

Titre	Compilation des réponses aux questions relatives aux pratiques illicites et au contact avant l'apparementement du Questionnaire No 1 de 2020 (Doc. pré. No 3)
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1. Ce Document d'information vise à compiler les réponses aux questions relatives aux pratiques illicites et au contact avant l'apparement du Questionnaire sur le fonctionnement pratique de la Convention Adoption de 1993 (Questionnaire No 1 de 2020)¹.
2. Cette compilation a été réalisée en vue de faciliter certaines des discussions sur le Projet de Boîte à outils visant à prévenir les pratiques illicites en matière d'adoption internationale et à y remédier (Doc. pré-l. No 6, notamment Doc. pré-l. No 6B REV :
 - Fiche de synthèse No 2 « Contournement de l'application de la Convention », ligne 16 ;
 - Fiche de synthèse No 9 « Pratiques illicites liées aux FPA », ligne 17 ; et
 - Fiche de synthèse No 10 « Contournement de l'apparement », ligne 13.
3. Ce document comprend les sections suivantes du Questionnaire No 1 de 2020 :
 - Prévenir les pratiques illicites et la manière d'y remédier (section 2) ; et
 - Contact entre les futurs parents adoptifs et l'enfant avant l'apparement (section 7).
4. Les noms des États qui ont répondu aux questions sont indiqués en anglais uniquement. Les réponses des États ont été ajoutées dans la langue dans laquelle elles ont été fournies, à savoir l'anglais, le français ou l'espagnol. Dans le cas de l'espagnol, une traduction en anglais a été ajoutée à l'aide d'un outil de traduction automatique (veuillez cependant noter que cette traduction automatique n'a pas été révisée par le BP).

2. PRÉVENIR LES PRATIQUES ILLICITES ET LA MANIÈRE D'Y REMÉDIER

Q. 29 Des pratiques illicites en matière d'adoption internationale ont-elles été découvertes depuis 2015 dans votre État ?

Andorra	Non
Armenia	Non
Australia	Non
Austria	Non
Belarus	Non
Belgium	Non*
Brazil	Oui
Bulgaria	Non
Burkina Faso	Non
Cambodia	Non
Canada	Oui
Chile	Non
China, PR of	Pas de réponse
Colombia	Non
Congo	Non
Costa Rica	Non
Croatia	Non
Czech Republic	Non
Denmark	Oui
Dominican Rep.	Non
Ecuador	Non
El Salvador	Oui
Finland	Non
France	Non
Germany	Oui
Greece	Non
Guinea	Non
Haiti	Oui
Honduras	Non
India	Non
Ireland	Non
Italy	Oui
Latvia	Non

Lithuania	Non
Luxembourg	Oui
Madagascar	Non
Malta	Non
Mauritius	Pas de réponse
Mexico	Non
Monaco	Non
Montenegro	Non
Namibia	Non
New Zealand	Non
Norway	Non
Panama	Non
Peru	Non
Philippines	Oui
Poland	Non
Portugal	Non
Rep. of Moldova	Non
Romania	Non
Senegal	Non
Serbia	Non
Slovakia	Non
Slovenia	Non
South Africa	Non
Spain	Oui
Sri Lanka	Non
Sweden	Oui
Switzerland	Oui
Togo	Oui
Turkey	Non
USA	Oui
Uruguay	Non
Venezuela	Non
Viet Nam	Non

* Cet État a répondu "Non" mais a répondu aux questions plus spécifiques sous "Oui"

Q. 29 (a) Si la réponse est « Oui » : Veuillez préciser le type de pratiques illicites qui ont été découvertes.

Belgium	Alleged child abduction, human trafficking and hostage-taking (Belgium)
Brazil	Attempt to carry out domestic adoption by forging habitual residence in Brazil.
Canada	<p>We do not know if there is a shared understanding of what constitutes an “illicit practice” for the purpose of this question.</p> <p>There continue to be instances where the safeguards of the Convention are not applied even though they must be (e.g., a State of origin using domestic adoptions where the PAPs are citizens of their State, even though the PAPs habitually reside in Canada).</p> <p>There have also been instances where, in some States of origin, the principle of subsidiarity appears to be improperly applied (this may involve intra family or non-intra family situations).</p> <p>As for instances of illegal activity permeating the intercountry adoption process, we are aware of some instances regarding financial aspects (e.g. requests for financial support to birth mothers before the birth of the child, one instance where a staff member of the Central Authority for the State of origin seeking a financial benefit from the AAB linked to a proposed match).</p>
Denmark	Since 2015, suspicions have been raised about illicit practice in adoptions from Sri Lanka and Chile
El Salvador	<p>La entrega directa de niñas, niños o adolescentes por su familia biológica a los FPA, sin intervención alguna del Sistema Nacional de Protección Integral de Niñez y Adolescencia.</p> <p><i>The direct delivery of children or adolescents by their biological family to the FPA, without any intervention from the National System for the Comprehensive Protection of Children and Adolescents.</i></p>
Germany	<ul style="list-style-type: none"> • Circumvention of the 1993 Adoption Convention • Falsified papers • Legal rights of biological parents ignored
Haiti	<ul style="list-style-type: none"> • Détournement de procédure sur la base de l'influence dans l'apparementement. A la base le pré-contact entre le futur parent adoptif et le futur adopté. Certains candidats à l'adoption se font octroyer préalablement la garde d'un enfant puis demandent de l'adopter • Falsification d'acte d'état civil, modification de l'origine et de la filiation des enfants Substitution de représentant légal de l'enfant ou de parent biologique, Fabrication de faux acte d'état civil , Non enregistrement des actes de l'état civil , Usage abusif de la déclaration tardive pour l'obtention des actes d'état civil , Non respect des juridictions pour la rédaction des actes d'état civil.
Italy	Some cases of suspected irregularity during the ICA proceeding were reported and immediately, upon intervention of the CAI, were reported to the Public Prosecutor's Office, which carried out its investigations and who then archived the file.
Luxembourg	L'Autorité centrale est au courant de deux situations de contournement des règles de procédure prévues par la Convention de La Haye par la réalisation d'adoptions nationales dans le pays d'origine de l'enfant
Philippines	Abduction on Sale of Children
Spain	Por parte de la mayoría de las Autoridades centrales se responde de manera negativa a esta cuestión. Ha habido algún caso de familias que han tramitado adopciones sin la intervención del organismo competente o realizadas fuera del Convenio, estando firmado

	<p>el Convenio, como adopciones nacionales que se han querido reconvertir luego a internacionales.</p> <p><i>On the part of the majority of the Central Authorities, this question is answered in the negative. There have been some cases of families that have processed adoptions without the intervention of the competent body or carried out outside the Agreement, the Agreement being signed, such as national adoptions that have later been reconverted to international ones.</i></p>
Sweden	Illicit practice in Chile 1970-1990
Switzerland	<p>Discovered since 2015, but the procedures took place in the 70's, 80's, 90's:</p> <ul style="list-style-type: none"> • lack of consent of the biological parents, • PAPs granted an authorization to adopt although they were not legally qualified, • lack of control on the paperwork, • false or incomplete documents in the child's dossier, • entry documents for children whose identity was not certain.
Togo	<p>Les pratiques illicites découvertes depuis 2015 concernent les contournements de la procédure d'adoption par la mise sous tutelle d'un enfant déclaré abandonné,</p> <p>Pratiques illicites par les placements des enfants potentiellement adoptables dans des familles aux fins d'adoption</p> <p>Pratiques illicites par les fausses déclarations d'identité d'enfant.</p>
USA	<p>In 2016 the USCA debarred an accredited adoption service provider for multiple violations of U.S. accreditation regulations. Most importantly:</p> <ul style="list-style-type: none"> • the provider offered consideration to birth parents to induce them to release their children for adoption, • failed to ensure appropriate consent by birth parents, withheld or misrepresented social or other pertinent information on children, • and failed to adequately supervise its providers in foreign countries. More information is available here: <p>https://travel.state.gov/content/travel/en/Inter-country-Adoption/about-adoption-service-providers/agencies-denied-or-subject-to-adverse-action.html.</p>

Q. 29 (b) Si la réponse est « Oui » : Veuillez préciser quand les pratiques illicites ont été découvertes (c.-à-d., pendant ou après la procédure d'adoption).

