

<b>Title</b>	Report of the first meeting of the Working Group on the Financial Aspects of Intercountry Adoption (June 2023)
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<b>Author</b>	Chair of the Working Group on the Financial Aspects of Intercountry Adoption (WG)
<b>Agenda Item</b>	Item TBD
<b>Mandate(s)</b>	C&D No 25 of CGAP 2023
<b>Objective</b>	To report on the first 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 first meeting of the WG (June 2023) Annex II: List of participants of the first meeting of the WG
<b>Related Documents</b>	N/A

## Table of Contents

I.	Introduction .....	2
II.	Proposal for CGAP .....	2
	Annex I.....	3
I.	General remarks.....	3
II.	Costs and fees.....	3
III.	Donations, contributions and cooperation projects.....	4
IV.	Existing tools and next steps .....	4
	Annex II.....	6

# Report of the first meeting of the Working Group on the Financial Aspects of Intercountry Adoption (June 2023)

## 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) and that it meet before the end of 2023.<sup>1</sup>
- 2 In line with this mandate, from 26 to 28 June 2023, the WG met via videoconference. This first meeting was attended by 42 participants representing 16 States, including both States of origin and receiving States, three international organisations, as well as members of the Permanent Bureau (PB). The WG elected Ms Eliana Santos (Portugal) as Chair.
- 3 The mandate of this WG is "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"<sup>2</sup>.

## 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 first meeting.

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<sup>1</sup> 2023 CGAP, [C&D No 25](#).

<sup>2</sup> *Ibid.*

## Annex I

# ***Aide-mémoire* of the first meeting of the Working Group on the Financial Aspects of Intercountry Adoption (June 2023)**

Prepared by Ms Eliana Santos, Chair of the Working Group

## **I. General remarks**

1. The Working Group (WG) recalled that if an intercountry adoption needs to take place, it should be done in accordance with the *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (1993 Adoption Convention), and in particular with Article 32 which states that there should be no improper financial or other gain, and that only costs and fees should be charged or paid. In accordance with such observations, the WG recognised that donations, contributions and cooperation projects should therefore be separate from, and have no influence on, intercountry adoption.
2. The WG recognised the direct and indirect risks connected to financial aspects of intercountry adoption as they may create dependency and competition between States, adoption accredited bodies (AABs) and prospective adoptive parents (PAPs).
3. Considering that intercountry adoption is a child protection measure, the WG discussed the feasibility of States supporting (some) costs of the adoption procedure, as is already done in some States.
4. Recognising that adoption is a life-long process and in line with Articles 9(c) and 30 of the 1993 Adoption Convention, the WG discussed the impact of financial aspects after the adoption has been finalised.
5. The WG noted the importance not to focus on labels (e.g., costs, contributions, donations) but to see in practice who pays, where the money goes, for what purpose, and on which basis. The WG also acknowledged that it might be necessary to treat donations, contributions, and cooperation projects differently.

## **II. Costs and fees**

6. The WG confirmed that the current definition of costs and fees<sup>1</sup> could serve as a basis for the discussions. Participants were of the view that costs and fees charged by an authority tended to be more transparent, as well as easier to control and monitor than the ones charged by private bodies. Participants also noted the importance of supervising the costs. Some participants shared the importance of requiring independent financial audits to increase transparency and control.
7. The WG recalled the importance of ensuring transparency of all costs and fees. It was reported that there are still some challenges in this area, especially for costs and fees not charged directly by the State authorities. For example: lack of transparency of the costs charged by AABs; lack of transparency of the costs charged by some professionals (e.g., lawyers) in the adoption procedure.

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<sup>1</sup> See [Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption](#) (Toolkit) – Glossary, available on the HCCH website at [www.hcch.net](http://www.hcch.net) under “Adoption”.

8. In order to achieve transparency and reduce costs and fees, some participants explained that in certain States, intercountry adoptions are carried out directly by Central Authorities.
9. Some participants warned of the inclusion of unnecessary steps or requirements in the adoption procedure, such as requiring the involvement of a lawyer in every case. Lawyer's fees may not be foreseeable or reasonable and lawyers may charge additional fees which may not be subject to Central Authority oversight.

### **III. Donations, contributions and cooperation projects**

10. The WG recalled the need to separate donations, contributions, and cooperation projects from the adoption process, as already agreed by the Special Commission and as acknowledged in different HCCH publications. However, participants noted that ensuring such a separation *in practice* was a challenge.
11. In relation to donations, participants expressed their views on whether to prohibit or raise the standards applicable to them. Many participants noted that despite not being mandatory, the possibility of making donations creates expectations that they should be made. The WG agreed that further discussion was needed, in particular on how to ensure a clear separation between donations and the actual costs of an adoption in each individual adoption, as well as in general terms, namely making a clear distinction between donations and adoption in the whole child protection system.
12. Many participants considered that donations should be prohibited. However, some participants cautioned about the challenges of prohibiting donations, namely the risk of losing transparency. Participants recognised that adoptive families want to support children in the child protection system in States of origin, but acknowledged that there are many questions on how to channel good will. In particular, the WG discussed how to ensure that there is a clear separation of donations from the actual costs of the adoption. The WG also stressed that most donations are directed at child institutions, which could compromise the principle of subsidiarity as well as the promotion of family preservation and de-institutionalisation.

