SC 1993 ADOPTION

JUNE 2027

PREL. DOC. NO 1 REV

Title	**Conclusions and Recommendations from previous meetings of the Special Commission (SC) on the Practical Operation of the 1993 Adoption Convention**
Document	**Prel. Doc. No 1 REV of November 2026**
Author	PB
Agenda Item	Item TBD
Mandate(s)	Article 42 of the 1993 Adoption Convention Article 6 of the HCCH Statute C&D No 42 and 77 of CGAP 2025
Objective	To present Conclusions and Recommendations (C&R) approved by previous SC meetings that are still relevant today regrouped by topic.
Action to be Taken	For Decision ☐ For Approval ☐ For Discussion ☐ For Action / Completion ☐ For Information ☒
Annexes	N/A
Related Documents	Info. Doc. No 1 of December 2019 – Conclusions and Recommendations from previous meetings of the SC (2000, 2005, 2010 and 2015) to examine the practical operation of the 1993 Adoption Convention

Table of Contents

1. Scope of the 1993 Adoption Convention 2
2. Cooperation 2
3. Subsidiarity principle 4
4. Assessment of the Practical Operation of the Convention 4
5. Central Authorities, other authorities and Adoption Accredited Bodies 5
6. Child and Prospective Adoptive Parents 6
7. Adoption Procedure 8
8. Avoiding unnecessary delays 9
9. Limits to Intercountry Adoption 9
10. Intrafamily / Relative Adoption 10
11. Simple and Open Adoption 10
12. Nationality of the Child 11
13. Post Adoption Matters 11
    - 13.1. Post Adoption Services 11
    - 13.2. Preservation of Information and access to origins 12
    - 13.3. Post Adoption Reporting 13
    - 13.4. Breakdown of Adoption 14
14. Financial Aspects of Intercountry Adoption 15
15. Preventing and Addressing Illicit Practices in Intercountry Adoption 16
16. Private and Independent Adoptions 17
17. Adoption in emergency situations 18
18. Use of Modern Technologies 18
19. Specific regions and States 19
20. Bilateral agreements (Art. 39(2)) 19
21. Intercountry Adoption in Non-Convention States 20
22. Technical Assistance, including through ICATAP 21
23. HCCH Tools and Documents 21
    - 23.1. Statistics 21
    - 23.2. Country Profiles 22
    - 23.3. Tables on Costs and Note on the Financial Aspects 22
    - 23.4. Model Forms 22
    - 23.5. Guides to Good Practice No 1 and No 2 23
    - 23.6. Note on Scope and the Habitual Residence under 1993 Adoption Convention 23
    - 23.7. Toolkit for Preventing and Addressing Illicit Practices 23

23.8. Practical guidance to assist States with legal framework 24
24. 1996 Child Protection Convention, including International Placements outside the 1993 Convention 24
25. 1961 Apostille Convention 25
26. International Surrogacy and Intercountry Adoption 26

Conclusions and Recommendations from previous meetings of the Special Commission (SC) on the Practical Operation of the 1993 Adoption Convention

1 CGAP mandated the Permanent Bureau (PB) of the HCCH to continue preparations for the Sixth meeting of the Special Commission on the practical operation of the 1993 Adoption Convention (SC), scheduled to take place from Tuesday 15 to Friday 18 June 2027 (for 3.5 working days).[1]

2 This document is a compilation of Conclusions & Recommendations (C&R) from the previous meetings of the SC which took place in 2000, 2010, 2015 and 2022. It is based on Information Document No 1 drafted for the attention of the 2022 SC which compiled the C&R of the first three SC meetings. The objective of this document is to lay the foundation for the reaffirmation of these C&R at the next meeting of the SC. Reaffirming the C&R will ensure that they remain relevant and confirm that the advice of the SC is as current as possible.

3 The C&R have been arranged in this document according to the main principles, the actors, the order of an adoption procedure and other topics. The PB submits that most C&R remain relevant and can be reaffirmed; some C&R may need further discussion and clarification at the SC meeting; whereas others may be deleted as they are no longer relevant.

4 In order to facilitate the discussions at the forthcoming SC meeting and improve the presentation of the C&R, the PB has:

- where appropriate, included a comment where clarification and harmonisation of a C&R may be necessary, and therefore, may be discussed at the next meeting of the SC;
- included cross-references for C&R which fall under more than one category within this document;

5 In June 2025, the PB circulated this document for comments by States, with suggestions for deletion of some C&R and re-arrangement of some information appearing in some footnotes. These suggestions were also made to facilitate the discussions at the forthcoming SC meeting and improve the presentation of the C&R. The PB did not receive any comments in relation to these suggestions. For this revised version of the document, the PB therefore has:

- deleted C&R that, due to their age or nature, appear to be no longer relevant. For example, in the section about HCCH Tools and Documents, C&R that refer to the process of approving such Tools and Documents have been deleted;
- re-arranged information appearing in some footnotes to harmonise the footnotes through all C&R of all SC meetings. Thus, the PB has includes in the text of the C&R between brackets information currently included in some footnotes (in most of the cases, when referring to a specific Article of the 1993 Adoption Convention), and deleted cross-references appearing in footnotes to previous C&R (the 2015 SC meeting was mostly the only one including references to other C&R in footnotes), in particular when such C&R (or a cross-reference to it) can be found in the same section of this compilation.

6 Two suggestions to be discussed at the Special Commission, however, remain: they are reflected under Items 24 and 166.

[1] CGAP 2026, C&D No 30. See also CGAP 2025, C&D Nos 42 and 77.

1. Scope of the 1993 Adoption Convention

	C&R No(s)	Description
1	C&R No 11 of 2010	The Special Commission emphasised that **all intercountry adoptions falling within the scope** of the Convention under Article 2(1), including in-family adoptions and adoptions by nationals of the State of origin, **are subject to Convention procedures and safeguards.**
2	C&R No 22 of 2015	In order to ensure that the Convention is applied to all adoptions falling within its scope [fn: (Art. 2)], the SC recognised that there is a need to: a) promote **consistent determinations**, in the light of the Convention's objectives, of "**habitual residence**" in Contracting States, including developing a common understanding of the factors which might be considered when determining habitual residence; b) promote **education** of the relevant judicial and administrative **authorities or bodies** in Contracting States in relation to determinations of habitual residence and the scope of the Convention; c) **raise awareness** with the **public** of what qualifies as an intercountry adoption under the Convention.
3	C&R No 13 of 2010	Where the **habitual residence** of the prospective adoptive parents is **uncertain** the concerned Central Authority should provide **advice on their particular situation before they proceed** with an adoption application.
4	C&R No 23 of 2015	In cases where the **habitual residence of the prospective adoptive parents is uncertain**, the SC reaffirmed 2010 SC C&R No 13 and further recommended that the concerned **Central Authority expeditiously consult with the Central Authorities** of any other relevant Contracting States before providing advice or communicating its decision to the prospective adoptive parents.
5	C&R No 24 of 2015	The SC noted with concern reports of persons moving to, or moving children from, Contracting States in order to **undertake a domestic adoption** in another Contracting State in an effort **to deliberately circumvent the Convention**. The SC invited Contracting States, when considering prospective adoptive parents' applications to adopt domestically, to consider carefully the circumstances of the prospective adoptive parents' and / or the child's presence in that State
6	C&R No 12 of 2010	Where an **adoption falling within the scope of the Convention has been processed in a Contracting State as a non-Convention adoption**, the Central Authorities concerned are strongly recommended to **co-operate** in efforts to address the situation in a manner which respects Convention procedures and safeguards, and to **prevent** these situations from recurring.

