

## Special Commission on the practical operation of the 1993 Adoption Convention

Meeting of 4-8 July 2022  
REVISED DRAFT ANNOTATED AGENDA

Three sessions per day with two 30-minute breaks.

	Time Zone	Session 1	Session 2	Session 3
Buenos Aires	ART	07:00 – 09:00	09:30 – 11:00	11:30 – 13:00
The Hague	CEST	12:00 – 14:00	14:30 – 16:00	16:30 – 18:00
Hong Kong SAR	HKT	18:00 – 20:00	20:30 – 22:00	22:30 – 00:00

*The agenda will be treated with flexibility and may be modified in light of ongoing discussions.*

*Each item includes a possible list of topics that may be discussed at the Special Commission, based on its respective Preliminary Document.*

### Monday 4 July 2022

Session	Item
Session 1	<p><b>1. Opening</b></p> <ul style="list-style-type: none"><li>- Remarks from the President of the Netherlands Standing Government Committee on Private International Law</li><li>- Election of co-Chairs of the Special Commission</li><li>- Practical announcements</li><li>- Remarks from the Secretary General of the HCCH</li><li>- Adoption of the Agenda</li></ul> <p><b>2. Overview from the Permanent Bureau</b></p> <ul style="list-style-type: none"><li>- Brief presentation of the topics to be discussed at the Special Commission</li></ul> <p><b>3. Panel “Voices of adoptees”</b></p> <ul style="list-style-type: none"><li>- Colin Cadier, ICAV</li><li>- JaeRan Kim, ICAA</li><li>- Emmanuelle Hebert, RAIF</li><li>- Ina Dygaard, NAC</li><li>- Juliana Papurello, Italian Central Authority</li></ul>

Session 2	<b>4. Draft Toolkit on Preventing and Addressing Illicit Practices (draft Toolkit) - Part II “Fact Sheets”</b>
	<ul style="list-style-type: none"> <li>- Improper Financial and Other Gain <ul style="list-style-type: none"> <li>• Raising standards in relation to preventing and addressing improper financial and other gain</li> <li>• Separation of contributions, donations and cooperation projects, from intercountry adoption (lines 6 – 13)</li> <li>• Characterisation of contributions, donations and cooperation projects aimed at supporting child institutions (illicit practice or enabling factor?) (line 10)</li> <li>• Separation of cooperation projects from intercountry adoptions, and the role of AABs (line 42)</li> </ul> </li> </ul> <p><i>Prel. Doc. No 6B REV:</i></p> <ul style="list-style-type: none"> <li>- <i>Fact Sheet (FS) 3 “Improper Financial and Other Gain”</i></li> </ul>
Session 3	<b>5. Draft Toolkit – Part II “Fact Sheets”</b>
	<ul style="list-style-type: none"> <li>- Matching <ul style="list-style-type: none"> <li>• Contact between the PAPs and the child before or outside the matching process (illicit practice or enabling factor?)</li> </ul> <p><i>Prel. Doc. No 6B REV:</i></p> <ul style="list-style-type: none"> <li>- <i>FS 2 “Circumventing the Application of the Convention”, line 16</i></li> <li>- <i>FS 9 “Illicit practices related to PAPs”, line 17</i></li> <li>- <i>FS 10 “Circumventing Matching”, line 13</i></li> </ul> <p><i>Info. Doc. No 5: Compilation of responses on the questions relating to illicit practices and contact before matching from the 2020 Questionnaire No 1 (Prel. Doc. No 3)</i></p> </li> <li>- Access to origins <ul style="list-style-type: none"> <li>• Denial of access to origins</li> </ul> <p><i>Prel. Doc. No 6B REV:</i></p> <ul style="list-style-type: none"> <li>- <i>FS 11 “No preservation of, or Unlawful Denial of Access to, Information Regarding Origins”</i></li> </ul> </li> <li>- Illicit practices related to PAPs <ul style="list-style-type: none"> <li>• Title and content of Fact Sheet No 9</li> </ul> <p><i>Prel. Doc. No 6B REV:</i></p> <ul style="list-style-type: none"> <li>- <i>FS 9 “Illicit practices related to PAPs”</i></li> </ul> </li> <li>- Other major comments on the Fact Sheets</li> </ul> <p><i>Prel. Doc. No 6B REV</i></p>

