

<b>Title</b>	Report of the second meeting of the Working Group on the Financial Aspects of Intercountry Adoption (January 2024)
<b>Document</b>	Prel. Doc. No 8B of January 2024
<b>Author</b>	Chair of the Working Group on the Financial Aspects of Intercountry Adoption (WG)
<b>Agenda Item</b>	Item III.1.d
<b>Mandate(s)</b>	C&D No 25 of CGAP 2023
<b>Objective</b>	To report on the second meeting of the WG
<b>Action to be Taken</b>	For Decision <input type="checkbox"/> For Approval <input type="checkbox"/> For Discussion <input type="checkbox"/> For Action / Completion <input type="checkbox"/> For Information <input checked="" type="checkbox"/>
<b>Annexes</b>	Annex I: <i>Aide-mémoire</i> of the second meeting of the WG (January 2024) Annex II: List of participants of the second meeting of the WG
<b>Related Documents</b>	N/A

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# Report of the second meeting of the Working Group on the Financial Aspects of Intercountry Adoption (January 2024)

## I. Introduction

- 1 At its 2023 meeting, the HCCH's Council on General Affairs and Policy (CGAP) mandated the establishment of a Working Group on the Financial Aspects of Intercountry Adoption (WG).<sup>1</sup> The WG met for a first time from 26 to 28 June 2023.<sup>2</sup>
- 2 From 24 to 26 January 2024, the WG met a second time via videoconference. This second meeting was attended by 39 participants representing 19 States, including both States of origin and receiving States, three international organisations, as well as members of the Permanent Bureau (PB).
- 3 The *Aide-mémoire* of the Chair of the WG in Annex I provides an overview of the main points of discussion at the Group's second meeting.

## II. Proposal for CGAP

- 4 The PB invites CGAP to take note of the *Aide-mémoire* contained in Annex I of this document prepared by the Chair of the WG based on the deliberations during the second meeting.
- 5 Based on the foregoing, the PB proposes the following Conclusion and Decision:

CGAP took note of the *Aide-mémoire* of the Chair of the first and second meetings of the WG and welcomed the progress made by the WG. To continue its work, CGAP invited the PB to convene at least two further meetings before CGAP 2025, with intersessional work as required. If possible one of the meetings of the WG should be held in person and intersessional work should take place online.

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<sup>1</sup> 2023 CGAP, [C&D No 25](#) available on the HCCH website [www.hcch.net](http://www.hcch.net) under "Governance" then "Council on General Affairs and Policy" then "Archive 2000-2023".

<sup>2</sup> See "Report of the first meeting of the Working Group on the Financial Aspects of Intercountry Adoption (June 2023)", Prel. Doc. No 8A of July 2023 available on the HCCH website (see path indicated in note 1).

## Annex I

# ***Aide-mémoire* of the second meeting of the Working Group on the Financial Aspects of Intercountry Adoption (January 2024)**

Prepared by Ms Eliana Santos, Chair of the Working Group

## **I. General Remarks**

- 1 The Group recalled its mandate, namely to:
  - take stock of current practices,
  - identify possible coordinated, targeted, practical 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.
- 2 In discussing the current mandate, the WG made a reference to the long-term objective of the previous HCCH Experts' Group on financial aspects (2012-2016), namely, to assist States to legislate, control and monitor the financial aspects of intercountry adoption in accordance with the *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (1993 Adoption Convention). Achieving this aim could assist States with effectively upholding their obligation under the Convention to “take directly, or through public authorities all appropriate measures to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of the Convention” (Art. 8 of the 1993 Adoption Convention). The Group noted that this objective is still relevant for the work of the WG.
- 3 The Group underlined the importance of taking into account the views of States of origin in its work and encouraged States of origin to actively participate in the work of the Group.
- 4 At its second meeting and in line with the report of its first meeting, the Group discussed the following:
  - the revisions to the Note on the Financial Aspects of Intercountry Adoption;
  - a draft Roadmap of Cooperation between States to Achieve Separation of Contributions, Donations and Cooperation Projects from Intercountry Adoption;
  - the revision of the Tables on costs to include information regarding the costs related to Articles 9(c) and 30 of the 1993 Adoption Convention;
  - the drafting of a Repository of recent studies on the financial aspects of intercountry adoption.
- 5 The Group noted that the tools should focus on the financial aspects of the intercountry adoption procedure, as well as those related to Articles 9(c) and 30 of the 1993 Adoption Convention.
- 6 The Group underlined the importance of respecting the Convention and all its safeguards regarding financial aspects, to ensure that all adoptions are ethical, notwithstanding the decrease in the number of intercountry adoptions.

