

QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION
Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021

Name of State:	Flemish region of Belgium
Information for follow-up purposes	
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1. POST-ADOPTION MATTERS

1.1. Preservation of, and access to, information

Both States of origin and receiving States

1.1.1. Preservation of information and use of data

1.	<p>Has your State centralised, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input checked="" type="checkbox"/> Yes. Please specify where the information is centralised: The Flemish Central Authority (hereafter: VCA) stores copies from all adoptions since Belgium ratified the Hague Convention (2005). VCA does efforts to centralize all adoption files dated before and since 2005 (as well as the files to be found in our archives).</p> <p><input type="checkbox"/> No. Please specify where the information is stored: Please insert text here</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been misused (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

1.1.2. Search for origins

3.	<p>Is there a specialised programme or section in the Central Authority which deals with the search for the origins of an adoptee?</p> <p><input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided: There is a staff member who answers every question for roots search. The procedure starts with a consultation of the adoption file. After the consultation of the file, depending on whether the adoptee has further questions, efforts can be undertaken to do a roots search via the Central Authority, f.e. by contacting the other Central Authority. In Flanders there are 3 accredited agencies for intercountry adoption and one agency for domestic adoptions. Each agency gets subventions from our authority to support adoptees in their roots search, both on a practical as psychological level. Besides these accredited adoption agencies, we also have a Adoption Support Centre. This is also a centre of expertise called 'Steunpunt Adoptie' (= Dutch for 'Adoption Support Centre'). The centre offers tailor-made information and follow-up to everyone involved in the adoption process, during all phases of the adoption process, including roots searches.</p>
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	<p>In 2020 the VCA wants to establish a centre where everybody with questions about his/hers roots can go to, this is a centre for all adoptees, donor-conceived kids, etc. This centre will be called 'Afstammingscentrum'.</p> <p><input type="checkbox"/> No. Please specify how the search for the origins is handled:</p>
4.	<p>Has your State developed any good practices to ensure that Recommendation No 21¹ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>In the preparation of the PAP's the question of roots (searches) is extensively adressed. The centre that gives the preparation courses, Steunpunt Adoptie, also provides support in the aftercare of adoptions, so they have lots of 'live' experience to offer. Adoption agencies as well are required to provide support to adoptive parents and their children with roots questions, they are funded for this purpose. By the end of 2020 we hope to establish an indepent and specialised centre, called 'Afstammingscentrum', where everyone with a question conceirning their roots can go to. They will both offer counselling and practical support in roots searches, including the possibility to analyse DNA-samples.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (e.g., government, private companies, NGOs); The 'Afstammingscentrum' will be in charge of DNA-testing, in cooperation with a a centre for human genetics, linked to a hospital.</p> <p>(b) where the data is stored, and whether it is stored by a public or private entity; The data will be stored in the centre for human genetics that is doing the DNA testing.</p> <p>(c) the average cost of a DNA test in your State and whether any subsidy is available; The cost isn't defined yet.</p> <p>(d) details of any challenges and / or good practices your State may have developed with respect to the issues identified in this question and DNA testing in general. A big challenge is the fact that our legislations only allows for DNA testing between family members to the first degree. This is a big challenge. Because of this legislation, it's not possible to look f.e. for halfbrothers/sisters.</p>
6.	<p>What is your State's practice when the background information of an adoption is incomplete or non-existent? How does your State support adoptees in such situations?</p> <p>We try to contact all possible partners that might have more information, f.e. contact persons that used to work in adoption, the Court, central Authority from the sending country,...</p> <p>If it's impossible to find more information, we offer the adoptee the possibility to get in touch with other adoptees or with the centre that provides aftercare. They will then focus on how to deal with the lack of information.</p>

¹ [“Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)”](#), C&R No 21 (hereinafter, “C&R of the 2015 SC”):

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

7.	<p>What is the procedure in your State when illicit practices are discovered during a search for origins? Please provide details of any challenges and / or good practices.</p> <p>We don't have a uniform procedure in these situations. Depending on the situation we undertake actions, with a case by case approach.</p> <ul style="list-style-type: none"> - When it concerns a crime for which the time limit has not yet expired: the Public Prosecutor will probably start an investigation and it's possible the adoption decision will be revised. - Besides the judicial side there is always the psychosocial support that needs to be given to the adoptee/adoptive parents/birth parents. They can have support from the aftercare centre (like Steupunt Adoptie) for this. The centre will examine the possibility to look for further information in order to clarify the situation.
8.	<p>If statistics are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were successful; We don't have an overview of these numbers.</p> <p>(b) how many were not successful and what were the reasons. Please insert text here</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the confidentiality of the identity of the birth parents?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the challenges and how your State addressed them:</p> <ul style="list-style-type: none"> - In Belgian law it's not possible to give birth anonymously or in a discrete way. The name of the mother is always on the birth certificate. The adoptee has the right to know his identity, because the name of the mother will always be noted. However, there is one 'baby box', where a mother can leave her child without any identifying information. Nonetheless, it is illegal under Belgian law to leave a child in a baby box because the child has the right to information about his/her origin. <p>Belgian legislation is written from the point of view that it's the right of the adoptee to know about his identity. Some countries of origin where we have a collaboration with have a different point of view, f.e . India where the legislation is written in a protective way about identifying information of birth parents.</p> <p><input type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of identifying versus non-identifying information?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Please insert text here</p>
11.	<p>What is the procedure in your State for processing requests from the birth family to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>When the birth family wants to receive information about a domestically adopted child, this is handled by the national adoption agency.</p> <p>When we receive a question from the birth family from an international adoptee, this request needs to be send to VCA. Depending the age of the adoptee, the adoptee or the adoptive parents will be contacted to verify whether or not they would be prepared to exchange information with the birth family, and to what extent.</p>

