

Title	1993 Adoption Convention: Update and possible next meeting of the Special Commission
Document	Prel. Doc. No 7C of December 2024
Author	PB
Agenda Item	Item III.1.g
Mandate(s)	C&D No 32-35 of CGAP 2024 C&D No 22-29 of CGAP 2023
Objective	To provide an update on the work carried out in the adoption area following the meeting of the Special Commission in July 2022
Action to be Taken	For Decision <input checked="" type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input type="checkbox"/>
Annexes	N/A
Related Documents	Prel. Doc. No 5A of January 2023 (CGAP 2023) – 1993 Adoption Convention: Follow up on 2022 Special Commission meeting Prel. Doc. No 1 of July 2019 (2022 Adoption SC) – Questionnaire on possible topics for the Fifth Meeting of the Special Commission on the practical operation of the 1993 Adoption Convention Prel. Doc. No 2 of December 2019 (2022 Adoption SC) – Analysis of the responses to the 2019 Questionnaire on possible topics and format for the Fifth Meeting of the Special Commission to review the practical operation of the 1993 Adoption Convention

Table of Contents

I.	Introduction	2
II.	Status of the 1993 Adoption Convention	2
III.	Work programme.....	2
IV.	Sixth Meeting of the SC to review the practical operation of the 1993 Adoption Convention.....	3
	A. Planning of an SC meeting.....	3
	B. Possible timing.....	3
	C. Preliminary thoughts for a next SC meeting.....	4
	1. Format	4
	2. Topics	4
V.	Proposal for CGAP	5

1993 Adoption Convention: Update and possible next meeting of the Special Commission

I. Introduction

- 1 The Adoption Team within the International Family and Child Protection Law Division at the Permanent Bureau (PB) supports the *Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption* (1993 Adoption Convention), including raising awareness of the Convention, assisting with the Convention's implementation and operation, as well as facilitating post-Convention assistance.
- 2 This document reports on work carried out, and progress made, in relation to the 1993 Adoption Convention, as mandated by the Council on General Affairs and Policy (CGAP) following the Fifth Meeting of the Special Commission (SC) to review the practical operation of the 1993 Adoption Convention, which took place online from 4 to 8 July 2022.¹ This document has a special focus on the possible timing and content of the next meeting of the SC to review the practical operation of the Convention.

II. Status of the 1993 Adoption Convention

- 3 The 1993 Adoption Convention has currently 106 Contracting Parties with the accession of Angola in 2024.

III. Work programme

- 4 In line with the Conclusions and Recommendations (C&R) adopted by the SC in 2022, and the mandates given by CGAP,² the following actions have been carried out:
 - The Toolkit to Prevent and Address Illicit Practices in Intercountry Adoption was published in English, French and Spanish.³
 - The Model Forms for use under the 1993 Adoption Convention were published in English, French and Spanish.⁴
 - The Working Group on financial aspects of intercountry adoption was established in 2023 and is carrying out work as mandated by CGAP.⁵
 - State-led virtual workshops on post-adoption services have been held, both in States of origin and receiving States (a Report⁶ is currently being prepared by the Steering Committee administering these workshops).
 - Technical assistance, in particular through the Intercountry Adoption Technical Assistance Programme (ICATAP), has been provided in Latin America and Africa.⁷ Also, thanks to a

¹ “Conclusions and Decisions of the Council on General Affairs and Policy of the Conference (5-8 March 2024)”, C&D No 10 and “1993 Adoption Convention: Follow up on the 2022 Special Commission meeting”, Prel. Doc. No 5A for CGAP 2023, available on the HCCH website at www.hcch.net under “Governance” then “Council on General Affairs and Policy” then “Archive (2000-2024)”.

² C&D No 22-29 of CGAP 2023.

³ Available on the HCCH website at www.hcch.net under the “Adoption Section”.

⁴ *Ibid.*

⁵ See “Report of the third meeting of the Working Group on the Financial Aspects of Intercountry Adoption (June 2024) and Report of the fourth meeting of the Working Group on the Financial Aspects of Intercountry Adoption (December 2024)”, Prel. Doc. 7A and 7B for CGAP 2025.

⁶ Prel. Doc. No 7D for CGAP 2025 – forthcoming

⁷ This includes:

voluntary contribution from the Netherlands, the PB has recruited an ICATAP Coordinator, to provide technical assistance to States with a special focus on the principle of subsidiarity of intercountry adoption.

- 5 In addition, the PB is currently working on the development of a Template for Country Fact Sheets on available post-adoption services relating to search for origins.
- 6 The PB has also carried out diverse activities to raise awareness on the Convention and to promote its use, either individually or jointly with other HCCH Conventions, and in different formats, depending on the needs of the stakeholders involved.

