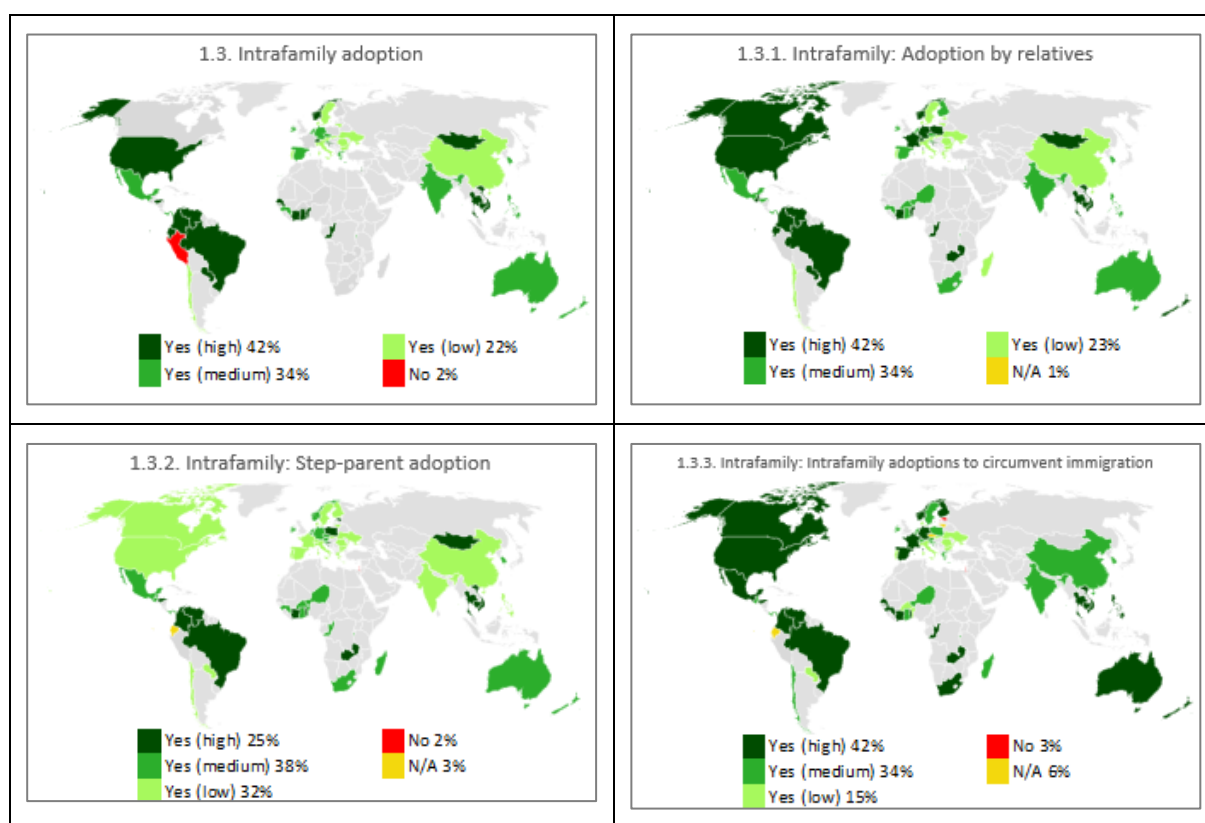


#### 4. Intrafamily adoption

25. The responses to the Questionnaire show that almost all States (98%) that responded agree that adoption by relatives is an issue that should be discussed, but with different degrees of priority (42% high priority). In particular, States are most interested in discussing the use of intrafamily adoption to circumvent immigration rules (42% high priority). Adoption by relatives generally is still of interest (42% high priority), while step-parent adoption is a low priority for many States (only 25% high priority).

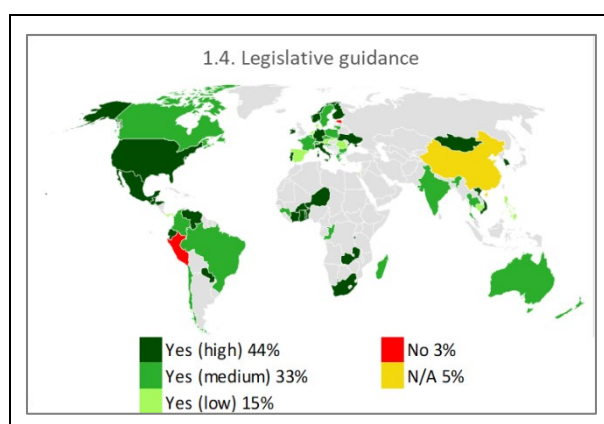
26. The PB proposes that intrafamily adoption be given some time for discussion at the meeting of the Special Commission. One option could be to discuss this topic in a round table format or in a concurrent session. In terms of documentation, it is proposed that the PB prepare a Fact Sheet on intrafamily adoption, based on the current work of the International Social Service on this topic, to present the issues and propose questions for discussion.





## 5. Legislative guidance

27. The 2015 Special Commission recommended that the PB develop a tool to provide practical guidance to assist States considering becoming party to the 1993 Adoption Convention with their legal framework for adoption.<sup>18</sup> The development of such **legislative guidance** for new or future Contracting Parties, as well as existing Contracting Parties wishing to update their legislation on adoption, received support from 92% of States (with 44% high priority). Based on the experience of the PB in providing technical assistance through its ICATAP Programme, the PB is working on a first draft of such a tool and proposes that it be discussed at the Fifth Meeting of the Special Commission.

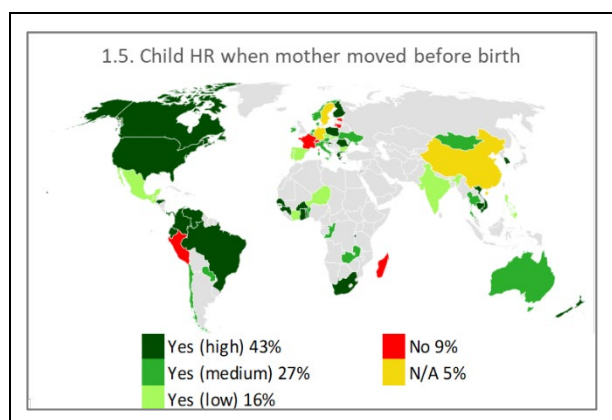


<sup>18</sup> C&R of the 2015 SC, para. 29.

