



## Regional Workshop on Sharing Experiences on the Effective Implementation of the 1993 Adoption Convention in Asia

Manila (Philippines), Tuesday 11 to Thursday 13 March 2025

### CONCLUSIONS AND RECOMMENDATIONS

1. The Permanent Bureau (PB) of the Hague Conference on Private International Law (HCCH), together with the National Authority on Child Care of the Philippines (NACC) (Central Authority designated under the *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (1993 Adoption Convention or the Convention)), with the financial support of the Governments of the Philippines, Netherlands and Norway, held a Regional Workshop on Sharing Experiences on the Effective Implementation of the 1993 Adoption Convention in Asia, in Manila, Philippines, from Tuesday 11 to Thursday 13 March 2025.
2. The meeting gathered 72 participants from Cambodia, China (Hong Kong SAR), India, Laos, Mongolia, Philippines, Republic of Korea, Sri Lanka, Thailand and Viet Nam, as well as representatives of UNICEF and the International Social Service and members of the PB of the HCCH, including staff from its Asia Pacific Regional Office. Cambodia, China, India, Mongolia, Philippines, Thailand and Viet Nam are already Parties to the 1993 Adoption Convention. The Republic of Korea has signed the Convention and is in the process of ratifying it.
3. This is the third Regional Workshop on the 1993 Adoption Convention in Asia, after the two Regional Workshops held in [China \(Macao SAR\)](#) in 2013 and [Hanoi](#) in 2017.
4. The **aim of the Workshop** was to examine the implementation of the 1993 Adoption Convention in the region, to share good practices and ways to overcome challenges between States Parties to the Convention and States interested in becoming a Party, and to promote and build upon good working relationships between all actors. Significant time was devoted to discussions and case studies and an active participation took place.
5. The **draft agenda** promoted discussions on the sharing of experiences and practices related to the following topics: principle of subsidiarity, child adoptability, adoption procedure, intrafamily adoptions, illicit practices, financial aspects, post-adoption matters including support, search for origins and cooperation between States, hearing the voices of adoptees and breakdown of adoptions.
6. The participants shared their views on such topics through **presentations, and the analysis of various case scenarios** from the perspective of the 1993 Adoption Convention and its respective

Contracting States, including the practical challenges which they envisage and how they prevent and address them. The discussions during the case studies showed the similarities among States in approaching some topics but also reflected the variations between States' domestic laws and procedures (one of them being that in some States participating at the Workshop the adoption decision is judicial, and in others administrative). Case studies provided an excellent opportunity to contextualise the insights gained from the presentations and HCCH materials and to have discussions incorporating real-world insights.

7. The participants presented on the various ways in which their respective States have implemented the [Conclusions and Recommendations \(C&R\)](#) of the **2017 Regional Workshop in Hanoi** including through legislative reform to align domestic legislation with provisions of the 1993 Adoption Convention, and by restructuring and strengthening their domestic policies, services and practices.
8. The participants also identified **challenges**, such as finding a family for children with special adoptive needs (e.g., medical needs, siblings, older children), lack of resources and training, inconsistency of practices between States, implementing gatekeeping and deinstitutionalisation.
9. The participants reiterated the **primacy of international law** over domestic law, as well as the obligation and need for States to harmonise their national legislation with the 1993 Adoption Convention.
10. The participants recalled the importance of properly applying the **habitual residence** criteria (Art. 2 of the Convention) to decide if an adoption is domestic or intercountry and shared the advancements of the implementation of the habitual residence criteria (e.g., amendments to legislation, framing policies, trainings). In this respect, they recalled the usefulness of the [HCCH Note on Habitual Residence and Scope of the 1993 Adoption Convention](#).
11. The participants recalled that the **principle of subsidiarity** remains the cornerstone of the 1993 Adoption Convention and is increasingly being implemented in the region. In light of this principle, the participants underscored the importance of giving due consideration to possibilities for placement of the child within the State of origin before determining that an intercountry adoption is in the best interests of a particular child (Art. 4(b) of the Convention). In implementing these principles, several participants presented promising practices where there has been a clear shift of focus towards strengthening families, providing adequate support, and ensuring that poverty is not the sole reason for considering adoption.
12. The participants were of the view that stronger **gatekeeping mechanisms** should be in place to ensure that children are not unnecessarily placed in institutions. Furthermore, **deinstitutionalisation** efforts should focus on transitioning children into family-based care whenever possible.
13. The participants agreed that it is key to continue **promoting domestic permanent family solutions** for the child. Thus, States should focus on improving those frameworks and raising awareness to ensure that more children can grow up in their country of origin. States shared their practices to promote domestic adoption, and some States shared their advocacy efforts to shift public perceptions of adoption towards a more positive mindset.
14. States of origin were of the view that, for some **children with special adoptive needs**, intercountry adoption may be a suitable option for being raised in a permanent family environment, after due consideration of possibilities for placement of the child within the State of origin. This aligns with Article 21(b) of the *United Nations Convention on the Rights of the Child* (UNCRC).
15. The participants advocated for a **holistic case management** approach that not only focuses on the needs of the child, but also on the needs of the family in order to assist them to be able to raise