Belgium	After the adoption procedure
Brazil	During the adoption procedure.
Canada	Depending on the situation – during the adoption process or after the adoption
Denmark	After the adoption procedure
El Salvador	<p>Dicha práctica se realizaba previo a la solicitud de adopción, lo que propició la convivencia de los FPA con las o los adoptados y su subsecuente vinculación emocional entre ellos, sin verificarse si los FPA cumplían con los requisitos mínimos para determinar su idoneidad o no para la adopción y pretenden que de forma automática se les extienda la aptitud para adoptar avalando con ello dicha práctica.</p> <p><i>This practice was carried out prior to the application for adoption, which led to the coexistence of the FPAs with the adoptees and their subsequent emotional bond between them, without verifying whether the FPAs met the minimum requirements to determine their suitability or not for adoption. adoption and claim that the aptitude to adopt is automatically extended to them, thereby endorsing said practice.</i></p>
Germany	After the adoption procedure
Haiti	Les pratiques sont découvertes après l'adoption surtout pour les cas résultant de l'application du Décret de 1974, appelés anciennes procédures. Depuis l'application de la loi du 29 août 2013, la mise en place du Collège d'Adoptabilité et d'apparement et la collaboration qui existe entre autorités administratives et judiciaires, ils sont découverts au cours de l'analyse du dossier.
Italy	Some cases of suspected irregularity during the ICA proceeding were reported and immediately, upon intervention of the CAI, were reported to the Public Prosecutor's Office, which carried out its investigations and who then archived the file.
Luxembourg	pendant la procédure d'adoption dans le pays d'origine
Philippines	Before
Spain	<p>Se han descubierto una vez finalizado el proceso de adopción.</p> <p><i>They have been discovered once the adoption process is complete.</i></p>
Sweden	After
Switzerland	After the procedure. Switzerland is discovering nowadays mistakes of procedures of the 1980's. If an illicit practice is discovered during a procedure, the latter is stopped.
Togo	Toutes les pratiques illicites sont découvertes pendant la procédure d'adoption ou en début de procédure.
USA	Most cases were detected post adoption, however, some were detected before the child left their country of origin.

Q. 29 (c) Si la réponse est « Oui » : Veuillez préciser si les pratiques illicites ont été effectuées dans le cadre ou en dehors du champ d'application de la Convention Adoption de 1993.

Belgium	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.
Brazil	Attempt to carry out the adoption outside the scope of the 1993 Adoption Convention, circumventing the treaty.
Canada	both Hague and non-Hague
Denmark	Outside the scope of the convention
El Salvador	Hubo casos en los que no se tenía certeza del incumplimiento o no al artículo 29 del Convenio de 1993, por lo que dichas solicitudes fueron rechazadas. <i>There were cases in which there was no certainty of non-compliance or non-compliance with Article 29 of the 1993 Agreement, for which said requests were rejected.</i>
Germany	Illicit practices can be observed especially often in cases where the procedures of the 1993 Adoption Convention are not followed.
Luxembourg	Contournement des règles de procédure Convention La Haye par la réalisation d'adoptions nationales dans le pays d'origine de l'enfant.
Philippines	Yes
Spain	Los casos conocidos fueron tanto dentro como fuera del ámbito de aplicación del Convenio. <i>Known cases were both within and outside the scope of the Convention.</i>
Sweden	Mainly before
Switzerland	Outside
Togo	Les pratiques illicites ont été effectuées dans le cadre du champ d'application de la convention
USA	The majority of cases occurred outside of the Convention.

Q. 29 (d) Si la réponse est « Oui » : Veuillez préciser la manière dont votre État a géré ces situations.

Belgium	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 practices have occurred in files that were handled by the Flemish CA / accredited agencies in the Flemish speaking part of Belgium.
Brazil	Cooperation with contracting states and cooperation with the Brazilian judiciary authority involved in the case.
Canada	<p>depending on the situation:</p> <ul style="list-style-type: none"> • by raising our concerns with the concerned States of origin and, in individual cases, seeking additional information from the CA of the State of origin, • in the specific instance of the staff member seeking a financial benefit, by suspending adoptions with the State of origin, • conducting a thorough follow-up with the AAB (including reviewing their decisions), • advising the Permanent Bureau and ISS, • in the specific instances where the States of origin use their domestic adoption process, two provinces have approached the foreign Central Authority to propose steps to bring the adoption into compliance post facto, but with very limited success because most States of origin consider their domestic adoptions valid (i.e. that the Convention is non-applicable). • Only one State of origin has agreed to take steps to heal an adoption, but this was an isolated situation and not a State where using domestic adoptions is an established and common practice.
Denmark	In regard to Sri Lanka, the Danish CA had a dialogue with the involved parties (the Danish AAB and the competent authorities in Sri Lanka) and is not informed directly about illicit practice in concrete adoption cases. Regarding Chile, the Danish CA follows the described procedure below in question 30
El Salvador	<p>Con la entrada en vigencia de la Ley Especial de Adopciones, se incorporó la prohibición de adopción de niñas, niños y adolescentes determinados y se establecieron las excepciones y requisitos para estos casos.</p> <p><i>With the entry into force of the Special Adoption Law, the prohibition of adoption of certain children and adolescents was incorporated and the exceptions and requirements for these cases were established.</i></p>
Germany	Recognition of the foreign adoption may be denied, immigration of the child might not be possible.
Haiti	Ces situations sont gérées en coordination avec les autorités judiciaires ainsi qu'avec les Ambassades des pays dont les ressortissants adoptent en Haiti.
Luxembourg	L'Autorité centrale a contacté l'Autorité centrale du PO pour signaler la situation. Les procédures d'adoption nationales ont abouti entretemps dans les PO, les procédures de régularisation sont pendantes au Luxembourg.
Philippines	Arrest and Trial
Spain	Se ha contactado con la autoridad central en materia de adopciones para conocer la situación de los niños, si éstos eran adoptables, y si había alguna manera de solucionar su situación.

