

[ENGLISH TEXT — TEXTE ANGLAIS]

CO-OPERATION AGREEMENT BETWEEN THE MINISTER FOR HEALTH
AND CHILDREN OF IRELAND AND THE ROMANIAN COMMITTEE
FOR ADOPTIONS

Article 1

This Agreement is concluded between:

a. The Romanian Committee for Adoptions - the Romanian Central Authority designated to carry out the obligations stipulated by the Hague Convention for the Protection of Children and Co-operation in Respect of Inter country Adoption, drawn up in the Hague on the 29hMay 1993, represented by Mr. Cristian Tabacaru, State Secretary, as Chairman of the Committee;

b. The Minister for Health and Children of Ireland The Irish Adoption Board (An Bord Uchtala) will act as agent to the Minister for Health and Children in association with the health boards in processing applications from prospective adopters. The Irish Adoption Board will only forward applications for the adoption of Romanian children on behalf of persons resident in Ireland who, in accordance with Irish law, have been assessed by a health board or registered adoption society and in whose favour the Irish Adoption Board has made a declaration of eligibility and suitability to adopt.

The Romanian Committee for Adoptions will only accept applications for the adoption of Romanian children from persons, including Romanian citizens, who have been ordinarily resident in Ireland for one year which are sent to it by the Adoption Board.

Each of the health boards will act in association with the Adoption Board as agents for the Minister in carrying out the follow-up reports on the child's post adoption care as required by the provisions of Art. 9(2) of this Agreement and these reports will be submitted to the Adoption Board for transmission to Romania.

The health boards, which have statutory responsibility in Irish law for protecting the welfare of children who are not receiving adequate care and protection, will act as agents for the Minister for Health in Ireland with regard to the implementation of the provisions of Art. 10(1) of this Agreement.

Article 2

(1)The object of this Agreement is to establish a system of co-operation between the two parties hereof to protect the rights and safeguard the interests of children in respect of adoption, in accordance with the principles and standards stipulated by the UN Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989.

(2) The co-operation between the two parties has the following objectives:

a) to provide guarantees that the adoption of the child who falls under the jurisdiction of one of the two countries whose authorities are parties hereof, by a couple or a person un-

der the jurisdiction of the other country is carried out for the child's best interest and with a view to defending the child's fundamental rights, so that the legislations of the two countries are duly complied with;

b) to ensure that the adoption in a) is recognised in the two countries whose authorities are parties hereof,

c) to prevent the abduction, sale or trafficking of children.

(3) The parties hereof act with a view to promoting co-operation between the authorities of the two countries and directly take all the necessary steps in order to:

a) provide to each other information on the respective country's adoption legislation and other general information, such as statistics reports, follow-up reports and typed forms;

b) remove all obstacles which may hinder the implementation of this Agreement.

Article 3

The parties hereof shall take, directly or with the support of other public authorities in the respective countries, all the necessary steps for the prevention and hindering of any illicit material gains in connection with adoption.

Article 4

The parties hereof shall take, directly or with the support of other public authorities in the respective countries, all the necessary steps with a view to:

a) collecting, monitoring and making an exchange of information regarding the situation of adoptable children and of the future adoptive parents, to the extent necessary to complete the adoption process.

b) facilitating and monitoring the adoption procedure-

c) promoting in the respective countries the development of guidance services for those who wish to adopt and for the monitoring of the child's post-adoption evolution;

d) exchanging assessment reports on inter country adoption;

e) to the extent permitted by the respective country's legislation, responding to enquiries from public authorities for information concerning particular adoptions.

Article 5

The adoption referred to in Art. 2.(2) a) can be completed only if the parties hereof

a) have made sure that future adoptive parents are suitable to adopt, in accordance with their national legislation;

b) have made sure that there are guarantees that the child to be adopted may enter and live permanently on the territory of the other country in the case of adoption being granted and have provided for adoption follow-up.

Article 6

A person or persons who fall under the jurisdiction of a country whose authority is a party hereof and who wish to adopt a child under the jurisdiction of the other country whose authority is a party hereof shall apply to the appropriate authority in their own country.

