

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1998 Nr. 244

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A. TITEL

*Verdrag inzake de bescherming van kinderen en de samenwerking op het gebied van de interlandelijke adoptie;  
's-Gravenhage, 29 mei 1993*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1993, 197.  
Voor ondertekening zie *Trb.* 1993, 197 en *Trb.* 1996, 94.  
Het Verdrag is voorts nog ondertekend voor:

Noorwegen . . . . .	20 mei 1996
Ierland . . . . .	19 juni 1996
Zweden . . . . .	10 oktober 1996
El Salvador . . . . .	21 november 1996
Venezuela . . . . .	10 januari 1997
Denemarken . . . . .	2 juli 1997
Duitsland . . . . .	7 november 1997
Wit-Rusland . . . . .	10 december 1997
Australië <sup>1)</sup> . . . . .	25 augustus 1998

<sup>1)</sup> Onder voorbehoud van bekrachtiging.

C. VERTALING

Zie *Trb.* 1996, 94.

D. PARLEMENT

Artikel 1 van de Rijkswet van 14 mei 1998 (*Stb.* 301) luidt als volgt:  
„Het op 29 mei 1993 te 's-Gravenhage tot stand gekomen verdrag inzake de bescherming van kinderen en de samenwerking op het gebied van de interlandelijke adoptie, waarvan de Franse en de Engelse tekst zijn geplaatst in *Tractatenblad* 1993, 197, en de vertaling in het Nederlands in *Tractatenblad* 1996, 94, wordt goedgekeurd voor het gehele Koninkrijk.”.

Deze Rijkswet is gecontrasigneerd door de Staatssecretaris van Justitie E. M. A. SCHMITZ en de Minister van Buitenlandse Zaken H. A. F. M. O. VAN MIERLO.

Voor de behandeling in de Staten-Generaal zie: Kamerstukken II 1995/96, 1996/97, 1997/98, 24 810 (R 1577); Hand. II 1997/98, blz. 2557–2572 en 3207; Kamerstukken I 1997/98, 276, 276a en 276b; Hand. I 1997/98, zie vergadering d.d. 2 mei 1998.

#### E. BEKRACHTIGING

Zie *Trb.* 1996, 94<sup>1)</sup>.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 43, tweede lid, van het Verdrag een akte van bekrachtiging, aanvaarding of goedkeuring bij het Ministerie van Buitenlandse Zaken van het Koninkrijk der Nederlanden nedergelegd:

de Filipijnen <sup>2)</sup> . . . . .	2 juli 1996
Canada <sup>3)</sup> . . . . .	19 december 1996
Venezuela <sup>4)</sup> . . . . .	10 januari 1997
Finland <sup>5)</sup> . . . . .	27 maart 1997
Zweden <sup>6)</sup> . . . . .	28 mei 1997
Denemarken <sup>7)</sup> . . . . .	2 juli 1997
Noorwegen <sup>8)</sup> . . . . .	25 september 1997
het Koninkrijk der Nederlanden . . . . .	26 juni 1998
(voor Nederland)	
Frankrijk <sup>9)</sup> . . . . .	30 juni 1998
Colombia <sup>10)</sup> . . . . .	13 juli 1998
Australië <sup>11)</sup> . . . . .	25 augustus 1998

<sup>1)</sup> *Ecuador* heeft in overeenstemming met artikel 23, tweede lid, medegedeeld dat als bevoegde autoriteit is aangewezen:

Corte Nacional de Menores  
Veintimilla y Reina Victoria  
Quito, Ecuador

*Polen* heeft op 11 september 1998 de volgende mededelingen gedaan:

“According to Article 22, paragraph 4 of the Convention, the Republic of Poland declares that the adoptions of children habitually resident in the territory of the Republic of Poland may only take place if the functions of the Central Authorities of the receiving States are performed in accordance with Article 22, paragraph 1 of the Convention.

According to Article 23 paragraph 2 of the Convention the Republic of Poland declares that the court which rendered the judgement of adoption is competent to make certification of adoption mentioned in Article 23, paragraph 1.”.