their children in a family environment, in an atmosphere of happiness, love and understanding (see Preambles of the UNCRC and the 1993 Adoption Convention).

16. The participants underlined that it is essential to ensure **timely decisions** for children while guaranteeing that all safeguards and procedures are respected as this will facilitate the prevention of prolonged institutionalisation and minimise delays in the adoption process. In this respect, the participants quoted Gabriela Mistral, “To [the child] we cannot answer ‘Tomorrow,’ his name is today”.
17. The participants reiterated the importance of ensuring that **matching** is carried out by a multidisciplinary committee, as a collaborative approach between professionals from different fields improves the likelihood that a placement is successful. In that vein, several States shared their advancements on how their respective committees are functioning.
18. The participants recalled that children and prospective adoptive parents should be **adequately prepared** for adoption as this preparation helps ensure a smooth transition into their new families.
19. The participants highlighted that **ongoing support**, if applicable, should be provided to adoptive families to help address any challenges that may arise post-adoption.
20. When discussing **intrafamily adoptions**, participants recalled that it is key to ensure the principle of subsidiarity of intercountry adoptions, and to duly consider the motivation for the intercountry adoption. If the motivation is only to provide the child with better opportunities, address financial needs or facilitate migration, authorities are encouraged to explore alternative measures of protection of the child within the State of origin. In this respect, the 1996 Child Protection Convention could provide a framework.
21. The participants recalled C&R No 11 of the 2010 Special Commission meeting on the practical operation of the 1993 Adoption Convention (SC), which recommended that **all intercountry adoptions falling within the scope** of the Convention under Article 2(1), including in-family adoptions and adoptions by nationals of the State of origin, are **subject** to the Convention’s procedures and safeguards.
22. The **HCCH Toolkit** was presented during the Workshop. Some States reported that they already used it. The participants were trained how to use it. Participants were of the view that the Toolkit facilitates critical thinking and provides practical guidance on how to prevent and address illicit practices. The use of the Toolkit is highly recommended when dealing with adoptions. It was agreed that further training is needed on how to better utilise the Toolkit. The participants pledged to train their authorities and relevant bodies on how to work with it. States are encouraged to translate the Toolkit into their native language(s).
23. The participants recognised that the **financial aspects** of intercountry adoption are a very complex issue with no single solution and are at the root of many illicit practices. They therefore expressed their support for the work of the HCCH Working Group on the Financial Aspects of Intercountry Adoption to discuss and advance further the policies regarding this topic. This would provide clear guidance to States on how to deal with financial aspects, and ensure the separation of intercountry adoption from contributions, donations and cooperation projects. A special focus was given to the *Roadmap of Cooperation Between States to Achieve Separation of Contributions, Donations and Cooperation Projects from Intercountry Adoption* proposed by Viet Nam and Canada in the framework of the HCCH Working Group.
24. The participants highlighted the importance of **post-adoption matters**, including providing support, assisting in the search for origins and cooperation between States. In particular, it was noted that the search for origins strengthens adoptees’ sense of identity, psychological well-being, and

provides closure. In this respect, participants emphasised the importance of preserving adoption records in perpetuity and the need to digitise such records to preserve the information. Some States shared their good practices in providing comprehensive information to birth families upon consent for adoption, including raising awareness about the possibility of search for origins and the importance of updating contact details to facilitate reunions if needed.