## 6. Child's habitual residence when the mother moved before the birth

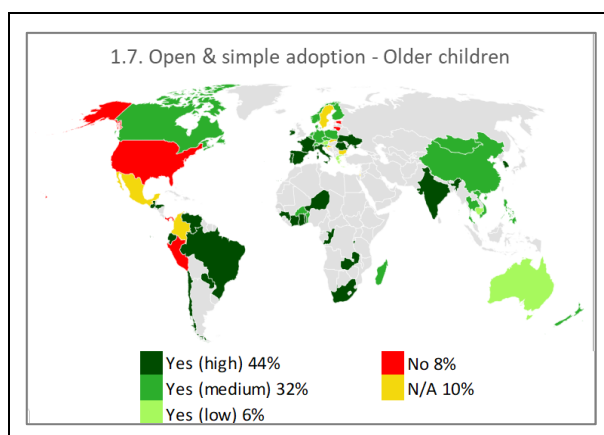
28. The [Note on Habitual Residence and Scope of the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption](#), published by the HCCH in 2018, includes a case example on the habitual residence of a child who is born in a State shortly after its mother arrives in that State. 86% of States showed an interest in discussing further how in practice the child's habitual residence is determined when the mother moved in another State before the birth, with 43% considering this to be of high priority. However, 9% of States did not want to discuss this issue further.

29. In light of the fact that there is already recent and detailed documentation on this topic, the PB suggests that this topic might be reserved for a round table discussion or a concurrent session at the Special Commission meeting, where States could present interventions on, for example, their practice on this question and how they handle difficult cases.



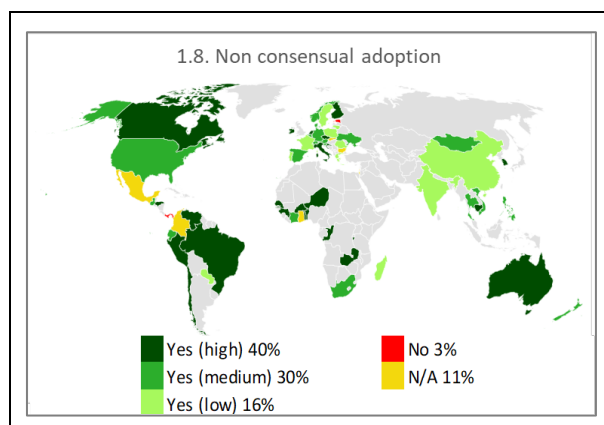
## 7. Open and simple adoption

30. **Open** and **simple** adoption were also popular, receiving support for discussion (82% positive responses, with 44% high priority). This topic could be included in the agenda of the Special Commission meeting (*e.g.*, in a round table format or concurrent sessions). The PB aims to prepare a Fact Sheet to facilitate discussion.



## 8. Non-consensual adoption

31. The adoption of children whose birth parents have lost parental responsibility but nonetheless disagree with the adoption (“non-consensual adoption”) received support from 86% of States for discussion. If time allows, this topic could be included in the agenda of the Special Commission meeting (e.g., in a concurrent session). If this is the case, the PB would prepare a Fact Sheet to facilitate discussion.



## 9. Contact between the prospective adoptive parents and the child before matching

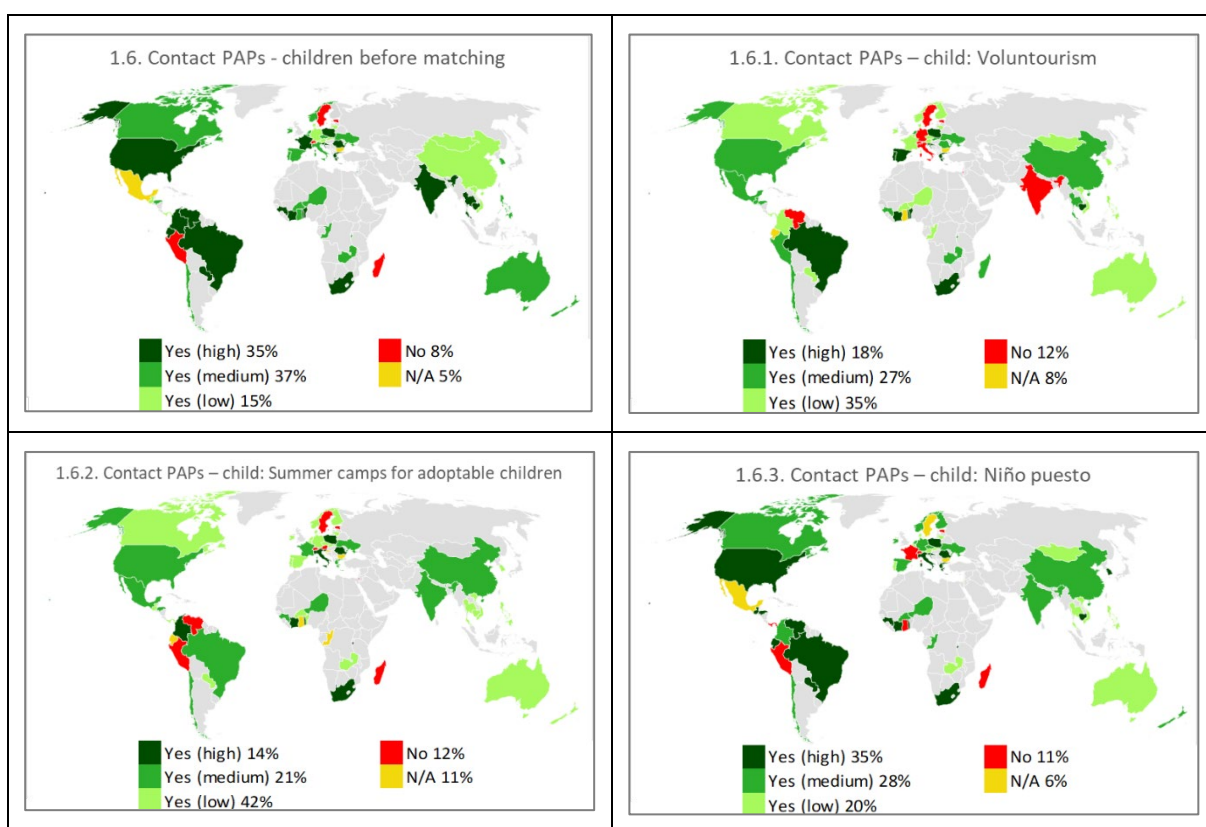
32. Today, as many children in need of intercountry adoption are older than before or are part of sibling groups, it is more difficult to find suitable prospective adoptive parents to adopt them. Therefore, some States have been developing programmes to encourage the adoption of such children. However, there are issues that need to be discussed and given close attention to help ensure that there are no abuses.

