

Council on General Affairs and Policy – March 2020

Document	Preliminary Document <input checked="" type="checkbox"/> Information Document <input type="checkbox"/>	Prel. Doc. 29 of February 2020
Title	Corrigendum to paragraph 70 of the French version of the Explanatory Report on the 1993 Adoption Convention	
Author	Permanent Bureau	
Agenda item	Item IV-1-c	
Mandate(s)		
Objective	To resolve a translation issue in the Explanatory Report on the 1993 Adoption Convention	
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input checked="" type="checkbox"/>	
Annexes	N/A	
Related documents	Explanatory Report to the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention	

I. Explanation

1. The Permanent Bureau (PB) has been informed of an omission in the French version of the “Explanatory Report on the 1993 Hague Intercountry Adoption Convention”¹ (Explanatory Report) written by Gonzalo Parra-Aranguren.

2. Paragraph 70 of the English version of the Explanatory Report reads as follows:

“70 The first paragraph reproduces the text of the draft (article 2) and includes in the English text the words “shall apply” to stress the mandatory character of the Convention, making it clear that all intercountry adoptions granted by the Contracting States must comply with the conventional rules. It was accepted by consensus that this mandatory character was the only manner to achieve some of the main objects pursued by the Convention, i.e., the protection of the best interests of the child as well as the respect for his or her fundamental rights (sub-paragraph a of Article 1): to prevent abuses, such as abduction, the sale of, traffic in, **and other illegal or illicit activities against children** [emphasis added] (subparagraph b of Article 1), and to secure the recognition in Contracting States of adoptions made in accordance with the Convention (sub-paragraph c of Article 1).”

3. The words appearing in bold were not included in the French version of the Explanatory Report, which currently reads as follows:

“70 Le premier paragraphe reprend le texte du projet (article 2) ; les mots « shall apply » et « s'applique » sont utilisés pour souligner le caractère contraignant de la Convention et faire ressortir que toutes les adoptions internationales effectuées dans les Etats contractants doivent respecter les règles de la Convention. Il a été admis par consensus que seul ce caractère contraignant permet de réaliser certains des principaux objectifs de la Convention, à savoir la protection de l'intérêt supérieur de l'enfant et le respect de ses droits fondamentaux (alinéa a de l'article premier), la prévention des abus tels que l'enlèvement, la vente ou la traite des enfants (alinéa b de l'article premier) et la reconnaissance dans les Etats contractants des adoptions réalisées selon la Convention (alinéa c de l'article premier).”

4. It is noteworthy that the Spanish translation of the Explanatory Report, which was ~~done by~~ prepared by Professors Alegría Borrás and Cristina González Beilfuss, in consultation with other representatives of the Spanish-speaking countries having participated in the preparation of the Convention, and sent for revision to the Rapporteur himself (a native Spanish-speaker), does reflect the English version and reads as follows:

“70 El primer párrafo reproduce el texto del proyecto (artículo 2) en incluye las palabras “se aplica” para poner de relieve el carácter vinculante del Convenio y resaltar que toda adopción internacional constituida en los Estados contratantes debe respetar las reglas convencionales. Se aceptó por consenso que únicamente el establecimiento de ese carácter vinculante permite que se cumplan algunos de los principales objetivos del Convenio, tales como la protección del interés superior del niño y el respeto a sus derechos fundamentales (apartado a del artículo 1), la prevención de abusos tales como el secuestro, la venta o el tráfico de niño **y otras actividades ilegales o ilícitas respecto a**

¹ G. Parra-Aranguren, “Explanatory Report to the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption”, in Hague Conference on Private International Law, *Proceedings of the Seventeenth Session (1993)*, Tome II, *Adoption - co-operation*, pp. 539-651. Also available on the HCCH website at < www.hcch.net > under “Adoption Section”. The *Proceedings*, at p. 538, do note that the French version is a “translation”. One may also recall that back then, Explanatory Reports were not submitted for approval to the Members of the HCCH.

los niños [emphasis added] (apartado b del artículo 1) y el reconocimiento en los Estados contratantes de las adopciones realizadas de acuerdo con el Convenio (apartado c del artículo 1).”

5. It seems obvious that the omission in the French version of the Explanatory Report is the result of a technical error. The PB will therefore publish a corrigendum in the French version of paragraph 70 of the Explanatory Report by adding the following words “et autres activités illégales ou illicites contre les enfants”.

6. As the French version of the *Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention*² cites, at page 16, this paragraph of the Explanatory Report, a corrigendum will also be published for the French version of the Guide.

II. Conclusion

7. CGAP is invited to take note of these changes to the French versions of both the Explanatory Report to the 1993 Adoption Convention and the Guide to Good Practice No 1.

² 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*, Bristol, Family Law (Jordan Publishing Limited), 2008. Available on the HCCH website at < www.hcch.net > under “Adoption Section”.