1.1.3. Guidelines and good practices

12.	<p>Has your State developed any guidelines (e.g., procedures, manuals) and / or good practices regarding preservation of information and search for origins?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Procedures for the preservation and consultation of adoption files are inserted in current legislation, both for national, as for intercountry adoptions.</p> <p><input type="checkbox"/> No.</p>
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1.2. Post-adoption services²

Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that Recommendation No 18³ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: VCA is subventionning the accredited adoption agencies and organisation where aftercare and professional post-adoption service is provided to all parties involved in the adoption process.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
14.	<p>If your State provides specialised post-adoption services, please specify:</p> <p>(a) the type of services provided and to whom they are provided (e.g., child and adult adoptees, birth families, adoptive families); There are post-adoption services for all possible parties in the adoption process (adoptive parents, birth parents and adoptees), mainly through the adoption agencies, but also through the Adption Support Centre. As of 2020 we will start funding the 'Afstammingscentrum'. The centre aims to be a place for everybody with a question concerning roots, this means f.e. donor-conceived children can also be guided by this centre.</p> <p>(b) who provides the services (e.g., social welfare administration, school, health personnel); - Steunpunt Adoptie: provides aftercare - 3 accredited adoption agencies for intercountry adoption - The accredited adoption agency for domestic adoptions - As of 2020: Afstammingscentrum</p> <p>(c) whether the professionals involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs); Please insert text here</p> <p>(d) how, if there are different services, these various services are coordinated; Please insert text here</p>

² Post-adoption services may be provided to adoptees, birth families and adoptive families.

³ C&R No 18 of the 2015 SC:

“The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place” [emphasis added].

	<p>(e) how the post-adoption services are financed (e.g., the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other);</p> <p>These organizations are subventionned by VCA.</p> <p>(f) the length of time this support is available.</p> <p>There support is for indefinite period, as long as the agency or centre remains accredited.</p>
15.	<p>Please provide details of any good practices in your State which ensure that adoptees, adoptive families and birth families are adequately informed about, and can easily access, post-adoption services.</p> <p>All the aforementioned services and organisations have their own website. The organisations are also easily accessible and it is the intention to refer the person seeking help to specialized assistance if necessary.</p>
16.	<p>In setting up post-adoption services in your State, were the voices of adoptees considered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify in what way their voices were considered:</p> <p>We have a specialized project, called "A-buddy" (project by 'Steunpunt Adoptie'), where adoptees help each other. Adult adoptees are being trained to become buddies in order to be able to offer support to other adoptees. Via an online platform, you can easily and securely contact a buddy, mentioning your name or anonymously.</p> <p>There has also been a States-General in the past.</p> <p>Finally, the latest decree on adoption established an independent advisory committee to the Flemish Central Authority, where representatives of different interest groups, such as adoptees hold a seat. If new regulations on adoption are prepared, the representatives of these interest groups, such as adoptees, can give their opinion and all of these opinions are taken into account in the development of policies.</p> <p><input type="checkbox"/> No.</p>
17.	<p>Has research been carried out in your State in the past five years assessing post-adoption services?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

Receiving States only

18.	<p>Please specify any challenges your State encounters in ensuring that adequate support is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with special needs. Please also share any good practices your State has developed to overcome such challenges.⁴</p> <p>We aim to work towards a better policy on special needs adoptions. In doing so, we take into account the available professional assistance in Flanders. We seek to adopt only those children for whom we can provide sufficient specialised care in Flanders.</p> <p>Therefore, we are considering no to accept matchings of children with specific needs, in cases we cannot guarantee that the required care or therapy is not readily available.</p>
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⁴ If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

Furthermore, it is really important to prepare the PAP's properly, as well to draw up a care plan if it is deemed necessary.

1.3. Post-adoption reports

Receiving States only

19.	<p>Does the preparation of PAPs in your State include the provision of information on post-adoption report requirements of the State where the PAPs (would like to) adopt?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p style="padding-left: 20px;">The accredited adoption agencies must draw attention to the legal obligations concerning post-adoption reports in the state of origin.</p> <p style="padding-left: 20px;">On our website, we also have country sheets of the countries with which we cooperate, showing, where applicable, the obligations regarding aftercare.</p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed:</p> <p style="padding-left: 20px;">Please insert text here</p>
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Both States of origin and receiving States

20.	<p>Has your State encountered situations where the adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:</p> <p style="padding-left: 20px;">Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent experience regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>Unfortunately we have experience with the adoptive parents refusing to comply with the post-adoption report requirements.</p> <p>We have seen two types of situations:</p> <ul style="list-style-type: none"> - Adoptive parents who adopted before 2005 without the involvement of any adoption agency or the CA (private adoptions). In those cases it is unclear whether PAP's ever formally agreed with the post-adoption requirements, maybe there were even no requirements in the country of origin at that time. Now the central authority of the country wants post-adoption reports and asks us, as a CA to undertake action. This is difficult because our office was never involved in the adoption procedure. We try contact the adoptive parents by letter to inform them on the expectations by the country of origin. - Adoptive parents who adopted after 2005 via an adoption agency: they agreed with the follow-up requirements, often via a contract. The agency and VCA will contact them, in order for them to make the required reports.