	<p>También se ha contactado con la representación diplomática en el extranjero para solicitar la comprobación de determinadas circunstancias.</p> <p>Finalmente, en los países dentro del ámbito del Convenio de la Haya, algunos casos han podido solucionarse tramitando el expediente ex-novo con la intervención de la Autoridad Central del país.</p> <p>En otros casos, no ha sido posible encontrar una solución.</p> <p><i>The central authority on adoptions has been contacted to find out the situation of the children, if they were adoptable, and if there was any way to solve their situation.</i></p> <p><i>The diplomatic representation abroad has also been contacted to request verification of certain circumstances.</i></p> <p><i>Finally, in the countries within the scope of the Hague Convention, some cases have been resolved by processing the file ex-novo with the intervention of the country's Central Authority.</i></p> <p><i>In other cases, it has not been possible to find a solution.</i></p>
Sweden	Information from CA about root search, individual support by a psychologist connected to CA
Switzerland	Switzerland is currently investigating what happened in the 1980's with adoptions of children born in Sri Lanka (see our dedicated website and the linked documents under https://www.bj.admin.ch/bj/en/home/gesellschaft/adoption/illegale-adoptionen.html)
Togo	<p>Pour les cas de pratiques illicites découvertes concernant les contournements de la procédure d'adoption par la mise sous tutelle d'un enfant déclaré abandonné, le comité d'adoption a procédé :</p> <ul style="list-style-type: none"> • aux échanges d'informations avec l'autorité centrale du pays d'accueil dudit enfant • à la suspension temporaire de la coopération avec l'autorité du pays d'accueil de l'enfant , • à l'annulation de la mise sous tutelle de l'enfant par un jugement de tierce opposition • à la demande du retour de l'enfant sur le territoire togolais , • aux éventuelles poursuites judiciaires des acteurs impliqués dans la sortie du territoire de l'enfant. <p>Pour les cas de pratiques illicites par les placements des enfants potentiellement adoptables dans des familles aux fins d'adoption, le comité d'adoption à procédé :</p> <ul style="list-style-type: none"> • au rejet de la demande des requérants pour contact préalable avec l'enfant • à l'adoption de l'enfant par une autre famille. • Pour les cas de pratiques illicites par les fausses déclarations d'identité d'enfant, le comité d'adoption a procédé • à l'annulation des actes de naissance frauduleux et • au rétablissement de ces actes conformément à la filiation biologique véritable de ces enfants.
USA	In the most egregious cases, the adoption service provider involved had its accreditation cancelled by the accrediting entity. There was a criminal prosecution in one case.

Q. 29 Si la réponse est « Non »

Armenia	As this questionnaire does not provide any room for explanation under the NO answer, the following information is provided under this point. Starting from 2019 there has been a case of illicit practices of inter-country adoption, such as illegal purchase of a child. However, this case is still under investigation, and based on the presumption of innocence and the lack of the RA court verdict, at this state it is difficult to claim that there has been illicit practices.
Colombia	<p>En el caso de que se llegaren a presentar posibles prácticas ilícitas o el rapto, secuestro de niños/as se cuenta con la colaboración de la Policía de Infancia y Adolescencia quienes reportan los casos al ICBF para la atención y restablecimiento de derechos y el reporte a la Fiscalía General de la Nación y Procuraduría General para que adelanten las acciones de tipo penal y administrativo a que hubiera lugar. Dependiendo de cada caso se inicia una investigación de tipo legal y un proceso de restablecimiento de derechos para el niño/a que van de manera conjunta pero con funciones diferentes desde el quehacer de cada entidad.</p> <p><i>In the event that possible illicit practices or kidnapping or kidnapping of children are presented, there is the collaboration of the Police for Children and Adolescents who report the cases to the ICBF for attention and reestablishment of rights and the report to the Office of the Attorney General of the Nation and the Attorney General's Office to carry out the criminal and administrative actions that may arise. Depending on each case, a legal investigation and a process of reestablishing rights for the child are initiated, which go together but with different functions from the work of each entity.</i></p>

Q. 30 Si la réponse est « Oui » : Veuillez préciser les bonnes pratiques de votre État pour prévenir les pratiques illicites et la manière d'y remédier

Andorra	<p>El Principado de Andorra sólo mantiene convenio de cooperación en materia de adopción internacional con aquellos países signatarios del Convenio de la Haya.</p> <p><i>The Principality of Andorra only has a cooperation agreement on international adoption with those signatory countries of the Hague Convention.</i></p>
Armenia	<p>As a good practice, the following information should be mentioned:</p> <ul style="list-style-type: none"> • the RA Central Authority cooperates with the RA police to check the validity of the revocation of the right by the biological parents. • The RA Central Authority also provides the documents of the adoptive parents under the intercountry adoption to run background check using different networks.
Australia	<ul style="list-style-type: none"> • DSS: DSS refers to the national approach discussed in question 7. • NSW: Development (in process) of jurisdictional specific support guides to prevent and address illicit practices. • ACT: The ACT Adoptions Unit assesses PAPs and determines if they are eligible to adopt in compliance with Article 15 of the Hague Convention. In addition to this, The ACT's intercountry adoption legislation requires couples to undergo a range of background checks, such as criminal and personal history, child protection history check and reference checks, to determine that the applicants are of good character and for the purpose of assessing suitability to be adoptive parents. The assessment process is rigorous as the principle of the ACT legislation promotes the well-being and best interest of adopted persons throughout their lives. • TAS: If anything was noted the ACA would be advised. • NT: All assessments and practices are thorough. Documents provided are checked for their authenticity.
Belarus	<p>In order to prevent and address the illicit adoption practices Article 124 of the Marriage and Family Code of the Republic of Belarus stipulates that a person not authorized by the legislation of the Republic of Belarus (adoption intermediary activities) may not select and transfer children for adoption on behalf of or in the interests of persons wishing to adopt them. Article 177-1771 of the Criminal Code of the Republic of Belarus establishes the liability of individuals for breaching the confidentiality of adoption and for illegal actions relating to adoption of children.</p> <p>In accordance with paragraph 3, subparagraph 3.2, of Article 9 of the Law of the Republic of Belarus No. 350-3 of 7 January 2012 "On combating human trafficking", the Ministry of Foreign Affairs of the Republic of Belarus, diplomatic missions and consular offices of the Republic of Belarus, within the limits of their competence, collect data on children who are citizens of the Republic of Belarus adopted by citizens of the Republic of Belarus permanently residing outside the Republic of Belarus, foreign citizens and stateless persons, examine their living conditions and inform the Ministry of Education of the Republic of Belarus every six months."</p>
Belgium	<p>Federal adoption law requires that the principles of the Hague Adoption Convention are always applied, even in handling adoption procedures with non-Convention States. 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.</p>
Brazil	<ul style="list-style-type: none"> • Regular bi-annual meetings of the Council of the Brazilian Central Authorities, composed by the Brazilian Central Authority, 27 state-level Central Authorities, the Ministry of