33. For example, in some cases children attend **summer camps** where they can stay with prospective adoptive parents. In other cases, prospective adoptive parents meet a child while **volunteering** at a children’s institution (this practice is being discouraged by some States as well as UNICEF).<sup>19</sup> In other cases, prospective adoptive parents who already have care of children (“**niño puesto**”) request to adopt them (although these children have not yet been declared adoptable). These cases seem to occur quite often in some Latin American countries, in particular in cases of domestic adoption.

34. The topics “**voluntourism**”, “**summer camp**” and “**niño puesto**” received support, but many of the answers reflected that it is a low priority. These topics also received the highest percentage of negative responses to the Questionnaire.

35. The PB suggests that these topics be discussed at the meeting of the Special Commission only if time permits (and, if so, for example in a concurrent session format). This will be decided when the agenda for the meeting is drafted taking into account all the other subjects. If these topics are finally included in the agenda, the PB would prepare a Fact Sheet to facilitate discussion.

<sup>19</sup> E.g., Australia (<https://dfat.gov.au/people-to-people/volunteers/Pages/smart-volunteering.aspx>) and UNICEF ([www.unicef.org/rosa/what-we-do/child-protection/volunteering-orphanages](http://www.unicef.org/rosa/what-we-do/child-protection/volunteering-orphanages)).



## 10. Other topics suggested in the responses to the Questionnaire

36. A number of other topics that might be discussed at the Fifth Meeting of the Special Commission were suggested in the responses<sup>20</sup> to the 2019 Questionnaire. Some of these are related to topics mentioned in the 2019 Questionnaire, *e.g.*:

- post-adoption: *e.g.*, reporting to the State of origin if things go wrong; the return of the child to the State of origin following the disruption of an adoption; application of data protection legislation (*e.g.*, the EU General Data Protection Regulation 2016/679) in States outside of European Union / European Economic Area; access to origins information through social media; limits in accessing information\*; helping adoptees finding their roots\*; revocation of adoption\*;
- illicit practices and financial aspects: *e.g.*, cooperation; regularising situations of illicit practices; financial aspects including transparency and reasonability; commitment to complete the table on costs; contributions, donations and projects to support children who are not adopted; assessment of the amounts spent on adoption and how that money could otherwise have been used to assist birth families\*; establishment of an independent committee for accountability purposes\*;
- model forms: *e.g.*, model form for search for origins\*;
- intrafamily adoption: international **kinship care** as an alternative to intrafamily intercountry adoption;
- legislative guidance: *e.g.*, developing a system to guide new or prospective Contracting Parties in establishing an ethical and transparent system\*; and
- habitual residence: *e.g.*, of expats, diplomats and military personnel.

<sup>20</sup> This section includes also the suggestions made by international organisations. They are marked by an asterisk (\*).

37. Other topics suggested which were not included in the Questionnaire are:

- the **subsidiarity** principle: how to increase the support provided to birth / first families, including fathers\*; the fact that foster care may be a temporary solution but does not necessarily provide stability for the child; relationship between the UN Convention on the Rights of the Child and the 1993 Adoption Convention\*;
- adoption of children with **unknown** birth parents; adoption of **older** children; adoption of **siblings**;
- developing a Guide to Good Practice on the **preparation of the child**\*;
- avoiding unnecessary delays in the adoption procedure by providing sufficient staff\*;
- period of **socialisation** prior to adoption, including the impact on the child especially where the process for the finalisation of the adoption is lengthy;
- cases where the adoption decision becomes **final** before the adoptive parents travel to the State of origin to bring the child to the receiving State;
- listening to the **voices** of adult **adoptees** and **birth parents** to inform the practice of the Central Authorities under the 1993 Adoption Convention;
- **adoption accredited bodies** (AABs): the role of AABs and Central Authorities\*; supervision and support of AABs\*; finding realistic financial structures for AABs\*;
- **public awareness** about intercountry adoption as a child protection measure with emphasis on adoption today and not in the past\*; information specifically targeted at adoptees and birth families\*;
- adoption and **surrogacy**,<sup>21</sup> and
- **kafala** converted into adoption\*.<sup>22</sup>

38. States are invited to inform the PB if they have strong feelings that any of the above topics should be included in the agenda of the Fifth Meeting of the Special Commission.