1.4. Adoption breakdowns

Both States of origin and receiving States

22. If your State has had any experience regarding **intercountry adoptions which have broken down**, please specify:⁵

(a) what have been the main **causes** of the breakdowns;⁶

There is always a combination of different factors. We see that in some cases parents had different expectations of the adoption, parents can't cope with the needs of their adoptive child. On the other hand it has also happened that the child had severe attachment issues, which made integration in the family / living together as a family very difficult. We've also established that there were breakdowns with older children (+8).

(b) how your State **has addressed** these situations and whether your State has any good practices to share in this regard;⁷

In most of the recent cases we had a good contact with the Central Authority of the country of origin; therefore we had the opportunity to look for a new solution for the child in mutual agreement.

(c) what **support** is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;

- Support from the psychologist or pedagogue of the adoption agency as a part of post-adoption services

- Referral towards the specialized care or therapy

- In general: in order to prevent 'disruptions', the adoption services must ensure that families are adequately prepared to deal with the needs of the children that are seeking to be adopted. So before accepting a matching for children with severe needs, we do require that a care plan is established.

(d) whether your State has developed any good practices to ensure that **Recommendation No 19**⁸ of the 2015 Special Commission is implemented:

Yes. Please specify any good practices developed in this regard:

Currently / since the beginning of this year a new project was launched in order to facilitate cooperation with and exchanging good practises with the foster care services. These services also have a lot of experience in screening candidate foster parents and how to deal with difficulties involved in a foster care placement.

In addition, a working group of professionals has been set up to consider the limits of adoption placements.

No. Please specify any reasons:

Please insert text here

(e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to **return** to the State of origin, and if so, what the situations were and how they were handled;

Yes, in 2019 we had 2 cases (1 individual child and 1 sibling group) where children returned to the State of origin. This decision was made together with the Central Authority of the

⁵ If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

⁶ If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).

⁷ If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

⁸ C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

State of Origin. In these cases the children were already older, so they were also heard in the decision.

- (f) **how many** cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;

We count 4 'official' disruption cases since 2015 (the children that were mentioned under e) included). A part from that, we do know that some adopted children were removed from the care of their adopted parents (entering the child protection system) because of severe problems in the family. However, since these cases are dealt with by the child protection offices, we do not have the exact numbers...

- (g) how many of these cases included a **new placement** (e.g., foster care, new adoption) for the child;

3 returned back to the State of origin (1 individual child and a sibling group of 2) to an institution, 1 child was placed in a new family in Belgium and later adopted.

- (h) how many cases of breakdowns were intercountry adoptions done (a) under the **1993 Adoption Convention** ; and (b) outside of the Convention (i.e., prior to the entry into force of the Convention in your State or with non-State Party);

3 were done under the Convention, 1 outside of the Convention.

- (i) in line with **Recommendation No 20⁹** of the 2015 Special Commission, whether your State has applied the **1996 Child Protection Convention** to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.

We have no data on this since our authority is not the competent authority within the scope of the 1996 Convention. Furthermore, Belgium only implemented the Convention recently.

Receiving States only

23. Is your State's **Central Authority** informed and involved / consulted when an intercountry adoption breaks down?

Yes. Please explain your response:

The adoption agency has the obligation to inform VCA in case of serious difficulties after completing the adoption and eventual breakdowns. However, (as mentioned above) our office is not systematically informed of every case where a child protection measure is ordered for an adopted child / adoptive family.

No. Please specify whether the staff of the child protection services include workers specialised in adoption:

Please insert text here

24. Do your State's authorities **consult** with the Central Authority of the child's **State of origin**:

- (a) if an adoption breaks down?

Yes. Please describe the type of cooperation:

We inform them via post adoption reports if problems occur. When we see things are really going in the wrong direction we contact the CA of the country of origin directly

⁹ C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."