Tuesday 5 July 2022	
Session	Item
Session 1	<b>6. Draft Toolkit – Part IV “Model Procedure to respond to illicit practices”</b> <ul style="list-style-type: none"> <li>• Commissions (text box under para. 37), national apologies (text box under section 6.3.4)</li> </ul>

- Remedies available through civil suits (para. 68)
  - International mechanisms when national recourses have all been exhausted (section 6.3.3)
- Prel. Doc. No 6D REV*

**7. Draft Toolkit – Part III “Checklist”**

- Reversal of the flow of the files (footnote 6)
- Prel. Doc. No 6C REV*

Session 2

**8. Draft Toolkit – Part I “Introduction”**

- Historic cases
- Prel. Doc. No 6A REV – para. 17*

**Any other comments on the draft Toolkit**

Session 3

**9. Draft Model Forms**

- General comments on any major issues in regard to the Model Forms
    - Level of detail in the draft Model Forms
    - Model Forms in light of States’ laws on data protection
    - Major obstacles to finalise any of the draft Model Forms
- Prel. Doc. No 4 (REV): Draft Recommended Model Forms – Annexes 1, 2, 3, 5 and 6*

**Wednesday 6 July 2022**

Session

Item

Session 1

**10. Introductory panel on post-adoption matters**

- Rowena Freeland, Australian Central Authority
- Lisa Ellington, ICAA
- Carolina Von Schakmann Cabrales, Chilean Central Authority
- Abby Hilty, ICAV
- Ariane van der Berghe, Flemish (Belgian) Central Authority

**11. Post-adoption matters**

- Post-adoption services:
    - Specialised and quality post-adoption services, including for children with special needs
    - Awareness of services
    - Accessibility of services to adoptees, adoptive families, and birth families
    - Training professionals to respond to the needs of adoptees and families
    - Financing of post-adoption services
    - Role of adoptees in post-adoption services
    - Research on post-adoption services
- Prel. Doc. No 8: Discussion Paper “Post-adoption matters” – Section 2*

Session 2

## **12. Post-adoption matters**

- Search for origins: possible topics:

### *Collection and preservation of information*

- Proper preservation of information in its entirety
- Centralisation of information by one public authority
- Role of technology in collecting, centralising and preserving information

### *Access to information in the context of search for origins*

- Promotion of access to origins
- Flexibility of the requirements to access information
- Access of birth parents (families) to information about the adoptee

### *Post-adoption services in the context of search for origins*

- Assistance by public authorities to adoptees with their search for origins
- Specialised services and accessibility of services
- Quality services and targeted to the real needs of adoptees
- Specialised programmes on search for origins in Central Authorities
- Delegation of services by the Central Authority to other competent authorities or bodies

### *Search for origins in light of data protection, confidentiality and privacy rules*

- Access to origins as the general rule
- Disclosure of identifying information and non-identifying information

### *Possible ways to increase access to information about origins*

- Complete adoption files
- Information and counselling of birth parents about the search for origins
- Information of adoptees about available post-adoption services
- Better understanding of adoptees' actual needs
- DNA testing to search for origins

### *When search for origins leads to incomplete / inexistant information and / or illicit practices*

- Further counselling and support to adoptees for these cases
- Use of the draft Toolkit, in particular Part IV on the Model Procedure, to address illicit practices

### *Statistics about search for origins, as well as general research on the topic*

- Gather more statistics

*Prel. Doc. No 8: Discussion Paper "Post-adoption matters" – Section 3*

*Info. Doc. No 4: Compilation of main extracts of HCCH documents on post-adoption matters, simple and full adoptions, and intrafamily adoptions – Section 1*