#### B. Format of the next Special Commission meeting

39. The second part of the Questionnaire for preparing for the Fifth Special Commission concerned the format of the meeting:

- 45% of States demonstrated interest in States participating in a **one-day training** organised by the PB. This type of training was previously held in 2015 before the Fourth Meeting of the Special Commission to ensure that staff from new States Parties to the Convention and some States of origin could better benefit from participating in the meeting. It is therefore proposed that the PB organise such a one-day training prior to the meeting of the Special Commission in 2021. It would take place on either the Saturday or the Sunday before the start of the meeting.
- 64% of States confirmed their interest in participating, on the margins of the Special Commission meeting, in **informal bilateral/multilateral meetings** that could take place, for example, at the premises of the PB. On the other hand, 23% of States answered that interested Central Authorities should be able to organise such meetings between themselves. It is proposed that the PB provide access to its offices prior to and / or after the meeting of the

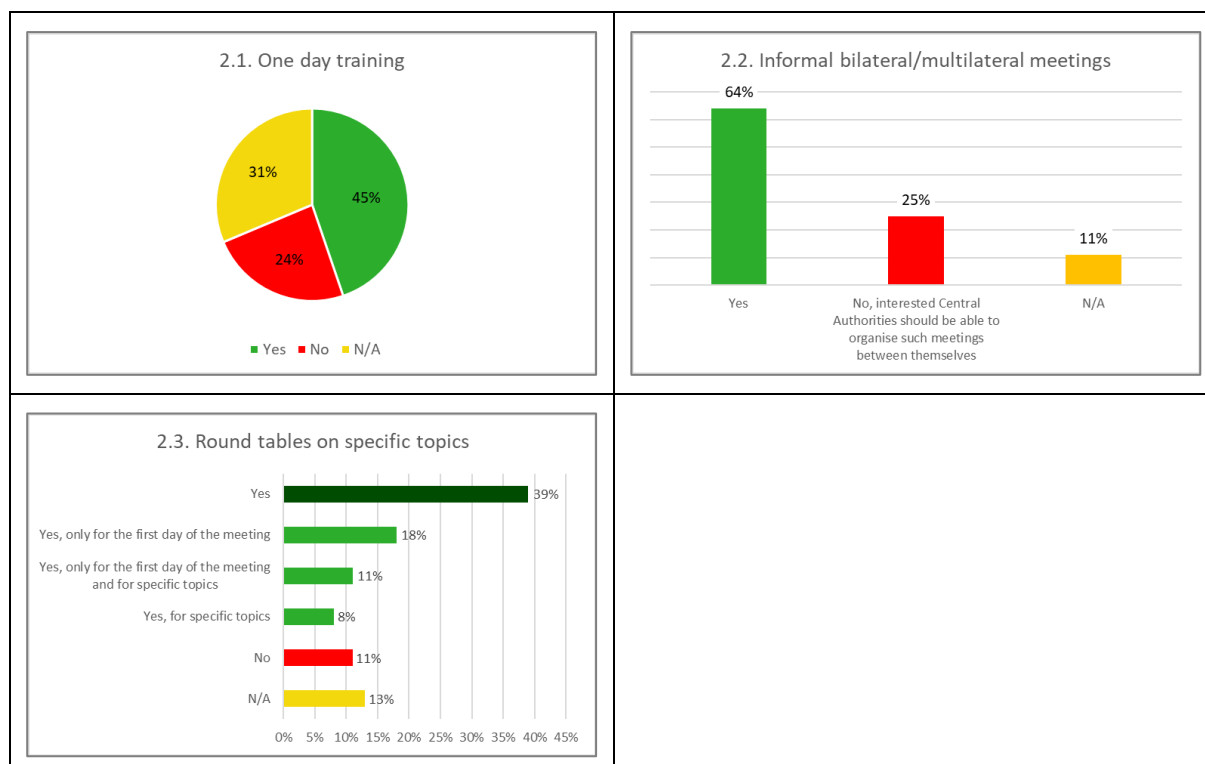
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<sup>21</sup> This topic was discussed at the 2010 Special Commission meeting, which concluded that the use of the Convention was inappropriate for cases involving an international surrogacy arrangement. Furthermore, the topic of surrogacy is currently being discussed by an Experts' Group at the HCCH. In addition, in March 2019 "Council decided that intercountry adoptions, including those within the scope of the 1993 HCCH Intercountry Adoption Convention, should be excluded from the scope of the Parentage / Surrogacy Project. Council emphasised the importance of not undermining the HCCH 1993 Adoption Convention" (2019 CGAP, C&R No 11).

<sup>22</sup> In some cases, children relocated to a receiving State on the basis of a *kafala* are adopted shortly after being in that receiving State, without consulting with the relevant State of origin. The HCCH 1993 Adoption Convention is, however, not applicable to such cases.

Special Commission, but otherwise not be involved in the organisation or preparation of such meetings.

- 76% of States answered that it would be useful to have **round table sessions**, as was the case at the 2015 Special Commission meeting. However, 18% of States specified that the round tables should take place only on the first day of the meeting; 8% of States indicated that such sessions should only concern specific topics; and 11% of States supported both of these limitations, *i.e.*, round tables should take place only on the first day of the meeting and only for specific topics. It is therefore proposed that round tables be organised on the first day of the meeting, for example to discuss States' practices with regard to the determination of habitual residence.



40. Some States suggested that in addition to English and French, it would be important to provide Spanish interpretation and translation of documents into Spanish. It was also suggested that it would be important to ensure the participation of States of origin, adoptees and birth families in the meeting.\*

### III. Proposal to CGAP

#### A. Preparation of the Fifth Meeting of the Special Commission: topics and format

41. Summing up, taking into consideration the responses to the Questionnaire, it is proposed that the meeting focus mainly on (1) post-adoption matters and (2) illicit practices in intercountry adoption (revising the draft tools developed by the Working Group on Illicit Practices). Approximately one day and a half days could be devoted to these two major topics.

42. In addition, between half a day and a full day could be devoted to the discussion of (3) model forms and (5) legislative guidance. Regarding model forms, it may be unrealistic to discuss all of them in detail. Therefore, it may be more productive if discussions focus on any major issue concerning the



model forms for which there is the most interest (*i.e.*, reports of the child and the prospective adoptive parents). Other comments could be sent in writing before the Special Commission meeting.

43. Other topics that are proposed for inclusion in the agenda are (4) intrafamily adoption, (6) the child's habitual residence when the mother moved to another State before birth and (7) open and simple adoptions. These topics may be discussed in a round table format or concurrent sessions (*i.e.*, participants could choose between two or three options on different topics, as was done during the 2015 Special Commission meeting).