2. Cooperation

	C&R No(s)	Description
7	C&R No 10 of 2005	The Special Commission stresses the importance of **enhancing co-operation and exchange of information** between Central Authorities, public authorities, accredited bodies and any bodies and persons under Article 22(2), notably with a view to **promoting good practice** and to ensuring that

		illegal and unethical procedures prior to the adoption of a child be effectively and systematically combatted.
8	C&R No 11 of 2005	Contracting States are encouraged to undertake and participate in regional and / or bilateral meetings to exchange information and good practices.
9	C&R No 26 of 2015	The SC recognised the importance of the continuation and expansion of co-operation and assistance between States in relation to the implementation and operation of the Convention. It welcomed the positive results reported by States which have benefitted from such co-operation.
10	C&R No 27 of 2015	The SC applauded the increased horizontal co-operation[2] reported between States of origin, as well as regional and multilateral co-operation, to enhance the effective operation of the Convention.
11	C&R No 12 of 2010	(*See **Item 6** of this document on cooperation when adoption falling within the scope of the Convention has been processed in a Contracting Party as a non-Convention adoption)*
12	C&R Nos 12 & 13 of 2005 C&R No 8 of 2010	(*See **Items 43 to 45** of this document on cooperation and the need to share information about the needs of children*)
13	C&R No 17 of 2010 C&R No 36(e) of 2015	(*See **Items 58 and 59** of this document on cooperation regarding Article 23 certificates*)
14	C&R Nos 20 & 21 of 2010	(*See **Items 79 and 80** of this document on cooperation regarding the child's acquisition of nationality*)
15	C&R No 24 of 2022	(*See **Item 85** of this document on cooperation in the provision of post-adoption services*)
16	C&R No 29 of 2022	(*See **Item 94** of this document on cooperation regarding the search for origins)*
17	C&R No 7 of 2000	(*See **Item 111** of this document on cooperation to ensure that information on costs and expenses is available*)
18	C&R No 1 of 2010	(*See **Item 122** of this document on cooperation to prevent the abduction, sale of or traffic in children and their illegal procurement*)
19	C&R No 7 of 2022	(*See **Item 124** of this document on the relevance of cooperation to address improper financial and other gain*)
20	C&R Nos 20 & 47 of 2015	(*See **Items 129 and 186** of this document on the relevance of the 1996 Child Protection Convention for cooperation*)
21	C&R No 6 of 2010	(*See **Item 156** of this document on ways to assist and support States of origin*)

[2] See Chapter 12.4 of *Guide to Good Practice No 2: Accreditation and Adoption Accredited Bodies*.

3. Subsidiarity principle

	C&R No(s)	Description
22	C&R No 2 of 2015	The SC reaffirmed the **importance of subsidiarity** [fn: Preamble and Art. 4(1)(b)], as a foundational principle of the Convention. It underlined that implementation of the subsidiarity principle is **central** to the success of the Convention, and to determining that an intercountry adoption takes place "in the best interests of the child and with respect for his or her fundamental rights" [fn: Art. 1(a)].
23	C&R No 3 of 2015	To further promote the principle of subsidiarity, States are encouraged to **strengthen their domestic child protection systems**, including the establishment and promotion of measures which **support family preservation and reunification**, as well as **in-country alternative permanent family care,** such as domestic adoption and other traditional forms of alternative care.
24	C&R No 4 of 2015	The SC recognised that a **lack of resources** in some States remains one of the **most serious challenges** to the implementation of the subsidiarity principle, and encouraged States to provide **support to other States** to improve their domestic child protection systems. Any such support should **not be offered or sought in a manner which compromises** the integrity of the intercountry adoption process, such as creating a dependency on income deriving from intercountry adoption.
25	C&R No 1 of 2015	Twenty years after the entry into force of the Convention, the SC: [...] f) recognised the **increase in domestic adoption** as one of the positive factors impacting the changed landscape of intercountry adoption.
26	C&R No 5 of 2015	(*See **Item 63** of this document on subsidiarity principle not unduly delaying a permanent solution through intercountry adoption*)
27	C&R No 11 of 2015	(*See **Item 39** of this document on the application of subsidiarity principle to children with special needs*)
28	C&R No 51 of 2022	(*See **Item 157** of this document on technical assistance regarding the subsidiarity principle*)

4. Assessment of the Practical Operation of the Convention

	C&R No(s)	Description
29	C&R No 1 of 2015	Twenty years after the entry into force of the Convention, the SC: a) affirmed the **continued relevance** and fundamental **importance** of the Convention and welcomed its **broad acceptance** as the international benchmark for intercountry adoption today; b) recognised the significant, **positive impact** which the Convention has had 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"; c) acknowledged that the landscape of intercountry adoption has changed over the past 20 years, and encouraged Contracting

Commented [PB1]: The SC may wish to discuss if the earlier C&R on providing support to States of origin require some updating in line with more recent C&R approved by the SC:

ON THE ONE SIDE: C&R No 10 of 2000, C&R 6 of 2010 and No 4 of 2015 encourage States to provide support to other States to support child protection systems.

C&R No 10 of 2000 (item 115) Receiving countries are encouraged to support efforts in countries of origin to improve national child protection services, including programmes for the prevention of abandonment. However, this support should not be offered or sought in a manner which compromises the integrity of the intercountry adoption process, or creates a dependency on income deriving from intercountry adoption. In addition, decisions concerning the placement of children for intercountry adoption should not be influenced by levels of payment or contribution. These should have no bearing on the possibility of a child being made available, nor on the age, health or any characteristic of the child to be adopted.

C&R No 6 of 2010 (item 158) Receiving States are encouraged to consider ways in which to assist and support States of origin in the performance of their functions and in the application of safeguards under the Convention, including by means of capacity-building and other programmes.

ON THE OTHER SIDE: C&R 8 and 10 of 2022 underline the need for a clear separation between adoption and cooperation projects, and the lack of such separation and creating dependency constitute illicit practices.

C&R No 8 of 2022 (item 117) Recalling that contributions, donations and cooperation projects present a high risk of influencing the adoption process by creating dependency and encouraging competition amongst States, organisations and prospective adoptive parents (PAPs), the SC reiterated that there should be a clear separation of possible costs and fees of the adoption process, from contributions, donations and cooperation projects.

C&R No 10 of 2022 (item 119) Some delegations expressed the view that setting and respecting strong safeguards regarding contributions, donations and cooperation projects is another way to ensure that there is no undue influence in the adoption process (views 2 and 3). Nevertheless, the SC noted that even under this view, 1) lack of separation of contributions, donations or cooperation projects from the actual costs of an adoption, as well as from the intercountry process as a whole, and 2) cooperation with specific States influenced by levels of contributions, donations and support for cooperation projects, still constitute illicit practices.

States to ensure that their laws and practices adequately respond to the current reality of intercountry adoption;

[...]

5. Central Authorities, other authorities and Adoption Accredited Bodies

	C&R No(s)	Description
30	C&R No 1 of 2000	Each Contracting State should provide a description of the manner in which the various responsibilities and tasks under the Convention are divided between Central Authorities, public authorities and accredited bodies, so that the entities responsible to act under particular articles of the Convention are clearly identified, as well as the mechanisms by which they interact with one another. The information should be furnished to the Permanent Bureau and published.
31	C&R No 2 of 2000	The following recommendations are designed to improve communication under the Convention, as well as understanding of how the Convention operates in the different Contracting States: a) The designation of the Central Authorities, required by Article 13, as well as their contact details, should be communicated to the Permanent Bureau not later than the date of the entry into force of the Convention in that State. b) Such communication should, in accordance with Article 13 and paragraph 274 of the Explanatory Report on the Convention by G. Parra-Aranguren (Proceedings of the Seventeenth Session (1993), Tome II, Adoption – co-operation, page 591), give notice of any other public authorities (including their contact details) which, under Article 8 or 9 discharge functions assigned to the Central Authorities. c) The extent of the functions of the Central Authorities and any such public authorities should be explained. d) The designation of accredited bodies, required by Article 13, as well as their contact details, should be communicated to the Permanent Bureau at the time of their accreditation. e) Where a body accredited in one Contracting State is, in accordance with Article 12, authorised to act in another Contracting State, such authorisation should be communicated to the Permanent Bureau by the competent authorities of both States without delay. f) The extent of the functions of accredited bodies should also be explained. g) All the information referred to above should be kept up-to-date and the Permanent Bureau informed promptly of any changes, including in particular any withdrawals of accreditation or authorisation to act. h) Designations, in accordance with Article 23, of authorities competent to certify an adoption as having been made in accordance with the Convention should also be kept up-to-date.
32	C&R No 3 of 2005	The Special Commission reaffirms Recommendation No 2 of the Special Commission of November / December 2000, and underlines, in particular, the importance of designating Central Authorities without delay.
33	C&R No 3 of 2000	The need for adequate resources and appropriately trained staff in Central Authorities was accepted, as well as the importance of ensuring a reasonable level of continuity in their operations.