	<p>International Affairs and the Federal Police to harmonize understandings, forms, practices and policy about intercountry adoption,</p> <ul style="list-style-type: none"> • Maintenance of a spirit of cooperation with other contracting States.
Burkina Faso	<ul style="list-style-type: none"> • La communication de la procédure de l'adoption internationale et des frais y relatifs à tous les organismes agréés . • L'accusé de réception adressé au couple lorsque leur dossier parviennent au secrétariat technique de l'Autorité centrale. • Les sanctions prévues dans les textes applicables aux agents de l'Etat et dans le Code pénal. • Et par la coopération, l'Autorité centrale du Burkina met tout en œuvre pour éviter ce genre de situation.
Cambodia	<p>Cambodia developed related law as below: -The Convention on the Rights of the Child, 1992 (CRC 1992) -Civil Code, 2007 - Law on the Suppression of Human Trafficking and Sexual Exploitation 2008 -Law on Inter-Country Adoption of the Kingdom of Cambodia 2009 and other legislation -Criminal Code of the Kingdom of Cambodia, 2010</p>
Canada	<ul style="list-style-type: none"> • For the Canadian provinces that have AABs, a rigorous accreditation process and standards and proper training for AABs, proper monitoring of the AABs, • For all provinces and territories, scrutinizing individual adoption files, providing information to PAPs on risks of illicit practices (either directly by the Central Authority or the AABs, or as part of the training they receive). • A province (Québec) has also instituted a formal complaint mechanism that adoptive parents can access, and also provides information on good practices to the population at large.
Chile	<p>La legislación actual impide la intermediación de particulares en los procesos de adopción, al amparo de la cual se dieron en el pasado, diversas prácticas ilícitas. Actualmente, sólo pueden intervenir en programas de adopción, Sename y los organismos acreditados ante éste.</p> <p><i>Current legislation prevents the intermediation of individuals in adoption processes, under which various illicit practices occurred in the past. Currently, only Sename and the organizations accredited before it can intervene in adoption programs.</i></p>
China (HK SAR)	<p>As stipulated under section 23A of the Adoption Ordinance (Cap. 290), no person other than (a) the Director of Social Welfare, (b) an accredited body acting under and in accordance with its accreditation, or (c) a person acting in pursuance of an order of the Court, shall make arrangements for the adoption of an infant, or place an infant for adoption. Any person who contravenes the above restrictions or receives an infant placed with him in contravention of the above restrictions shall be guilty of an offence.</p>
China (Macao SAR)	<p>For every adoption cases, SWB follows strictly to the procedures according to the Macao SAR laws and regulations, so as to prevent illicit practices.</p>
Congo	<p>1. En materia de prevención se cuenta con las siguientes prácticas:</p> <ul style="list-style-type: none"> • 1.1 La información concerniente a los costos, gastos y honorarios que cobran las distintas Instituciones Autorizadas para la Adopción en Colombia (IAPAS), tienen publicada esta información en sus respectivas páginas web de tal manera que los PAP puedan consultarla antes de iniciar un proceso de adopción con cualquiera de ellas. • 1.2 De igual forma, el ICBF a través del Lineamiento Técnico del Programa de Adopción y de la página web informa que el trámite administrativo de adopción ante la entidad no tiene ningún costo. • 1.3 Diseño, ejecución de programas y campañas de educación, prevención, garantía y restablecimiento de los derechos de la infancia y adolescencia.

	<ul style="list-style-type: none"> • 1.4 Diseño de Lineamientos Técnicos y procedimientos para el restablecimiento de derechos de los niños, niñas y adolescentes y para el desarrollo del programa de adopción que contemplan entre otras situaciones, los requisitos para otorgar el consentimiento y las acciones para declarar la adoptabilidad de un niño/niña o adolescentes. • 1.5 Apoyo e información a las autoridades judiciales, los Defensores y Comisarios de Familia, Personeros Municipales e Inspectores de Policía así como a la Policía de infancia y adolescencia para el desarrollo de acciones de policiales y protección de los niños, las niñas y los adolescentes relacionadas con prácticas ilícitas. • 1.6 Acompañamiento, seguimiento, asistencia técnica, vigilancia y control permanente entre la Subdirección de Adopciones y los 33 Comités de adopciones de la regionales del ICBF y de las 6 Instituciones autorizadas (IAPAS). • 1.7 Acreditación rigurosa de los organismos internacionales que desarrollan trámites de adopción internacional. <p>2. En el caso de sustracción, venta o tráfico de menores u otras prácticas ilícitas en el contexto de la adopción internacional, el Estado Colombiano regula penalmente las prácticas señaladas, normas que se aplican sin excepción a los responsables en la comisión de estos delitos. Las normas vigentes en materia penal establecen los responsables de una adopción irregular, siendo sujetos activos de la conducta los actores previstos en la ley que desarrollan e intervienen en el programa y proceso de adopción. De no tratarse de una adopción irregular, se incurre en el delito de trata de personas previsto en el ordenamiento penal.</p> <p><i>1. In terms of prevention, the following practices are in place:</i></p> <ul style="list-style-type: none"> • <i>1.1 The information concerning the costs, expenses and fees charged by the different Institutions Authorized for Adoption in Colombia (IAPAS), have this information published on their respective web pages in such a way that the PAPs can consult it before starting an adoption process. adoption with any of them.</i> • <i>1.2 Similarly, the ICBF, through the Technical Guidelines for the Adoption Program and the website, informs that the administrative procedure for adoption before the entity is free of charge.</i> • <i>1.3 Design, execution of programs and campaigns for education, prevention, guarantee and restoration of the rights of children and adolescents.</i> • <i>1.4 Design of Technical Guidelines and procedures for the restoration of the rights of children and adolescents and for the development of the adoption program that contemplate, among other situations, the requirements to grant consent and the actions to declare the adoptability of a child. / girl or teenagers.</i> • <i>1.5 Support and information to the judicial authorities, the Family Ombudsmen and Commissioners, Municipal Ombudsmen and Police Inspectors, as well as the Childhood and Adolescence Police for the development of police actions and the protection of children and adolescents. related to illicit practices.</i> • <i>1.6 Accompaniment, follow-up, technical assistance, vigilance and permanent control between the Subdirectorate of Adoptions and the 33 Adoption Committees of the ICBF regional offices and of the 6 authorized Institutions (IAPAS).</i> • <i>1.7 Rigorous accreditation of international organizations that carry out international adoption procedures.</i> <p><i>2. In the case of abduction, sale or trafficking of minors or other illicit practices in the context of international adoption, the Colombian State criminally regulates the aforementioned practices, rules that apply without exception to those responsible for committing these crimes. Current regulations in criminal matters establish those responsible for an irregular adoption, being the active subjects of the conduct the actors provided for in the law that develop and intervene in the adoption program and process. If it is not an irregular adoption, the crime of trafficking in persons provided for in the criminal system is incurred.</i></p>
Congo	La mise en application des dispositions de la Convention Adoption 1993 et de la législation nationale en la matière

