

Press Release

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Opening for signature of two new treaties

Strasbourg, 27.11.2008 - On the occasion of the special meeting at which Spain succeeded Sweden as the chair of the Committee of Ministers, two treaties were opened for signature.

The European Convention on the Adoption of Children (Revised) (CETS 202) was signed by Armenia, Denmark, Finland, Iceland, Norway and the United Kingdom.

The aim is to take account of social and legal developments while keeping to the European Convention on Human Rights and bearing in mind that the child's best interests must always take precedence over any other considerations.

New provisions introduced by the convention:

- The father's consent is required in all cases, even when the child was born out of wedlock.
- The child's consent is necessary if the child has sufficient understanding to give it.
- It extends to heterosexual unmarried couples who have entered into a registered partnership in States which recognise that institution. It also leaves States free to extend adoptions to homosexual couples and same sex-couples living together in a stable relationship.
- The new convention strikes a better balance between adopted children's right to know their identity and the right of the biological parents to remain anonymous.
- The minimum age of the adopter must be between 18 and 30, and the age difference between adopter and child should preferably be at least 16 years.

The Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Genetic Testing for Health Purposes (CETS 203) was signed by Finland, Luxembourg and Moldova.

Biological and medical research has led to remarkable progress in the field of human health. The rapid developments in this sphere have prompted the Council of Europe to consider the ethical and legal aspects of applications of genetics, particularly genetic testing, and to draw up legal rules to protect fundamental human rights with regard to these applications.

The new Protocol sets down principles relating inter alia to the quality of genetic services, prior information and consent and genetic counselling. It lays down general rules on the conduct of genetic tests, and, for the first time at international level, deals with the directly accessible genetic tests for which a commercial offer could develop in future. It specifies the conditions in which tests may be carried out on persons not able to consent. Also covered are the protection of private life and the right to information collected through genetic testing. Finally, the Protocol touches on genetic screening.

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