34	C&R No 9 of 2015	The SC recognised the importance of the role of **adoption accredited bodies** in the intercountry adoption process in many Contracting States, and the challenges that these bodies face in light of the changed landscape of intercountry adoption.
35	C&R No 4 of 2000	The following **principles** should apply to the process by which accreditation is granted under Article 10, to the supervision of accredited bodies provided for in Article 11 c), and to the process of authorisation provided for in Article 12. a) The **authority** or authorities competent to **grant** accreditation, to **supervise** accredited bodies or to give **authorisations** should be **designated** pursuant to clear legal authority and should have the **legal powers** and the personal and material **resources** necessary to carry out their responsibilities effectively. b) The legal powers should include the power to **conduct** any necessary **enquiries** and, in the case of a supervising authority, the power to **withdraw**, or recommend the withdrawal of, an accreditation or authorisation in accordance with law. c) The criteria of accreditation should be explicit and should be the outcome of a general **policy** on intercountry adoption. d) Accredited bodies should be required to **report annually** to the competent authority concerning in particular the activities for which they were accredited. e) Review or the **re-accreditation** of accredited bodies should be carried out periodically by the competent authority.

6. Child and Prospective Adoptive Parents

	C&R No(s)	Description
36	C&R No 7 of 2010	(*See **Item 48** of this document on providing a description in the Country Profile of how safeguards under Articles 4 (child) and 5 (prospective adoptive parents) are applied)*
37	C&R No 12 of 2000	The Special Commission agreed on the importance, from the point of view of the process of matching, and for the information of the adoptive parents and later the child himself or herself, of obtaining a **full and accurate medical report on the child**. The importance of maintaining **confidentiality** with respect to the medical report on the child, bearing in mind the right to respect for private life, was also emphasised.
38	C&R No 10 of 2015	The SC recognised that an **increasing number of children** being adopted intercountry today have **special needs** and it is essential to address the resulting challenges.
39	C&R No 11 of 2015	The SC recommended that: a) the **subsidiarity** principle of the Convention should be **equally applied to children with special needs** and, as a priority, measures should be promoted which support biological families in caring for children with such needs; b) children with special needs determined to be in need of alternative family care should be **evaluated on a systematic and regular basis** to ensure that their legal, medical and psycho-social adoptability can be assessed and kept under regular review. The assessment of their psycho-social and medical adoptability is particularly important.

40	C&R No 12 of 2015	In relation to **children with special needs**, the SC strongly emphasised the need for: a) an **individualised assessment** of the child's specific needs which is particularly vital for the process of matching; b) **counselling** and **preparation** of the **child**, which should be adapted to his or her age, degree of maturity and needs; c) **specific selection**, mandatory **preparation** and **counselling** of prospective adoptive **parents**, including informing them of the post-adoption support available; d) **a full, accurate and up-to-date report** on the child [fn: Art. 16(1)(a)] and on the prospective adoptive parents [fn: Art. 15(1)]. The report on the prospective adoptive parents should clearly identify "the characteristics of the children for whom they would be qualified to care" [fn: Art. 15(1)], as well as the preparation and counselling they have undertaken; e) a **professionalised matching** process involving a multi-disciplinary group of professionals; and f) **professional assistance** to be provided to prospective adoptive parents **when deciding** on a child proposal, as well as in the **post**-adoption phase.
41	C&R No 13 of 2015	The SC warmly **endorsed** the **work** of International Social Service in relation to **children with special needs**, including the possibility of using *life books*[3] for such children.
42	C&R No 14 of 2015	The SC recommended that **adoption accredited bodies** should acquire and / or have access to **professional expertise** on the intercountry adoption of **children with special needs**.
43	C&R No 12 of 2005	The Special Commission recognises the importance of States of origin **sending information** to receiving States on the **needs of children** to better **identify prospective adoptive parents**.
44	C&R No 13 of 2005	The Special Commission recognises that as a matter of good practice, authorities in receiving States should **co-operate** with authorities in States of origin in order to **better understand** the **needs of children** in States of origin.
45	C&R No 8 of 2010	States of origin may assist receiving States in establishing their criteria for the selection of prospective adoptive parents by **providing information about the characteristics and needs of adoptable children**. This information will also contribute to the development of preparation materials on intercountry adoption directed to prospective adoptive parents, and to the management of their expectations.
46	C&R No 14 of 2000	Emphasis was placed on the need for **thoroughness** and **objectivity** by authorities in the receiving country in the **assessment and preparation** of the **prospective adopters**, and in drawing up the report on the applicants in accordance with Article 15.
47	C&R No 9 of 2010	The Special Commission emphasised the need for **country specific preparation** and for prospective adoptive parents to have some **knowledge of the culture of the child** and his or her **language** in order to communicate with the child from the matching stage.

[3] International Service Social, life books for children "My story", 2014.

7. Adoption Procedure

	C&R No(s)	Description
48	C&R No 7 of 2010	States of origin and receiving States are encouraged to provide each other with a **full description of the manner in which they apply the safeguards under Articles 4 and 5 respectively**. This information should also be included in their Country Profile posted on the website of the Hague Conference. States are encouraged to update this information regularly.
49	C&R No 15 of 2000	The **importance** within the adoption process of the requirements of **Article 17** were re-emphasised.
50	C&R No 16 of 2000	In those States where agreements under Article 17 c) may be **given by bodies other than the Central Authority**, the bodies that may perform this function should be **specified**.
51	C&R No 15 of 2005	The Special Commission recommends that States actively **discourage direct contacts between prospective adoptive parents and authorities in the State of origin until authorised to do so**. Exceptionally, such contact at the appropriate time may be desirable, for example in the case of a child with special needs.
52	C&R No 17 of 2000	Attention was drawn to the **importance** of the **certificate** of conformity provided for by Article 23 of the Convention. The body or **bodies** competent to **issue** such certificates should be **clearly identified** and the certificate should be **issued without delay** following the making of the adoption.
53	C&R No 18 of 2000	Parents should be **provided with a certificate before they came to take the child/children**. The Central Authority in the **receiving State** should also be given a **copy** of the certificate.
54	C&R No 19 of 2000	The **importance** of the recommended "**Model Form** for the Certificate of Conformity of Intercountry Adoption" which was approved at the Special Commission of October 1994, and which appears in Annex C of the Report of that Special Commission, which was published in March 1995, was reemphasised.
55	C&R No 2 of 2000	(*See **Item 31** of this document on keeping up to date the designations of competent authorities under Article 23*)
56	C&R No 15 of 2010	The Special Commission noted with **concern** the high number of States that have **not designated** a **competent authority** for the purpose of issuing a certificate of conformity under Article 23.
57	C&R No 16 of 2010	The Article 23 certificate is **essential to allow the automatic recognition** of adoptions made under the Convention and should be **issued promptly** where the requirements of the Convention have been met.
58	C&R No 17 of 2010	Where a certificate under Article 23 is **incomplete or defective**, States should co-operate to regularise the situation.
59	C&R No 36 of 2015	In relation to **Article 23** of the Convention, the SC emphasised the importance of: a) **clearly designating** the **authorities** competent to issue Article 23 certificates and keeping this information **updated**;

		b) automatically issuing such certificates following an adoption decision made in accordance with the Convention wherever possible; c) providing adoptive parents with the original of the Article 23 certificate without delay and, at the same time, sending a copy of the certificate to the Central Authorities of both Contracting States; d) using the "Model Form for the Certificate of Conformity of Intercountry Adoption" to promote consistent practice; and e) where an Article 23 certificate is incomplete or defective, co-operating to regularise the situation.
60	C&R No 18 of 2010	The Special Commission underlined that no additional procedure may be imposed as a condition of recognition.
61	C&R No 37 of 2015	The SC reminded Contracting States that no additional procedure may be imposed as a condition of recognition.