	<p>in order to discuss all possible solutions, both in the receiving state and in the sending country.</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p>
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States of origin only

25.	<p>Is your State's Central Authority (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p>
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1.5. Other post-adoption matters

States of origin only

26.	<p>Are adoptees, who did not retain the nationality of their State of origin, permitted to regain it at a later stage?</p> <p><input type="checkbox"/> Yes. Please specify the conditions to regain nationality: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
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Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the nationality of their State of origin?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled: We heard about Rwandese and Bolivian adoptees that looked for regaining the nationality of their State of origin. In Belgium it's possible to obtain a double nationality. This procedure is often done in the State of origin or via the Embassy.</p> <p><input type="checkbox"/> No.</p>
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a Guide to Good Practice on post-adoption.</p> <p>Please insert text here</p>

2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

Both States of origin and receiving States

29.	<p>Have illicit practices in intercountry adoption been discovered since 2015 in your State?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the type of illicit practices which were discovered; <i>Alleged child abduction, human trafficking and hostage-taking (Belgium)</i></p> <p>(b) when the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure); <i>After the adoption procedure</i></p> <p>(c) whether the illicit practices were done under or outside the scope of the 1993 Adoption Convention; <i>In Flanders each adoption is carried out in accordance with the principles of the Hague Adoption Convention. In this specific case, the State of origin of the children was non-Hague compliant.</i></p> <p>(d) how your State handled these situations; <i>An investigation was started by Belgium's federal police into possible illicit practices (see a)), but at the moment we have no indications that the illicit practises have occurred in files that were handled by the Flemish CA / accredited agencies in the Flemish speaking part of Belgium.</i></p> <p><input checked="" type="checkbox"/> No.</p>
30.	<p>Please specify any good practices of your State to prevent and address illicit practices.</p> <p><i>Federal adoption law requires that the principles of the Hague Adoption Convention are always applied, even in handling adoption procedures with non-Convention States.</i></p> <p><i>The Flemish decree foresees that an accredited adoption agency can only start a new cooperation in a country of origin, after prior investigation and approval of the Central Authority. The CA also regularly evaluates the cooperation with the different countries of origin. In addition, we always question the experiences of candidate adopters after they have completed their adoption procedure in a certain country.</i></p>
31.	<p>Is it possible in your State to annul an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has jurisdiction to do so; <i>Our law doesn't explicitly recognize the possibility to annul an adoption, but there is a possibility to revise an adoption. Its within the competence of the Belgians courts (Ministry of Justice) to revise an adoption.</i></p> <p>(b) who can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); <i>Any person who is a member of the child's biological family up to the third degree and also the Public Prosecutor.</i></p> <p>(c) the grounds upon which this may be done; <i>Only when there is sufficient evidence that the adoption was obtained as a result of the abduction, sale or trafficking of children.</i></p> <p>(d) whether there is an age limit for the annulment of an adoption; <i>There is no age limit for the annulment.</i></p> <p>(e) the procedure involved;</p>

	<p>If evidence is provided that the adoption was effected as a result of the abduction, sale or trafficking of children, the court will declare that the adoption will no longer have any effect as from the registration in the Civil Registers.</p> <p>(f) the number of intercountry adoptions which are on average annulled per year.</p> <p>/</p> <p><input checked="" type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to revoke an intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has the jurisdiction to do so;</p> <p>This answer needs to be nuanced as there are two forms of adoption in Belgium: full and simple adoption (we refer to the Country Profile for the conditions and effects of each type of adoption).</p> <p>Its within the competence of the Belgians courts (Ministry of Justice) to revoke an adoption.</p> <p>In Belgium, only a simple adoption can be revoked.</p> <p>(b) who can request the revocation (e.g., adoptee, adoptive parents, birth parents);</p> <p>A simple adoption may be revoked at the request of the adoptee, the adoptive parent(s) and the Public Prosecutor.</p> <p>(c) the grounds upon which this is done;</p> <p>The simple adoption may only be revoked for very strict reasons and grounds. It is up to the courts to interpret the strict reasons.</p> <p>(d) whether there is an age limit for the revocation of the adoption;</p> <p>There are no age limits.</p> <p>(e) the procedure involved;</p> <p>This procedure must be brought before the court by means of a petition.</p> <p>(f) the number of intercountry adoptions which are on average revoked per year.</p> <p>We do not keep any statistics about this.</p> <p><input type="checkbox"/> No.</p>

3. INTRAFAMILY ADOPTIONS

In this Questionnaire, an “intrafamily adoption” is one in which the adoptive parent(s) are either **relatives** of the child (e.g., an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively referred to as “relative adoptions” and “stepparent adoptions.” The Convention applies to all intrafamily adoptions.¹⁰

3.1. General questions for intrafamily adoptions (i.e., relative and stepparent adoptions)

Both States of origin and receiving States

33.	<p>In your State, which authority is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The Central Authority.</p>
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¹⁰ See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