Session 3

**13. Post-adoption matters**

- Post-adoption reports
    - Information to the States of origin without intruding on the adoptee's and / or adoptive family's privacy
    - Reporting requirements, including flexibility
    - Improvement of support to adoptees and for future adoptions
- Pre. Doc. No 8: Discussion Paper "Post-adoption matters" – Section 4*  
*Pre. Doc. No 4 (REV): Draft Recommended Model Forms – Annex 4 – Draft Model Form "Post-adoption report on the child"*  
*Info. Doc. No 4: Compilation of main extracts of HCCH documents on post-adoption matters, simple and full adoptions, and intrafamily adoptions – Section 1*

Thursday 7 July 2022

Session

Item

Session 1

**14. Post-adoption matters**

- Breakdowns
    - Involvement of Central Authorities in cases of adoption breakdown
    - Measures to try to prevent adoptions from breaking down
    - Evaluation of post-adoption services
- Pre. Doc. No 8: Discussion Paper "Post-adoption matters" – Section 5*  
*Info. Doc. No 4: Compilation of main extracts of HCCH documents on post-adoption matters, simple and full adoptions, and intrafamily adoptions – Section 1*

**15. Post-adoption matters**

- Possible future work
    - Possible drafting of a document (e.g., Guide to Good Practice) on post-adoption matters
- Pre. Doc. No 8: Discussion Paper "Post-adoption matters" – Section 6*

Session 2

**16. Simple and open intercountry adoptions**

- Simple intercountry adoptions
  - Benefits and challenges of simple adoptions
  - Criteria to determine whether a simple adoption or a full adoption is in the best interests of the child
  - Promotion of simple adoptions for some children if in their best interests
  - Advantages and disadvantages of converting a simple adoption into a full adoption
  - Recognition of the same type of adoption as it was originally issued by the State or origin, or conversion
- Open intercountry adoptions
  - Benefits and challenges of open adoptions

- Criteria to determine whether an open adoption would be in the best interests of the child
- Promotion of open adoptions for some children if in their best interests
- Role of competent authorities in open intercountry adoptions

*Prel. Doc. No 9: Discussion Paper “Simple and open intercountry adoptions”*  
*Info. Doc. No 4: Compilation of main extracts of HCCH documents on post-adoption matters, simple and full adoptions, and intrafamily adoptions – Sections 2 and 3*

Session 3

### 17. Intrafamily intercountry adoptions

- Intrafamily adoptions (including stepchild adoptions) within the scope of the 1993 Adoption Convention
- Subsidiarity, adoptability of the child, eligibility, suitability, matching
- Simplification of some stages of the adoption procedure while respecting the procedures and safeguards of the Convention
- Guidelines specific to intrafamily adoptions
- Other child protection measures to respond to the best interests of the child, use of the 1996 Child Protection Convention

*Prel. Doc. No 10: Discussion Paper “Intrafamily intercountry adoptions”*  
*Info. Doc. No 4: Compilation of main extracts of HCCH documents on post-adoption matters, simple and full adoptions, and intrafamily adoptions – Section 4*

**Friday 8 July 2022**

Session

Item

Session 1

### 18. Use of technology

- Stages of the adoption procedure needed to be carried out in person
- Inclusion of technology within the current working methods as a complementary tool
- Use of online secured communication and electronic documents, while not lowering the standards in the adoption procedure
- Digitalisation of adoption files
- Safeguards to protect personal data and privacy
- Involvement of more professionals from different fields and locations

*Prel. Doc. No 7: Discussion Paper “The impact of Covid-19 on intercountry adoptions” – Section 5 (Broader Use of Technologies)*

### 19. Any other business

- *Prel. Doc. No 11: Update on the work done by the HCCH regarding the recognition of domestic adoptions*
- Others

Session 2

### 20. Adoption of Conclusions & Recommendations

Session 3

### 21. Adoption of Conclusions & Recommendations