44. Once the preparations for the meeting are more advanced, the PB will examine the feasibility of including in the draft agenda, if possible, (8) non-consensual adoption and (9) contact between prospective adoptive parents and the child before the matching. These topics might be covered in concurrent sessions.

45. The PB is currently revising all existing HCCH documentation in relation to the above topics, in order to prepare an additional questionnaire on issues on which further clarification or information about the practices of States is needed.

46. The PB intends, resources permitting, to present drafts of three major documents to be discussed during the meeting: the Toolkit on illicit practices (regarding topic 2 above), the model forms (topic 3 above) and legislative guidance (topic 5 above).

47. For all other topics, it is intended that the PB will draft Fact Sheets – as suggested by States before the 2015 Special Commission and as done for that meeting – to highlight current practices, explain the issues and suggest questions to be discussed during the meeting.

## **B. Scheduling**

48. In light of the overall work programme of the HCCH, the PB proposes to hold the Special Commission meeting in May / June 2021, subject to the approval of the budget for meeting costs during Financial Year 2020 / 2021. The PB will confirm the dates of the meeting to all participants as soon as they are decided.

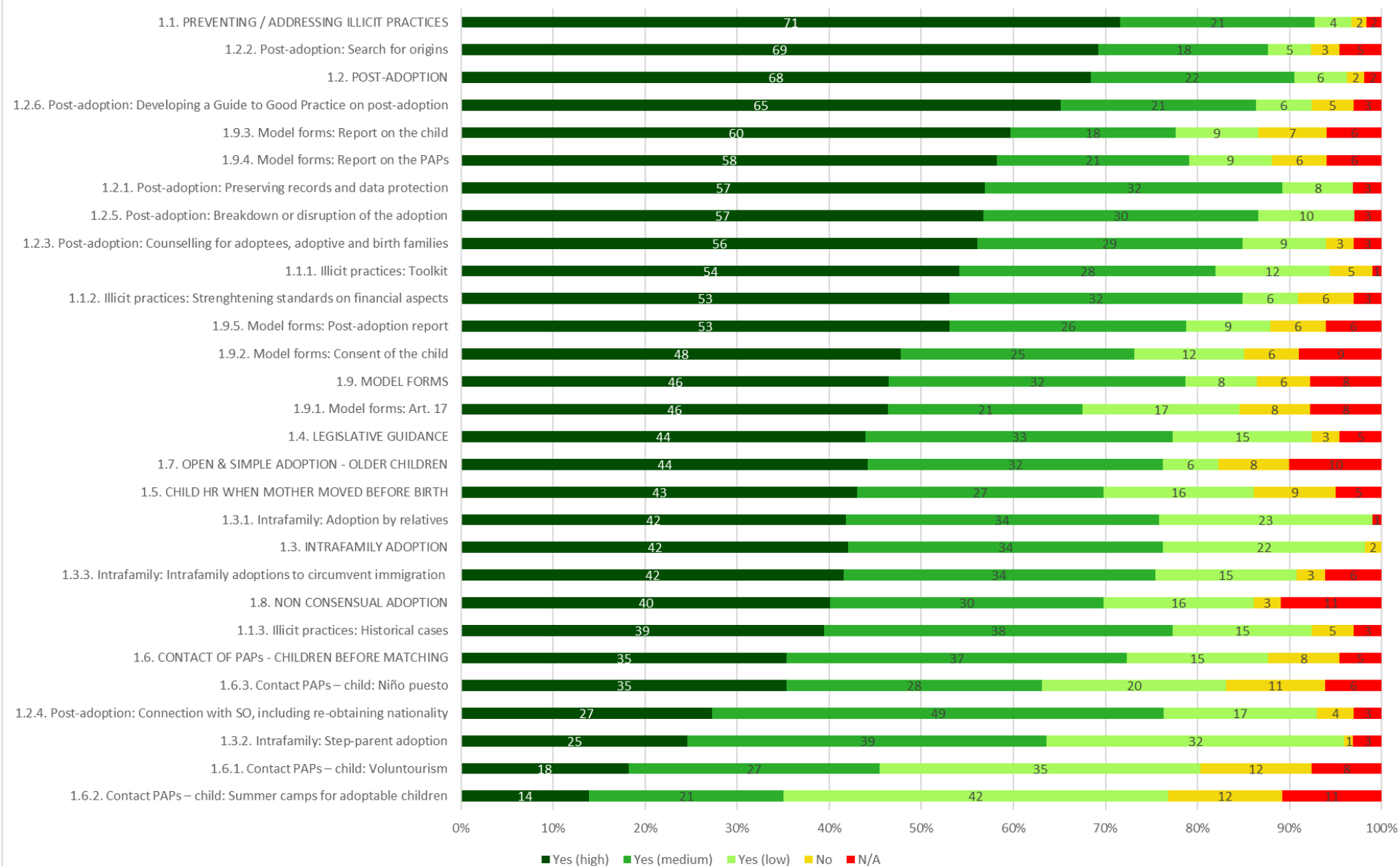
49. With respect to the number of meeting days, and taking into account increasing meeting costs, the PB considers that four meeting days would be reasonable to discuss all the issues mentioned above. This would mean starting on a Monday afternoon<sup>23</sup> with the opening and a series of round tables, followed by three full days for discussions (including the possibility of having concurrent sessions) and finally reserving Friday morning for the conclusions and recommendations, finalising them by midday.

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<sup>23</sup> The morning would be needed to prepare the meeting room and the removal back to the PB offices after the meeting would take place on the Friday afternoon; this would make a total of 5 meeting days.

