

ADOPTION

Draft agenda

June 2015

(E)



DRAFT AGENDA

proposed by the Permanent Bureau

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PROJET D'ORDRE DU JOUR

proposé par le Bureau Permanent

*For the attention of the Special Commission of June 2015
on the practical operation of the Hague Convention of 29 May 1993
on Protection of Children and Co-operation in Respect of Intercountry Adoption*

*À l'attention de la Commission spéciale de juin 2015
sur le fonctionnement pratique de la Convention de La Haye du 29 mai 1993
sur la protection des enfants et la coopération en matière d'adoption internationale*

**FOURTH MEETING OF THE SPECIAL COMMISSION
ON THE PRACTICAL OPERATION OF THE 1993 HAGUE INTERCOUNTRY ADOPTION
CONVENTION**

8-12 June 2015

venue

**The Academy Building of the Peace Palace
Carnegieplein, The Hague**

DRAFT AGENDA

Introduction

The objective of the Fourth meeting of the Special Commission is to review the practical operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* ("1993 Hague Convention"). The discussion on the first day (8 June 2015) on "20 years of the 1993 Hague Convention" will not, however, follow the usual format of a Special Commission review as it will include presentations by some experts and some "round table" sessions to introduce certain topics. There will be a period for discussion after the presentations and round table sessions, aiming to find common ground in responding to the issues raised.

Please note: The agenda will be treated with some flexibility during the Special Commission meeting and may be further modified in light of discussions. In order to make best use of the available time, the agenda does not contain a comprehensive list of issues arising under the 1993 Hague Convention, but attempts to draw attention to those items needing most discussion.

Timing of the sessions

It is proposed that the sessions will last from 9.00 a.m. to 1.00 p.m. and 2.30 to 6.00 p.m., with lunch breaks from 1.00 to 2.30 pm and breaks for coffee / tea from 11.00 to 11.15 a.m. and from 4.00 to 4.15 p.m.

Note on procedures

Delegations to the Special Commission may, before or during the course of the meeting, wish to submit for circulation short written proposals, comments or documents containing information relevant to the proceedings. This may be done by providing the Permanent Bureau with a proposal (in electronic format, typed or clearly written) **as a Working Document or Information Note** in English or French (preferably both). Translations into Spanish are also welcome. The documents should clearly indicate which delegations are associated with the proposal / document. The Permanent Bureau staff will set up the documents in a standard format and distribute them as a Working Document or Information Note, depending on the nature of the proposal / document. The Permanent Bureau is unfortunately not in a position to provide translation of such documents into English, French or Spanish.

An advisory group will be established at an early stage during the Special Commission to assist in preparing the draft Conclusions and Recommendations, to be considered for adoption on the last day of the meeting. It is expected that this group will meet on Tuesday evening, Thursday evening and, if needed, on Friday during the lunch break.

Monday
8 June 2015

**20 YEARS SINCE THE ENTRY INTO FORCE OF THE
1993 HAGUE CONVENTION**

8.00-9.00 a.m.

Registration of participants

Morning session

**9.00 a.m. -
1.00 p.m.**

- Opening of the Special Commission by Mr Paul Vlas, President of the Netherlands Standing Government Committee on Private International Law
- Election of the Chair of the Special Commission
- Words of welcome by Mr Christophe Bernasconi, Secretary General of the Hague Conference on Private International Law
- Introduction to the draft agenda and documentation
- Adoption of the agenda

20 years of the 1993 Hague Convention

Documentation:

- *Preliminary Document No 3 – 20 Years of the Hague Convention on Intercountry Adoption*
- *Day 1: Questions for discussion*

- Presentation: Setting the scene with statistics – **current trends** in intercountry adoption by Professor Peter Selman, Independent Expert
- Presentation: Assessing the impact of the 1993 Hague Convention on laws and practices relating to intercountry adoption - a brief **analysis of the responses to Questionnaire No 1** by the Permanent Bureau
Plenary discussion
- Round table 1 (Chile, China, France, Madagascar, Romania and UNICEF – Moderator: Mr Hans van Loon, former Secretary General of the Hague Conference)
“How the principle of **subsidiarity** has been implemented in the past 20 years: achievements and challenges”
Plenary discussion

1.00 p.m.

