

**Intervention of Daniela Bacchetta
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Central Authority**

The intercountry adoptions system established by Italian law is grounded on a set of principles which seem to implement in a relevant measure the TDH recommendations. We agree that an official charter of ethical practices can be an instrument which might usefully be adopted.

An instrument which more clearly spells out these principles, constituting a kind of presentation of the receiving country for the benefit of the country of origin, is an important means of clarifying the procedures and the conditions under which the receiving country intends to operate. In particular, the Italian Central Authority agrees on the opportunity to identify, discuss and clearly set down a series of principles governing ethical adoption.

1) Prohibition of independent adoptions. The principle of banning independent adoptions in Italy is now an accepted fact in Italy, and is not a matter of debate. Exceptions to this principle are only possible in specific cases, and are applied very rarely in practice. There were no adoptions of children entering Italy in the period 2005-2007 without the intermediation of an authorised agency.

2) Identical procedures and scrutiny regarding the adoption of children coming from States, whether or not signatories to The Hague Convention, to ascertain that they have been abandoned, and to ensure compliance with the principle of subsidiarity. The criterion adopted by Italian law is that any adoptions that take place outside the system provided by the Convention must be subject to far closer scrutiny in order to verify the respect of the fundamental principles enshrined in the Convention.

3) Cooperation with the countries of origin. In Italy this is done with regard to two aspects: a) making it a specific duty of entities wishing to obtain authorisation to implement child-support projects in the countries in which they intend to operate; b) directly committing the CAI to cooperating by co-financing other projects by the agencies or under specific agreements with the countries of origin, which are considered to be overall areas of intervention by the authorised agencies which submit coordinated projects. Since the beginning of its operations in 2001 the CAI has invested EUR 14,848,800 in cooperation projects. It should be noted that the projects financed by the CAI must meet specifically defined characteristics, in order to exclude the risk of projects placing economic pressure on the country of origin in order to gain a better “offering” of children. For projects must be designed to de-institutionalise children and return them to their own families, or to foster families or adoptive families in their own countries; to support single mothers and young couples; to build sheltered homes to improve the plight of street children; to prevent child mortality or diseases that are typical of certain zones; to reduce school dropout rates. These activities are also designed to implement the principle of double subsidiarity.

If cooperation projects usually have an immediate effect on encouraging intercountry adoptions, however this is an approach which, within a reasonable period of time, can lead to a reduction in intercountry adoptions to the benefit of other solutions to protect children: in other words, a system aiming at ethical intercountry adoption must gradually wind down the number of adoptions, which can be offset by expanding the areas covered by operations and intercountry adoption policies, and a greater sensitivity for the plight of children with special needs.

4) The "ethical" professionalism of authorised agencies. The 1998 law, ratifying and implementing The Hague Convention in Italy, introduced quite rigorous requirements for issuing authorisation to agencies, which the CAI is responsible for granting. Nevertheless, there are still far too many authorised agencies in Italy. Above all, this is creating confusion in the minds of couples wishing to adopt a foreign child, and raises a further difficulty to the CAI in controlling the agencies. The new CAI regulation of 2007 provides two concurrent solutions: 1) drafting new and more rigorous criteria for authorising agencies, and 2) coordinating or merging the agencies. The new criteria are currently being drafted and will affect the "ethical" professionalism of the authorised agencies. The intention is to 1) heighten the professional skills of the agencies, both in Italy and abroad, in assisting couples prior to adoption and in supporting the new families following adoption; 2) ensure the maximum clarity and transparency regarding the procedures, for which specific protocols will have to be presented for submission to the CAI and to couples; 3) ensure the maximum clarity and transparency regarding payments.

With regard to extending authorisation, the Italian system already provides that the authorisation issued by the Central Authority is not general in scope, but country-specific: provision could be made to increase the need for specific projects for activities in countries for which authorisation is requested, specifically analysing the needs and characteristics of abandoned children in every country, and the resultant action to inform, motivate and prepare couples.

6) Fees charged by authorised agencies: they were agreed between CAI and agencies and published in specific fee tables. We agree with the need to ensure compliance with these tables, as suggested in the Study.

We also agree that during the adoption procedure itself the adoptive parents should refrain from making any kind of donation to the agencies or institutions, because this might be deemed a means of eluding the prohibition on paying for adoptions other than with fees paid for the services provided by the agency.

I would like to point out that some Italian agencies have suggested that a ban should be imposed for one year following the completion of the adoption to prevent adoptive parents from contributing to any cooperation and solidarity initiatives being promoted by the agency.

6) We are convinced of the need for open dialogue with the authorities of the countries of origin regarding adoptable children, their features and their needs. Communications are only likely to be useful to the children if the purpose of the dialogue is not adoption itself, but finding appropriate solutions to meet the needs of each child.

This makes it necessary to be willing to share information on the children, and on the prospective adoptive parents. Yet it must be observed that the Central Authority in the country of origin frequently gathers very little information on the child and on the background to its being abandoned, and in most cases it only obtains it late.

7) Ensuring a multidisciplinary composition of the Central Authority is certainly a good solution which will make it possible to take a competent approach to intercountry adoption. In Italy, the multidisciplinary nature of the Central Authority is guaranteed by reference to the Commission, which is made up of representatives of the various agencies and departments involved in the adoption process, chosen on the basis of their specific experience with children, in order to establish linkage and coordination with the department to which they belong as a means of facilitating the performance of the Commission's work. The technical personnel assisting the Commission is also chosen so as to guarantee the presence of expertise in various different disciplines.

8) We also agree with the need for **an ongoing campaign to inform the public, the media and the professionals** regarding the state of adoptable children and the correct approach to adoption, which must be seen as placing oneself at the disposal of these children to meet their needs. For there still persists an unrealistic image of intercountry adoption, and in order to overcome it, it is essential to provide information, down to the minutest details, at all levels.

On this subject I should like to point out that for many years the Italian Commission has been conducting a very thorough process of gathering data on intercountry adoptions, in order to be able to more comprehensively analyse the phenomenon in depth. We now not only have detailed statistics on a country-by-country basis going back to 2001, but we have analysed the data every year in order to be able to identify trends.

In particular, we have examined the backgrounds, age groups, duration of procedures in each country and, since 2006, the figures on the adoption of children with "special needs".

Our analysis of the information taken from the data gathered highlights the fact that children not only have "special needs" (in the sense of serious illnesses and permanent disabilities) but also "*particular needs*", defined generically as "slight and reversible disabilities", which are often caused precisely by their experience of being abandoned. This provides a chance to reflect on aspects of the most immediate relevance to adoption: the particular nature of the needs in relation to the state of children in the countries of origin. As a general rule, some needs can be grouped together by geographic area of origin because of the direct correlation between the way children are abandoned and the needs to which this gives rise.

Moreover, we have considered it necessary to begin recording data on the different ways in which children are abandoned. Gathering the data, but more than anything else, the results of monitoring, provides the operators and anyone else involved with a fact-finding tool of great importance for better identifying and directing 'prevention' and support activities. For the different ways in which a child can be abandoned only reveal "the effect" of what are often complex and dramatic socio-existential situations that can be identified as "causes" of child abandonment. The final report, called "Couples and Children in Intercountry Adoptions" (published six-monthly) can be found on the website of the Commission.

In conclusion, the Italian Central Authority is extremely interested in the TDH initiative and is unreservedly ready to co-operate with other authorities to enhance the levels of professionalism and ethical good practice in intercountry adoptions.