## **ANNEX**

## TOPICS FOR DISCUSSION BY PRIORITY



## RESPONSES TO THE 2019 QUESTIONNAIRE

STATE	RESPONSES to questions 1.1 to 1.2.5 of the 2019 QUESTIONNAIRE									
	1.1	1.1.1	1.1.2.	1.1.3.	1.2.	1.2.1.	1.2.2.	1.2.3.	1.2.4	1.2.5.
Andorra	Yes (high)	Yes (high)	Yes (high)	Yes (high)	N/A	N/A	N/A	N/A	Yes (high)	N/A
Australia	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (low)	Yes (high)
Austria	Yes (high)	Yes (low)	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)
Belgium	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)
Benin	Yes (high)	Yes (high)	N/A	Yes (high)	Yes (high)	Yes (high)	-	Yes (medium)	Yes (medium)	Yes (high)
Brazil	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	-	Yes (medium)	Yes (high)	Yes (low)	Yes (low)	Yes (medium)
Bulgaria	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Burkina Faso	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)
Burundi	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)
Cabo Verde	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Cambodia	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)
Canada	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	-	Yes (high)	Yes (high)	Yes (low)	Yes (medium)	Yes (medium)
Chile	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)
China (Mainland)	Yes (medium)	Yes (low)	Yes (low)	Yes (medium)	Yes (low)	Yes (medium)	N/A	Yes (medium)	Yes (low)	Yes (medium)
Hong Kong SAR	Yes (low)	Yes (low)	Yes (low)	N/A	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)
Macao SAR)	N/A	N/A	N/A	N/A	Yes (medium)	Yes (high)	Yes (medium)	N/A	N/A	Yes (medium)
Colombia	Yes (high)	Yes (high)	No	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	No	No	Yes (high)
Congo-Brazzaville	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)
Côte d'Ivoire	Yes (medium)	Yes (high)	Yes (high)	No	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (low)	Yes (high)
Croatia	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)
Czech Republic	Yes (low)	Yes (low)	-	Yes (medium)	Yes (medium)	-	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)
Denmark	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	-	Yes (low)	Yes (high)	Yes (low)	Yes (low)	Yes (high)
Ecuador	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	-	N/A	N/A	N/A	N/A	N/A
Estonia	No	No	No	No	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (low)	Yes (high)
Finland	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)	Yes (medium)	Yes (high)
France	-	Yes (high)	Yes (medium)	Yes (high)	-	Yes (low)	-	Yes (high)	Yes (medium)	Yes (medium)
Germany	Yes (high)	Yes (high)	Yes (medium)	Yes (low)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (low)
Ghana	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)
Greece	Yes (medium)	Yes (medium)	Yes (high)	No	Yes (high)	Yes (low)	Yes (high)	Yes (medium)	Yes (high)	Yes (low)
Guatemala	Yes (high)	-	Yes (medium)	Yes (low)	-	Yes (high)	Yes (high)	Yes (high)	Yes (low)	Yes (medium)
Guinea	Yes (high)	No	Yes (high)	Yes (low)	-	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)
Honduras	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)

STATE	RESPONSES to questions 1.1 to 1.2.5 of the 2019 QUESTIONNAIRE									
	1.1	1.1.1	1.1.2.	1.1.3.	1.2.	1.2.1.	1.2.2.	1.2.3.	1.2.4	1.2.5.
India	Yes (high)	Yes (low)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)
Ireland	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)
Israel	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (low)	Yes (low)
Italy	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)
Korea, Republic of	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Lithuania	N/A	N/A	N/A	N/A	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)
Luxembourg	-	Yes (high)	Yes (high)	Yes (medium)	-	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)
Madagascar	Yes (medium)	Yes (low)	Yes (low)	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (low)
Malta	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Mexico	Yes (high)	Yes (high)	Yes (medium)	Yes (low)	-	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Monaco	Yes (high)	Yes (high)	Yes (high)	N/A	Yes (high)	Yes (high)	Yes (high)	Yes (high)	N/A	Yes (high)
Mongolia	Yes (high)	Yes (high)	Yes (high)	Yes (high)	-	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Netherlands	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)
New Zealand	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Niger	Yes (high)	No	No	Yes (medium)	-	Yes (high)	No	Yes (medium)	Yes (medium)	Yes (low)
Norway	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)
Panama	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Paraguay	-	Yes (low)	Yes (low)	-	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)
Peru	Yes (low)	Yes (low)	Yes (low)	Yes (low)	-	Yes (high)	Yes (high)	Yes (high)	No	Yes (high)
Philippines	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)
Poland	Yes (high)	Yes (low)	Yes (medium)	Yes (low)	-	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)
Portugal	Yes (low)	Yes (medium)	No	Yes (low)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Romania	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	-	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)
Senegal	Yes (high)	-	Yes (high)	Yes (high)	Yes (high)	-	Yes (high)	-	-	Yes (high)
Slovakia	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)
Slovenia	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)
South Africa	-	Yes (high)	Yes (high)	Yes (medium)	-	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)
Spain	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (low)	Yes (high)
Sweden	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)
Switzerland	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (low)	Yes (low)	Yes (medium)
Thailand	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Togo	Yes (high)	Yes (high)	Yes (high)	Yes (low)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Ukraine	-	Yes (medium)	Yes (high)	Yes (high)	Yes (low)	Yes (low)	Yes (low)	Yes (medium)	Yes (medium)	Yes (high)
United States of America	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)

STATE	RESPONSES to questions 1.1 to 1.2.5 of the 2019 QUESTIONNAIRE									
	1.1	1.1.1	1.1.2.	1.1.3.	1.2.	1.2.1.	1.2.2.	1.2.3.	1.2.4	1.2.5.
Venezuela	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	No	No	No	Yes (medium)
Viet Nam	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
Zambia	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (low)
IO and NGO										
UNICEF	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)
Euradopt	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)
ICAV	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
ISS	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (low)	Yes (high)	Yes (low)	Yes (low)	Yes (high)
RELAC-ADOP	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)