<p>Costa Rica</p>	<p>Tenemos legislación penal que castiga con penas de privación de libertad a quienes utilicen mecanismos ilegales para el trámite de una adopción internacional por ejemplo: El código Penal en su artículo Evasión de trámites para adopción</p> <p>ARTÍCULO 183 bis.- Infractores del proceso de adopción. Se impondrá prisión de tres a ocho años:</p> <p>a) A quien promueva o facilite la salida del país de personas menores de edad, contraviniendo las disposiciones migratorias que la regulan e infringiendo las disposiciones costarricenses sobre adopción.</p> <p>b) A la mujer en estado de gravidez que dé a luz en el extranjero, infringiendo las disposiciones costarricenses sobre adopción. En los casos de los incisos a) y b) anteriores, si las faltas han sido cometidas por un funcionario público en el ejercicio de su función, la pena será de cinco a diez años de prisión, sin perjuicio de las sanciones administrativas que procedan. (Así adicionado por el</p> <p>ARTÍCULO 184 bis.- Pena por tenencia ilegítima de menores para adopción. Será reprimido, con prisión de tres a seis años, quien ilegítimamente tenga a su cargo a personas menores de edad sujetas a adopción. (Así adicionado por el artículo 8 de ley N° 7538 de 22 de agosto de 1995)ulo 7 de ley N° 7538 de 22 de agosto de 1995)</p> <p>Artículo 376.- Pena por tráfico de personas menores. Se impondrá prisión de dos a cuatro años a quien venda, promueva o facilite la venta de una persona menor de edad y perciba por ello cualquier tipo de pago, gratificación, recompensa económica o de otra naturaleza. Igual pena se impondrá a quien pague, gratifique o recompense con el fin de recibir a la persona menor de edad. La prisión será de cuatro a seis años cuando el autor sea un ascendiente o pariente hasta el tercer grado de consanguinidad o afinidad, el encargado de la guarda, custodia o cualquier persona que ejerza la representación de la persona menor de edad. Igual pena se impondrá al profesional o funcionario público que venda, promueva, facilite o legitime por medio de cualquier acto la venta de la persona menor. Al profesional y al funcionario público se le impondrá también inhabilitación de dos a seis años para el ejercicio de la profesión u oficio en que se produjo el hecho. (Así adicionado por el artículo 9° de la ley N° 7538 del 22 de agosto de 1995). (Así corrida su numeración por el artículo 185 de la ley N° 7732 del 17 de diciembre de 1997, que lo traspasó del anterior artículo 374 al 376 actual). (Así reformado por el artículo único de la ley N° 7999 del 05 de mayo del 2000).</p> <p>ARTÍCULO 377.- Será reprimido con prisión de cinco a diez años, quien promueva o facilite el tráfico de personas menores de edad para darlas en adopción, con el fin de comerciar sus órganos. (Así adicionado por el artículo 9 de ley N° 7538 de 22 de agosto de 1995. El antiguo artículo 375 pasó a ser el 377) (Así modificada la numeración de este artículo por el numeral 185, inciso a), de la ley No.7732 de 17 de diciembre de 1997, que lo traspasó del 375 al 377)</p> <p><i>We have criminal legislation that punishes with prison sentences those who use illegal mechanisms for the process of an international adoption, for example: The Penal Code in its article Evasion of procedures for adoption</i></p> <p><i>ARTICLE 183 bis.- Offenders of the adoption process. Imprisonment of three to eight years will be imposed:</i></p> <p><i>a) Anyone who promotes or facilitates the departure of minors from the country, contravening the migratory provisions that regulate it and infringing the Costa Rican provisions on adoption.</i></p> <p><i>b) A pregnant woman who gives birth abroad, violating Costa Rican provisions on adoption. In the cases of subparagraphs a) and b) above, if the offenses have been committed by a public official in the exercise of his function, the penalty will be five to ten years in prison, without prejudice to the appropriate administrative sanctions. (So added by the</i></p> <p><i>ARTICLE 184 bis.- Penalty for illegitimate possession of minors for adoption. Whoever illegitimately has minors subject to adoption in their charge will be punished, with imprisonment from three to six years. (As added by Article 8 of Law No. 7538 of August 22, 1995) Article 7 of Law No. 7538 of August 22, 1995)</i></p> <p><i>Article 376.- Penalty for trafficking in minors. Imprisonment of two to four years will be imposed on anyone who sells, promotes or facilitates the sale of a minor and receives any type of payment,</i></p>
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	<p><i>gratuity, economic or other reward. The same penalty will be imposed on whoever pays, rewards or rewards in order to receive the minor. The prison will be from four to six years when the perpetrator is an ascendant or relative up to the third degree of consanguinity or affinity, the person in charge of the guardianship, custody or any person who exercises the representation of the minor. The same penalty will be imposed on the professional or public official who sells, promotes, facilitates or legitimizes the sale of the minor through any act. The professional and the public official will also be disqualified from two to six years from exercising the profession or trade in which the event occurred. (As added by article 9 of Law No. 7538 of August 22, 1995). (This is how its numbering was adjusted by article 185 of Law No. 7732 of December 17, 1997, which transferred it from the previous article 374 to the current 376). (As amended by the sole article of Law No. 7999 of May 5, 2000).</i></p> <p><i>ARTICLE 377.- It will be punished with imprisonment from five to ten years, who promotes or facilitates the trafficking of minors to give them up for adoption, in order to trade their organs. (As added by article 9 of Law No. 7538 of August 22, 1995. The former article 375 became 377) (The numbering of this article is thus modified by numeral 185, subsection a), of Law No. 7732 of December 17, 1997, which transferred it from 375 to 377)</i></p>
Croatia	<p>Any unlawful acts are reported to the competent bodies of criminal prosecution (police, state attorney, courts).</p> <p>All necessary documentation must be in original, issued by competent authorities, translated into Croatian language by the court interpreter, only children with legal assumption for adoption can be adopted, only PAPs approved by competent centre for social welfare as eligible and suited for adoption can adopt a child, etc.</p>
Denmark	<p>The CA will - on the basis of the information provided - assist with an assessment of the nature and scope of the alleged illicit practice and will seek to the extent of the CA's competences to guide the adoptee further along with the case in the State of Origin and which the relevant Danish authority that is competent in regard to redress, penal procedures etc. The Danish CA is only competent to assist with providing more information about the specific adoption case.</p>
Ecuador	<p>El Ecuador ha subdividido el proceso de adopción de niñas, niños y adolescentes privados de un medio familiar y en aptitud psicosocial y legal para ser adoptados en dos fases:</p> <ul style="list-style-type: none"> • la administrativa, a cargo de la Función Ejecutiva del Estado, que además cuenta con la intervención especial de los Gobiernos Autónomos Descentralizados Municipales de las diferentes ciudades donde se encuentran las oficinas de las Unidades Técnicas de Adopciones; • y, la fase judicial, a cargo de la Función Judicial del Estado. Esta participación interinstitucional en los procesos de adopción ha dado lugar al cumplimiento del debido proceso establecido en la normativa nacional y a la prevención de acciones fuera de los contextos legales y procedimentales. <p><i>Ecuador has subdivided the process of adoption of children and adolescents deprived of a family environment and in psychosocial and legal aptitude to be adopted in two phases:</i></p> <ul style="list-style-type: none"> • <i>the administrative one, in charge of the Executive Function of the State, which also has the special intervention of the Autonomous Decentralized Municipal Governments of the different cities where the offices of the Technical Adoption Units are located;</i> • <i>and, the judicial phase, in charge of the Judicial Function of the State. This inter-institutional participation in the adoption processes has given rise to compliance with the due process established in national regulations and the prevention of actions outside the legal and procedural contexts.</i>
El Salvador	<p>En primer lugar, el trabajo articulado de las instituciones que integran el Sistema Nacional de Protección Integral de la Niñez y Adolescencia, para evitar adopciones que violenten la Ley Especial de Adopciones. En segundo lugar, la obligación de las instituciones de garantizar que en el proceso de adopción no haya irregularidades o prácticas indebidas y la eventual intervención de la Fiscalía General de la República.</p>

