

Intercountry adoption

Abstract

Intercountry adoption is a global phenomenon. The countries of origin, children adopted abroad mostly come from, have a lot in common. Intercountry adoption comes about only if the child cannot be adopted in the country of origin because of the principle of subsidiarity. That is why it is important to consider, which conditions cause impossibility of domestic adoption and try to eliminate these conditions, as well as conditions causing leaving a child. It is a fight against poverty, drug addiction, alcoholism, insufficient funding of social and legal care of children or racism, like in the Czech Republic, where mostly children of Roma ethnics, whom Czech applicants for adoption do not want to adopt, are adopted abroad. The countries of origin have these social conditions (and others) in common. High number of children adopted abroad is a sign of a certain dysfunctions in the society.

In the Czech Republic, Office for Legal Protection of Children with its registered office in Brno is a central body arranging intercountry adoption within the meaning of Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Intercountry adoption means a possibility of growing up in a family to a child, so the cooperation of international community in this area is obviously beneficial. In the same time, it is necessary to aim for improvement of situation for children within domestic legislation and practice of social and legal protection of children.

Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption determines legal standards for intercountry adoption arrangements, but the very practice of arrangements between individual contractual states has its specifics. The Czech Republic ranks among the states, in which the terms of adoption arrangements for applicants from abroad are set more strictly than it is on the international level. Ensuring of the best interest of the adopted child is pursued this way.

There are risks for a child both in the frame of intercountry adoption arrangements according to Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and besides that. Child trafficking, kidnapping and selling of children are crimes, which are integral to cross-border relocation of a child for the purpose of adoption. States therefore should take very strict measures directed against these crimes, comprising also consistent public awareness, which is insufficient in this area. Unfortunately, it has to be said, that we have a lot to catch up in this area.

Intercountry-child-adoption