	<input type="checkbox"/> Another competent authority. Please specify which authority and the reasons for designating a different authority: Please insert text here
34.	<p>Has your State developed any good practices to ensure that Recommendation No 32¹¹ of the 2015 Special Commission is implemented?</p> <input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: We refer to the legislation and procedure in annex
35.	<p>Are there specific guidelines or procedures for intrafamily adoptions in your State?</p> <input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: We refer to the legislation and procedure in annex. In general, we can state that for intra-family intercountry adoptions, the principles and procedure of the Convention need to be applied.
36.	<p>Has your State encountered any particular difficulties with adoptability decisions in the context of intrafamily adoptions?</p> <input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled: ¹² The Belgian law stipulates that the principles of the Convention need to be followed in any case, whether or not the country of origin signed the Hague Convention. There are several difficulties we encounter in relative adoptions: <ul style="list-style-type: none"> - It's often very difficult to find an organization or authority that can conduct the social study and report on the situation of the child. The further the child lives from the capital of his/her country of origin, the more difficult it is. - Some countries of origin that did not ratify the Convention do not agree with our way of handling procedure. In some cases the adoptive family is required / allowed to immediately start the Court procedure in the country of origin. This also occurs in some Convention countries, when not all the magistrats and judges are aware of the legislation an/or procedure that needs to be followed. We also experience that some Convention Countries do not wish to apply the Convention principles when it comes to intrafamily adoption. <ul style="list-style-type: none"> - If we find an organization that can/is willing to conduct the social report, sometimes we feel the principles of the Convention are interpreted in a different way. For example, even when children still live with their biological parents of extended family, it is stated that the principle of subsidiarity is respected de facto if the child gets adopted by a family member.

¹¹ C&R No 32 of the 2015 SC:

"In relation to in-family adoption, the SC:

- a. recalled that in-family adoptions **fall within the scope** of the Convention;
- b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;
- e. recognised that it is necessary to undertake an **individualised assessment of each child's situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child's best interests" [emphasis added].

¹² If applicable, you may wish to refer to your State's response to Question 3(b) of the [2014 Questionnaire](#).

	<p>We experienced this (cultural?) difference with some countries of origin that ratified the Convention. In some cases, economic reasons appear to be sufficient for adoption to be considered in the best interests of the child. We experience that different states of origin interpret and apply the principles of adoptability and subsidiarity in a less strict way when it comes to intrafamily adoptions.</p> <p><input type="checkbox"/> No.</p>
37.	<p>In your State, does the termination of the pre-existing legal relationship affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)?</p> <p><input type="checkbox"/> It only affects the child and his or her mother and father.</p> <p><input type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input checked="" type="checkbox"/> Other. Please explain your response:</p> <p>This depends on whether a simple or full adoption has been pronounced. When a full adoption is being pronounced, the pre-existing legal relationship with all of the members of the biological family are being broken.</p>
38.	<p>Has your State encountered cases of breakdown in intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them:</p> <p>We are aware of one case of breakdown; for an older child. The child was removed from the care of her aunt and currently lives in a institution in Belgium.</p> <p><input type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State cooperate with States with which it normally does not cooperate?</p> <p><input checked="" type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard:</p> <p>The big challenge is to cooperate with the government of the State of origin, and the exchange of a parent file and a child file. In some cases it wasn't possible to establish a cooperation with the government, but we could count on the organisation 'ISS' to conduct a social study on the child.</p> <p><input type="checkbox"/> No.</p>

States of origin only

40.	<p>In your State, is the subsidiarity principle applied in the same manner to intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any different procedures used and explain the reasons for these different procedures:¹³</p> <p>Please insert text here</p>
41.	<p>Is intrafamily adoption used frequently to protect children within the extended family and / or are there other child protection measures (e.g., kinship care, foster care) that your State applies to protect children within the extended family?</p>

¹³ If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

	<input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response: <p style="color: blue;">Please insert text here</p> <input type="checkbox"/> Other child protection measures are applied. Please specify: (a) which other child protection measures are applied to protect children within the extended family: <p style="color: blue;">Please insert text here</p> (b) if your State is a Party to the 1996 Child Protection Convention , whether your State applies that Convention to give effect to these other child protection measures in other Contracting States: <p style="color: blue;">Please insert text here</p>
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3.2. Stepparent adoptions

Both States of origin and receiving States

42.	Does your State apply the 1993 Adoption Convention to stepparent intercountry adoptions? <input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No. Please specify any reasons: <p style="color: blue;">Please insert text here</p>
43.	What is the profile of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates? <p style="color: blue;">There is no specific profile. The adoptee only has to be a minor. In addition, the principle of subsidiarity always needs to be respected and the child's context must always be taken into account.</p>
44.	(a) Please specify any challenges your State encounters with stepparent intercountry adoptions: <p style="color: blue;">We have very little experience with stepparent intercountry adoptions. In any case, it is not always easy to receive a complete file with information about the child and its context. This can make it difficult to properly assess the situation of the child(ren).</p> (b) Please specify any good practices of your State for stepparent intercountry adoptions, including those for overcoming any challenges: <p style="color: blue;">We try to receive a complete dossier to allow ourselves to make a thorough evaluation of the situation of the child and possible other solutions.</p>

3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

45.	Has your State encountered situations where intrafamily adoptions were sought / used to circumvent immigration laws? <input checked="" type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations: <p style="color: blue;">Sometimes people try everything to make sure that their family member can come to Belgium (the Flemish speaking part), even if this means that they need to adopt the child. If we notice that someone uses the adoption procedure in order to circumvent the immigration laws, we give a negative advice on starting/continuing the adoption procedure and we refer them to Ministry of immigration matters. We don't have specific means to</p>
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stop this and we can not prohibit people from starting an adoption procedure, even if we have issued a negative advice....

No.

4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).

Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the State of habitual residence of the mother (State A), the State of birth of the child (State B), or another State?</p> <p>Our accredited body responsible for domestic adoption also provides psychosocial counselling to birth mothers who have questions about their pregnancy. Birth mothers often wish to remain anonymous. Several birth mothers drop out of their counselling at an early stage, as a result of which it remains unclear what decision they eventually make regarding their unborn child. There are birth mothers who clearly indicate that they wish to give birth anonymously (which is not possible in Belgium), because they consider this important for their personal safety and/or religious beliefs. Our AAB then hears that they consider/decide to go to neighbouring countries where it is possible to give birth anonymously.</p> <p>(b) how was the child's habitual residence determined? Which factors were considered?</p> <p>The problem is that we don't always know where mothers end up giving birth, as the support offered by our adoption service is completely voluntary and without any obligation. If, for example, she chooses to give birth anonymously in France, we will probably not know and the child will probably be included in the youth protection system from France (as "Pupils de l'etat"). We then consider France to be the habitual residence of the child (and not Belgium).</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a domestic adoption or an intercountry adoption?</p> <p>Referring to the example of the child being born in France (under (b)), we probably won't have the choice and we guess the child will be placed for adoption in France (for a domestic adoption there). Only when the child returns to Belgium, our accredited adoption agency will have the chance to look for a solution in Belgium and then we opt for a domestic adoption.</p> <p>(d) what challenges did your State face in dealing with such situation(s)?</p> <p>That birth mothers always have the choice to stop the counselling from our accredited adoption agency. They can choose to give birth abroad, so we don't always know where the child will be born. Eventually there will be no trace of the mother and child.</p> <p>(e) if your State was the State where the child was born, was contact sought with the State of habitual residence of the mother? Was there any cooperation between the concerned States?</p> <p>If we were faced with such a situation, we would probably get in touch with the competent authority in the mother's state of habitual residence to seek for the best solution possible.</p>
47.	<p>If there is a risk that the situation described above involves a case of human trafficking, would this be considered by your State when determining the child's habitual residence?</p>

	<input type="checkbox"/> Yes. Please explain your response: Please insert text here <input type="checkbox"/> No. Please explain your response: Please insert text here
48.	<p>Which actions would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child's habitual residence to be in their State? Please insert text here</p> <p>(b) would determine the child's habitual residence not to be in their State? Please insert text here</p>

5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

5.1. Simple adoptions

A simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his or her adoptive parents is established, and these adoptive parents have parental responsibility for the child.¹⁴

49.	<p>Has your State changed its legislation, rules or practices in recent years regarding simple intercountry adoption?</p> <input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here <input checked="" type="checkbox"/> No.
50.	<p>What is the profile of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>Some countries of origin only recognize simple adoptions. As far as we know, there is no specific profile of children for whom a simple intercountry adoption is made. On the other hand, simple adoptions occur mainly in the context of intrafamilial adoptions.</p>
51.	<p>If your State permits both full and simple adoption, are simple adoptions encouraged / promoted?</p> <input type="checkbox"/> Yes. Please explain your response: Please insert text here <input checked="" type="checkbox"/> No. Please explain your response: There is no specific encouragement for simple adoptions as opposed to full adoptions. When Belgian citizens go for a domestic adoption of a child they already know (stepparent adoption eg.), they have the choice between a simple and a full adoption (as long as the adoptee is a minor). It is up to the court to decide whether it grants a full or simple adoption. If the court considers that the child still has a connection with its birth family, it probably won't pronounce a full adoption. It is considered to be in the best interests of the child to have two family ties.

¹⁴ See [Guide to Good Practice No 1](#), Glossary.

	<p>Most of the domestic adoptions of unknown children are full adoptions as the birthparents renounce the child on a very early age. Most birth parents don't want to keep a legal bond with their child.</p>
52.	<p>Has your State faced any problems regarding seeking the birth mother / family's consent to a conversion in the State of origin (Art. 27 of the Convention)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations:</p> <p>Yes, if the country of origin only recognizes simple adoptions. In those cases it may be difficult to give permission for something that is not known in the country of origin.</p> <p><input type="checkbox"/> No.</p>
53.	<p>(a) Please specify any challenges your State encounters with simple adoptions:</p> <p>There are no specific challenges.</p> <p>(b) Please specify any good practices of your State for simple adoptions, including those for overcoming any challenges:</p> <p>No specific good practices, only caution for not breaking certain family ties.</p>

5.2. Open adoptions / openness in adoption

54.	<p>Does the terms "open adoption", "openness in adoption" or similar concepts exist in your State?¹⁵</p> <p><input checked="" type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State:</p> <p>Open adoption is considered as a concept, only provided in practice. There is no definition in Belgian law, nor in practise. Our accredited organisations do know that our CA prefers open adoptions but there is no general practice in this field. Moreover, an open adoption requires a mutual agreement. Although not specified in our legislation, we try to pursue domestic adoptions as much as possible as open adoptions.</p> <p>Apart from that, there's also a lot of openness about adoption. Openness about adoption is omnipresent in our current regulation (eg. the right of access for the adoptee to his/her adoption file). We believe it is important for the adoptee to show some openness about his/her adoption. The importance of this openness is also stressed in the preparation to be followed by the prospective adoptive parents.</p> <p><input type="checkbox"/> No. Please explain what is understood in your State by the terms "open adoption", "openness in adoption" or similar concepts:</p>
55.	<p>Has your State changed its legislation, rules or practices in recent years regarding open or openness in intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:</p> <p>We refer to our answer under 56.</p> <p><input type="checkbox"/> No.</p>

¹⁵ If applicable, you may wish to refer to your State's response to Questions 19 and 20 of the [2014 Questionnaire](#).