Group Photo

1.00-2.30 p.m.

Lunch break

Afternoon session

2.30-6.00 p.m.

- Round table 2 (Ecuador, Spain, United States of America and Vietnam – Moderator: Netherlands)
“Ensuring that Convention procedures do not cause **unnecessary delays contrary to the best interests of children**”
Plenary discussion
- Round table 3 (Belgium, Burkina Faso, Peru and EurAdopt – Moderator: Switzerland)
“Addressing the challenges resulting from the changing landscape of intercountry adoption: **how do actors respond?**”
Plenary discussion
- Discussion of possible conclusions for this day

6.00-7.30 p.m.

Welcome reception offered by the Permanent Bureau, to be held in the foyer of the Academy Building

Tuesday
9 June 2015

Morning session

9.00 a.m. -
 1.00 p.m.

1. Intercountry adoption of children with special needs

Documentation:

- *Fact Sheet 1 – The people at the heart of adoption*
- *Preliminary Document No 3 – 20 Years of the Hague Convention on Intercountry Adoption (section 3.2)*

Introductory remarks by the Permanent Bureau and the International Social Service

- a) The varying definitions of “children with special needs” in the context of intercountry adoption
- b) Establishing specific procedures for the intercountry adoption of children with special needs:
 - Determining adoptability
 - Counselling and preparation of children
 - Evaluation, counselling and preparation of prospective adoptive parents
 - Finding suitable adoptive families for children with special needs: methods and tools

2. Model forms prepared by the Permanent Bureau

Documentation:

- *Preliminary Document No 5 – Draft Model Forms*
- *Fact Sheet 1 – The people at the heart of adoption*

Introductory remarks by the Permanent Bureau

- a) Improving reports on children and prospective adoptive parents, including assessing the need for model forms
- b) Discussion of the need for other model forms on “consent of the child” and “post-adoption reports”
- c) Future work to: (i) improve the current model forms; (ii) develop and finalise the new model forms; and (iii) promote their use

1.00-2.30 p.m.

Lunch break

Afternoon session

2.30-6.00 p.m.

3. Post-adoption matters

Documentation:

- *Fact Sheet 1 - The people at the heart of adoption*
- *Information Document No 1 – ISS Report - New Technologies and Adoption*

Introductory remarks by the Permanent Bureau and the International Social Service

- a) Post-adoption support (short and long-term)
- b) Addressing the breakdown (“disruption”) of intercountry adoptions
- c) Search for origins (including the use of modern technologies such as social media)

Discussion on possible tools that the Hague Conference might develop (e.g. a Guide to Good Practice as recommended by the 2010 Special Commission)

Wednesday
10 June 2015

Morning session

9.00 a.m. -
1.00 p.m.

4. Mobility and globalisation: challenges that States experience in intercountry adoption cases as a result of the increased movement of persons across borders

Documentation:

- *Preliminary Document No 4 - Globalisation and international mobility*

Introductory remarks by the Permanent Bureau

- Factors in determining habitual residence
- Cases in which determinations of habitual residence should be clear but challenges remain in implementing Article 2
- Cases in which determination of habitual residence is more complex and further guidance may be necessary

5. Specific issues of co-operation

Documentation:

- *Preliminary Document No 3 – 20 Years of the Hague Convention on Intercountry Adoption (chapter 1 and section 2.2)*

Introductory remarks by the Permanent Bureau

- Co-operation to support Contracting States or States considering becoming a Party to the Convention
 - Ensuring the co-ordination of efforts and consistent approaches
- Intercountry adoptions from *non*-Contracting States
 - The challenges in applying established good practice guidance

1.00-2.30 p.m.

