

Joint declaration on intercountry adoption

The signatories of this joint declaration

Recognising that the higher interests of the child must always take precedence over any other consideration;

Taking account of the international instruments relating to national and intercountry adoption, in particular:

- the United Nations Convention on the Rights of the Child, 20 November 1989;
- the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, 29 May 1993
- the European Convention on the Adoption of Children, 24 April 1967

Having regard also to the link between intercountry adoption and the specific provisions designed to protect the interests of the child in the following instruments:

- the European Convention on Human Rights;
- the European Convention on Nationality, 6 November 1997;
- the Council of Europe Convention on Action against Trafficking in Human Beings, 16 May 2005;

Noting that, regrettably, the amalgamation of policy on intercountry adoption and child trafficking has had the perverse effect of penalising abandoned and orphaned children, who are placed in institutions or foster care and thus deprived of adoptive parents and their right to a family;

Bearing in mind that the restrictions on intercountry adoption, or even prohibition by law, in certain European countries have not led to the anticipated reduction in child trafficking and that sometimes the effect has been found to be the opposite in national adoptions that were not supported by adequate measures and structures;

Emphasising that, according to the Hague Convention, the aim should be to keep the child in the care of its original family and intercountry adoption is to be considered whenever no alternative solution is available nationally;

ACCORDINGLY

1. Encourage States that have introduced legislation restricting or prohibiting intercountry adoption, to the detriment of the higher interests of the child, to review and/or amend their child protection procedures and to consider ways of gradually reintroducing intercountry adoption authorisations with the aid of the competent international authorities.
2. Encourage States that are Members of the European Union and/or the Council of Europe, firstly, to assess the obstacles encountered in national and intercountry adoption procedures and, secondly, to evaluate the effects on child development of keeping children in institutions or foster care.
3. Urges States to work together in seeking the solutions that are most appropriate for abandoned or orphaned children and capable of providing reliable guarantees for their legitimate right to a family, whilst promoting international cooperation on these cases to ensure that the system is not abused.

Supprimé : 1¶

Mis en forme : Police :Gras,
Soulignement

4. Calls upon States to respond to the psychological distress of all their abandoned and orphaned children and asks that consideration be given at European level to establishing a European adoption procedure based on the exchange of good practice between States:

- * by requiring that all children be registered as soon as they are born;
- * by encouraging adoption in another European country where there is no national solution;
- * by reducing the time taken to examine cases of international adoption between European States;
- * by facilitating the transmission of information from the host country to the country of origin after adoption, respecting the right of the child to know its origins.

This declaration, with the names of its signatories, is to be forwarded to the European Ministers for Justice and the Family, members of the European Union and/or the Council of Europe, and European children's ombudsmen.

Supprimé : 1¶

Mis en forme : Police :Gras,
Soulignement