

**Intervention de M. Wolfgang Meincke
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My name is Wolfgang Meincke. I am head of division in the Federal Ministry for Family Affairs, Senior Citizen, Women and Youth. Among other things I'm responsible for the Adoption Placement Act. First I want to thank Terre des Hommes for making this important report and for giving me the opportunity to represent the German statement to this report.

Let me give you some facts and figures.

Germany has a federal structure. That means we have one federal Central Authority and 12 federate Central Authorities. Besides we have 12 accredited bodies that work with different countries of origin. In 2000 we had 6.373 adoptions in all out of them 1.891 alien children and out of them 878 children brought into Germany for adoption. In 2005 we had 4.762 adoptions, 1.453 alien children and 547 brought into Germany for adoption. More than 50% of adoptions are made by relatives of the adopted child. Our rate is one intercountry adoption for 150 inhabitants as the report says. When you compare this with the rates in the other countries (Spain 1:7, France 1:15, Italy 1:20, Norway 1:8, Switzerland 1:22) you realise that intercountry adoption is not such an important question in German politics and in the German society.

Now let me come to some details of the report.

Is a central authority really responsible for all intercountry adoption? If yes, in what way? The central authority can not control every adoption. As far as the adoptions are accompanied by public youth offices or by accredited bodies the CA has its function in controlling the whole work of these organisations.

Who is responsible for verifying that the study of adoptability has been properly carried out in the country of origin? In reality there is no chance to verify this. We must trust in the declaration that the country of origin makes. For example there is a run for adoption from the USA - the biggest receiving country in the world. It is hard to believe that there is no chance to place a young healthy American child. We cannot control how the adoption agency has tried to find parents for this child in the USA. Should we now forbid adoptions from there?

When you say that there is confusion with the role of federated CAs in Germany I must say this is not right. The role is very clear. They are aloud to do adoption intermediaries as the Hague Convention says. Of course they don't have local partners in the countries of origin. So they work together with the CAs of the country of origin. And I must say that I prefer an adoption accompanied by a federate CA than having a private adoption. The adoption intermediary is the duty of the CA. Article 22 says that these functions may be performed by public authorities or accredited bodies. So we work in the framework of the convention. Our federate CAs only carry out the intermediary when there is no accredited body working with the wanted country of origin. If the country is not member of the convention the CA will deny intermediary because it has no partner CA to work with.

Let me explain why private adoption is not prohibited in Germany. Before ratifying the convention, this question was intensively discussed in Germany. The reason not to prohibit private adoption was that there were couples who for example worked in some foreign country

or had other connections to this country that was not member of the convention. And there was no accredited body working with this country. So there was nobody who could accompany an adoption. We didn't want to have an exclusion of these countries. So we didn't prohibit private adoptions. I must confess that we didn't see the risks of private adoptions in those days in 2001. Now the discussion has started again and we will see what we can do.

It is right that public authorities don't have partners in the lands of origin. But German regulations say that they are only allowed to work together with public authorities in the countries of origin. In so far it's unfair to write in the report that adoptions conducted through public bodies seem comparable to adoptions considered as private.

I do agree that there are risks in private adoptions especially if no public authority is involved. If a social study is made by a public authority as the German youth office, it is guaranteed that the prospective adoption parents are prepared for adoption and know what the special skills of intercountry adoptions are. But there are several countries of origin that do not ask for a social study at all. So the couple goes to this country, gets a child by the decision of a court and brings this child with them back to Germany. These people do not know what the special risks are and these adoptions lead to very big problems when the child is growing up. We know these problems and we will try to solve them.

Bilateral agreements. Some years ago Vietnam was the most important country of origin for Germany. 177 children came from there in 2001. Then Vietnam made a new adoption law that demands a bilateral agreement. All adoptions stopped. Now we talk about such an agreement and I do hope that we can ratify in a few months. Only two questions are still open. This agreement takes over the regulations of the Hague Convention and only allows adoptions accompanied by accredited bodies. I think that under these circumstances an agreement should be accepted.

One word to the collaboration of the CA with foreign countries. If an accredited body wants to work together with a country of origin it needs the permission of a federate central authority. Before that we write a letter to the responsible authority in the country and ask a lot of questions about the adoption and the procedure in that country. Only when we are satisfied by the answers the accredited body will get the permission to work with this country. And it doesn't matter if this country is member of the convention or not.

If an accredited body does not meet the requirements accreditation will be withdrawn. They have to make a report every year about the work they have done, especially about the numbers of adoption, their connections to countries of origin and last not least about the financial situation and the cost of adoption in the various countries. Till now we had only one single case where we had to withdraw the accreditation.

The last point is the competition of accredited bodies in the countries of origin. First of all: We have 12 accredited bodies. There is not much competition. And if three or four of them are working in the same country: What does this mean in a country like Russia or Brazil?

I think that we have a good system to handle intercountry adoption and we shall take care that this will be the case also in the future.