<sup>2)</sup> De Filipijnen heeft in overeenstemming met artikel 23, tweede lid, als autoriteit aangewezen:

the Office of the Solicitor-General of the Philippines.

<sup>3)</sup> Onder de volgende verklaringen:

“Extension of the Convention

The Government of Canada declares, in accordance with Article 45, that the

Convention shall extend to British Columbia, Manitoba, New Brunswick, Prince Edward Island, and Saskatchewan, and that it may modify this declaration by submitting another declaration at any time.

Declarations

The Government of Canada also declares, in accordance with Article 22.2, that the functions of the Central Authority in New Brunswick, Prince Edward Island, and Saskatchewan may be performed by bodies and persons meeting the conditions set forth in this article.

The Government of Canada declares, in accordance with Article 22.4, that adoptions of children habitually resident in British Columbia may only take place if the functions of the Central Authorities are performed by public authorities or bodies accredited under Chapter III.

The Government of Canada further declares that it understands that customary forms of care practised by Aboriginal people of Canada are not within the scope of Article 2 of the Convention.”

Canada heeft op 23 juli 1997 het Verdrag uitgebreid tot Alberta, onder de volgende verklaring:

“The Government of Canada wishes to notify that, in accordance with Article 23.2, the Alberta Central Authority is the competent authority to make the certification envisaged in Article 23.1.”

Canada heeft op 24 april 1998 het Verdrag uitgebreid tot Yukon, onder de volgende verklaring:

“The Government of Canada also declares, in accordance with Article 22.2, that the functions of the Central Authority in the Yukon Territory may be performed by bodies and persons meeting the conditions set forth in this article.”

4) Onder de volgende verklaringen:

The Republic of Venezuela declares it is in agreement with the provisions of Article 22 of the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, whereby only the Authority can exercise the functions assigned to it in Section Four of the Convention, that is, any delegation thereof is not permitted.

The Republic of Venezuela also declares that on the basis of the provisions of Article 25 of the Convention it does not consider itself obliged to recognise the adoptions which take place by virtue of the special agreements contained in paragraph 2 of Article 39. (*vertaling*)

5) Onder de mededeling dat “the competence to make the certification referred to in Article 23 paragraph 1 rests with the court that has affirmed the adoption.”

6) Onder de volgende verklaringen:

“The Government of Sweden declares, in accordance with Article 22.4, that adoptions of children habitually resident in Sweden may only take place if the functions of the Central Authorities are performed by public authorities or bodies accredited under Chapter III.”

“In accordance with Article 23.2 of the Convention:

The Swedish National Board of Intercountry Adoptions (NIA) shall issue the certificates referred to in Article 23.1, when the adoption has taken place in Sweden or when a foreign adoption ruling has been converted here according to Article 27 of the Convention.”

7) Onder de verklaringen als voorzien in de artikelen 25 en 22, vierde lid, van het Verdrag en onder de verklaring dat het Verdrag vooralsnog niet van toepassing is op de Faeroer en Groenland.

Denemarken heeft bij nota van 20 oktober 1997 het volgende medegedeeld:  
 “The certificate referred to in Article 23, paragraph 1, stating that an adoption has been made in accordance with the Convention is issued by the Governor’s office in the county in which the applicants reside, in connection with the grant for adoption issued by the said office.

Denmark has the following County Governors:

Prefect of Copenhagen  
 Governor of Copenhagen County  
 Governor of Bornholm County  
 Governor of Frederiksborg County  
 Governor of the County of Funen  
 Governor of the County of North Jutland  
 Governor of Ribe County  
 Governor of Ringkøbing County  
 Governor of Roskilde County  
 Governor of Storstrøm County  
 Governor of the County of South Jutland  
 Governor of Vejle County  
 Governor of the County of West Zealand  
 Governor of Viborg County  
 Governor of Århus County”.

8) Onder de volgende verklaringen:

“In accordance with Article 23 of the Convention, the Government of Norway declares:

The Government Adoption Office, P.O. Box 8036 Dep., 0030 Oslo, is the competent authority to make certifications referred to in Article 23, paragraph 1, when the adoption has taken place in Norway or when a foreign adoption order has been converted in Norway according to Article 27.