56.	<p>Has your State developed any good practices to ensure that Recommendation No 31¹⁶ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>The Flemish speaking part of Belgium recently adapted a new decree, establishing a DNA database and centre with expertise in lineage matters. The centre is called "het Afstammingscentrum". One of the purposes of this decree is to support certain specific groups in their search for biological relatives in the first degree (adoptees, birth families, donor conceived children, donors, ...). If, after taking and examining DNA-material, it appears that there is a lineage in the first degree between two people, the persons involved may get in touch with each other and may ask for the assistance of the centre.</p> <p>On the other hand, if relatives find each other as a result of access to their adoption file, and if they wish to get in touch with each other, they can also count on (psychological) assistance from the centre. The centre doesn't only provide support in the searches through DNA-material but it also assists with searches through access to the adoption file.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
57.	<p>(a) What is the profile of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>There is no specific profile of children for whom an open intercountry adoption is made.</p> <p>(b) Does your State have a specific approach depending on the profile of these children?</p> <p><input type="checkbox"/> Yes. Please specify these different approaches: Please insert text here</p> <p><input type="checkbox"/> No.</p>
58.	<p>Does your State provide professional support or services to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard:</p> <p>The adoption organisation that is responsible for domestic adoptions has an important mediating role between the adoptee and the birth parent(s). The organisation tries to organise a meeting between the parties involved in an adoption procedure.</p> <p>In the future the centre, specified under 56 (het Afstammingscentrum) will also play an important role in organizing potential meetings between the adoptee and the birth family. The centre will also support people who are seeking for relatives.;</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of contact between them after the adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify what action was taken in response:</p>

¹⁶ C&R No 31 of the 2015 SC:

"The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child's best interests should guide the nature of this contact, considering his or her wishes" [emphasis added].

	<p>Our Central Authority usually doesn't get this kind of questions because it's within the competence of the accredited adoption services to organise meetings and mediate between adoptees and their (birth) family members. The organisations that are accredited by our authority (f.e. Steupunt Adoptie) also provide support.</p> <p><input type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other challenges your State encounters regarding open adoptions: Obtaining the consent of all the parties involved can be a hard challenge. The expectations of the people that are involved in the adoption process can change. It's important to bare this is mind.</p> <p>(b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges: Please insert text here</p>

6. NON-CONSENSUAL ADOPTIONS

In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have lost parental responsibility but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).

States of origin only

61.	<p>What are the circumstances in your State in which a parent can lose his or her parental responsibility?</p> <p>Yes, these circumstances are written down in the law. The juvenile court can decide to partially or totally deprive the parent of parental authority</p> <ol style="list-style-type: none"> 1. The father or mother who has been convicted of a criminal or correctional offence for any offence committed on the child or with the help of one of the children or descendants; 2. The father or the mother who, as a result of bad treatment, abuse of authority, manifest bad behaviour or gross negligence, endangers the health, safety or morality of the child; 3. The father or the mother who marries a person who has been deprived of her parental authority. <p>The deprivation is pronounced by the juvenile court at the request of the public prosecutor.</p>
62.	<p>Does your State permit the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the consent of the birth parents who have lost their parental responsibility is <u>still</u> required?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>The deprivation does not imply that the parent(s) concerned does not have to give his/her consent to the adoption. If the parent does not relinquish his/her child, the child won't be adoptable. If both of the parents are deprived of their parental responsibility or if the child only has one legal parent left and there are some difficulties, then the child is usually cared for in foster care. Children, placed in foster care, are not eligible for adoption by unknown adoptive parents, unless the birth parents agree.</p> <p>The cases in which there is a non-consensual adoption are usually those in which the new partner of one of the biological parents adopts the child from his or her</p>

	<p>partner. Under certain circumstances, the court can permit the adoption by the new partner of the legal (birth)parent, even when the ex-partner/other birthparent does not agree. The court only considers this non consensual adoption if the adoption is considered to be in the best intrests of the child.</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p> <p>(b) how your State ensure that the principle of subsidiarity is respected. Please also specify whether measures to support the birth family’s reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption. we refer to the answer under (a).</p> <p>(c) what is the procedure applicable to such non-consensual adoptions (e.g.: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest). We refer to the answer under (a)</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
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Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin contested a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input checked="" type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations: We once had a case where the foster mother filed an appeal against the adoption. There was also another case where the birth parents appealed, but eventually the adoption was pronounced by the Court of Appeal.</p> <p><input type="checkbox"/> No.</p>
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Both States of origin and receiving States

64.	<p>What is the profile of children for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? We refer to our answer under 62.</p>
65.	<p>(a) Please specify any challenges your State encounters with non-consensual adoptions: Please insert text here</p> <p>(b) Please specify any good practices of your State regarding non-consensual adoptions, including those for overcoming any challenges: We refer to our answer under 62.</p>

7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

7.1. General questions

66.	<p>Does your State prohibit any contact between the child and the PAPs before matching?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p>
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No. Please specify:

(a) in which **circumstances** such contact is permitted;

When it is an adoption of a family member (upon the 4th degree) or an adoption of a child where an affective bond can be proven or stepparent adoption previous contact is allowed

(b) the **experience** of your State with regard to such contact.