### **IV. Existing tools and next steps**

13. In order to improve practices around financial aspects of intercountry adoption, the WG discussed the importance of implementing the recommendations, as well as using the existing tools, and if applicable, ensuring that the responses from States (e.g., to the Country Profile, the Tables on Costs<sup>2</sup>) are updated.
14. The WG discussed that one of its end-products could be to revise Fact Sheet No 3 of the Toolkit and the Note on the Financial Aspects of Intercountry Adoption,<sup>3</sup> including, for example, adding to the Note some clear and practical examples of challenges and good practices.
15. With regard to the Tables on Costs, some participants acknowledged that, for federal States and / or States with many AABs, it was challenging to complete the tables. Some of these State representatives have adapted the Tables on Costs to overcome challenges and it was suggested that a subgroup start working on this matter. It was noted that if the Tables on Costs are well

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<sup>2</sup> Tables on the costs associated with intercountry adoption, available on the HCCH website at [www.hcch.net](http://www.hcch.net) under "Adoption".

<sup>3</sup> Available on the HCCH website at [www.hcch.net](http://www.hcch.net) see path indicated in note 1.

completed and up to date, they are helpful to achieve better transparency and provide a better oversight of the costs.

16. The WG discussed the possibility to have a new section of the Tables on Costs which would offer States the possibility to include information regarding the costs related to Articles 9(c) and 30 of the 1993 Adoption Convention.
17. It was suggested to have a comparative study on the responses to the Tables on Costs but some participants questioned the relevance of such a study. In addition, it was noted that the elaboration of a comparative study might require the use of an automatic software to easily compile and compare the data.
18. In order to reach the goal of preventing the influence of financial aspects in intercountry adoption, the WG proposed to develop a roadmap tool to enable States to raise standards in this area. Some participants shared their experience in trying to overcome some of the risks related to financial aspects, which could assist and inform the drafting of such a roadmap. Some participants also suggested learning from the experience of States which have reduced the financial flows in the adoption procedure.
19. The WG suggested to create a document with links to the different reports done by States and international organisations on the risk of financial aspects of intercountry adoption.
20. Finally, the WG suggested to meet again in early 2024, if possible, in person (it being understood that such an in-person meeting may not lead to any additional costs for the PB).

**LIST OF PARTICIPANTS**  
**Working Group on the Financial Aspects of Intercountry Adoption**  
**26 - 28 June 2023**



	<i>Representing</i>	<i>Surname</i>	<i>First name</i>	<i>Job Title</i>	<i>Organisation</i>
<b>Members</b>	Australia	Healy	Sarah	Assistant Director, Australian Central Authority	Department of Social Services (DSS)
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	Belgium	Haspesslagh	Marian	Adoption Staff Member	Flemish Central Authority for Adoption, Kind en Gezin
		Valckx	Steven	Adoption Staff Member	Flemish Central Authority for Adoption, Kind en Gezin
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	Canada	Goupil	Josée-Anne	Counsel	Department of Justice Canada
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		Menna	Filomena	CAI Technical Secretariat Consultant	Commission for International Adoption in Italy
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		Hisatsugi	Misaki	Chief of First Planning Unit	Children and Families Agency, Child Support Bureau, Family Welfare Division
	Mauritius	Pirbacosse	Afzal	Assistant Permanent Secretary	Ministry of Gender Equality and Family Welfare
	Mexico	González Ramos	Uriel	Director for Adoptions	National System for the Comprehensive Development of the Family



Members	Mexico	Flores Rico	Maxwel Aurora	Deputy Director for International Child Support and Adoptions	Ministry of Foreign Affairs
	Philippines	Jam	Madeline Arezu	Assistant Secretary	National Authority for Child Care
	Portugal	Amorim	Suzana	Head of Office of the Adoption and Civil Guardianship Sector	Social Security Institute
		Santos	Eliana	Legal Adviser (CHAIR OF THE WORKING GROUP)	Social Security Institute
		Sousa	Ana	Staff Member, Anthropologist	Social Security Institute
		Barreto	Jacqueline	Sociologist	Social Security Institute
	Spain	Garesse Soto	Maria Teresa	Head of Intercountry Adoption Service	Ministry for Social Rights and the 2030 Agenda
		Ferrandis Torres	Antonio	Head of Intercountry Adoption Service	Madrid Institute for Minors
		Pitarch i Albós	Teresa	Head of the International Adoption Unit	Catalan Institute of Acceptance and Adoption
	Switzerland	Javaux	Maryse	Collaboratrice scientifique	Office Fédéral de la Justice (OFJ)

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		Phuong	Nguyen Minh	Deputy Head	Ministry of Justice
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		Varela Pina Cardoso	Cátia Morgeana	Psychologist - Member of the Council for Intercountry Adoption	Office of the Prosecutor General, Central Department for Cooperation and Comparative Law
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		Kobena	Affoua N'guettia Sabine	Chargée de l'Adoption Internationale	Ministère de la Femme, de la Famille et de l'Enfant
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