IV. Sixth Meeting of the SC to review the practical operation of the 1993 Adoption Convention

A. Planning of an SC meeting

- 7 In order to properly prepare an SC meeting, taking into account the needs and preferences of States, as well as providing sufficient time for the preparation and timely distribution of documents, the following timeline (based on previous SC meetings) is proposed:

TIMING (months prior to the SC meeting)	ACTION
Approx. 24 to 18 months	Seek approval from CGAP to commence the preparation of the SC meeting and ask for voluntary contributions to ensure the in-person participation of delegates from States of origin to the 1993 Adoption Convention
22 to 16 months	Prepare and send a <i>Questionnaire on the possible topics and format of the SC meeting</i> to HCCH Members and Contracting Parties asking for their inputs and views on priority topics
18 to 14 months	Report to Members and Contracting Parties on the responses received to the Questionnaire
14 to 12 months	Send detailed Questionnaires on the practical operation of the 1993 Adoption Convention and the topics to be discussed at the SC meeting
8 to 6 months	Convoke the SC meeting
10 to 2 months	Distribute documents for the meeting
6 to 3 months	Distribute draft agenda, registration of delegates and observers
1 month	Distribute a draft annotated agenda with more detailed information on the topics to be discussed at the meeting

B. Possible timing

- 8 The last SC meeting on the practical operation of the 1993 Adoption Convention took place in July 2022. Due to the COVID-19 pandemic, this SC meeting was held later than usual, slightly beyond the typical five-year interval from the previous meeting (previous SC meetings were held in 2000, 2005, 2010, and 2015). Subject to the overall work programme of the PB (in particular its

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- Technical assistance to Uruguay in 2023 (“Report on Post-Convention Assistance (1 January – 31 December 2023)”, Prel. Doc. No 18 REV for CGAP 2024), and to Paraguay in 2024 (“Report on Post-Convention Assistance (1 January – 31 December 2024)”, Prel. Doc. No 17 for CGAP 2025 – forthcoming), thanks to a voluntary contribution from Norway.
 - Regional Workshop in Lomé (Togo) from 13 to 15 November 2024, thanks to a voluntary contribution from France and Norway (see C&R adopted at the Regional Workshop, available on the HCCH website at www.hcch.net under “Adoption” then “Workshops & Seminars”).

International Family and Child Protection Law Division) and the planning of other SC meetings, CGAP may wish to consider whether the next meeting of the SC should be held in 2026 or 2027.⁸

C. Preliminary thoughts for a next SC meeting

9 Throughout 2024, certain Members of the HCCH and Contracting Parties to the 1993 Adoption Convention have proposed to the PB the following ideas for a possible SC meeting (all of these options would therefore be included in the *Questionnaire on the possible topics and format of the SC meeting*).

1. Format

10 Regarding the format of the next SC meeting, the following was noted:

- Since due to the COVID pandemic the 2022 SC meeting took place online, many States noted the importance of the next SC meeting being held in person, with the possibility for remote participation.
- In line with other recent SC meetings on the practical operation of HCCH Conventions, and considering budgetary implications, the meeting should last not more than three and a half days.
- Similar to the 2015 and 2022 SC meetings, it was suggested that the future meeting include a one-day onboarding training for new Contracting Parties and, subject to available meeting space, for new staff of Central Authorities.
- Similar to the 2022 SC meeting, the next meeting could include an Information Session on the SC meeting that could take place approximately one month in advance.
- Similar to the 2015 SC meeting, the need and, if so, the possibility, of having breakout sessions could be explored (subject to budgetary and space limitations and the availability of interpretation).
- Similar to meetings of other SCs, the possibility of the PB assisting in the organisation of bilateral / multilateral meetings on the margins of the meeting could be explored.

2. Topics

11 Regarding the possible topics to be addressed during the next SC meeting, the PB has noted certain themes which might be of particular interest:

- Current landscape of intercountry adoption and implementation of the 1993 Adoption Convention.
- Implementation of the principle of subsidiarity (Art. 4 of the 1993 Adoption Convention), strategies to prevent children from entering the child protection system and deinstitutionalisation.
- Current needs in intercountry adoption: for example, children with special needs, intrafamily adoptions, expatriate adoptions, reversal of the flow.
- Direct cooperation between Central Authorities and States working without adoption accredited bodies: strategies and ways forward.
- Post-adoption services, preservation of information about the child's origin and access to such information (Arts 9(c) and 30 of the 1993 Adoption Convention).

⁸ See also "Planning for Future Meetings of Special Commissions", Prel. Doc. No 15 for CGAP 2025 – forthcoming.

- Profile of States carrying out intercountry adoptions: States of origin now also acting as receiving States.

V. Proposal for CGAP

- 12 In light of the above, and subject to CGAP's decisions on the HCCH's overall work programme and, in particular, the planning for other SC meetings, PB proposes the following C&D for CGAP's consideration:

CGAP mandated the PB to start preparations for a Sixth Meeting of the SC to review the practical operation of the 1993 Adoption Convention by circulating a *Questionnaire on the possible topics and format of the SC*. The PB will report on the outcomes of this Questionnaire to Members and Contracting Parties and commence the other preparations for the SC meeting in accordance with the responses that are received. The exact timing of this SC meeting will be determined in accordance with the full Work Programme of the HCCH.