8. Avoiding unnecessary delays

	C&R No(s)	Description
62	C&R No 14 of 2005	The Special Commission reminds States Parties to the Convention of their obligations under Article 35 to act expeditiously in the process of adoption, and notes in particular the need to avoid unnecessary delay in finding a permanent family for the child.
63	C&R No 5 of 2015	The SC recalled that implementation of the principle of subsidiarity should not "unintentionally harm children by delaying unduly a permanent solution through intercountry adoption".[4]
64	C&R No 6 of 2015	Recalling Article 35 of the Convention, the SC reminded Contracting States to do their utmost to prevent unnecessary delays at all stages of the intercountry adoption process, while respecting the safeguards of the Convention. Wherever possible, the use of modern methods of communication is encouraged to facilitate expeditious action.
65	C&R No 7 of 2015	The benefits of becoming a party to the *Hague Convention of 5 October 1961 Abolishing the Requirements of Legalisation for Foreign Public Documents* (Apostille Convention) were reaffirmed by the SC in order to avoid unnecessary delays in intercountry adoption.

9. Limits to Intercountry Adoption

	C&R No(s)	Description
66	C&R No 8 of 2015	States of origin are encouraged to **specify** through their Central Authority **any limits** in relation to the **number** and **type** of applications for intercountry adoption which they will accept, in light of the number and profile of intercountry adoptable children in the State. **Receiving States should respect any limits**. Moreover, even where no such limits have been specified, the number and type of applications sent to States of origin should be appropriate in view of the number and profile of intercountry adoptable children in that State.

[4] See *Guide to Good Practice No 1 "The implementation and operation of the 1993 Adoption Convention"*, para. 48 and section 2.1.1.

10. Intrafamily / Relative Adoption

	C&R No(s)	Description
67	C&R No 32 of 2015	In relation to in-family adoption, the SC: a) recalled that **in-family adoptions fall within the scope** of the Convention; b) recalled the need to respect the safeguards of the Convention, in particular to **counsel and prepare** the prospective adoptive parents; c) recognised that the **matching** process might be **adapted** to the specific features of in-family adoptions; d) recommended that the **motivations** of all parties should be **examined** to determine whether the **child** is **genuinely in need** of adoption; e) recognised that it is necessary to undertake an **individualised assessment of each child's** situation and it should not be automatically assumed that either an in-country or in-family placement is in a child's best interests.
68	C&R No 44 of 2022	The SC recalled 2015 SC C&R No 32.
69	C&R No 11 of 2010	(*See **Item 1** of this document on in-family adoptions*)
70	C&R No 45 of 2022	The SC noted the **challenges** of adapting the standard adoption procedures to the **specificities** of intrafamily adoptions, which could have the unintended consequences of causing **delays**.
71	C&R No 46 of 2022	The SC acknowledged that for some children, **other measures of protection** (such as kinship care) may sometimes be **more appropriate than intrafamily adoptions**. In that regard, the SC invited States to consider the possibility of becoming a Party to the *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children* (HCCH 1996 Child Protection Convention).

11. Simple and Open Adoption

	C&R No(s)	Description
72	C&R No 31 of 2015	The SC noted that, where not prohibited by domestic legislation, and after professional matching [fn: Art. 29], **contact** between the adoptee and biological family in intercountry adoption **may be beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, **professional support** should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child's best interests should guide the nature of this contact, taking into account his or her wishes.
73	C&R No 43 of 2022	**Support and counselling** to facilitate contact between the adoptee and the birth family may be key for the success of an **open adoption**.
74	C&R No 41 of 2022	The SC noted that **simple adoptions** may offer the possibility of **maintaining a legal relationship with the birth family**, and in the case of open adoption, a **personal relationship**, when it is possible to do so and it is in the **best interests of the child**. This could be especially meaningful for older children

		who may wish to keep contact with their birth family, or in the context of intrafamily adoptions.
75	C&R No 42 of 2022	It was noted that **simple adoptions** may pose **challenges**, for example, in regard to **nationality** and **immigration** status.

12. Nationality of the Child

	C&R No(s)	Description
76	C&R No 20 of 2000	Discussion in the Special Commission revealed a clear trend in favour of **according automatically** to the adopted child the **nationality** of the receiving State.
77	C&R No 17 of 2005	The Special Commission recommends that the child be accorded **automatically the nationality** of **one of the adoptive parents** or of the **receiving State**, without the need to rely on any action of the adoptive parents. Where this is not possible, the receiving States are encouraged to provide the necessary assistance to ensure the child obtains such citizenship. The policy of Contracting States regarding the nationality of the child should be guided by the overriding importance of **avoiding** a situation in which an adopted child is **stateless**.
78	C&R No 19 of 2010	The Special Commission **reaffirmed** Recommendation No 17 of the Meeting of the Special Commission of September 2005.
79	C&R No 20 of 2010	Central Authorities should **co-operate** in the completion of any formalities necessary for the acquisition by the child of the nationality, where appropriate, either of the receiving State or of an adoptive parent.
80	C&R No 21 of 2010	The question of whether **nationality will be granted** to the child may, where appropriate, be a relevant factor when a State of origin is **considering co-operation with a particular receiving State**.

13. Post Adoption Matters

13.1. Post Adoption Services

	C&R No(s)	Description
81	C&R No 18 of 2015	The SC recognised that **post-adoption services are essential** and should take into account the **life-long nature of adoption**. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place.
82	C&R No 21 of 2022	Recognising that adoption is not a single event but instead a **life-long process** and that post-adoption services are important, the SC encouraged States to carefully consider the role that adoptees can play in ensuring that the post-adoption services **adequately meet their needs**.
83	C&R No 22 of 2022	The SC encouraged Contracting Parties to take a holistic view on post-adoption services and to develop **specialised and quality** post-adoption services, including for children with special needs, and to further **train professionals** to respond to the unique needs of adoptees and their families.

84	C&R No 23 of 2022	The SC urged Contracting Parties to ensure that adoptees and their families are made aware of the **availability** of post-adoption services and that such services remain **accessible** to adoptees, adoptive families and birth families. **Funding** is a key issue in this regard.
85	C&R No 24 of 2022	The SC underlined the importance of **cooperation** between States of origin and receiving States in order to provide a continuum of post-adoption services.
86	C&R No 25 of 2022	The SC noted that the collection of **statistics and data** plays an instrumental role in informing the provision of **post adoption services**, **search for origins** and preventing and responding to **adoption breakdowns**, and encouraged States to carry out more research in those areas. The SC underlined the importance of such research to determine whether post-adoption services adequately meet the needs of adoptees and their families, and, where needed, how such services could be improved. The SC also highlighted the utility of carrying out multidisciplinary research, in particular for adoption breakdowns, and involving persons with lived experiences, social workers, psychologists and academics, among others.
87	C&R No 26 of 2022	The SC noted the possible benefits of using **facilitators** (*e.g.*, mediators in some States) in the context of post-adoption matters.

