



**ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ**  
**ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ**  
**Αρ. 2937 της 23ης ΔΕΚΕΜΒΡΙΟΥ 1994**  
**ΝΟΜΟΘΕΣΙΑ**

**ΜΕΡΟΣ ΙΙΙ**

**Ο περί της Σύμβασης για την Προστασία των Παιδιών και για τη Συνεργασία αναφορικά με Διακρατική Υιοθεσία (Κυρωτικός) Νόμος του 1994 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.**

Αριθμός 26(III) του 1994

**ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΒΑΣΗ ΓΙΑ ΤΗΝ ΠΡΟΣΤΑΣΙΑ ΤΩΝ ΠΑΙΔΙΩΝ  
ΚΑΙ ΓΙΑ ΤΗ ΣΥΝΕΡΓΑΣΙΑ ΑΝΑΦΟΡΙΚΑ ΜΕ ΔΙΑΚΡΑΤΙΚΗ ΥΙΟΘΕΣΙΑ**

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Σύμβασης για την Προστασία των Παιδιών και για τη Συνεργασία αναφορικά με Διακρατική Υιοθεσία (Κυρωτικός) Νόμος του 1994. Συνοπτικός  
τίτλος

2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια. Ερμηνεία

“Σύμβαση” σημαίνει τη Σύμβαση για την Προστασία των Παιδιών και για τη Συνεργασία αναφορικά με Διακρατική Υιοθεσία, της οποίας το κείμενο στο αγγλικό πρωτότυπο εκτίθεται στο Μέρος Ι του Πίνακα και σε μετάφραση στα ελληνικά στο Μέρος ΙΙ του Πίνακα. Πίνακας  
Μέρος Ι  
Μέρος ΙΙ

Νοείται ότι σε περίπτωση αντίθεσης μεταξύ των δύο κειμένων, υπερισχύει το κείμενο που περιέχεται στο Μέρος Ι του Πίνακα.

3. Η Σύμβαση της οποίας η υπογραφή από την Κυπριακή Κυβέρνηση έχει αποφασιστεί με την Απόφαση του Υπουργικού Συμβουλίου με αρ. 40.724 και ημερομηνία 16 Μαρτίου 1994 κυρώνεται με τον παρόντα Νόμο. Κύρωση  
Σύμβασης

4. Σύμφωνα με το άρθρο 6 της Σύμβασης, το Υπουργείο Εργασίας και Κοινωνικών Ασφαλίσεων ορίζεται ως Κεντρική Αρχή για την Κυπριακή Δημοκρατία για να ασκεί όλες τις εξουσίες και αρμοδιότητες που προβλέπονται από τη Σύμβαση για τέτοια Αρχή. Ορισμός  
Κεντρικής  
Αρχής

ΠΙΝΑΚΑΣ  
(Άρθρο 3)

ΜΕΡΟΣ Ι

Convention on Protection of Children and  
Co-operation in respect of Intercountry Adoption

The States signatory to the present Convention,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Recalling that each State should take, as a matter of priority, appropriate measures to enable the child to remain in the care of his or her family of origin,

Recognizing that intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin,

Convinced of the necessity to take measures to ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children,

Desiring to establish common provisions to this effect, taking into account the principles set forth in international instruments, in particular the United Nations Convention on the Rights of the Child, of 20 November 1989, and the United Nations Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (General Assembly Resolution 41/85, of 3 December 1986),

Have agreed upon the following provisions —

CHAPTER I — SCOPE OF THE CONVENTION

Article 1

The objects of the present Convention are —

- a* to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law;
- b* to establish a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children;
- c* to secure the recognition in Contracting States of adoptions made in accordance with the Convention.

## Article 2

1 The Convention shall apply where a child habitually resident in one Contracting State ("the State of origin") has been, is being, or is to be moved to another Contracting State ("the receiving State") either after his or her adoption in the State of origin by spouses or a person habitually resident in the receiving State, or for the purposes of such an adoption in the receiving State or in the State of origin.

2 The Convention covers only adoptions which create a permanent parent-child relationship.

## Article 3

The Convention ceases to apply if the agreements mentioned in Article 17, subparagraph *c* have not been given before the child attains the age of eighteen years.

## CHAPTER II - REQUIREMENTS FOR INTERCOUNTRY ADOPTIONS

## Article 4

An adoption within the scope of the Convention shall take place only if the competent authorities of the State of origin —

- a* have established that the child is adoptable;
- b* have determined, after possibilities for placement of the child within the State of origin have been given due consideration, that an intercountry adoption is in the child's best interests;
- c* have ensured that
  - (1) the persons, institutions and authorities whose consent is necessary for adoption, have been counselled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin,
  - (2) such persons, institutions and authorities have given their consent freely, in the required legal form, and expressed or evidenced in writing,
  - (3) the consents have not been induced by payment or compensation of any kind and have not been withdrawn, and
  - (4) the consent of the mother, where required, has been given only after the birth of the child; and

- d* have ensured, having regard to the age and degree of maturity of the child, that
- (1) he or she has been counselled and duly informed of the effects of the adoption and of his or her consent to the adoption, where such consent is required,
  - (2) consideration has been given to the child's wishes and opinions,
  - (3) the child's consent to the adoption, where such consent is required, has been given freely, in the required legal form, and expressed or evidenced in writing, and
  - (4) such consent has not been induced by payment or compensation of any kind.

Article 5

An adoption within the scope of the Convention shall take place only if the competent authorities of the receiving State -

- a* have determined that the prospective adoptive parents are eligible and suited to adopt;
- b* have ensured that the prospective adoptive parents have been counselled as may be necessary; and
- c* have determined that the child is or will be authorized to enter and reside permanently in that State.

CHAPTER III - CENTRAL AUTHORITIES AND ACCREDITED BODIES

Article 6

- 1 A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.
- 2 Federal States, States with more than one system of law or States having autonomous territorial units shall be free to appoint more than one Central Authority and to specify the territorial or personal extent of their functions. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which any communication may be addressed for transmission to the appropriate Central Authority within that State.

Article 7

- 1 Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their States to protect children and to achieve the other objects of the Convention.
- 2 They shall take directly all appropriate measures to -
  - a* provide information as to the laws of their States concerning adoption and other general information, such as statistics and standard forms;

*b* keep one another informed about the operation of the Convention and, as far as possible, eliminate any obstacles to its application.

Article 8

Central Authorities shall take, directly or through public authorities, all appropriate measures to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of the Convention.

Article 9

Central Authorities shall take, directly or through public authorities or other bodies duly accredited in their State, all appropriate measures, in particular to —

*a* collect, preserve and exchange information about the situation of the child and the prospective adoptive parents, so far as is necessary to complete the adoption;

*b* facilitate, follow and expedite proceedings with a view to obtaining the adoption;

*c* promote the development of adoption counselling and post-adoption services in their States;

*d* provide each other with general evaluation reports about experience with intercountry adoption;

*e* reply, in so far as is permitted by the law of their State, to justified requests from other Central Authorities or public authorities for information about a particular adoption situation.

Article 10

Accreditation shall only be granted to and maintained by bodies demonstrating their competence to carry out properly the tasks with which they may be entrusted.

Article 11

An accredited body shall —

*a* pursue only non-profit objectives according to such conditions and within such limits as may be established by the competent authorities of the State of accreditation;

*b* be directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of intercountry adoption; and

*c* be subject to supervision by competent authorities of that State as to its composition, operation and financial situation.