For any other adoption, our CA doesn't allow previous contact/agreements between the child and the PAP's

7.2. Summer camps / hosting programmes

In this Questionnaire, the "summer camps" practice is when adoptable children and PAPs attend an event in the PAPs' State of residence (i.e., receiving State) or in the State of origin, usually for a period of several weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.

"Hosting programmes" (including "respite care" programmes for children who go abroad to improve their physical and medical well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.

67.	<p>Is your State involved in summer camps / hosting programmes for children?¹⁷</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a precursor to adoption for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, resulted in the adoption of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the safeguards of the 1993 Adoption Convention have been respected (bearing in mind that it is likely that the child remains "habitually resident" in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)? Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been declared adoptable before they can be part of such programmes;</p>

¹⁷ Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p>Please insert text here</p> <p>(b) whether the PAPs participating in such programmes must have been declared eligible and suitable to adopt to be allowed to take part in such programmes;</p> <p>Please insert text here</p> <p>(c) how the PAPs and children are selected to participate in such programmes, and whether a selection is made in cooperation with the other State;</p> <p>Please insert text here</p> <p>(d) how the children are prepared for such programmes;</p> <p>Please insert text here</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted;</p> <p>Please insert text here</p> <p>(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes;</p> <p>Please insert text here</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must return to the State of origin before the adoption procedure can be initiated;</p> <p>Please insert text here</p> <p>(h) who finances such programmes;</p> <p>Please insert text here</p> <p>(i) what is the experience of your State with these practices (<i>i.e.</i>, challenges and any potential benefits).</p> <p>Please insert text here</p>
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7.3. Voluntourism

In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.

69.	<p>Has your State experienced situations where "voluntourists" commenced an adoption procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input type="checkbox"/> Yes. Please specify how your State handled these situations and any difficulties these situations may have caused:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
70.	<p>Has your State taken any action to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p> <p>Please insert text here</p>

7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement, kinship care, “<i>niño puesto</i>”,¹⁸ or a more informal arrangement such as temporary care by neighbours or within a community), please specify:¹⁹</p> <p>(a) whether the child had already been declared adoptable before the PAPs’ adoption application was submitted; Please insert text here</p> <p>(b) at what stage in the process the PAPs were declared eligible and suitable to adopt; Please insert text here</p> <p>(c) what the profile of these children was; Please insert text here</p> <p>(d) what was done to ensure that the safeguards and procedures of the 1993 Adoption Convention had been respected; Please insert text here</p> <p>(e) your State's experience with such adoptions. Please insert text here</p>
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8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to integrate new technologies into work processes (<i>e.g.</i>, blockchain to facilitate transmission and access to data)?</p> <p><input type="checkbox"/> Yes. Please specify (a) what the experiences of your State are in this regard (<i>i.e.</i>, benefits and challenges) and (b) how your State take into account data protection in this context: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the number of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) relative adoptions (<i>i.e.</i>, excluding stepparent adoptions);²⁰</p> <table style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;">Year</th> <th style="text-align: center;">2015</th> <th style="text-align: center;">2016</th> <th style="text-align: center;">2017</th> <th style="text-align: center;">2018</th> <th style="text-align: center;">2019</th> </tr> </thead> <tbody> <tr> <td style="text-align: left;">Total</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> <td style="text-align: center;">3</td> </tr> </tbody> </table> <p>(b) stepparent adoptions;</p>	Year	2015	2016	2017	2018	2019	Total	0	1	1	2	3
Year	2015	2016	2017	2018	2019								
Total	0	1	1	2	3								

¹⁸ “*Niño puesto*” refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

¹⁹ Regarding foster care, if applicable, you may wish to refer to your State's response to Question 55 of the [2014 Questionnaire](#).

²⁰ For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).

/

(c) **simple** adoptions;

Year	2015	2016	2017	2018	2019
Total	11	6	14	0	0

(d) **open** adoptions or adoptions that involve a certain **degree of openness**; and

Year	2015	2016	2017	2018	2019
Total	71	62	59	32	28

(e) **non-consensual** adoptions.

Each year, there are a number of cases of intercountry adoption, where the biological parents were deprived of their parental authority on the basis of a court decision in the country of origin.

10. OTHER MATTERS

74. Please specify **any other comments** your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.
- clear guidelines within the Convention concerning financial aspects within an adoption procedure
 - limits for the adoptability of a child within its best interest. This for features on the child (e.g. a child with a serious attachment disorder that would not benefit from a warm loving family) as well as for features on the PAP's (e.g. age limits) for its guide for good practices.
 - Unable the possibility to withdraw the consent for adoption AFTER the matching took place