13.2. Preservation of Information and access to origins

	C&R No(s)	Description
88	C&R No 28 of 2010	It was recommended that receiving States and States of origin **preserve adoption records in perpetuity**. The record must contain the **information** referred to in **Article 16** and, to the extent possible, any **other information** or personal items relating to the child or his or her birth family.
89	C&R No 27 of 2022	Recalling 2010 SC C&R No 28 and the fact that an increasing number of adoptees are undertaking a search for their origins, the SC urged States to ensure that information is **properly collected and preserved in its entirety** and encouraged **centralisation** of information, preferably by public authorities.
90	C&R No 29 of 2010	It was recommended that receiving States and States of origin provide **different forms of assistance and counselling** for different **stages** of the child's development to adulthood, including preparation for origin searches and reunions of the adoptees with members of their biological families.
91	C&R No 21 of 2015	The SC recommended that the possibility of a child **searching** for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, professional support at all stages is recommended.
92	C&R No 31 of 2022	The SC recalled 2010 SC C&R No 29 and 2015 SC C&R No 21, noting the importance of providing adoptees and their families, including, where appropriate, birth families, with **specialised post-adoption services** and appropriate **guidance** in the search for origins. States should promote the development of adoption counselling and post-adoption services.
93	C&R No 28 of 2022	The SC invited Contracting Parties to consider how technology (*e.g.*, digitalisation of files) might assist the **collection, centralisation**, and

		preservation of information, while noting the importance of retaining the physical files.
94	C&R No 29 of 2022	Many delegations noted the benefits that **increased cooperation** in the area of search for origins is achieving.
95	C&R No 30 of 2022	The SC discussed the **complexity** of providing and obtaining access to information regarding origins and acknowledged that this topic is an evolving area of law and practice that requires further consideration. In this regard, the SC noted that Central Authorities may play a significant role in **raising awareness** about the services available in their State, for instance by providing **consolidated information** about such services.
96	C&R No 32 of 2022	The SC encouraged Contracting Parties to provide adoptees with as much information as possible regarding their origins to the extent allowed by laws pertaining to the protection of confidentiality and privacy. The SC heard from a number of delegations about the need to provide **greater access** and invited States to consider **reviewing their laws and practices** in this regard.
97	C&R No 33 of 2022	The SC also noted the increased use of **DNA technology** in the area of search for origins, its benefits as well as its challenges.
98	C&R No 12 of 2022	The SC agreed that Fact Sheet 11 would be more appropriately titled "No preservation of, or unlawful denial of access to, information regarding origins". However, some delegations were of the view that denial of access to information should be considered an illicit practice not only where denial of access is **unlawful** but also where denial of access is **unjustified**. Others were of the view that, considering the importance of the right to identity, any denial of access should be considered an **illicit practice**.

13.3. Post Adoption Reporting

	C&R No(s)	Description
99	C&R No 18 of 2005	The Special Commission recommends to receiving States to **encourage compliance with post-adoption reporting** requirements of States of origin; a **model form** might be developed for this purpose. Similarly, the Special Commission recommends to States of origin to **limit the period** in which they require post-adoption reporting in recognition of the mutual confidence which provides the framework for co-operation under the Convention.
100	C&R No 27 of 2010	The Special Commission **reaffirmed** Recommendation No 18 of the Meeting of the Special Commission of September 2005.
101	C&R No 35 of 2022	The SC recalled 2005 SC C&R No 18 which recommended to receiving States to encourage **compliance** with post-adoption reporting requirements of States of origin and recommended to States of origin to **limit the period** in which they require post-adoption reporting in recognition of the mutual confidence which provides the framework for co-operation under the Convention. Several delegations recommended that post-adoption reports should only be requested for **short reporting periods**.
102	C&R No 34 of 2022	The SC recognised that while post-adoption reports provide important information to States of origin, the reporting requirements may pose **privacy concerns** for adoptees and / or adoptive families.

103	C&R No 36 of 2022	The SC highlighted that the shorter the report, the more chances it will be completed. The SC encouraged Contracting Parties to make use of the approved **Model Form**, as in paragraph 20 [of the C&R of the 2022 SC].

13.4. Breakdown of Adoption

	C&R No(s)	Description
104	C&R No 19 of 2015	The SC recognised that **appropriate evaluations**, **preparation**, **reports**, **matching** and post-adoption **support**, in relation to both the child and prospective adoptive parents, will **reduce the risk** of the breakdown of intercountry adoptions.
105	C&R No 25 of 2022	*(See **Item 86** of this document on the use of statistics and data regarding preventing and responding to adoption breakdowns)*
106	C&R No 37 of 2022	The SC recalled 2015 SC C&R No 19 that **appropriate evaluations, preparation, reports, matching** and post-adoption **support**, in relation to both the child and PAPs, will reduce the risk of breakdown of intercountry adoptions.
107	C&R No 38 of 2022	The SC urged States to evaluate their **pre- and post-adoption services** in order to determine whether improvements can be made with the aim of preventing adoption breakdown.
108	C&R No 39 of 2022	The SC encouraged States to consider the **assistance Central Authorities** may be able to provide **in responding** to an adoption breakdown, given their experience and knowledge of the adoption procedure. To that effect, it noted the importance for Central Authorities, from both the receiving State and the State of origin, to be made aware of adoption breakdowns and **collaborate** if appropriate.
109	C&R No 40 of 2022	With a view to fostering better cooperation between Contracting Parties, the SC agreed that future work on post-adoption matters should include: ▪ The development, in the immediate future, of **country fact sheets** on available **post-adoption services** relating to **search for origins**, which will be published on the website of the HCCH. ▪ The holding, in both States of origin and receiving States, of State-led **virtual workshops on post-adoption services**, in order to allow interested Contracting Parties to share their experiences and practices on post-adoption services, learn from each other and improve such services. A **steering Committee** composed of representatives of States of origin and receiving States will be set up to facilitate the organisation of these workshops. The workshops should involve the participation of persons with lived experience. While the PB may support the steering Committee and participate in the workshops, it will not have an active role in organising the workshops. The SC welcomed Canada's proposal to organise the first workshop. ▪ The reporting by the steering Committee to **CGAP 2024** on the outcome of these workshops. The report may recommend drafting a possible document on post-adoption services, the nature of which will be determined at that time.

14. Financial Aspects of Intercountry Adoption

	C&R No(s)	Description
110	C&R No 6 of 2000	Accreditation requirements for agencies providing intercountry adoption services should include evidence of a sound financial basis and an effective internal system of financial control, as well as external auditing. Accredited bodies should be required to maintain accounts, to be submitted to the supervising authority, including an itemised statement of the average costs and charges associated with different categories of adoptions.
111	C&R No 7 of 2000	Prospective adopters should be provided in advance with an itemised list of the costs and expenses likely to arise from the adoption process itself. Authorities and agencies in the receiving State and the State of origin should co-operate in ensuring that this information is made available.
112	C&R No 8 of 2000	Information concerning the costs and expenses and fees charged for the provision of intercountry adoption services by different agencies should be made available to the public.
113	C&R No 9 of 2000	Donations by prospective adopters to bodies concerned in the adoption process must not be sought, offered or made.
114	C&R No 5 of 2005	The Special Commission reaffirms Recommendations Nos 6 - 9 of the Special Commission of November / December 2000.
115	C&R No 10 of 2000	Receiving countries are encouraged to support efforts in countries of origin to improve national child protection services, including programmes for the prevention of abandonment. However, this support should not be offered or sought in a manner which compromises the integrity of the intercountry adoption process, or creates a dependency on income deriving from intercountry adoption. In addition, decisions concerning the placement of children for intercountry adoption should not be influenced by levels of payment or contribution. These should have no bearing on the possibility of a child being made available, nor on the age, health or any characteristic of the child to be adopted.
116	C&R No 14 of 2010	The Special Commission emphasised the need to establish, in all cases, a clear separation of intercountry adoption from contributions, donations and development aid.
117	C&R No 8 of 2022	Recalling that contributions, donations and cooperation projects present a high risk of influencing the adoption process by creating dependency and encouraging competition amongst States, organisations and prospective adoptive parents (PAPs), the SC reiterated that there should be a clear separation of possible costs and fees of the adoption process, from contributions, donations and cooperation projects.[5]
118	C&R No 9 of 2022	Most delegations expressed strong support for ensuring that only costs and expenses are charged or paid in line with Article 32(2) of the Convention (view 1). In their view, contributions, donations and cooperation projects should not take place in the context of intercountry adoption in order to ensure a full separation from costs and fees.[6] They emphasised that States should make efforts to build a pathway towards

Commented [PB2]: See comment under Item 24.

