



DIRECTORATE GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



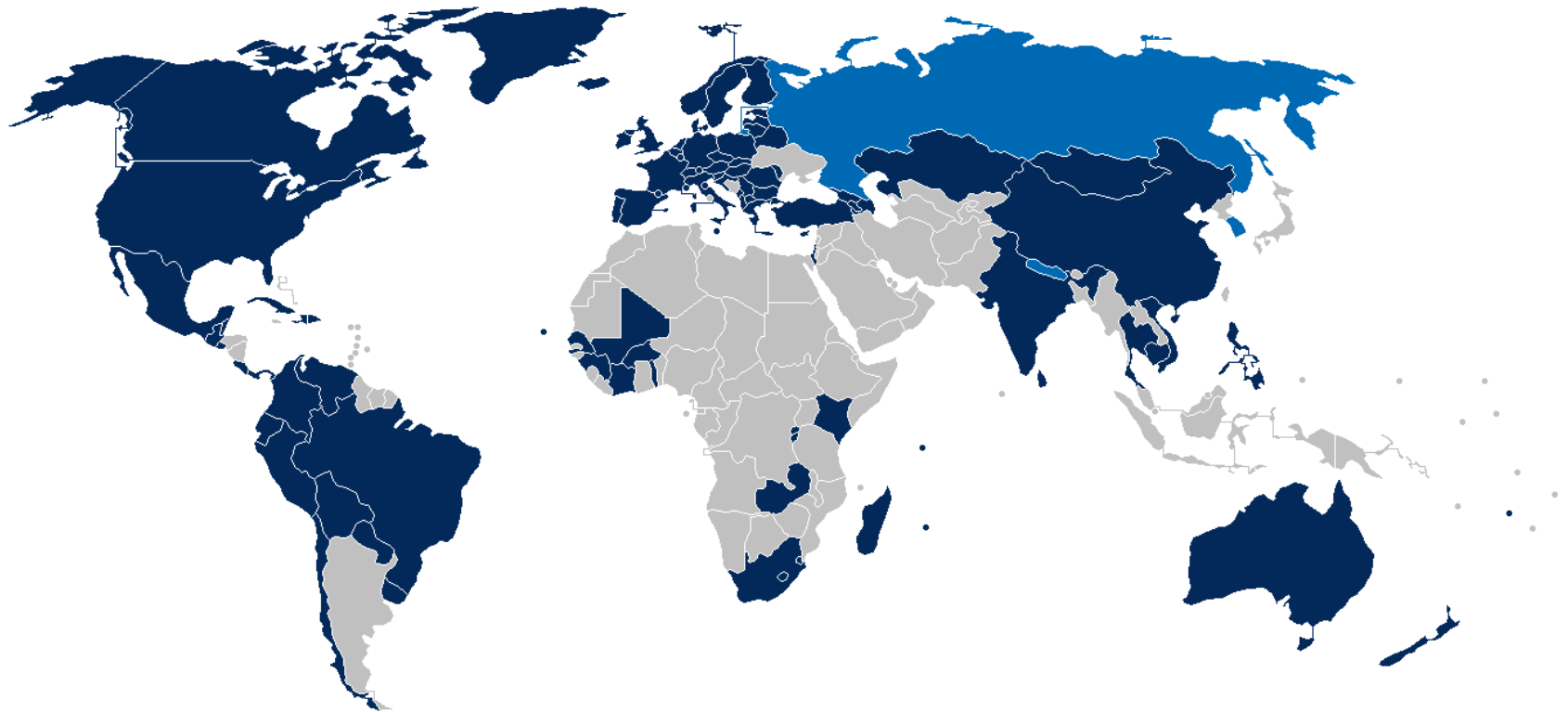
LEGAL AFFAIRS

Recognition of intercountry
adoptions - practical
operation of the 1993
Hague Convention

The 1993 Hague Convention

- Scope: international adoptions
 - Different habitual residence of the child and prospective adoptive family
- Objectives
 - Minimum standards
 - Preventing abuses
 - Co-operation
 - Automatic recognition

95 States parties to the Convention



Automatic recognition

- Based upon the adoption being granted in accordance with the Convention
- No need for a procedure of:
 - Recognition
 - Enforcement
 - Registration
 - Re-Adoption
- Model form certificate

Effects of recognition

- Recognition of:
 - The parent-child relationship
 - The parental responsibility
 - The termination of pre-existing legal relationship (for full adoptions)
- Refusal of recognition
 - Only if manifestly contrary to public policy
 - Only if serious breach

Advantages

- Major success of the Convention
 - Clear improvement
 - Greater safeguards
 - More easy relocation
- A single procedure
- Faster, simple, low-cost
- Certainty

Challenges and recommendations

- Challenges
 - Quality of certificate
 - Additional procedures in a few States
- Recommendations to overcome challenges
 - Using model form
 - No additional procedures

Recognition of intercountry adoptions

- Under the Convention
 - More and more common
- Outside the Convention
 - Encourage States to join the Convention
 - Technical Assistance

Recognition of domestic adoptions

- Problem as no automatic recognition
- This is a global problem: therefore there is a need for a global solution
- Sources of inspiration:
 - 1993 Hague Convention
 - 1965 Hague Convention

Presentation by

Laura Martínez-Mora, Principal Legal Officer
Hague Conference on Private International Law



Policy Department Citizens' Rights and Constitutional Affairs
Responsible Administrator: Céline Chateau

poldep-citizens@europarl.europa.eu