

Hague Conference Update

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The Intercountry Adoption Technical Assistance Program (ICATAP): An Update

In 2011 Viet Nam ratified, Senegal acceded to and Haiti signed the Hague 1993 Intercountry Adoption Convention. By December 15th, 2011, the Hague global network in the field of intercountry adoption consisted of 85 States Parties to this Convention. The global network for administrative co-operation under the Convention includes over a thousand Central Authorities, competent authorities and accredited bodies co-operating to protect children worldwide.

The Intercountry Adoption Technical Assistance Programme ("ICATAP"), which aims at providing assistance to certain States which are planning ratification of, or accession to, the 1993 Convention, or which have ratified or acceded to the Convention but need assistance with implementation of the Convention, has continued its work during the past years. In particular, in the second half of 2010 and in 2011, technical assistance, including legal assistance and training, was provided to a variety of actors (Central Authorities, competent authorities, civil society groups, etc.) in Madagascar, Chile, Kazakhstan and Zambia, amongst others.

In other countries ICATAP has developed specific programmes over a longer period of time. For example, in Cambodia, ICATAP provided advice and assistance with the completion of national implementing legislation (the 2009 Law on Adoption and accompanying regulations), as well as contributing to the establishment and functioning of the Cambodian Central Authority. The Cambodian Government imposed a temporary moratorium on intercountry adoptions pending completion of its legal framework and the strengthening of control mechanisms. The moratorium was extended until 1 April 2012 on the recommendation of the Permanent Bureau, as there were still some challenges to overcome before the resumption of intercountry adoptions. In 2011 a consultant, as well as staff of the Permanent Bureau and other Central Authorities, also travelled to Cambodia to train the Central Authority and other competent authorities. A Manual on Procedure was developed in 2011 to assist Central Authority staff in applying the law and regulations to adoption cases. The Permanent Bureau, through ICATAP partners and UNICEF, will continue efforts to provide the necessary training, capacity-building and fund-raising for resources to continue with the assistance.

In Guatemala, technical assistance provided by the Permanent Bureau facilitated the development and approval of a new adoption law, and the entry into force of the 1993 Convention 1 March 2003. The Permanent Bureau and other Central Authorities have undertaken several missions in the last few years in order to train various Guatemalan actors in this

field. Although intercountry adoptions have not officially resumed yet in Guatemala due to severe irregularities in the child protection system reported by a UN body, the Central Authority for adoptions has worked hard to guarantee the rights of children who may be adopted. In particular, the Central Authority deserves special recognition for the following achievements: i) the successful development of national adoptions, which have dramatically increased in the last three years; and ii) the assistance provided to mothers who initially wished to give up their children for adoption and, after receiving advice, decided not to do so. At the end of 2011, following a request of the Guatemalan Central Authority, the Permanent Bureau has helped this Central Authority to find experts who could assist them in evaluating the bond between adoptable children and prospective adoptive parents in connection with approximately 100 cases in transition.

ICATAP has also been present in Haiti, following a request of assistance made by the Haitian Prime Minister in June of 2010. This country signed the 1993 Hague Intercountry Adoption Convention in March of 2011. The Permanent Bureau was asked to provide comments on the revision of Haiti's 2010 draft Law on adoptions. In addition, the Permanent Bureau played a fundamental role in the three meetings convened by the "Montreal Group" on intercountry adoption that involved governments of Quebec and France, along with the Central Authorities of Belgium, Canada, Chile, France, Germany, Italy, the Netherlands, Switzerland, and the United States of America. Haitian authorities and UNICEF also participated in the meetings. The meetings took place in Montreal (December 2010), Port au Prince (June 2011) and Rome (November 2011). During these meetings, participants affirmed their commitment to the principles of the 1993 Intercountry Adoption Convention. Guidelines for a joint action plan in preparation for Haiti's ratification of the Convention were drafted and the Haitian Government expressed its commitment to develop legitimate and internationally-accepted adoption procedures. The draft action plan indicates that support for the Government of Haiti should continue for the long term in order to strengthen its child protection system and to implement national procedures consistent with the 1993 Intercountry Adoption Convention, which will eventually assure the resumption of international adoptions in Haiti. In addition, a member of the Permanent Bureau participated in an informational seminar for Haitian authorities and bodies on the 1993 Intercountry Adoption Convention in December of 2011.

Mexico has also benefited from ICATAP. Following the *Report of the Fact-finding Mission on the Protection and Adoption of Children in Mexico* written by the Permanent Bureau in October 2010, one member of the Permanent Bureau participated in a workshop on Child Protection and Family Attorneys from 31 of the 32 states of Mexico. During the workshop, conclusions and recommendations of the mentioned report designed to raise standards of protection of the rights of the child in protection and adoption processes in Mexico were presented and discussed. In addition, all participants were trained on objectives, principles, challenges and good practices in relation to adoption. Presenting the reasons why private adoptions should be abolished was

one of the major objectives of the workshop. The Mexican authorities also presented their major achievements since the report was published in October 2010, among them, the approval of a law in the state of Veracruz that abolished private adoptions and that made compulsory the intervention of the Mexican public authorities (DIF) in all domestic and intercountry adoptions.

In Nepal ICATAP has been present since 2009. A meeting about “Children deprived of parental care in Nepal and available alternative care for them, including adoption in Nepal” was organized by the Italian Central Authority in cooperation with the Permanent Bureau. The meeting took place in Rome the 31st of March and the 1st of April. In addition to the Nepali Central Authority, the Central Authorities of Belgium, Canada, Denmark, France,

Germany, Italy, Norway, Spain, Sweden, Switzerland, United Kingdom and United States of America, as well as UNICEF and Terre des Hommes participated in the meeting. The meeting welcomed the changes made by the authorities of Nepal following a Report written by the Permanent Bureau after a mission to Nepal in November 2009. The participants also welcomed the expressed will of the Nepalese government to improve the current child protection and adoption procedures in Nepal. The participants agreed on conclusions and some action points that the government of Nepal would start to put into place. Further communication between the Nepalese authorities and the Permanent Bureau permitted the further discussion of necessary improvements and challenges. However, new resources are needed to continue technical assistance in this country.