



Second Study Commission
Civil law and procedure

Meeting in Crans-Montana (Switzerland), 16 - 19 September 1991

Conclusions

THE PROCEDURE FOR ADOPTION

1. Adoption which has the function of giving a new natural family is generally recognised in law in most legal systems represented at this congress.
2. All countries should ensure that the best interests of the child should be the basic principle of adoption and that restraints on who may be adopted should be kept to a minimum.
The adoption order must concern itself above all with the interests of the child while perceiving the respective rights of the adoptive and natural parents. The interests of the child must come first in case of conflict.
All countries should ensure that there should be complete equality of status and legal rights between adopted children and the natural children of adoptive parents. Those countries which have two forms of adoption should ensure that at least one provides for this equality.
The maintenance of rights against the natural family which exists in certain legal systems is not in principle against the interests of the child.
3. It is desirable that legislators simplify and abbreviate the procedures while safeguarding effective controls on the capacity of adoptive parents in the best interests of the child.
4. There are differences between countries on the matter of the entitlement of adopted children to ascertain the identity of natural parents. There should be a basic right to an adopted child to ascertain the identity of his natural parents, but consideration should be given to whether there should be some restriction to this right.