

It is a great honour and pleasure to be here today and to discuss this important topic with you – thank you for the invitation. My intervention will focus on the perspective of a receiving country like Switzerland in the area of intercountry adoption. The report of Special Rapporteur Maud de Boer provides an (in my view very accurate) overview of the main problems that we are facing today in this area. For government agencies like my own, dealing every day with concrete cases of intercountry adoptions, it is easy to forget about the big picture while focusing on the specific cases. The report points out that illegal acts and practices in the area of adoptions are generally linked to deficiencies in the child protection system of a country – a problem much larger than the specific area of adoptions. It is therefore impossible to properly address isolated or large-scale illegal practices without addressing the larger problem of a deficient child protection system or large scale corruption. All States need to carefully analyse how their intercountry adoption programs fit into the larger child protection and development aid context. How do we ensure that our good intentions do not help supporting an environment which adversely affects children’s rights? It is my hope that this report will contribute to national and international discussions and debates over this question, as it is our duty to ensure that children’s rights and interests are best protected.

The report identifies several measures to prevent and combat illegal adoptions. As a country dealing with adoptions from both parties and non-parties to the Hague Convention, I cannot stress enough the benefits of ratifying the Hague Convention and adhering to its principles. Therefore a key element is to encourage and enable as many countries as possible to ratify the 1993 Hague Convention. By “enabling” I also mean helping out through technical assistance measures: *example of expert from Burkina Faso going to Haiti under Hague Conference technical program*

But ratifying the Convention is not enough: let me expose some concrete measures that States can and should take in order to prevent and combat illegal adoptions. I am not citing specific countries in link with the examples, you will find many in the report, but all of these measures have been implemented by some or even many States and are good practices to inspire us. To me these measures can be summarized in three words: Regulation, transparency and responsibility or rather co-responsibility.

First **regulation**: it might be obvious but we need to properly regulate (and as a direct consequence monitor) the intercountry adoption process and the role and obligations of all actors involved: the government agencies, the private adoption agencies, the prospective adoptive parents, the lawyers and translators and many more. Receiving countries should as much as possible apply the same standards to adoptions from non-Hague countries, for example when it comes to the approval process for prospective adoptive parents or the accreditation and monitoring of adoption agencies. As mentioned in the report, private and independent adoptions, which are initiated and processed without the oversight of competent authorities, are incompatible with the 1993 Hague Convention and should be banned. The process through which prospective adoptive parents have to go in order to be approved for intercountry adoption should be the same no matter which country they want to adopt from. The prospective adoptive parents need to be carefully prepared to the specific risks linked to an adoption from a non-Hague country. Finally, the proper regulation of adoption agencies, whose competencies and role vary widely from one State to another, must be ensured, as well as the proper monitoring, which in turn requires adequate resources.

My second key word was **transparency**, specifically related to costs: not only must the costs involved in an intercountry adoption be regulated in detail but there must be total transparency from all actors with regards to these costs. There are too many sad examples of illicit practices linked directly to a lack of transparency in the costs and the mix-up between adoption processes and humanitarian aid. The financial aspect of intercountry adoption has been the focus of an Experts' Group with the Hague Conference on Private international law which has been working on different tools and principles to promote greater transparency and good practices. Now these tools must be implemented and used, one of them being standardised tables on costs which each Hague State Party has been encouraged to fill out. It is also extremely important for States to implement an efficient complaint mechanism to report any wrongdoing, be it on financial matters or any other matter. The work of the Experts' Group has shown, however, that in order to reach our goals we all need to work together, which brings me to my last point:

### **Co-responsibility:**

Under the 1993 Hague Convention, States of origin and receiving States are partners who need to trust and help each other in order to achieve the common aim of effectively protecting these children. Although some of the measures described above can be achieved unilaterally, States need to take a general approach of joint responsibility and joint tackling of these issues. Dialogue is key in order to prevent, unveil and combat illicit practices. One example from the report is to agree on limiting the number of adoptions or the number of accredited bodies working in one country,

by discussing together the needs and realities of specific countries. Achieving full transparency on costs can only be possible if States of origin and receiving States commit to it. When I say co-responsibility I mean not only between countries of origin on one side and receiving countries on the other, but also amongst countries of origin and amongst receiving countries to better coordinate and share information in order to improve our practices or respond to specific crises situations, like the earthquake in Haiti some years back. The last meeting of the Hague Special Commission in 2015, which brought together all States parties to the 1993 Hague Convention, was a unique opportunity for States to discuss the good and bad practices and move together towards the same goal – many States underlined the importance of the co-responsibility principle. Sadly the lack of funding is always a problem for many countries to be able to attend, and to hold such a meeting in more regular intervals. There is no point in having a Convention in place which is not properly implemented, and to achieve this States need to take up joint responsibility in combating any illegal practice. There is no room for competition in the area of adoption, which is and lets never forget it a child protection measure, it's about finding a family for a child, and never the other way around.

Let me summarize again: regulation, transparency and co-responsibility: there are many great examples of good practices in these areas from many States, and the conclusions of the report list all the measures to be taken to further improve the situation – now it's only a matter of taking responsibility and implementing them.

As a conclusion let me say this: Working in the field of international child adoption brings a great sense of joy and fulfillment when you help finding a loving family for a child in need.

But let's not forget that for every success story there are many, many children in need of protection and in danger of abuse. It is our joint responsibility to ensure on the one hand that individual cases of intercountry adoptions are processed in the best interests of the children involved and in compliance with the laws and good practices; and on the other hand it is also our responsibility to look at the bigger picture and assess whether our actions and policies are not creating an enabling environment for illegal activities to thrive – and finally, if that should be the case, it is our responsibility to be doing something about it.

Thank you for your attention.