RESULTS OF THE WORKING GROUP N.1
ACCESS TO THE ORIGINS

Normative references: art7(1) CRC – art. 9 Hague Convention

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About 20 people from 9 countries participated in the working group confronting themselves on the following questions:

Which are the limits and the conditions for the access to the information about own origins in the different countries?

The majority of countries permit access to information only when the child is 18 or 25 for Italy
All countries respect the child right to privacy
In cases when the child is under 18, adoptive parental consent is required except in Croatia.
In Croatia, a minor can get information without consent.
There has been a lot of debate around which type of data the child can have access to.

There are three different type of information

- Personal data
  - The history of the child. The reason the child was given for adoption
  - The cultural information of the country in cases of inter-country adoption

Everyone agrees about giving information on the history of the child and cultural background, but there is some disagreement about the disclosure of personal data, in particular negative data such as children born as a result of rape.

There was some discussion over the rights of the child to information and the right of the biological mother to privacy. A minority believed the right of the child to information should prevail while the majority expressed views in favour of the mothers right to privacy.

Everyone supported the view that psychological counselling should be given to children who are seeking information and this should also be made available to children once they have received information on their origins.

In Italy there is general law but it is at the discretion of the local court, which kind of information to release. No national uniformity.
The question of access to information about siblings was also raised. In some countries, biological siblings of an adopted have access to information about the adopted child but the biological mother may not.

Establish how the rights of the child and the rights of the biological mother can be reconciled.

**Public or private services?**

Every country had a Central Authority, some of which were independent from their Ministry. In countries where there were private bodies, they were accredited by the Central Authority. (No private bodies in Hungary)

Generally, files are kept in the Central Authority and at the private body.

A recommendation was made that in cases where a private body closes, there should be a provision for files to be returned or archived within the Central Authority.

**The collaboration between Sending and Receiving countries**

The Central Authority of the receiving country contacts the Central Authority of the country of origin in order to find out about the biological mother agrees to be contacted. Some countries of origin do not give a special visa to the adoptive child to visit the country so that the child feels rejected.
MINUTES OF THE WORKING GROUP N.1 ACCESS TO THE ORIGINS

For a more detailed report of the working group discussion, here are the minutes

Denmark

In Denmark, adopted persons have right to access information about their origins; however, adoptive parental consent is required for minors (children under 18 years of age). In the case of domestic adoption, adopted persons contact the Department of Family Affairs for assistance and in the case of international adoption, adopted persons contact the adoption agency involved in the adoption. In Denmark, there is no Central Authority to preserve the information; instead, all authorities and agencies involved in the adoption of a child must preserve the information. Biological parental consent is required for the provision of identifying information.

Estonia

In Estonia, adopted persons have right to access information about their origins; however, adoptive parental consent is required for minors. In the case of domestic adoption, adopted persons contact a social worker for assistance and in the case of international adoption, adopted persons contact the Estonian Ministry of Social Affairs. In both cases, adopted persons may also turn directly to the Registry Office. Files on adopted persons are held for a period of 75 years. In Estonia, the biological parents and/or other third parents have no right to access information on the adopted persons post adoption. Biological parental consent is required for the provision of identifying information.

Malta

In Malta, adopted persons have right to access information about their origins; however, adoptive parental consent is required for minors. Files on adopted persons have been held since the 1950’s and no file has yet been disposed of. Biological parental consent is required for the provision of identifying information.

Hungary

In Hungary, adopted persons have right to access information about their origins from age fourteen; however, adoptive parental consent is required for minors. In the case of domestic adoption, there are two types of adoption: open and secret. For open adoption, adopted persons have, by virtue of the adoption process, access to their origins. In the case of secret adoption, there is no disclosure of information to adopted children without consent from the biological parent(s).
Croatia

In Croatia, adopted persons have right to access information about their origins from any age and adoptive parental consent is not required for minors. All adopted persons have non-identifying information on their files, which they can access. If the adopted person wishes to have a reunion with the biological parent(s), this is facilitated by the social services. The biological parent(s) right to privacy is respected and determines the outcome of reunion requests.

Luxembourg

In Luxembourg, adopted persons have right to access information about their origins; however, adoptive parental consent is required for minors. In the case of domestic and international adoption, adopted persons may contact the Central Authority or the agency involved in the adoption for assistance. Biological parental consent is required for the provision of identifying information. Files on adopted persons are held for a minimum period of 20 years.

Ireland

In Ireland, adopted persons have right to access information about their origins; however, adoptive parental consent is required for minors. In the case of domestic and international adoption, adopted persons contact the National Adoption Board or the agency involved in the adoption for assistance. In Ireland, both the National Adoption Board and the private adoption agencies preserve the information. Biological parental consent is required for the provision of identifying information. Files on adopted persons are held indefinitely.

In 2005, the National Adoption Board established a National Adoption Contact Preference Register. The purpose of the Register is to facilitate contact between adopted persons and their biological families. Participation is voluntary and contact through the register is only initiated where both parties register. The Register allows one to choose what level of contact one wishes to have. The choices available on the Register are:

§ Willing to meet;
§ Willing to exchange letters/information or to make contact via telephone/e-mail;
§ No contact at the moment but willing to share medical information;
§ No contact at the moment but willing to share personal information; and
§ No contact at the moment.

France

In France, adopted persons have right to access information about their origins; however, this is governed by legislation, which was passed in 2002. In the case of domestic and international adoption, adopted persons may contact the Central Authority for assistance. The Central
Authority is a public office comprising seven employees who are assisted by a network of more than 250 people. The model is based on the Quebec Model.

In the last three years, the Central Authority received 2373 requests. 2 percent of these requests were from adopted persons who were less than 18 years of age and 30 percent were 60 years and older.

Biological parental consent is required for the provision of identifying information.