Lunch break

Afternoon session

2.30-6.00 p.m.

6. Concurrent sessions (participants may choose one of the following three options):

Documentation:

- *Fact Sheet 1 – The people at the heart of adoption (page 5)*
- *Information Document No 4 – ISS Fact Sheet “Openness in adoption”*
- *Day 3 : Questions for discussion*

- Relative adoptions – Moderator: Philippines
- Openness in adoption – Moderator: International Social Service
- Kafala* and adoption – Moderator: Canada

Plenary discussion of the concurrent sessions

6.15 p.m.

Reception offered by H.E. Ms Michele Blom, Director General of the Dutch Ministry of Security and Justice, and H.E. Mr Jaime Victor B. Ledda, Ambassador of the Republic of the Philippines to the Netherlands, to be held at the Carlton Beach Club (Gevers Deynootplein 201, Scheveningen / The Hague)

Note: Transportation by bus will be provided for the participants from the front gate of the Peace Palace to the reception venue. Please note however that there is no transportation arranged following the reception.

Thursday
11 June 2015

Morning session

9.00 a.m. -
 1.00 p.m.

7. Specific issues of procedure

Documentation:

- *Fact Sheet No 4 – Agreements and other Arrangements in Intercountry Adoption*
- *Preliminary Document No 3 – 20 Years of the Hague Convention on Intercountry Adoption (section 2.3)*

Introductory remarks by the Permanent Bureau

- a) Article 39(2) agreements, non-binding memoranda of understanding and other arrangements
- b) Challenges remaining in relation to Article 17 and Article 23 procedures

8. Modern technologies, including social media

Documentation:

- *Information Document No 1 – ISS Report – New Technologies and Adoption.*

Introductory remarks by the International Social Service

- a) The availability of information on the Internet: benefits and challenges
- b) Using modern technologies to exchange information in intercountry adoption cases, including the use of scanned documents

1.00-2.30 p.m.

Lunch break

Afternoon session

2.30-6.00 p.m.

9. Financial issues: presentation by the *Experts' Group on the Financial Aspects of Intercountry Adoption*:

Documentation:

- *Fact Sheet 2 – The Financial Aspects of Intercountry Adoption*
- *Preliminary Document No 3 – 20 Years of the Hague Convention on Intercountry Adoption (section 3.4)*
- *Preliminary Document No 6 – Draft Survey for Adoptive Parents on the Financial Aspects of Intercountry Adoption*

Introductory remarks by the Permanent Bureau and the rapporteur of the Expert's Group on the Financial Aspects of Intercountry Adoption (United States of America)

- a) Discussion of the changing landscape of intercountry adoption: more transparent and better monitored costs and fees, but higher amounts
- b) Promotion of the tools developed by the Group
- c) Use of the Tables on Costs
- d) Survey for Adoptive Parents
- e) Future work of the Group

Friday
12 June 2015

Morning session

9.00 a.m. -
 1.00 p.m.

10. Preventing and addressing illicit practices

Documentation:

- *Fact Sheet 3 - Preventing and addressing Illicit Practices*
- *Preliminary Document No 3 – 20 Years of the Hague Convention on Intercountry Adoption (section 2.2)*

Introductory remarks by the Permanent Bureau and Professor David Smolin, Independent Expert

- a) Summary of the challenges that States most frequently experience with regard to illicit practices
- b) Measures to prevent illicit practices: best practices
- c) Responding to illicit practices when they occur: best practices
- d) Resumption of the Working Group on Illicit Practices: future work

1.00-2.30 p.m.

Lunch break

Afternoon session

2.30-5.30 p.m.

11. Conclusions and Recommendations of the Special Commission

Documentation:

- *Information Document No 2 – Table of Conclusions and Recommendations of Past Special Commissions*

End of meeting