Article 7

(1) If the party that has received an application for adoption under Article 6 deems that the applicants are suitable to adopt, it draws up a report containing information on their identity, legal capacity and qualities for adoption, their personal, family and medical background, the social background, reasons for adoption and on the type of children which they have been approved to adopt.

(2) The report is submitted to the other party of the Agreement, together with the adoption application and the other documents in compliance with the law of the country where the adoption is to be granted. The documentation will be translated in the country where the adoption is to be granted and the costs of translation will be borne by the applicant.

Article 8

(1) In the event of adoption completion, the party in the country where adoption has been granted shall immediately inform the other party and submit to it an authenticated copy of the final adoption decree.

(2) The parties hereof shall take all the necessary steps so that the child is granted authorisation to leave the country of origin, as well as authorisation to enter the country of adoption and live permanently on the territory of that country.

Article 9

(1) The party in the country where the child will live after the completion of the adoption shall submit to the other party follow-up reports containing detailed information on the child's post-adoption evolution.

(2) Reports shall be sent every three months for a period of at least two years from the date of entry of the child into the country where he/she will reside after completion of the adoption process. Reports shall be written in French or English.

Article 10

(1) Should the party in the country on whose territory the child resides after adoption deem that the child's stay with the adoptive family no longer serves the child's best interest, the respective party shall take all the necessary steps in order to offer the children the same protection as to any other child temporarily or totally deprived of this family environment, in accordance with the principles stated in the UN Convention on the Rights of the Child and the respective country's legislation

(2) Taking especially into account the child's age, level of maturity and discernment capacity, the child shall be consulted and, if necessary, his consent shall be obtained as to the steps to be taken in accordance with this Article.

Article 11

(1) Either of the parties hereof may transfer the accomplishment of the prerogatives in accordance with Arts. 4, 5, 6, 7 and 9 of this Agreement to a private authorised institution, in accordance with the respective country's legislation.

(2) The private institution referred to in (1) shall be licensed by the party which transfers the prerogatives. Only those private institutions which show a capacity to correctly carry out the prerogatives conferred on them may be authorised and they must comply with the following conditions:

- a) they are duly constituted legal persons in the respective country;
- b) they pursue non-profit objectives within the limits and requirements set by the legislation of the country where they are to be licensed;
- c) they are headed and managed by persons whose moral integrity, professional skills or experience qualify them to act in order to protect the rights and safeguard the interest of children in respect of adoption.
- d) they are monitored by the competent authorities of the country where they have their head office, as to their structure, activity and financial situation.

Article 12

A private institution licensed by one of the parties hereof may not carry on activities on the territory of the other country unless authorised by the respective party.

Article 13

The parties hereof bind themselves to permanently exercise control over the activity of those private institutions to which they have granted prerogatives, ensuring that their activities correspond to the principles and standards stated in this Agreement.

Article 14

- (1) The Agreement is concluded for an unlimited period of time.
- (2) Unilateral termination of this Agreement is allowed only in the event of one party's not complying with the obligation undertaken. Unilateral termination of the Agreement is effective in 30 days from its notification to the other party hereof.
- (3) Termination of this Agreement is possible through the parties' mutual agreement.
- (4) Termination of this Agreement shall have no retrospective consequences.
- (5) Alterations of this Agreement can be made only through the parties' mutual agreement.

Article 15

Any difficulties in connection with the working of the Agreement shall be resolved through diplomatic channels, in accordance with the principles and standards stipulated by international law.

Article 16

This Agreement acquires legal force on the date of its signing by the representatives hereof.

This Agreement was executed in two original copies, each one in the Romanian language and in the English language, both copies with the same legal force.

Whereby the representatives of the parties empowered to conclude this Agreement have signed and sealed each page of the original copies.

For The Romanian Committee for Adoptions:

CRISTIAN LIVIU TABACARU
Chairman

For The Minister for Health and Children of Ireland:

FRANK FAHEY TD
Minister of State