

No. 9067

COUNCIL OF EUROPE

**European Convention on the adoption of children. Done
at Strasbourg, on 24 April 1967**

Official texts : English and French.

Registered by the Council of Europe on 24 April 1968.

CONSEIL DE L'EUROPE

**Convention européenne en matière d'adoption des enfants.
Faite à Strasbourg, le 24 avril 1967**

Textes officiels anglais et français.

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No. 9067. EUROPEAN CONVENTION ¹ ON THE ADOPTION
OF CHILDREN. DONE AT STRASBOURG, ON 24 APRIL
1967

PREAMBLE

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members for the purpose, among others, of facilitating their social progress ;

Considering that, although the institution of the adoption of children exists in all member countries of the Council of Europe, there are in those countries differing views as to the principles which should govern adoption and differences in the procedure for effecting, and the legal consequences of, adoption ; and

Considering that the acceptance of common principles and practices with respect to the adoption of children would help to reduce the difficulties caused by those differences and at the same time promote the welfare of children who are adopted,

Have agreed as follows :

PART I

UNDERTAKINGS AND FIELD OF APPLICATION

Article 1

Each Contracting Party undertakes to ensure the conformity of its law with the provisions of Part II of this Convention and to notify the Secretary General of the Council of Europe of the measures taken for that purpose.

¹ Came into force on 26 April 1968, i.e., three months after the date of deposit of the third instrument of ratification, in accordance with article 21 (2) with respect to the following States, on whose behalf instruments of ratification were deposited with the Secretary-General of the Council of Europe on the dates indicated below :

<i>State</i>	<i>Date of deposit</i>
Malta	22 September 1967
United Kingdom of Great Britain and Northern Ireland	21 December 1967
Ireland	25 January 1968
(With notification made under article 2 that Ireland gives effect to the provisions set out in Part III of the Convention.)	

Article 2

Each Contracting Party undertakes to give consideration to the provisions set out in Part III of this Convention, and if it gives effect, or if, having given effect, it ceases to give effect to any of these provisions, it shall notify the Secretary General of the Council of Europe.

Article 3

This Convention applies only to legal adoption of a child who, at the time when the adopter applies to adopt him, has not attained the age of 18, is not and has not been married, and is not deemed in law to have come of age.

PART II

ESSENTIAL PROVISIONS

Article 4

An adoption shall be valid only if it is granted by a judicial or administrative authority (hereinafter referred to as "the competent authority").

Article 5

1. Subject to paragraphs 2 to 4 of this Article, an adoption shall not be granted unless at least the following consents to the adoption have been given and not withdrawn :

- (a) the consent of the mother and, where the child is legitimate, the father ; or if there is neither father nor mother to consent, the consent of any person or body who may be entitled in their place to exercise their parental rights in that respect ;
- (b) the consent of the spouse of the adopter.

2. The competent authority shall not :

- (a) dispense with the consent of any person mentioned in paragraph 1 of this Article, or
- (b) overrule the refusal to consent of any person or body mentioned in the said paragraph 1,

save on exceptional grounds determined by law.

3. If the father or mother is deprived of his or her parental rights in respect of the child, or at least of the right to consent to an adoption, the law may provide that it shall not be necessary to obtain his or her consent.

4. A mother's consent to the adoption of her child shall not be accepted unless it is given at such time after the birth of the child, not being less than six weeks, as may be prescribed by law, or, if no such time has been prescribed, at such time as, in the opinion of the competent authority, will have enabled her to recover sufficiently from the effects of giving birth to the child.

5. For the purposes of this Article "father" and "mother" mean the persons who are according to law the parents of the child.

Article 6

1. The law shall not permit a child to be adopted except by either two persons married to each other, whether they adopt simultaneously or successively, or by one person.

2. The law shall not permit a child to be again adopted save in one or more of the following circumstances :

- (a) where the child is adopted by the spouse of the adopter ;
- (b) where the former adopter has died ;
- (c) where the former adoption has been annulled ;
- (d) where the former adoption has come to an end.

Article 7

1. A child may be adopted only if the adopter has attained the minimum age prescribed for the purpose, this age being neither less than 21 nor more than 35 years.

2. The law may, however, permit the requirement as to the minimum age to be waived :

- (a) when the adopter is the child's father or mother, or
- (b) by reason of exceptional circumstances.

Article 8

1. The competent authority shall not grant an adoption unless it is satisfied that the adoption will be in the interest of the child.

2. In each case the competent authority shall pay particular attention to the importance of the adoption providing the child with a stable and harmonious home.

3. As a general rule, the competent authority shall not be satisfied as aforesaid if the difference in age between the adopter and the child is less than the normal difference in age between parents and their children.

Article 9

1. The competent authority shall not grant an adoption until appropriate enquiries have been made concerning the adopter, the child and his family.
2. The enquiries, to the extent appropriate in each case, shall concern, *inter alia*, the following matters :
 - (a) the personality, health and means of the adopter, particulars of his home and household and his ability to bring up the child ;
 - (b) why the adopter wishes to adopt the child ;
 - (c) where only one of two spouses of the same marriage applies to adopt a child, why the other spouse does not join in the application ;
 - (d) the mutual suitability of the child and the adopter, and the length of time that the child has been in his care and possession ;
 - (e) the personality and health of the child, and subject to any limitations imposed by law, his antecedents ;
 - (f) the views of the child with respect to the proposed adoption ;
 - (g) the religious persuasion, if any, of the adopter and of the child.
3. These enquiries shall be entrusted to a person or body recognised for that purpose by law or by a judicial or administrative body. They shall, as far as practicable, be made by social workers who are qualified in this field as a result of either their training or their experience.
4. The provisions of this Article shall not affect the power or duty of the competent authority to obtain any information or evidence, whether or not within the scope of these enquiries, which it considers likely to be of assistance.

Article 10

1. Adoption confers on the adopter in respect of the adopted person the rights and obligations of every kind that a father or mother has in respect of a child born in lawful wedlock.

Adoption confers on the adopted person in respect of the adopter the rights and obligations of every kind that a child born in lawful wedlock has in respect of his father or mother.

2. When the rights and obligations referred to in paragraph 1 of this Article are created, any rights and obligations of the same kind existing between the adopted person and his father or mother or any other person or body shall cease to exist. Nevertheless, the law may provide that the spouse of the adopter retains his rights and obligations in respect of the adopted person if the latter is his legitimate, illegitimate or adopted child.