

**Expert Group meeting on the Financial Aspects of Intercountry Adoption
(The Hague, 8-9 October 2012)**

CONCLUSIONS AND RECOMMENDATIONS

An informal Expert Group was established further to a recommendation of the 2011 Council on General Affairs and Policy of the Hague Conference to assist the Permanent Bureau in examining the question of the financial aspects of intercountry adoption. The Expert Group, which met for the first time in The Hague on 8 and 9 October 2012, had fruitful and constructive discussions. The experts invited represented Central Authorities of States of origin and receiving States from various geographical regions and legal systems. Unicef, International Social Service (ISS), EurAdopt and two independent experts also participated in the meeting.

In preparation of the meeting, the Permanent Bureau drafted and disseminated a document entitled "Discussion Paper on the Financial Aspects of Intercountry Adoption" (hereinafter, Discussion Paper) in order to introduce the issues associated with the financial aspects of intercountry adoption, to assist discussion on good practices and to suggest practical tools to address some of the issues, including draft harmonised terminology and draft tables on the financial issues of intercountry adoption. The Permanent Bureau received many comments on the Discussion Paper, the draft harmonised terminology and on the draft tables from members of the Expert Group prior to their meeting. In addition, a number of States Parties to the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (1993 Hague Convention) expressed their strong support for the Discussion Paper.

The Expert Group recognised the importance of the issues relating to the financial aspects of intercountry adoption, the risks that they present to all parties involved as well as the negative impact for the intercountry adoption process as a whole. The Expert Group, subject to the availability of resources at the Permanent Bureau and directions given by the Council on General Affairs and Policy, agreed on the following Conclusions and Recommendations:

1. Adoption of a harmonised terminology

The Expert Group made amendments to the terminology concerning the financial aspects of intercountry adoption (co-operation projects, contribution, costs, development aid, donations, expenses, fees, improper financial or other gain, reasonable, and remuneration) proposed in the Discussion Paper.

The Expert Group recommended that this terminology be used in future work on this topic and be included in the final version of the Discussion Paper (see No 3 below).

2. Tables

Draft Tables I and II were designed to elicit information, from States of origin and receiving States respectively, on the costs and contributions associated with intercountry adoptions.

The Expert Group expressed its thanks to a number of experts from both States of origin and receiving States who were able already to provide completed tables. Their experience provided a good basis for the discussions.

The Expert Group gave its general endorsement to Tables I and II and recognised their value as a tool to elicit the actual costs of an intercountry adoption in order to achieve maximum transparency.

It was agreed that further work on the tables would be carried out by the Permanent Bureau in the light of the discussions during the Expert Group meeting. This work should take into account the need to better reflect the costs for adoptive parents in receiving States that vary according to different States of origin.

The revised tables will be circulated for testing to the Expert Group and then, if necessary, be further revised by the Permanent Bureau. The final tables will be submitted to all States Parties to the 1993 Hague Convention and all Member States of the Hague Conference for a final reading. Following this consultation, the tables will be finalised and published.

The Expert Group recognised the value of Tables III and IV regarding adoption accredited bodies' activities, which are already included in Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies.

3. Discussion Paper on the Financial Aspects of Intercountry Adoption

The Expert Group recognised the importance and timeliness of the Discussion Paper prepared by the Permanent Bureau and gave it enthusiastic endorsement. The Expert Group requested the Permanent Bureau to make revisions to the text, in the light of the discussions within the Group and the comments received prior to the meeting. The revised text will be circulated to all experts of the Group for final comments.

The Discussion Paper will be further revised by the Permanent Bureau in the light of those comments received and then submitted to all States Parties to the 1993 Hague Convention and all Member States of the Hague Conference for a final reading. Following this consultation, and as recommended by the Expert Group, the document will be finalised and published as a Note.

4. Summary list of good practices

The Expert Group agreed that a summary list of good practices on the financial aspects of intercountry adoption should be drawn up by the Permanent Bureau, drawing principally from the Discussion Paper and the existing Hague Conference Guides to Good Practice on the 1993 Hague Convention.

5. Model Survey directed to adoptive parents

The Expert Group agreed on the usefulness of carrying out a Model Survey for adoptive parents in order to collect further information on the actual costs involved in an adoption and with a view to ensuring transparency.

The Expert Group recommended that the Permanent Bureau, with the support of a small group of States, should develop a draft Model Survey. The draft will be circulated among the members of the Expert Group for comments. The draft Model Survey will be further revised by the Permanent Bureau in the light of those comments received and then submitted to all States Parties to the 1993 Hague Convention and all Member States of the Hague Conference for a final reading. Following this consultation, the Model Survey

will be finalised and published.

6. Information brochure for prospective adoptive parents

The Expert Group noted the publication by International Social Service of the brochure entitled, "Intercountry adoption and its risks: A guide for prospective adopters", as an already available existing tool and therefore saw no need to develop a similar brochure at this point.

7. Separate Guide to Good Practice and Questionnaire to States

The Expert Group acknowledged the importance and usefulness of a separate future Guide to Good Practice on the financial aspects of intercountry adoption but did not see it as a priority at this stage, with the understanding that a questionnaire focusing on the financial aspects of intercountry adoption may also not be necessary at this stage.

8. Checklist on the assignment of responsibilities

The Expert Group recognised the potential value of a checklist on the assignment of responsibilities but agreed that it was not a priority at this stage.

9. Order of priorities

The Expert Group agreed on the need to prioritise the work of the Permanent Bureau on the financial aspects of intercountry adoptions and recommended the following order of priorities:

- publication of the agreed terminology;
- completion of the Discussion Paper with a view to publishing it as a Note;
- finalisation of the tables;
- preparation of a summary list of good practices;
- preparation of a Model Survey;
- other work related to the financial aspects of intercountry adoptions.

The Expert Group remains committed and available to assist the Permanent Bureau in its work in this area.

The Hague, October 2012