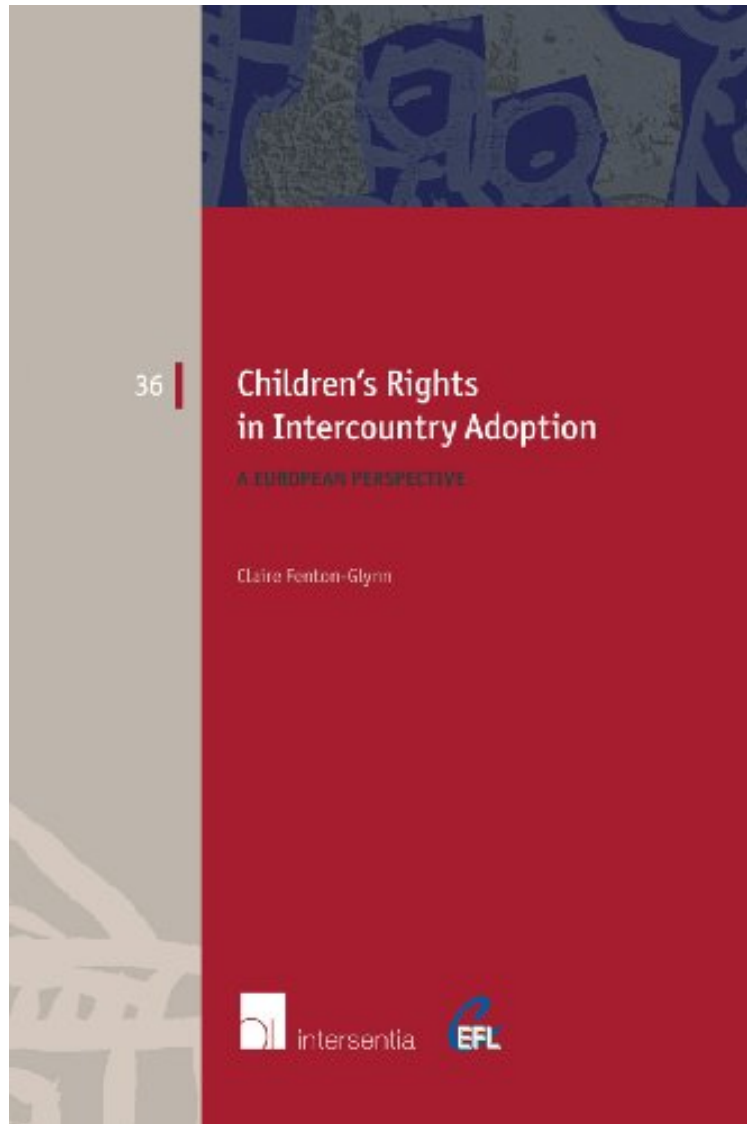


Children's Rights in Intercountry Adoption: A European Perspective (European Family Law)

Claire Fenton-Glynn

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Claire Fenton-Glynn : Children's Rights in Intercountry Adoption: A European Perspective (European Family Law) before purchasing it in order to gage whether or not it would be worth my time, and all praised Children's Rights in Intercountry Adoption: A European Perspective (European Family Law):

0 of 0 people found the following review helpful. Protecting rightsBy Phillip Taylor MBEPROTECTING THE RIGHTS OF THE CHILD IN INTERCOUNTRY ADOPTIONAn appreciation by Phillip Taylor MBE and Elizabeth

Taylor of Richmond Green Chambers Under English law, the rights of the child must always be paramount, following the implementation of the Children Act 1989. But do children in other countries, specifically European countries, receive the same degree of protection particularly when the issue is intercountry adoption? This book published by Intersentia examines this and related issues with thoroughness and clarity. The key question it aims to answer is: how can we best protect the rights of children involved in intercountry adoption in Europe? The author Claire Fenton-Glynn has augmented the original research undertaken for her doctoral thesis completed at the University of Cambridge in 2013. Initially, she reminds us that intercountry adoption, on a global scale, that is, began as a humanitarian practice following the carnage of World War II and subsequent conflicts in Korea and Vietnam. The adoption of war orphans as they were called, seems to have been quite widespread and consequently alluded to in several Hollywood films of the post-war period. For example, *Miracle on 34th Street* made in 1948 shows the then six-year old Natalie Wood as quite bemused by the department store Santa at Macys speaking in fluent Dutch to a little girl from Holland adopted by an American family. Unfortunately, the benevolent spirit which largely inspired these adoptions has worryingly evolved into, in the authors words, a multi-million dollar business marred by widespread accusations of human rights abuses and concern over the laws ability to prevent them. Her research indicates that in 2010, fifty per cent of all children involved in intercountry adoption worldwide were sent to countries within Europe. Therefore Europe, as she points out provides a unique opportunity to examine the practice of intercountry adoption as it contains both states that act as countries of origin for children being adopted, (mostly Eastern European states) and receiving countries where children are mostly placed, (primarily in Western Europe). Fenton-Glynn adds that Europes legal landscape based on human rights legislation (the EHCR) provides an unrivalled opportunity to regulate intercountry adoption on a regional level. As a foundation for analysis the book uses the United Nations Convention on the Rights of the Child and the Hague Convention on Protection of Children and Co-operation in Respect of Inter-Country Adoption. To create a better understanding of the different ways in which the rights of children can be implemented, or violated, Fenton-Glynn selects and harnesses a wealth of data from various European countries in order to show examples of both good and bad practice in intercountry adoption. The desired result is to produce practical and workable guidelines which will properly protect the rights of children in Europe. With its rich vein of research (including its detailed footnoting and 12-page bibliography), this is an important book which will appeal to a wide readership, particularly academics and international lawyers professionally involved in this field. The publication date is cited as at 2014.

European jurisdictions play a central role in intercountry adoption, both as the countries of origin for children being placed, and as the receiving countries. In 2010, 50% of all children involved in intercountry adoption worldwide were sent to countries within Europe, while, for the past 15 years, three European States (France, Spain, and Italy) have been in the top five receiving States in the world. In addition, of the approximately 30,000 children involved in intercountry adoption per year worldwide, around one-third come from European jurisdictions. The question that this book examines is very simple: how can we best protect the rights of these children? Using the United Nations Convention on the Rights of the Child and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption as the foundation for analysis, the book provides an examination of the application of children's rights in the field of intercountry adoption. It uses European jurisdictions as examples of both good and bad practice in order to illustrate the issues that arise in the practical implementation of these principles. In doing so, the book proposes normative guidelines within which intercountry adoption can be effected in a manner that protects the rights of children in Europe. The book covers the following issues: the place of intercountry adoption within the domestic system * the applicability of intercountry adoption as a child protection mechanism and the impact it can have on other forms of alternative care * the conditions for parental consent to intercountry adoption, including the identity of those who must give consent * the mechanisms used to prevent consent being obtained improperly and to prevent the illegal trafficking of children * the participation of the adopted child in the decision-making process * the right of the child to obtain information concerning his or her biological parents * the eligibility of prospective adopters * the support necessary for a successful adoptive placement. On December 9, 2015, the author Claire Fenton-Glynn was awarded the prestigious Inner Temple New Author's Prize for this book. (Series: European Family Law - Vol. 36)