In accordance with Article 22 paragraph 4 of the Convention, the Government of Norway declares:

Adoption of children habitually resident in Norway may only take place if the functions of the Central Authorities are performed by public authorities or bodies accredited under Chapter III of the Convention.”.

9) Onder de volgende verklaringen:

«Conformément à l’article 22-4, la France déclare que les adoptions d’enfants dont la résidence habituelle est située en France ne peuvent avoir lieu que si les fonctions confiées aux autorités centrales sont exercées par des autorités publiques ou des organismes agréés conformément au Chapitre III de la Convention.

Conformément à l’article 23, la France déclare que la Mission de l’adoption internationale, 244, Boulevard Saint-Germain, 75303 Paris 07 SP, est l’autorité compétente pour délivrer les certificats visés à l’article 23-1 de la Convention quand l’adoption a lieu en France ou lorsqu’une décision d’adoption étrangère a fait l’objet, en France, d’une conversion en vertu de l’article 27-2.

Conformément à l’article 25, la France déclare qu’elle ne sera pas tenue de reconnaître en vertu de la Convention les adoptions faites conformément à un accord conclu en application de l’article 39 paragraphe 2.

Conformément à l’article 45, la France déclare que la Convention s’appliquera à l’ensemble du territoire de la République française à l’exception des territoires d’outre-mer.».

<sup>10)</sup> Onder de volgende verklaringen:

.....  
 3. In accordance with Article 22, paragraph 2, of the Convention, the Colombian Government declares that the functions conferred upon the Central Authority under Articles 15 to 19 may also be performed in Colombia, to the extent permitted by the law and subject to the supervision of the competent authorities of Colombia, by the following institutions:

Asociación amigos del niño «Ayudame»  
 (Child Friends Association – “Help me”)  
 Casa de la madre y el niño  
 (Mother and Child’s Home)  
 Centro de rehabilitación para la adopción de la niñez abandonada «CRAN»  
 (Rehabilitation Center for the Adoption of Helpless Infants)  
 Fundación los pisingos  
 («Los Pisingos» Foundation)  
 Fundación para la adopción de la niñez abandonada «FANA»  
 (Foundation for Helpless Infants)  
 Chiquitines  
 (Babies)  
 Centro de adopciones corporación casa de Maria y el Niño  
 (Adoption Center – Maria and the Child Jesus Home Corporation)  
 Casita de Nicolas  
 (Nicholas’ Little Home)

Only the above bodies, accredited in accordance with Article 22, paragraph 2, of the Convention, may in addition to the Central Authority, perform in Colombia the functions referred to in Article 15 to 19 of the Convention. No mention is made of Articles 20 and 21 in view of the fact that, under Colombian legislation on adoption, an adopted minor cannot leave the country until the judgment ordering the adoption has become final insofar as the adoption process takes place in Colombia only.

4. In accordance with Article 22, paragraph 4, of the Convention, Colombia declares that adoptions of children habitually resident in Colombia may only take place if the functions of the Central Authorities are performed in accordance with Article 22, paragraph 1 of the Convention.

5. In accordance with Article 23, paragraph 2, of the Convention, the Government of Colombia declares that the authority competent to issue adoption certificates under the Convention shall be the Colombian Institute of Family Welfare, (ICBF), Adoptions Division.

6. The Government of the Republic of Colombia reserves the right to withdraw the declarations made and to submit others to the Depository of the Convention, in accordance with Articles 22, 23, 25 and 45 of the Convention. (*ver-taling*)

<sup>11)</sup> Onder de volgende verklaringen:

.....  
 2. Pursuant to Articles 6 and 23.2 of the Convention, Australia designates the following authorities to discharge duties as Central Authorities in the relevant State or Territory and as authorities competent by virtue of the provisions of Article 23.1 to certify adoptions as having been made in accordance with the Convention:

For the State of New South Wales:  
 Manager, Adoption Services  
 New South Wales Department of Community Services