STATE	RESPONSES to questions 1.2.6 to 1.6.2 of the 2019 QUESTIONNAIRE									
	1.2.6.	1.3.	1.3.1.	1.3.2.	1.3.3.	1.4.	1.5.	1.6.	1.6.1.	1.6.2.
Andorra	N/A	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	N/A	N/A	N/A
Australia	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)	Yes (low)
Austria	Yes (low)	Yes (low)	Yes (low)	Yes (medium)	Yes (medium)	Yes (low)	Yes (medium)	Yes (low)	Yes (low)	No
Belgium	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)	Yes (low)
Benin	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (low)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (low)
Brazil	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)
Bulgaria	Yes (high)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (medium)	Yes (low)	N/A	N/A	N/A
Burkina Faso	Yes (high)	-	Yes (medium)	Yes (medium)	Yes (low)	Yes (high)	Yes (high)	Yes (medium)	Yes (low)	Yes (low)
Burundi	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)
Cabo Verde	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (low)	Yes (high)	Yes (high)	Yes (low)	Yes (low)
Cambodia	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (low)	Yes (high)	Yes (high)	Yes (high)	Yes (low)
Canada	No	-	Yes (high)	Yes (low)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (low)	Yes (low)
Chile	Yes (high)	Yes (low)	Yes (low)	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)
China (Mainland	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (medium)	N/A	N/A	Yes (low)	Yes (medium)	Yes (medium)
Hong Kong SAR	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)
Macao SAR)	Yes (medium)	Yes (low)	Yes (low)	Yes (high)	N/A	N/A	Yes (low)	Yes (low)	N/A	No



STATE	RESPONSES to questions 1.2.6 to 1.6.2 of the 2019 QUESTIONNAIRE									
	1.2.6.	1.3.	1.3.1.	1.3.2.	1.3.3.	1.4.	1.5.	1.6.	1.6.1.	1.6.2.
<b>Colombia</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (low)	Yes (high)
<b>Congo-Brazzaville</b>	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)	N/A
<b>Côte d'Ivoire</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (low)	Yes (high)	Yes (high)	Yes (high)
<b>Croatia</b>	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	N/A
<b>Czech Republic</b>	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	N/A	Yes (medium)	Yes (low)	Yes (medium)	Yes (low)	Yes (low)
<b>Denmark</b>	Yes (medium)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (medium)	Yes (low)	Yes (low)	Yes (low)
<b>Ecuador</b>	N/A	Yes (high)	Yes (high)	N/A	N/A	Yes (high)	Yes (high)	Yes (high)	N/A	N/A
<b>Estonia</b>	Yes (medium)	-	Yes (low)	Yes (high)	No	No	No	No	No	No
<b>Finland</b>	Yes (high)	-	Yes (medium)	Yes (low)	Yes (high)	Yes (high)	Yes (high)	-	Yes (low)	Yes (low)
<b>France</b>	Yes (high)	-	Yes (high)	Yes (low)	Yes (high)	Yes (medium)	No	Yes (high)	Yes (low)	Yes (medium)
<b>Germany</b>	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	N/A	Yes (low)	No	Yes (low)
<b>Ghana</b>	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	N/A	N/A
<b>Greece</b>	Yes (high)	Yes (medium)	Yes (low)	Yes (low)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)
<b>Guatemala</b>	Yes (high)	-	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (low)	Yes (low)	Yes (medium)	Yes (low)
<b>Guinea</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)
<b>Honduras</b>	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)
<b>India</b>	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)	Yes (medium)	Yes (medium)	Yes (low)	Yes (high)	No	Yes (medium)
<b>Ireland</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (low)	Yes (low)
<b>Israel</b>	Yes (low)	Yes (high)	Yes (high)	No	No	N/A	Yes (high)	Yes (medium)	No	No
<b>Italy</b>	Yes (high)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (high)	Yes (medium)	Yes (medium)	No	Yes (high)
<b>Korea, Republic of</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (low)	Yes (low)
<b>Lithuania</b>	Yes (high)	Yes (low)	Yes (low)	Yes (low)	N/A	Yes (medium)	No	Yes (low)	Yes (low)	Yes (low)
<b>Luxembourg</b>	Yes (high)	-	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)
<b>Madagascar</b>	Yes (medium)	-	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)	No	No	Yes (medium)	No
<b>Malta</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)
<b>Mexico</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (low)	N/A	Yes (medium)	Yes (medium)
<b>Monaco</b>	Yes (high)	Yes (medium)	N/A	N/A	N/A	N/A	Yes (medium)	Yes (medium)	N/A	N/A

STATE	RESPONSES to questions 1.2.6 to 1.6.2 of the 2019 QUESTIONNAIRE									
	1.2.6.	1.3.	1.3.1.	1.3.2.	1.3.3.	1.4.	1.5.	1.6.	1.6.1.	1.6.2.
<b>Mongolia</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	-	Yes (high)	Yes (medium)	Yes (low)	Yes (low)	-
<b>Netherlands</b>	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)
<b>New Zealand</b>	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Yes (low)	Yes (low)
<b>Niger</b>	Yes (medium)	-	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (low)	Yes (medium)	Yes (low)	Yes (medium)
<b>Norway</b>	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (low)	Yes (low)
<b>Panama</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)	Yes (high)	Yes (low)	Yes (low)	Yes (low)
<b>Paraguay</b>	Yes (high)	Yes (high)	Yes (high)	Yes (low)	Yes (low)	Yes (high)	Yes (medium)	Yes (high)	Yes (low)	Yes (low)
<b>Peru</b>	Yes (high)	No	-	-	-	No	No	No	Yes (medium)	No
<b>Philippines</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (low)	Yes (high)	Yes (low)	Yes (low)	Yes (medium)	Yes (low)	Yes (low)
<b>Poland</b>	Yes (high)	-	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Portugal</b>	Yes (high)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (high)	Yes (low)	Yes (medium)	Yes (high)	Yes (low)
<b>Romania</b>	Yes (high)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)
<b>Senegal</b>	-	Yes (high)	-	-	Yes (high)	-	Yes (high)	-	-	-
<b>Slovakia</b>	Yes (medium)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (medium)	Yes (low)
<b>Slovenia</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)
<b>South Africa</b>	Yes (high)	-	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Spain</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (low)	Yes (high)	Yes (low)	Yes (low)	Yes (medium)	Yes (high)	Yes (low)
<b>Sweden</b>	Yes (high)	Yes (low)	Yes (low)	Yes (low)	Yes (medium)	Yes (medium)	N/A	No	No	No
<b>Switzerland</b>	Yes (medium)	Yes (high)	Yes (high)	Yes (low)	Yes (medium)	Yes (medium)	No	No	No	No
<b>Thailand</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (low)
<b>Togo</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Ukraine</b>	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)
<b>United States of America</b>	No	Yes (high)	Yes (high)	Yes (low)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)
<b>Venezuela</b>	No	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	No	No
<b>Viet Nam</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (low)	Yes (low)	Yes (low)
<b>Zambia</b>	Yes (medium)	-	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)