	<i>In the first place, the articulated work of the institutions that make up the National System for the Comprehensive Protection of Children and Adolescents, to prevent adoptions that violate the Special Law on Adoptions. Second, the obligation of the institutions to guarantee that there are no irregularities or improper practices in the adoption process and the eventual intervention of the Attorney General's Office.</i>
Finland	In Section 90 of the Adoption Act it is stated that regarding the Licence for international cooperation, the Service providers (AB's) shall without delay inform the Board of any issues brought to their attention that may result in the cancellation of a licence referred to in section 90. This obligation is informed to the accredited bodies in the licence document. The Adoption board holds regular meetings with the accredited bodies to secure open communication and supervision. The international section of the adoption board discusses good practices and requests for reporting from the accredited bodies also on a need bases.
France	Le contrôle le plus en amont possible dans la procédure, la vigilance particulière dans les pays dans lesquels l'état civil est fragile, le déplacement régulier le l'AC dans les pays d'origine.
Germany	PAPs are advised to turn to an AAB or a regional CA if they intend to adopt internationally. Non-governmental adoption agencies are under official supervision.
Greece	Before an adoption is presented in front of the authority responsible for the finalisation of the adoption, according to the law of the State of origin, Greek Central Authority asks for the irrevocable consents of the birth family to be given freely, and information about the child's background and if it really free to be given for adoption.
Guinea	aucun dossier d'adoption ne sort de la Guinée sans l'avis favorable de l'Autorité Centrale. Par ailleurs, seuls les OAA constituent les intermédiaires.
Haiti	L'Autorité centrale, en collaboration avec certaines Ambassades accréditées en Haiti et des Organisations internationale, organise des tournées de sensibilisation dans les juridictions des Tribunaux de Première Instance auprès des Juges et des Parquetiers, réalise des séances de formation pour des professionnels du droit et du travail social, fait la vulgarisation de la loi du 29 août 2013 révisant l'adoption et la Convention de La Haye de 1993 sur l'adoption internationale, réalise des séances de sensibilisation auprès des familles, dans le cadre du pré-consentement à l'adoption. Pour y remédier il faut: la communication et la collaboration entre les acteurs, la prévention, le monitoring des cas, des sanctions.
Honduras	La reciente creación de la Ley Especial de Adopciones en la cual se penaliza las practicas fraudulentas, seguir las salvaguardas desde el proceso de la declaratoria de adoptabilidad del niño o niña asi como del proceso de la adopcion ademas tenemos ratificacion de convenios internacionales para prevenir y combatir practicas ilicitas. <i>The recent creation of the Special Adoption Law in which fraudulent practices are penalized, follow the safeguards from the process of the declaration of adoptability of the boy or girl as well as the adoption process, we also have ratification of international conventions to prevent and combat illicit practices.</i>
India	Adoptions under the Juvenile Justice Act, 2015 and Adoption Regulations, 2017, have brought more clarity and transparency in the adoption process.
Ireland	The Authority has not had any direct experience with illicit practices thus far. The Authority has signed up to the HCCH conference in relation to illicit practices running in September 2021.
Italy	Among others, training and updating of the AABB personnel and good cooperation between the different institutions, in particular between CAI, Police and Judicial Authorities.
Latvia	N/A

Lithuania	Transparent and clearly defined adoption procedures prevent illicit practices.
Luxembourg	<p>Information et sensibilisation des candidats adoptants:</p> <ul style="list-style-type: none"> • mise en place d'un cycle de préparation obligatoire pour les candidats. • En cas de projet spécifique des candidats (adoption intrafamiliale ou adoption d'un enfant en provenance d'un pays non partenaire du Luxembourg: entretien particulier obligatoire à l'AC qui réalise avec l'OAA une analyse de la faisabilité du projet notamment au regard de la fiabilité du PO et de la procédure -> prise de contact avec l'AC du PO. • Contrôle des dossiers au moment de l'apparement par l'AC et le Ministère des Affaires Etrangères. Il arrive cependant que des intéressés intentent une procédure d'adoption dans un PO donné sans passer par l'Autorité centrale et la procédure prévue par la CLH et que, si l'AC en est informée, la procédure d'adoption est déjà été finalisée dans le PO.
Malta	The Maltese Civil Code (Articles 128, 128A-128F) provides for the prohibition of certain payments, publication, false statements, impersonation/false representation, false documents, use of force and removal of child. Any person who contravenes the provisions of these articles shall, on conviction, be guilty of an offence and be liable for imprisonment or to a fine. Thus, these provisions of law are addressing illicit practices. A good practice which Malta is promoting is an IT system through blockchain which will be common to all Hague countries.
Mauritius	Through strict adherence to the procedures as per existing laws.
Mexico	<p>La legislación mexicana contempla directrices para dar cumplimiento al principio de subsidiariedad, mismas que están estipuladas en el artículo 26 de la Ley General de los Derechos de Niñas, Niños y Adolescentes.</p> <ul style="list-style-type: none"> • Respecto a las tarifas, los servicios de las Autoridades Centrales mexicanas son gratuitos y no se cuenta con organismos autorizados en México para realizar las funciones de Autoridad Central. • Las Autoridades Centrales mexicanas han establecido como buena práctica el envío o recepción de la documentación que será enviada a México, de forma escaneada para adelantar las gestiones que se tengan que realizar, en tanto la documentación original es recibida vía postal. • En el Estado mexicano niñas, niños y adolescentes tienen derecho a la identidad y desde su nacimiento tienen derecho de contar con nombre y los apellidos que le correspondan y deberán de ser inscritos en el Registro Civil respectivo de forma inmediata y gratuita; también tienen derecho a que se les expida en forma ágil y sin costo la primera copia certificada del acta correspondiente, de conformidad con lo establecido por el artículo 19 de la Ley General de los Derechos de Niñas, Niños y Adolescentes. • La legislación mexicana cuenta con regulaciones claras sobre quienes deben otorgar el consentimiento para la adopción y éste debe de ser de manera libre e informada, incluido el asesoramiento de los padres biológicos, mismo que se encuentra regulado en el artículo 398 del Código Civil para el Distrito Federal, ahora Ciudad de México. En cuanto a los consentimientos inducidos por la pobreza, en el artículo 22 de la Ley General de los Derechos de Niñas, Niños y Adolescentes señala que la falta de recursos no podrá considerarse motivo suficiente para separarlos de su familia de origen. • Sobre la falta de consideración de la edad y la madurez del niño para determinar si se necesita su consentimiento, la legislación mexicana en la materia considera en el artículo 399 del Código Civil para el Distrito Federal, ahora Ciudad de México, que en todos los asuntos de adopción serán escuchados niñas, niños y adolescentes en condiciones adecuadas conforme a su edad y grado de madurez.