Commented [PB3]: See comment under Item 24.

[5] See further, HCCH Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption (HCCH Toolkit), Fact Sheet No 3.

[6] For further explanations of View 1, see HCCH Toolkit.

		this view to avoid the inherent risks of **undue influence** related to contributions, donations and cooperation projects, but recognised this may take some time to be achieved.
119	C&R No 10 of 2022	Some delegations expressed the view that setting and respecting strong **safeguards** regarding **contributions, donations and cooperation projects** is another way to ensure that there is no undue influence in the adoption process (views 2 and 3).[7] Nevertheless, the SC noted that even under this view, 1) **lack of separation** of contributions, donations or cooperation projects from the actual costs of an adoption, as well as from the intercountry process as a whole, and 2) **cooperation** with specific States influenced by levels of contributions, donations and support for cooperation projects, still constitute illicit practices.
120	C&R No 11 of 2022	Due to the importance of preventing illicit practices related to the financial aspects of intercountry adoption, the SC recommended that CGAP establish a new **Experts' Group** to take stock of current practices, identify possible coordinated, targeted approaches, and to prioritise them with the understanding that the objective would be to raise standards using the HCCH Guides to Good Practice and the Note on the Financial Aspects of Intercountry Adoption as the starting point.

Commented [PB4]: See comment under Item 24.

15. Preventing and Addressing Illicit Practices in Intercountry Adoption

	C&R No(s)	Description
121	C&R No 10 of 2005	(*See **Item 7** of this document on the importance of cooperation to address illicit practices*)
122	C&R No 1 of 2010	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: a) **effective application** of Hague Convention procedures and safeguards including, as far as practicable, in relation to non-Convention adoptions; b) **independent and transparent procedures** for determining **adoptability** and for making decisions on the placement of a child for adoption; c) strict adherence to the requirements of **free and informed consent** to adoption; d) strict **accreditation** and **authorisation of agencies**, and in accordance with criteria focussing on child protection; e) adequate **penalties** and effective prosecution, through the appropriate public authorities, to suppress illegal activities; f) properly **trained judges**, officials and other relevant actors; g) **prohibition** on **private** and **independent** adoptions; h) **clear separation** of intercountry **adoption** from **contributions, donations and development aid**; i) regulated, reasonable and transparent **fees and charges**; j) effective **co-operation** and communication between relevant authorities both nationally and internationally; k) implementation of other **relevant international instruments** to which States are parties; l) **public awareness** of the issues.

[7] For further explanations of Views 1 and 2, see HCCH Toolkit.

123	C&R No 44 of 2015	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 **cooperation and coordination** between States is key to preventing illicit practices.
124	C&R No 7 of 2022	The SC recognised that States are **best able to address** these concerns when States of origin and receiving States **coordinate** practices.
125	C&R No 12 of 2022	The SC agreed that allowing PAPs to **select or choose** a child outside of the matching process instead of being matched by a competent authority or accredited body constitutes an illicit practice.
126	C&R No 13 of 2022	The SC noted that **contact** between the PAPs and the child **before** or **outside** the **matching process** constitutes an enabling factor. A majority of delegations specifically raised concerns regarding participation in summer camps.
127	C&R No 15 of 2022	The SC agreed that authorising **contact** by PAPs with authorities and / or bodies in the State of origin without the PAPs having first applied for an intercountry adoption to the Central Authority in their State of habitual residence constitutes an illicit practice. However, the SC recognised that a few Contracting Parties are of the view that, in some instances, the Central Authority should be able to determine when **limited contact** between PAPs and a Central Authority is permissible, such as for **habitual residence determinations** and **general adoption inquiries**.
128	C&R No 6 of 2022	In relation to Fact Sheet 3 "Improper Financial and other Gain", the SC reiterated the importance of **preventing and addressing improper financial and other gain**, as financial aspects are one of the major sources of illicit practices in intercountry adoption. *[See also **Section 14** of this document]*
129	C&R No 47 of 2015	The SC recalled paragraph 20 above, and noted the relevance of the **1996 Hague Convention** to enhancing co-operation to protect children, including **trafficked** children.

16. Private and Independent Adoptions

	C&R No(s)	Description
130	C&R No 22 of 2010	Adoptions which are arranged directly between birth parents and adoptive parents (*i.e.*, **private adoptions**) are **not compatible with the Convention**.
131	C&R No 23 of 2010	**Independent adoptions**, in which the adoptive parent is approved to adopt in the receiving State and, in the State of origin, locates a child without the intervention of a Central Authority or accredited body in the State of origin, are also **not compatible with the Convention**.
132	C&R No 46 of 2015	Recalling 2010 SC C&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.**
133	C&R No 24 of 2010	It was strongly recommended that **training** be provided for judges and other authorities or persons exercising functions under the Convention. This training should address in particular the problems surrounding **private and independent adoptions,** as well as other possible ways in which the procedures and safeguards of the Convention are circumvented.

17. Adoption in emergency situations

	C&R No(s)	Description
134	C&R No 38 of 2010	The Special Commission recognised that, in a disaster situation, efforts to reunite a displaced child with his or her parents or family members must take priority. Premature and unregulated attempts to organise the adoption of such a child abroad should be avoided and resisted.
135	C&R No 39 of 2010	No new adoption applications should be considered in the period after the disaster or before the authorities in that State are in a position to apply the necessary safeguards.
136	C&R No 40 of 2010	The Special Commission also recognised the need for a common approach on the part of Central Authorities in dealing with such situations and for Central Authorities to discuss and review actions taken in response to, and lessons learned from, disaster situations.

18. Use of Modern Technologies

	C&R No(s)	Description
137	C&R No 16 of 2005	The Special Commission recommends the use of flexible and efficient systems of communication taking into account, where available, advances in technology.
138	C&R No 38 of 2015	The SC recognised that the use of modern technologies: a) has improved the intercountry adoption process, in particular by making communication easier amongst the various actors and making the process more expeditious [fn: Art. 35]. It recommended that Contracting States consider the possibility of scanning and sending documents by e-mail, transferring the paper documents by conventional methods thereafter if required; b) may be a helpful tool in the matching process (e.g., the use of short videos of children); and c) may facilitate contact between the prospective adoptive parents and the child after the matching, noting the need for appropriate support.
139	C&R No 49 of 2022	Noting the positive benefits of the use of technology, the SC cautioned that there are steps in the adoption process that may not be suitable to take place through virtual platforms and are best done in person, such as the assessment and preparation of children and certain aspects of the assessment and preparation of PAPs.
140	C&R No 39 of 2015	The SC acknowledged the need to raise awareness of the risks associated with the use of modern technologies, including social media, and encouraged the training of professionals and the education of families.
141	C&R No 40 of 2015	The SC expressed concern regarding the disclosure of sensitive personal data through the use of modern technologies, particularly concerning children. It recommended that Contracting States take appropriate measures to protect personal data and reminded them of Article 31 of the Convention in this regard.
142	C&R No 47 of 2022	The SC recalled the 2015 SC C&R Nos 38 and 40 and emphasised that when making use of technology throughout the adoption procedure, States

		should continue to respect all safeguards and procedures set in the Convention.
143	C&R No 48 of 2022	The SC noted the important role technology has played during the Covid-19 pandemic in reinforcing continued cooperation between States of origin and receiving States to ensure that adoption processes could move forward in the best interests of children. The SC noted the efforts of States for the implementation of new technologies.
144	C&R No 50 of 2022	The SC noted that the Covid-19 pandemic is ongoing and that, at a later date, it would be helpful for States to reflect on the measures that have been taken to adapt through the use of technology in order to determine best practices and improve where there are challenges.