25. States highlighted the importance of providing adoptees with appropriate guidance during their **search for origins**. Considering that it may be difficult to obtain relevant documentation, in particular from historic cases, some adult adoptees may face difficulties in their search for origins. In these cases, it is essential to provide the social and cultural context of the birth family at the time of the adoption and be as specific as possible. In connection with the historic context of the adoption, some States also recalled the importance of respecting the privacy of the birth mother, in so far as this is permitted by the law of that particular State.
26. The participants recalled that **the child's voice**, according to their age and maturity, should be heard before decisions are made concerning their future, including throughout the adoption process, beginning with the report on the child, in accordance with the law of each State. Adoption professionals should be trained to ensure that the child's voice is heard throughout the process (e.g., through drawings, videos, or direct statements).
27. The participants recalled that it is key to **hear the voices of adoptees**, not only in cases where illicit practices or abuses have occurred, but also when adoptees have successful stories to share. Some States shared their good practice of including adult adoptees' representation through policy-making bodies, committees and other special instances, as well as their cooperation with adoptee support groups.
28. States also discussed the different approaches regarding **access to personal details** of birth parents who have requested confidentiality, while giving due consideration to the right of the adoptees to know their identity.
29. Regarding the subject of adoption **breakdowns**, States recalled the C&R of the Special Commission meetings of 2015 and 2022 regarding prevention and mitigation of the risk of adoption breakdown, namely through: appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, collection of statistics and data to inform the provision of post-adoption services, search for origins and preventing and responding to adoption breakdowns, increased multidisciplinary research in this area, involving persons with lived experiences, social workers, psychologists and academics, among others. States agreed that it is important for Central Authorities, from both the receiving State and the State of origin, to be made aware of adoption breakdowns and collaborate with each other.
30. The participants were of the view that **modern technologies** can facilitate some decision-making processes in adoption. However, they opined that it is critical to strike a balance between the use of technology and maintaining human assessment and connection to the procedures. The participants noted the need to be aware that certain steps in the adoption process may not be suited to take place through virtual platforms and are best done in person, such as the assessment and preparation of children and certain aspects of the assessment and preparation of prospective adoptive parents.
31. The participants underlined the importance of further strengthening the **cooperation between Central Authorities and States in the region**. Enhanced collaboration improves information sharing, best practices, and ethical adoption processes. Participants agreed that this Workshop provided an avenue to achieve this.

32. A presentation on other **HCCH Conventions in the field of family law**, including the 1980 Child Abduction Convention, the 1996 Child Protection Convention and the 2007 Child Support Convention and its Protocol, as well as a brief introduction to the 1961 Apostille Convention,<sup>1</sup> were given and participants were made aware of the relevance of these Conventions for the protection of children's rights. The participants noted that other protective measures (such as foster care) may sometimes be more appropriate than intrafamily adoptions, and in this respect, that the 1996 Child Protection Convention was very useful to gain recognition for these other protective measures abroad.
33. The participants expressed the wish to participate more actively in the work of the HCCH, so that the **voices of Asian States** are better taken into account. Increased participation of Asian States in the work of the HCCH would not only contribute to strengthening the universal and inclusive character of the HCCH but would also enable these States make their voices better heard.
34. The participants expressed their desire to **meet again** in two or three years, in the form of another regional workshop for Asia, to continue to exchange best practices and maintain regular exchanges.

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<sup>1</sup> The Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility, the Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance and the Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations, and the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents.