

Implementation of the Hague Convention on protection of children and co-operation in respect of intercountry adoption

In June 1998 the Commission published its report on [*Implementation of the Hague Convention on protection of children and co-operation in respect of intercountry adoption \(LRC 58-1998\)*](#) which follows the Commission's consultation paper on [*Implementation of the Hague Convention on protection of children and co-operation in respect of intercountry adoption \(LRC CP 11-1997\)*](#) and forms part of its First Programme of Law Reform.

Following Ireland's signature of the Hague Convention on Intercountry Adoption, 1993, on 29 May 1993, the Department of Health strategy document, "Shaping a Healthier Future" stated a commitment to the introduction of changes in adoption law and procedure, to bring the applicable legislation into line with the Convention. This Report proceeds on the premise that the Hague Convention on Intercountry Adoption is to be ratified and implemented in Irish law. The aim of the recommendations contained in this Report is to ensure that the Convention is implemented effectively and carefully, and that implementing measures guarantee the highest possible standards and efficiency of procedures, to the benefit of children affected by it.

Chapter 2 examines the implementing measure taken by a number of other states which have ratified the Convention or intend to do so. Part II of the Report (Chapters 3,4 and 5) deal with implementing measures to be taken by Ireland in relation to the enforcement of Convention standards, the administration of Convention procedures, and the recognition of adoptions effected abroad , under the Convention.

The Report makes 34 recommendations including that:

1. The key elements of implementation should be set out in an implementing act, but that much of the detail of the Convention's implementation should be set out in regulations.
2. Where Ireland is the State of origin in a Convention adoption, the same criteria of adoptability should be applied to children who are entrusted to prospective adoptive parents for adoption outside the jurisdiction, as are applied to children in domestic adoptions.
3. As a general principle, where Ireland is the receiving State, the determination of the child's eligibility for adoption made by the competent authorities of the State of origin under Article 4.a should be accepted by the Irish authorities. This would apply where the Adoption Board makes an adoption order, as well as where the adoption takes place abroad. The Irish authorities should not, as a general principle, object to the adoption proceeding, under Article 17.c. on the sole ground that the child is not eligible for adoption under Irish domestic law.

Draft Legislation in Report

Not applicable.

Information on Implementation

Recommendations of the Commission were implemented by the *Adoption Act 2010*.