For the State of Victoria:  
 Manager, Adoption and Permanent Care  
 Victorian Department of Human Services  
 For the State of Queensland:  
 Manager, Adoption Services  
 Queensland Department of Families, Youth and Community Care  
 For the State of Western Australia:  
 Manager, Adoption Services  
 Western Australian Department of Family and Children's Services  
 For the State of South Australia:  
 Manager, Adoption and Family Information Service  
 South Australian Department of Human Services  
 For the State of Tasmania:  
 Manager, Adoption Services  
 Tasmanian Department of Community and Health Services  
 For the Northern Territory:  
 Manager, Adoptions and Placement Support Unit  
 Northern Territory Health Services  
 For the Australian Capital Territory  
 Co-ordinator, Intercountry Adoption Service  
 Australian Capital Territory Family Services Bureau  
 For the Territory of Norfolk Island:  
 Program Manager, Community Services  
 The Administration of Norfolk Island

3. Pursuant to Article 22.4 of the Convention, Australia declares that children habitually resident in all territorial units of Australia may be adopted only by persons resident in the countries where the functions of the Central Authority are performed by public authorities or bodies accredited pursuant to Chapter III of the Convention.

4. Pursuant to Article 25 of the Convention, Australia declares that it will not be bound to recognise adoptions made in accordance with an agreement concluded in accordance with Article 39, paragraph 2.

5. Pursuant to Article 45, Australia declares that the Convention shall extend to all the territorial units of Australia.

6. Australia further declares that, while Australia accepts the obligations imposed by the Convention in its application to refugee children and children who are internationally displaced as a result of disturbances occurring in their country of origin, Australia does not accept that it is bound by the recommendation in respect of refugee children made in October 1994 by the Special Commission on Implementation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption.”.

#### F. TOETREDING

De volgende Staten hebben in overeenstemming met artikel 44, tweede lid, van het Verdrag een akte van toetreding bij het Ministerie van Buitenlandse Zaken van het Koninkrijk der Nederlanden nedergelegd:

Andorra <sup>1)</sup> . . . . .	3 januari 1997
Moldavië . . . . .	10 april 1998
Litouwen . . . . .	29 april 1998

Paraguay . . . . .	13 mei 1998
Nieuw-Zeeland . . . . .	18 september 1998
Mauritius . . . . .	28 september 1998
Burundi . . . . .	15 oktober 1998

1) Onder de volgende mededeling en verklaringen:

2. En vertu de l'article 23.2 de la Convention, la Principauté d'Andorre déclare que, d'après les prévisions de l'article 23.1, l'autorité compétente pour certifier la conformité des adoptions à la Convention est le Ministre des Affaires Etrangères du Gouvernement d'Andorre.

3. Conformément à l'article 22.4 de la Convention, la Principauté d'Andorre déclare que les adoptions d'enfants résidant habituellement en Principauté, ne pourront être réalisées que par des personnes ayant leur résidence dans les États où les fonctions attribuées à l'Autorité Centrale sont exercées par des autorités publiques ou des organisations accréditées d'après les dispositions de l'article 22, paragraphe premier, de la Convention.

4. Conformément à l'article 34 de la Convention, la Principauté d'Andorre déclare que les documents transmis à la Principauté d'Andorre en application de la Convention qui ne seront pas rédigés en catalan, espagnol, français ou anglais, devront être accompagnés d'une traduction officielle dans l'une de ces langues. (*vertaling*)

#### G. INWERKINGTREDING

Zie *Trb.* 1996, 94.

Wat het *Koninkrijk der Nederlanden* betreft, is het Verdrag op 1 oktober 1998 voor Nederland in werking getreden.

#### J. GEGEVENS

Zie *Trb.* 1993, 197 en *Trb.* 1996, 94.

Het onderhavige Verdrag is in overeenstemming met artikel 102 van het Handvest der Verenigde Naties op 14 juni 1995 geregistreerd bij het Secretariaat van de Verenigde Naties onder nr. 31922.

Voor het op 20 november 1989 te New York tot stand gekomen Verdrag inzake de rechten van het kind zie ook, laatstelijk, *Trb.* 1998, 62.

De Wet van 14 mei 1998 tot uitvoering van het onderhavige Verdrag is geplaatst in *Stb.* 302.

Uitgegeven de *dertigste* oktober 1998.

*De Minister van Buitenlandse Zaken,*

J. J. VAN AARTSEN