IO and NGO	RESPONSES to questions 1.2.6 to 1.6.2 of the 2019 QUESTIONNAIRE									
	1.2.6.	1.3.	1.3.1.	1.3.2.	1.3.3.	1.4.	1.5.	1.6.	1.6.1.	1.6.2.
<b>UNICEF</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)
<b>Euradopt</b>	Yes (high)	Yes (medium)	Yes (low)	Yes (low)	Yes (medium)	Yes (high)	Yes (low)	Yes (medium)	Yes (low)	Yes (low)
<b>ICAV</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)
<b>ISS</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (low)	Yes (low)	Yes (medium)	Yes (medium)
<b>RELAC-ADOP</b>	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)	Yes (medium)	Yes (high)

STATE	RESPONSES to questions 1.6.3 to 1.9.5 of the 2019 QUESTIONNAIRE								
	1.6.3.	1.7.	1.8.	1.9.	1.9.1.	1.9.2.	1.9.3.	1.9.4.	1.9.5.
<b>Andorra</b>	Yes (high)	Yes (high)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Australia</b>	Yes (low)	Yes (low)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)
<b>Austria</b>	Yes (low)	Yes (low)	Yes (medium)	-	No	No	No	No	No
<b>Belgium</b>	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)	Yes (low)	Yes (high)	Yes (high)	Yes (high)
<b>Benin</b>	-	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Brazil</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Bulgaria</b>	N/A	N/A	N/A	Yes (high)	Yes (high)	N/A	Yes (high)	Yes (high)	Yes (high)
<b>Burkina Faso</b>	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Burundi</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Cabo Verde</b>	Yes (high)	Yes (high)	Yes (medium)	Yes (low)	Yes (low)	Yes (high)	Yes (low)	Yes (high)	Yes (medium)
<b>Cambodia</b>	Yes (high)	Yes (low)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Canada</b>	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)
<b>Chile</b>	Yes (medium)	Yes (high)	Yes (high)	No	No	No	No	No	Yes (high)
<b>China (Mainland)</b>	Yes (medium)	Yes (medium)	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)
<b>Hong Kong SAR</b>	Yes (medium)	Yes (low)	Yes (medium)	Yes (medium)	Yes (low)	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)
<b>Macao SAR)</b>	N/A	N/A	N/A	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)
<b>Colombia</b>	Yes (medium)	N/A	N/A	-	Yes (medium)	Yes (low)	Yes (low)	Yes (low)	Yes (low)
<b>Congo-Brazzaville</b>	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)

STATE	RESPONSES to questions 1.6.3 to 1.9.5 of the 2019 QUESTIONNAIRE								
	1.6.3.	1.7.	1.8.	1.9.	1.9.1.	1.9.2.	1.9.3.	1.9.4.	1.9.5.
<b>Côte d'Ivoire</b>	Yes (high)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	-
<b>Croatia</b>	Yes (high)	N/A	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Czech Republic</b>	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)
<b>Denmark</b>	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (low)	Yes (medium)	Yes (high)	Yes (low)	Yes (low)
<b>Ecuador</b>	Yes (high)	Yes (high)	Yes (medium)	N/A	N/A	N/A	N/A	N/A	N/A
<b>Estonia</b>	No	No	No	-	No	No	No	No	No
<b>Finland</b>	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)
<b>France</b>	No	Yes (high)	Yes (low)	-	Yes (medium)	Yes (low)	Yes (low)	Yes (low)	Yes (low)
<b>Germany</b>	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)
<b>Ghana</b>	No	Yes (high)	N/A	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Greece</b>	Yes (high)	Yes (low)	Yes (low)	Yes (medium)	Yes (low)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)
<b>Guatemala</b>	Yes (high)	Yes (high)	Yes (medium)	-	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Guinea</b>	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (medium)
<b>Honduras</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>India</b>	Yes (medium)	Yes (high)	Yes (low)	Yes (high)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Ireland</b>	Yes (medium)	Yes (high)	Yes (high)	-	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (medium)
<b>Israel</b>	Yes (low)	N/A	N/A	-	N/A	N/A	Yes (high)	Yes (high)	Yes (high)
<b>Italy</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Korea, Republic of</b>	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Lithuania</b>	Yes (low)	No	Yes (low)	No	No	No	No	No	No
<b>Luxembourg</b>	Yes (high)	Yes (high)	Yes (high)	-	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Madagascar</b>	No	Yes (medium)	Yes (low)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Malta</b>	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Mexico</b>	N/A	N/A	N/A	-	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Monaco</b>	N/A	Yes (medium)	Yes (high)	N/A	N/A	N/A	N/A	N/A	N/A
<b>Mongolia</b>	Yes (low)	Yes (medium)	Yes (medium)	Yes (medium)	-	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>Netherlands</b>	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)

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IO and NGO	RESPONSES to questions 1.6.3 to 1.9.5 of the 2019 QUESTIONNAIRE								
	1.6.3.	1.7.	1.8.	1.9.	1.9.1.	1.9.2.	1.9.3.	1.9.4.	1.9.5.
<b>UNICEF</b>	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (medium)	Yes (high)
<b>Euradopt</b>	No	Yes (medium)	Yes (low)	Yes (low)	Yes (low)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)
<b>ICAV</b>	Yes (medium)	Yes (medium)	Yes (medium)	-	Yes (low)	Yes (low)	Yes (low)	Yes (low)	Yes (low)
<b>ISS</b>	Yes (high)	Yes (high)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Yes (high)	Yes (high)	Yes (high)
<b>RELAC-ADOP</b>	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)	Yes (high)	Yes (medium)	Yes (medium)	Yes (medium)