19. Specific regions and States

	C&R No(s)	Description
145	C&R No 50 of 2015	The SC warmly welcomed the "Declaration on the need to develop a harmonised framework for the adoption of children in Africa" submitted by the delegations of Africa present at the SC meeting. The Declaration highlights the challenges that States in Africa face in relation to intercountry adoption, affirms the need for a harmonised framework for brainstorming, taking action, sharing experiences and conducting follow-up work on the adoption process in Africa and encourages the pursuit of work in this regard. It also emphasises the benefit that States in Africa have derived from the support of Contracting States to the Convention and other technical and financial partners.
146	C&R No 22 of 2005	The Special Commission: a) Recognises the initiative of the Government of Guatemala, which led to the visit of the Secretary General to Guatemala from 31 May - 3 June 2005; b) Takes note of the Report of the Secretary General of 15 June 2005, in particular the "action points" (Work. Doc. No 8) on which a consensus emerged during this visit; c) Appreciates the presence at the Special Commission of a high-level delegation from Guatemala, including the Vice Minister of Foreign Affairs; the Procurador General de la Nación (the Central Authority under the Convention); Chairmen of three Parliamentary Committees, and others; d) Recognises the efforts being made by the Government of Guatemala towards the full implementation of the Convention; e) Urges Guatemala to confirm, as soon as possible, the legal effect of the Convention within its legal order consistent with Guatemala's international obligations under the Convention; f) Having regard to the request for support made during the Special Commission by the delegation of Guatemala, calls upon the States and international organisations represented at the Special Commission to cooperate with the Government in its endeavours to fully implement the Convention.

20. Bilateral agreements (Art. 39(2))

	C&R No(s)	Description

147	C&R No 33 of 2015	The SC took note of the Study undertaken by Sweden entitled, "Commission Concerning Bilateral Agreements on Intercountry Adoption Report to the Government".
148	C&R No 34 of 2015	The SC requested that the Permanent Bureau **monitor** the practice relating to **agreements concluded under Article 39(2)** of the Convention and other arrangements established between Contracting States on matters of procedure, co-operation or administration. To that effect, it encouraged Contracting States to send to the Permanent Bureau examples of any such agreements or arrangements.
149	C&R No 35 of 2015	(*See **item 155** of this document on the risk of deterring non-Contracting States from becoming a Party to the Convention*)

21. Intercountry Adoption in Non-Convention States

	C&R No(s)	Description
150	C&R No 11 of 2000	Recognising that the **Convention** of 1993 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 for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children", the Special Commission recommends that States Parties, as far as practicable, **apply the standards and safeguards** of the Convention to the arrangements for intercountry adoption which they make in respect of **non-Contracting States**. States Parties should also encourage such States without delay to take all necessary steps, possibly including the enactment of legislation and the creation of a Central Authority, so as to enable them to accede to or ratify the Convention.
151	C&R No 19 of 2005	The Special Commission **reaffirms** Recommendation No 11 of the Special Commission of November / December 2000.
152	C&R No 36 of 2010	The Special Commission **reiterated** the recommendation that Contracting States, in their relations with non-Contracting States, should apply as far as practicable the standards and safeguards of the Convention.
153	C&R No 37 of 2010	For this purpose attention is drawn in particular to: a) Articles **4, 5 and 17**; b) the requirements of **Chapter III** of the Convention; c) the guarantees concerning **recognition**; d) the child's right to **enter** and **reside** in the receiving State; and, e) the requirements concerning the suppression of **improper financial** or other **gain**.
154	C&R No 1 of 2015	Twenty years after the entry into force of the Convention, the SC: [...] d) **encouraged** non-Contracting States to consider **becoming party** to the Convention, bearing in mind the need for preparation prior to any ratification or accession; [...]
155	C&R No 35 of 2015	The SC noted the risk that the multiplication of **bilateral agreements** with non-Contracting States could **deter** these non-Contracting States from **becoming party** to the Convention.

22. Technical Assistance, including through ICATAP

	C&R No(s)	Description
156	C&R No 6 of 2010	Receiving States are encouraged to consider **ways** in which to **assist** and **support States of origin** in the performance of their functions and in the application of safeguards under the Convention, including by means of capacity-building and other programmes.
157	C&R No 51 of 2022	The SC reaffirmed the value of **technical assistance** in supporting States in the successful implementation and operation of the Convention. Such assistance should include the proper application of the principle of **subsidiarity** (*i.e.*, family preservation and reunification, and if this is not possible or practicable, other forms of permanent family care in the State of origin). This principle is key in ensuring that an intercountry adoption only takes place in the **best interests of the child** and with **respect for the child's fundamental rights**.
158	C&R No 32 of 2010	The Special Commission recognised the great value of the Intercountry Adoption Technical Assistance Programme (**ICATAP**), which has already provided technical assistance and training for several States.
159	C&R No 33 of 2010	The Special Commission acknowledged the **limited resources** available to the Permanent Bureau to maintain **ICATAP** and urged all States to consider making financial and / or in-kind contributions to secure the continuity of the programme.
160	C&R No 34 of 2010	Contributions of some States and international organisations, such as UNICEF, have been crucial to the success of **ICATAP**. In this regard, the horizontal cooperation between States of origin is particularly beneficial.
161	C&R No 1 of 2015	**Twenty years** after the entry into force of the Convention, the SC: […] (e) emphasised the great value of the Intercountry Adoption Technical Assistance Programme ("**ICATAP**") of the Hague Conference and the important support it has provided to States in the implementation and operation of the Convention; […]
162	C&R No 28 of 2015	Recalling the great value of **ICATAP** to the successful implementation and operation of the Convention, the SC urged States to continue to support the programme.
163	C&R No 52 of 2022	The SC urged States to continue to support technical assistance, in particular through the **HCCH Intercountry Adoption Technical Assistance Programme (ICATAP)**, and thanked States that made or are intending to make financial or other contributions to ICATAP [fn: Since the 2015 SC, these States include Australia, Belgium, France, Netherlands, Norway and Philippines]. The SC also encouraged States to request technical assistance if needed.

Commented [PB5]: See comment under Item 24.

23. HCCH Tools and Documents

23.1. Statistics

	C&R No(s)	Description

164	C&R No 49 of 2015	On an **annual basis**, Contracting States are urged to: a) **submit** their intercountry adoption **statistics** to the Permanent Bureau, using the forms on the website of the Hague Conference. [...] The Permanent Bureau will continue to send an **annual reminder** to Contracting States in this regard.

23.2. Country Profiles

	C&R No(s)	Description
165	C&R No 7 of 2010	(*See **Item 48** of this document on inclusion of information on the child and the prospective adoptive parents in Country Profiles*)
166	C&R No 48 of 2015	All Contracting States that have not yet completed the **revised (2014) version of the Country Profile** (for receiving States and / or States of origin, as appropriate) are strongly encouraged to do so as soon as possible.
167	C&R No 49 of 2015	On an **annual basis**, Contracting States are urged to: [...] b) ensure that their **Country Profile** remains **up to date** and accurate and, where required, submit a revised version to the Permanent Bureau. The Permanent Bureau will continue to send an **annual reminder** to Contracting States in this regard.

Commented [PB6]: This C&R requires updating in light of the introduction of the new e-Country Profiles.
Possible new text for consideration:
"All Contracting States that have not yet completed the revised (2025) version of the e-Country Profile (for receiving States and / or States of origin, as appropriate) are strongly encouraged to do so as soon as possible."

23.3. Tables on Costs and Note on the Financial Aspects

	C&R No(s)	Description
168	C&R No 42 of 2015	The SC urged Contracting States to: ▪ **complete** the **Tables on Costs** as soon as possible; ▪ **publish** the Tables on the website of their Central Authority; and ▪ provide the Permanent Bureau with the link for publication on the Hague Conference website. In addition or alternatively, if a Contracting State so wishes, it may ask the Permanent Bureau to publish its Tables in full on the Hague Conference website.
169	C&R No 41 of 2015	The SC **welcomed the tools developed thus far by the Experts' Group on the Financial Aspects** of Intercountry Adoption (the Harmonised Terminology, the Note, the Summary List of Good Practices and the Tables on Costs) and recognised their practical value.

