

ADOPTION

September / september 2016

(E)



DRAFT AGENDA

proposed by the Permanent Bureau

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PROJET D'ORDRE DU JOUR

proposé par le Bureau Permanent

*Document of September 2016 for the attention
of the October 2016 meeting of the Working Group on
Preventing and Addressing Illicit Practices in Intercountry Adoption*

*Document de septembre 2016 à l'attention
de la réunion d'octobre 2016 du Groupe de travail sur la
prévention des pratiques illicites et la manière d'y remédier
en matière d'adoption internationale*

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**MEETING OF THE WORKING GROUP
ON PREVENTING AND ADDRESSING ILLICIT PRACTICES IN INTERCOUNTRY
ADOPTION**

13-15 October 2016

PRELIMINARY DRAFT AGENDA

The meeting of experts will take place at the office of the Permanent Bureau of the HCCH (Churchillplein 6b) in The Hague from Thursday 13 October to Saturday 15 October 2016.

This draft agenda proposed by the Permanent Bureau follows the structure of the Note prepared by the Permanent Bureau in July 2016 for this meeting of the Working Group. It also takes into consideration previous work by the Group such as the *2012 Discussion Paper on "Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases"* and *Fact Sheet No 3 on "Preventing and Addressing Illicit Practices in Intercountry Adoption"* prepared for the 2015 Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention. The relevant Conclusions and Recommendations of the 2010 and 2015 Special Commission meetings were also taken into consideration.

The Permanent Bureau proposes that the meeting start with an open discussion concerning the meeting's objectives and what might be realistically achieved over the next three days.

Experts may have other issues that they wish to address and thus this agenda will be treated with some flexibility and may need to be modified as the meeting progresses.

It is proposed that the session on Thursday 13 October begin at 2.00 pm and end at 6.00 pm; that the session on Friday 14 October begin at 9.00 am and end at 6.00 pm, with a lunch break from 1.00 to 2.30 pm; and that the session on Saturday 15 October begin at 9.00 am and end no later than 1.30 pm.

Thursday 13 October 2016 – Day 1

2.00 p.m. **Opening of the meeting**

Opening remarks by Christophe Bernasconi, Secretary General of the Hague Conference on Private International Law

Election of a Chair

Introduction of experts of the Working Group

Housekeeping

Introduction to the draft agenda and adoption of the agenda

Brief overview of the work of the Hague Conference in the area of illicit practices in intercountry adoption

Presentation of the mandate given by the Council on General Affairs and Policy in 2016, the documentation on this topic and the objectives of the Group:

- Better understanding of how illicit practices arise, how they can be identified and prevented, and effective steps to take when they occur.
- Development of practical guidance for States that face such issues.

Round table discussion on the objectives of the meeting

Brainstorming:

- What are experts expecting from this Working Group?
- How can those expectations be achieved?

What are States' experiences with illicit practices?

- Is there a shared understanding of what acts constitute illicit practices in this context?
- Examples of prevalent illicit practices

The work of the Group – preliminary consideration of:

- What can the Working Group do to assist States, in a concrete way, in preventing and addressing illicit practices?
- What should be the final product(s) of the Working Group?
- How can the Hague Conference coordinate more effectively with States and other organisations that are active in this area?

4.00 p.m. Coffee break

4:15 p.m. **Objective 1: Use of harmonised terminology**

Agreement on **hamonised terminology** could minimise the potential for misunderstanding and facilitate efforts to deal with illicit practices:

- Are there other terms that experts believe it would be helpful to define and include in the Glossary?

Objective 2: Improving co-operation to prevent and address illicit practices

Improved co-operation, both internally within States and externally between States, particularly between the State of origin and the receiving State in a particular intercountry adoption, is one practical step to take.

- What are existing co-operation mechanisms and how might they be improved?
- What further mechanisms for more robust co-operation and regular exchange of information might be considered -
 - **internally** in States, *e.g.*, seeking specific information on trends, conducting awareness-raising campaigns.
 - **externally** between States, *e.g.*, designating specific points of contact, organising regular, informal meetings.
- What input can the Working Group have in this? What would be the role of the Group in improving co-operation?

Making information available to the public: How might relevant information be best made available to prospective adoptive parents, stakeholders, and the general public? If needed, what would be the role of the Working Group?

6.00 p.m. End of session

7.00 p.m. Informal dinner (tbc)

Friday 14 October 2016 – Day 2

9.00 a.m. **Objective 3: Creating an environment where the risk of illicit practices is reduced**

A possible way to prevent illicit practices is creating **an environment where the risk of illicit practices is reduced:**

- What types of activities, while not themselves illicit (see Round Table discussion of illicit practices on day 1), are risky because they may facilitate or promote illicit practices?
- Examples of such risky activities might include non-Convention adoptions; competition between receiving States; competition between adoption accredited bodies; etc.
- What should be done in order to create an environment where the risk of illicit practices is reduced?

11.15 a.m. Coffee break

11.30 a.m. **Objective 4: Ensuring that adoptions take place in the best interests of the child**

Another possible way to prevent illicit practices is ensuring that adoptions take place in the **best interests of the child**:

- Since determinations of “best interests” of the child can vary, can certain agreed minimum criteria be identified in assessing whether intercountry adoption meets the “best interests” standard?
- What are some key indicators of whether the best interests of the child have been respected?

1.00 p.m. Lunch break

2.30 p.m. **Objective 5: Recognising illicit practices when they occur**

Timely recognition of the occurrence of illicit practices is essential:

- How might the *vigilance* of government authorities be enhanced to help them identify illicit activities?
- What type of *reporting system*, including a complaint registry, might be useful?
- Might examples of illicit practices and past responses be *catalogued*, and that information then shared with prospective adoptive parents, stakeholders, public authorities, and the general public?

Objective 6: Responding effectively when illicit practices occur in specific cases and improving the responses for victims

When an illicit practice has occurred, an **effective response** is needed, including with respect to the victims of such acts:

- Could a basic *common procedure* be established for responding to illicit practices?
- What elements might such a procedure include, *e.g.*, a list of steps to follow; suggested remedies depending on the stage of the adoption process; providing services, counselling and support to victims; considering action against relevant authorities and bodies?

4.15 p.m. Coffee break

4.30 p.m. **Objective 7: Responding effectively to general patterns of illicit practices**

Considering responses to **general patterns of illicit practices**:

- When chronic problems in intercountry adoption have developed in a particular State, what have been the responses of that State and other States, and have they been effective?
- What has been States’ domestic law enforcement response to patterns of illicit practices, and has that resulted in prosecutions?

6.00 p.m. End of session

Saturday 15 October – Day 3

9.00 a.m. **Objective 8: Developing a comprehensive toolkit**

The Working Group may wish to examine the utility of **developing a toolkit** that would present recommended step-by-step guidance in a concise and user-friendly way:

- Would developing a toolkit be useful for States, and if so how should it be structured, and what are the modalities for producing it?

10.45 a.m. Coffee break

11.00 a.m. **Next steps**

This session is reserved for the approval by the Working Group of a **report to the Council** on General Affairs and Policy on the discussion during the meeting and proposed **next steps** (including priorities, timeline and resources).

1.30 p.m. Closing of the meeting no later than 1.30 p.m.