

**Does Germany ensure the best interests of
the child regarding intercountry adoptions?**

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2009/2010

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Abstract:

The thesis answers the question whether Germany as a receiving State ensures the best interests of the child regarding intercountry adoptions. Usually the intercountry adoption practices of States of origin are subject to scrutiny, but receiving States also have a certain responsibility to ensure that intercountry adoptions take place in the best interests of the child. Although the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption has established important safeguards, as well as an internal and external co-operative system and essential principles, there is still concern about the number of practices which do not respect the child's best interests, within which child trafficking is the most alarming. The protection of the child's best interests is based on two pillars: the Hague Convention itself and its implementation within the German intercountry adoption system. The thesis firstly analyses whether the Hague Convention constitutes a clear and definite legal framework which is the prerequisite for proper implementation, and secondly, it assesses German implementation. In this context, the present work will illustrate the legal, executive and judicial framework of Germany from the perspective of a civil law legal system. Finally, this thesis will provide ideas for improvements, and will give a brief overview of the European intercountry adoption system. This study will be restricted to non-family adoptions, and will exclude adoptions for the purpose of exploitation.

Table of abbreviations:

AdUebAG	Gesetz zur Ausfuehrung des Haager Uebereinkommens vom 29. Mai 1993 ueber den Schutz von Kindern und die Zusammenarbeit auf dem Gebiet der internationalen Adoption
AdVermiG	Gesetz ueber die Vermittlung der Annahme als Kind und ueber das Verbot der Vermittlung von Ersatzmuettern
AdVermiStAnKoV	Adoptionsvermittlungsstellenanerkennungs- und Kostenverordnung
AdWirkG	Gesetz ueber die Wirkungen der Annahme als Kind nach auslaendischem Recht
BGB	Buergerliches Gesetzbuch
CA	Central Authority
CRC	United Nations Convention on the Rights of the Child
EU	European Union
FGG	Gesetz ueber die Freiwillige Gerichtsbarkeit
Hague Convention	Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoptions
OP-CRC	United Nations Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

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