## II. Roadmap

- 7 The Group thanked the delegations of Canada and Viet Nam for their first draft of the Roadmap of Cooperation between States to Achieve Separation of Contributions, Donations and Cooperation Projects from Intercountry Adoption. The Group expressed its strong support for this draft tool, which aim to gradually reach view 1.<sup>1</sup>
- 8 The Group noted that the implementation of the Roadmap could assist States in working closely together in a transparent and open manner, and ultimately build further confidence and trust between States. The purpose of the Roadmap is for States of origin and receiving States to cooperate and work together to achieve view No 1.

## III. Note on the Financial Aspects

- 9 The Group agreed that in revising the Note, examples of practices of States will be updated and included in boxed text for ease of reference. It was also agreed that the listing of practices should come from a variety of States of origin and receiving States, as appropriate, with the understanding that such list is non-exhaustive and that other States may also implement such practices.
- 10 The Group discussed written comments sent by States in advance of the meeting. The Group agreed to update and clarify information and examples, taking into consideration the current landscape of intercountry adoptions.
- 11 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). They were of the opinion that the Note should reflect this view.
- 12 The Group also discussed to what extent the view that setting and respecting strong safeguards regarding contributions, donations and cooperation projects is a possible way to ensure that there is no undue influence in the adoption process (views 2 and 3), should continue to be reflected in the Note.
- 13 The Group agreed that time was needed to move towards view 1, as this could be a long-term process. Therefore, the Group thought that it was important in the meantime to retain some information about practices to regulate and monitor the financial aspects referred to in paragraph 12.
- 14 The Group agreed to revise the Note in light of the discussions at this second meeting. Further discussions between members of the Group may also assist with the revision of the Note before the next meeting.

## IV. Tables on Costs

- 15 The Group supported a new section of the Tables on costs to include information regarding the costs related to Articles 9(c) and 30 of the 1993 Adoption Convention, subject to some revisions of the wording.
- 16 In addition, in relation to the need to make the Tables on costs more user-friendly for federal States and / or States with many adoption accredited bodies (AABs), some States volunteered to be part of the subgroup.

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<sup>1</sup> See *Toolkit on Preventing and Addressing Illicit practices in Intercountry Adoption*, Fact Sheet No 3, “View No 1: Separation of activities – There should be no contributions, donations and / or cooperation projects in the context of adoption”.

## **V. Repository of Studies and Other Sources**

- 17 The Group encouraged Members of the HCCH and Contracting Parties to the 1993 Adoption Convention and other interested parties to share information on studies and reports done by States and international organisations on the risk of financial aspects of intercountry adoption.

## **VI. Next Steps and Way Forward**

- 18 The Group agreed to first revise the Note, the Roadmap and the Tables on costs, before revising the Summary List of good practices and considering revisions to Fact Sheet 3 accordingly.
- 19 Members of the Group were encouraged to send comments in writing to the Permanent Bureau to these three tools, as well as to the Model Survey.
- 20 Once first drafts of the revised Note, Roadmap and Tables on costs are completed, they would be circulated to Members and Contracting Parties for further comments, before submission to the Council on General Affairs and Policy for final approval. The remaining tools will follow the same procedure.



**LIST OF PARTICIPANTS**  
Working Group on the  
Financial Aspects of Intercountry Adoption  
24-26 January 2024

	<i>Representing</i>	<i>Surname</i>	<i>First name</i>	<i>Job Title</i>	<i>Organisation</i>
<b>MEMBERS</b>	<b>Australia</b>	Healy	Sarah	Assistant Director, Australian Central Authority	Department of Social Services (DSS)
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