- Las Autoridades Mexicanas garantizan que se conserve la información que se tiene sobre los orígenes del niño, lo cual se encuentra establecido en el artículo 406 fracción II del Código Civil para el Distrito Federal, ahora Ciudad de México.
- Se ha trabajado en mecanismos que prohíban las adopciones privadas o independientes. El pasado 03 de junio de 2019, se reformó la Ley General de los Derechos de Niñas, Niños y Adolescentes, en la que se adicionó el artículo 30 Bis 2, en el que se prohíbe la adopción privada.
- De igual manera las Autoridades Centrales mexicanas no realizan la difusión de niños susceptibles de adopción por internet, ni comparten fotografías, al menos de que sean sujetos de atención prioritaria para la adopción.
- Las Autoridades Mexicanas han realizado las gestiones necesarias para que niñas, niños y adolescentes que se encuentran en territorio nacional a consecuencia de acuerdos de tutela u órdenes de custodia, se regularice y concluirlo en adopción; si bien es cierto no es una buena práctica por parte del Estado de Origen, dichas acciones se realizan en aras de interés superior de la niñez, ya que cuando las Autoridades del Estado de Origen enteran a las Autoridades Centrales mexicanas, los niños llevan varios años en territorio nacional.
- Es importante destacar que, en los casos de adopciones internacionales, ya sean por connacionales o entre familiares, las Autoridades Centrales mexicanas, valoran cada caso en particular, siempre privilegiando el interés superior de la niñez en cada uno de ellos.
- En el artículo 30 Bis 2 fracción VI de la Ley General de los Derechos de Niñas, Niños y Adolescentes, se prohíbe la obtención directa o indirecta de beneficios indebidos, materiales o cualquier índole, ya sea por la familia de origen o extensa del adoptado, así como por funcionarios o trabajadores de instituciones públicas o privadas y autoridades involucradas en el proceso de adopción.
- Las donaciones se realizan en especie, en virtud de las necesidades de niñas, niños y/o adolescentes que se encuentran en los Centros de Asistencia Social, sin tomar en consideración si son susceptibles de adopción, por lo que dichas donaciones no tienen relación con ningún procedimiento de adopción.
- Las Autoridades Centrales mexicanas han establecido como buena práctica el envío o recepción de la documentación que será enviada a México, de forma escaneada para adelantar las gestiones que se tengan que realizar, en tanto la documentación original es recibida vía postal.
- Asimismo, existe comunicación directa entre las Autoridades Centrales mexicanas e internacionales; así como con los representantes legales de los organismos internacionales acreditados y autorizados por el Estado Mexicano, para cualquier procedimiento de adopción internacional.
- La Autoridades Centrales mexicanas deberán de disponer lo necesario para garantizar que la adopción no sea realizada para fines de venta, sustracción, retención u ocultación ilícita, tráfico, trata de personas, explotación, las peores formas de trabajo infantil, de acuerdo al artículo 31 párrafo primero de la Ley General de los Derechos de Niñas, Niños y Adolescentes. Si se presentare cualquiera de los supuestos una vez concluida judicialmente la adopción, la Procuraduría de Protección correspondiente presentará denuncia ante el Ministerio Público y tomará las medidas necesarias para asegurar el bienestar integral de niñas, niños y/o adolescentes

Mexican legislation contemplates guidelines to comply with the principle of subsidiarity, which are stipulated in article 26 of the General Law of the Rights of Children and Adolescents.

- *Regarding rates, the services of the Mexican Central Authorities are free and there are no authorized bodies in Mexico to perform the functions of Central Authority.*
- *The Mexican Central Authorities have established as a good practice the sending or receiving of the documentation that will be sent to Mexico, in a scanned form to advance the procedures that have to be carried out, while the original documentation is received by post.*

	<ul style="list-style-type: none"> • <i>In the Mexican State, children and adolescents have the right to identity and from their birth they have the right to have their corresponding names and surnames and must be registered in the respective Civil Registry immediately and free of charge; They also have the right to be issued the first certified copy of the corresponding record in an agile manner and free of charge, in accordance with the provisions of article 19 of the General Law on the Rights of Children and Adolescents.</i> • <i>Mexican legislation has clear regulations on who must give consent for the adoption and this must be in a free and informed manner, including the advice of the biological parents, which is regulated in article 398 of the Civil Code for the Federal District, now Mexico City. Regarding consents induced by poverty, article 22 of the General Law on the Rights of Children and Adolescents states that the lack of resources cannot be considered sufficient reason to separate them from their family of origin.</i> • <i>Regarding the lack of consideration of the age and maturity of the child to determine if their consent is needed, Mexican legislation on the matter considers in article 399 of the Civil Code for the Federal District, now Mexico City, that in all adoption matters will be heard girls, boys and adolescents in appropriate conditions according to their age and degree of maturity.</i> • <i>The Mexican Authorities guarantee that the information on the origins of the child is preserved, which is established in article 406 section II of the Civil Code for the Federal District, now Mexico City.</i> • <i>Work has been done on mechanisms that prohibit private or independent adoptions. On June 3, 2019, the General Law on the Rights of Children and Adolescents was reformed, in which article 30 Bis 2 was added, in which private adoption is prohibited.</i> • <i>In the same way, the Mexican Central Authorities do not broadcast children susceptible to adoption on the Internet, nor do they share photographs, unless they are subjects of priority attention for adoption.</i> • <i>The Mexican Authorities have taken the necessary steps so that children and adolescents who are in national territory as a result of guardianship agreements or custody orders, are regularized and finalized for adoption; Although it is true that it is not a good practice on the part of the State of Origin, said actions are carried out in the best interest of the child, since when the Authorities of the State of Origin inform the Mexican Central Authorities, the children have spent several years in national territory.</i> • <i>It is important to note that, in cases of international adoptions, whether by nationals or between relatives, the Mexican Central Authorities value each case in particular, always prioritizing the best interests of the child in each of them.</i> • <i>In article 30 Bis 2 section VI of the General Law of the Rights of Girls, Boys and Adolescents, the direct or indirect obtaining of undue, material benefits or any kind is prohibited, either by the family of origin or extended of the adoptee. , as well as by officials or workers of public or private institutions and authorities involved in the adoption process.</i> • <i>Donations are made in kind, by virtue of the needs of girls, boys and/or adolescents who are in the Social Assistance Centers, without taking into consideration whether they are susceptible to adoption, so said donations are not related to No adoption process.</i> • <i>The Mexican Central Authorities have established as a good practice the sending or receiving of the documentation that will be sent to Mexico, in a scanned form to advance the procedures that have to be carried out, while the original documentation is received by post.</i> • <i>Likewise, there is direct communication between the Mexican and international Central Authorities; as well as with the legal representatives of international organizations accredited and authorized by the Mexican State, for any international adoption procedure.</i> • <i>The Mexican Central Authorities must provide what is necessary to guarantee that the adoption is not carried out for the purpose of sale, abduction, retention or illicit concealment, trafficking, human trafficking, exploitation, the worst forms of child labor, in accordance with article 31 first paragraph of the General Law on the Rights of Children and Adolescents. If any of the assumptions arise once the adoption has been judicially concluded, the corresponding Protection Agency will file a complaint with the Public Ministry and will take the necessary measures to ensure the comprehensive well-being of children and/or adolescents.</i>
Monaco	L'Autorité centrale monégasque vérifie le dossier de proposition d'apparement de l'enfant transmis par l'Autorité centrale de l'Etat d'origine afin de s'assurer, au vu des pièces produites, que l'enfant n'a pu réintégrer son foyer familial et qu'il a été proposé sans succès à l'adoption nationale.

