

Intercountry adoption

Abstract

The theme of this masters thesis is legal regulation of intercountry adoption. This area of law is current and very severe, because it results in permanent status change for number of people, when one of them is a child, for which it is necessary to provide special protection. Although intercountry adoption can be in certain cases the best solution for particular child, this type of child care brings many risks, for example intercountry abduction or child trafficking.

Due to these reasons, it is necessary to correctly to set rules for realisation of intercountry adoption to minimalise these risks, follow the best interest of the child and at the same time to apply this type of child care in a subsidiary way, therefore in case there is not possible to find appropriate family for certain child in its state of origin.

The goal of my masters thesis is complex introduction of legal matters of intercountry adoption.

The thesis is divided into five chapters, which are further divided into subsections. The first chapter focuses on development of adoption in general, its development from roman law roots to its current regulation in the civil code.

Next chapter aims to the historical development of the intercountry adoption and causes for its expansion. Further there are analysed essential principles of intercountry adoption and explanation of certain terms linked to the intercountry adoption.

Third chapter deals with particular international conventions, which refer to adoption in general or strictly to the intercountry adoption. These conventions are The Hague convention on intercountry adoption, The United Nations Convention on the Rights of the Child and The European Convention on the Adoption of Children. This chapter also describes national legislation, which is essential to due realisation of the intercountry adoption.

Fourth chapter describes the process of intercountry adoption, adressing to the role of the Office for International Legal Protection of Children, as the central authority for realisation of the intercountry adoption.

The last chapter shows concrete results of the intercountry adoption in the Czech Republic and comparison to the results in chosen other countries and finally analysis of potencial risks and negative impact of the intercountry adoption.