23.4. Model Forms

	C&R No(s)	Description
170	C&R No 5 of 2000	The importance of the "**Model Form for the Statement of Consent**" which had been approved by the Special Commission of 1994, and which appears as Annex B of the Report of the Special Commission, which was published in March 1995, was re-emphasised.
171	C&R No 6 of 2005	The Special Commission reaffirms the usefulness of the **Model Form – Medical Report on the Child** and notes the usefulness, in particular in the

		case of very young children, of the supplement to this form as proposed in Working Document No 6, pp. 8-9.
172	C&R No 20 of 2022	The SC recognised that **Model Forms assist in standardising processes**. Although the Model Forms are **only recommended and not compulsory**, the SC **strongly encouraged** all Contracting Parties to **make use of them** when consistent with the procedures and legislations of the State.

23.5. Guides to Good Practice No 1 and No 2

	C&R No(s)	Description
173	C&R No 5 of 2010	The Special Commission **underlined the value** of the **Guide to Good Practice No 1** entitled The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention to existing and future Contracting States.
174	C&R No 3 of 2010	The Special Commission gave its **general endorsement** to the draft Guide to Good Practice No 2 entitled Accreditation and Adoption Accredited Bodies: General Principles and Guide to Good Practice (hereinafter the draft Guide to Good Practice No 2) prepared by the Permanent Bureau
175	C&R No 2 of 2005	The Special Commission recommends that the Permanent Bureau, in consultation with Contracting States and non-governmental organisations, **collect information** on issues including, *inter alia*, the **financial** aspects of intercountry adoption, **reports** on **prospective adoptive parents**, **preparation** of prospective adoptive parents, and **post-adoption reports**, with the view to the possible development of **future Parts of the Guide to Good Practice.**
176	C&R No 10 of 2010	The Special Commission recommended that the Permanent Bureau, in consultation with Contracting States and non-governmental organisations, **collect information on the selection**, **counselling** and **preparation of prospective** adoptive parents, with a view to the possible development of the **Guide to Good Practice No 3**. This may include a discussion on good practices in dealing with failed adoptions and the period of validity of the "home study" report.

23.6. Note on Scope and the Habitual Residence under 1993 Adoption Convention

	C&R No(s)	Description
177	C&R No 25 of 2015	The SC welcomed Preliminary Document No 4 of April 2015 on "**Globalisation and international mobility: habitual residence and the scope of the 1993 Convention**" as providing useful further guidance on the scope of the Convention and determinations of habitual residence.

23.7. Toolkit for Preventing and Addressing Illicit Practices

	C&R No(s)	Description
178	C&R No 4 of 2022	The SC **approved**, in principle, the draft of the Toolkit on Preventing and Addressing Illicit Practices in Intercountry Adoption (Prel. Doc. No 6 REV of January 2022), which is aimed at adoptions made under the 1993 Adoption Convention.

179	C&R No 5 of 2022	The SC agreed that Contracting Parties might consider referring to the Toolkit in dealing with suspected **illicit practices arising from adoptions that occurred prior to the coming into force of the Convention** in their State. With a view to managing expectations, a few delegations cautioned that the **Convention is not retroactive** and that some Central Authorities may not have the authority to deal with illicit practices, as provided for in the Toolkit, in relation to adoptions that preceded the entry into force of the Convention in their State.
180	C&R No 17 of 2022	The SC agreed to include [in the Toolkit to prevent and address illicit practices] **guidance** on the **approval** of the **proposed match** by the Central Authority of the receiving State for situations where such approval by the Central Authority of the receiving State is required by its law or when it is required by the State of origin.
181	C&R No 18 of 2022	Some delegations expressed concerns that including references to **political measures**, such as investigative commissions and national apologies as well as **measures not initiated by the State**, such as civil suits and recourse to international courts and regional bodies, **may not be appropriate for a Toolkit designed as a practical resource for States**. However, the SC agreed to **include the references** as long as such measures were **provided as examples** and the political nature of such measures was expressly indicated.

23.8. Practical guidance to assist States with legal framework

	C&R No(s)	Description
182	C&R No 29 of 2015	To support States considering becoming party to the Convention, the SC recommended that the Permanent Bureau develop **a tool to provide practical guidance** to assist them with their legal framework for adoption.

24. 1996 Child Protection Convention, including International Placements outside the 1993 Convention

	C&R No(s)	Description
183	C&R No 22 of 2000	There was general agreement on the need to consider **how best** to **regulate** the different types of international **placement** falling **outside** the scope of the Convention. The **value** in this context of **Article 33** of the *Hague **Convention** of 19 October **1996** on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children* was recognised.
184	C&R No 21 of 2005	The Special Commission recognises the need to consider how best to regulate the different types of international placement falling outside the scope of the Convention. The value in this context of the *Hague **Convention** of 19 October **1996** on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children*, **in particular Article 33**, was recognised. The Special Commission also recognised the reference to this Convention in the important Decision of the **United Nations Committee on the Rights of the Child**, 37th Session, "**Children without parental care**", October 2004.

185	C&R No 41 of 2010	The Special Commission **reiterated** the value of the **1996** Convention on the International Protection of Children in the context of cross-border placement of children as well as other international child protection situations.
186	C&R No 20 of 2015	The **SC encouraged States to consider** ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the **1996 Hague Convention**") in view of its relevance in enhancing co-operation to protect children in many different situations, including following the breakdown of intercountry adoptions.
187	C&R No 30 of 2015	The SC recommended that **kafala**, as a child protection measure, be **discussed at the next SC** on the practical operation of the **1996** Hague **Convention**. The SC recommended that consideration be given to the inclusion of the subject on the agenda for the fourth "**Malta** Judicial Conference on Cross-Frontier Family Law Issues" (part of the "Malta Process").
188	C&R No 47 of 2015	(*See **Item 129** of this document on the usefulness of the 1996 Child Protection Convention to protect trafficked children*)
189	C&R No 46 of 2022	(*See **Item 71** of this document on the usefulness of the 1996 Child Protection Convention for other measures of protection*)

25. 1961 Apostille Convention

	C&R No(s)	Description
190	C&R No 20 of 2005	The Special Commission stresses the **usefulness of linking the application** of the Hague **Adoption Convention of 1993 to** the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (the **Apostille Convention**). In the light of the high number of public documents included in a typical adoption procedure, the Special Commission recommends that States Parties to the Adoption Convention but not to the Apostille Convention, **consider the possibility of becoming a party** to the latter.
191	C&R No 42 of 2010	The Special Commission stressed the usefulness of linking the application of the Hague **Adoption Convention of 1993** to the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (the **Apostille Convention**). In the light of the high number of public documents included in a typical adoption procedure, the Special Commission recommended that States Parties to the Adoption Convention but not to the Apostille Convention **consider the possibility of becoming a party** to the latter.
192	C&R No 7 of 2015	(*See **Item 65** of this document on the benefits of becoming a Party to the 1961 Apostille Convention to avoid unnecessary delays*)
193	C&R No 54 of 2022	The SC recalled the **usefulness of linking the operation of the 1993 Adoption Convention to** *the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (HCCH 1961 **Apostille Convention**). In light of the high number of public documents included in intercountry adoption procedures, the SC invited Contracting

	Parties to the 1993 Adoption Convention but not to the 1961 Apostille Convention to consider the possibility of becoming a party to the latter.

26. International Surrogacy and Intercountry Adoption

	C&R No(s)	Description
194	C&R No 25 of 2010	The Special Commission noted that the number of international surrogacy arrangements is increasing rapidly. It expressed concern over the uncertainty surrounding the status of many of the children who are born as a result of these arrangements. It viewed as inappropriate the use of the Convention in cases of international surrogacy.
195	C&R No 26 of 2010	The Special Commission recommended that the Hague Conference should carry out further study of the legal, especially private international law, issues surrounding international surrogacy.
196	C&R No 53 of 2022	The SC took note of the preliminary exploratory work being undertaken by the HCCH Experts' Group on the Parentage / Surrogacy Project on a possible future instrument on the recognition of legal parentage, which may include the recognition of domestic adoptions. In that regard, the SC recommended that any possible work in this area should not undermine the 1993 Adoption Convention in any way.