Montenegro	All adoption procedures for which, according to our law, the centers for social work are competent are controlled by the Ministry of Labor and Social Welfare.
Namibia	None
Norway	That intercountry adoptions must take place through accredited bodies which are authorised, monitored and supervised by the CA, and that PAPs need an approval (prior consent) from the adoption authorities before adopting from abroad, contrary to private or independent adoptions.
Panama	<p>Entre las buenas prácticas para prevenir y abordar las prácticas ilícitas, están que el Estado panameño no realiza adopciones con países de recepción o de origen que no sean suscriptores del Convenio Relativo a la Protección del Niño y a la Cooperación en Materia de Adopciones Internacionales. La Autoridad Central del país de recepción o la autoridad competente en la protección de los derechos de la niñez y adolescencia garantice la idoneidad de los procedimientos y que los niños, niñas y adolescentes gocen de todas las garantías y derechos que el país de origen reconoce a sus nacionales reconociendo su nacionalidad en el país receptor. De igual forma, que en el país de recepción existan a favor de las personas adoptadas derechos, garantías y condiciones mínimas, iguales a los consagrados por la legislación panameña, incluida la Convención sobre los Derechos del Niño</p> <p><i>Among the good practices to prevent and address illicit practices, is that the Panamanian State does not carry out adoptions with countries of reception or origin that are not signatories of the Convention on the Protection of Children and Cooperation in the Matter of International Adoptions. The Central Authority of the receiving country or the competent authority in the protection of the rights of children and adolescents guarantees the suitability of the procedures and that children and adolescents enjoy all the guarantees and rights that the country of origin recognizes to its nationals recognizing their nationality in the receiving country. In the same way, that in the receiving country there are rights, guarantees and minimum conditions in favor of adopted persons, equal to those enshrined in Panamanian legislation, including the Convention on the Rights of the Child.</i></p>
Peru	The Hague Convention of 1993 has not regulated sanctions for violations during international adoption. Thus, there is no rule that obliges States to include in their criminal systems crimes related to the bad practices of international adoption related to child trafficking. Our country has taken an important step in preventing child trafficking by ratifying the Optional Protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and the use of children in pornography. Likewise, at the regional level, our country is a party of the Inter-American Convention on International Traffic in Minors. Legislative Decree No. 1297, Legislative Decree for the Protection of Girls, Boys and Adolescents without Parental Care or at Risk of Losing them, has been issued, which regulates administrative sanctions for those who exert bad practices, but we have nothing specific in criminal matters except the generic crime on child trafficking provided for in the Law against Trafficking in Persons and Smuggling of Migrants.
Philippines	Close coordination with Department Social Welfare and Development (DSWD) and other government agencies to work hand in hand in eliminating illicit practices.
Portugal	<p>The entire adoption procedure is closely monitored, and its proceeded by independent entities. In addition in 2019 the new law against illegal adoptions come into force.</p> <p>The amendment to the Penal Code means that single" illegal adoptions will not go unpunished either. Both the mother and the person accepting the child will be punished. The new provision stipulates that whoever gives up or adopts a child for adoption without appropriate legal proceedings (e.g. by false identification of paternity) may be imprisoned for up to 5 years.</p> <p>The same punishment will threaten a person who conceals from a court that he gave a child for money or other benefit. If he hides it - he will be imprisoned for 5 years. If it is not concealed - the court will decide whether there has been a transaction that excludes the possibility of adoption or only insignificant gratification. The idea is not to suppress adoption</p>

	in cases where the mother accepts a small present from future adoptive parents, e.g. diapers or baby's milk. "
Portugal	The legislation is very strict. Should any illicit practice be discovered, a criminal investigation will follow.
Rep. of Moldova	Moldovan legislation in adoption area was elaborated and developed in order to prevent and address illicit practices. The procedure of national and international is very good described, and don't permit to be done some illicit practices. Despite this fact, if somebody try to do something illicit in adoption matter, this person falls under criminal or contraventional law.
Romania	<p>Good practices that prevent illicit practices:</p> <ul style="list-style-type: none"> • The child has to be eligible for adoption prior to the intercountry adoption application of the adopter/adoptive family, • The adoptable children and the adopters/adoptive families has to be registered in the National Registry for Adoptions prior to the matching, • There is no contact between the birth parents and the adoptive parents during the adoption proceedings and, after the adoption approval, not until the adoptee search for her/his origin becomes possible, according to the legal provisions, • The National Authority for the Rights of Persons with Disabilities Children and Adoptions (NARPDCA, the Central Authority of Romania) takes all measures, in compliance with the provisions prescribed by The Hague Convention, to prevent illegitimate profits, either financial ones or of any other nature, which could be earned during the adoption process and to discourage any practice contrary to the objectives of The Hague Convention and of this law . If such situations (of illicit practices) occur, the criminal investigation bodies are noticed and it is asked for the collaboration with the central authority from the receiving State. At the end of the investigation it may be brought legal action to the Romanian Court in order to declare the adoption null under the law.
Senegal	Il s'agit de veiller à l'application strict de la convention de la Haye de 1993 : respect du principe de subsidiarité, pris en compte de l'intérêt supérieur de l'enfant, encadrement des coûts, indépendance de la Commission d'apparement composée d'une équipe pluridisciplinaire
Slovakia	Communication, guidelines
Slovenia	Focus on good preparation of PAPs and support them during all the adoption process, good communication with the States of origin.
South Africa	The Children's act 38 of 2005.
Spain	<ul style="list-style-type: none"> • Orientar a las familias a adoptar en países firmantes del convenio. • Seguir estrictamente los procedimientos de adopción y los acuerdos adoptados en esta materia, teniendo en cuenta la adoptabilidad de los menores emitida por el país de origen y comunicar al Ministerio correspondiente, y si fuera el caso, a la Fiscalía. • Tramitar con aquellos países en los que haya una situación de seguridad jurídica, una Autoridad Central o Autoridad que centralice la adopción. • Supervisión de los OOAA, con transparencia en los costes de adopción. • Solicitar que los informes de asignación de los niños o niñas, sean más completos. • Comunicación inmediata a la autoridad central del país de origen para la ejecución de las medidas oportunas posibles . <p>• <i>Guide families to adopt in countries that have signed the agreement.</i></p>

	<ul style="list-style-type: none"> • <i>Strictly follow the adoption procedures and the agreements adopted in this matter, taking into account the adoptability of minors issued by the country of origin and notify the corresponding Ministry, and if applicable, the Prosecutor's Office.</i> • <i>Process with those countries in which there is a situation of legal certainty, a Central Authority or Authority that centralizes the adoption.</i> • <i>Supervision of the OOAA, with transparency in the costs of adoption.</i> • <i>Request that the assignment reports of the boys or girls be more complete.</i> • <i>Immediate communication to the central authority of the country of origin for the execution of the possible opportune measures.</i>
Sri Lanka	The National Anti Human Trafficking Task Force was Established in Sri Lanka in the Ministry of Justice to look into matters related to Trafficking in Children. SOPs on Prevention, Protection and Prosecutions of trafficking have been issued and officials are trained on the same.
Sweden	Translation of investigation, information, support by psychologist
Switzerland	<ul style="list-style-type: none"> • The documents are checked on 2 levels: cantonal and federal level (+ accredited body if one is involved). • A quick and easy communication with the State of origin is essential to help sort out things.
Togo	<ul style="list-style-type: none"> • La sensibilisation par tous les moyens média (émissions radiophoniques et télévisées, les publications d'articles dans les presses écrites publiques et privées), élaboration et distribution des prospectus, production des brochures de textes, création de page web, création et publications d'articles sur les réseaux sociaux et la formation des acteurs sur les bonnes pratiques. • Les autorités centrales échangent entre elles sur les cas présumés illicites. • La collaboration entre l'autorité centrale des pays d'origines et les consulats des pays d'accueil. • Priorisation des mesures de protection de l'enfant. • Suspension temporaire de la coopération avec l'Etat d'accueil concerné. • Engagement des poursuites judiciaires contre les auteurs. • Rejet des demandes d'adoption illégale • Rétablissement des actes de naissance conformément à la filiation biologique de l'enfant.
USA	<ul style="list-style-type: none"> • U.S. regulations on accreditation of adoption service providers are robust, including prohibitions against child buying and inducement and safeguards in connection with child background studies, consents, fees and compensation. • Further, the Department of State oversees the work of the entity that accredits and approves adoption service providers and has authority to take direct action against adoption service providers under certain circumstances in which the accrediting entity fails or is unable to act. • In addition, U.S. immigration law includes specific eligibility requirements for adopted children, as well as the requirement for irrevocable consents to be freely given in writing, where applicable. • U.S. consular officers are trained to detect fraud and illicit practices and carefully adjudicate each case on its merits. • Under U.S. law, an immigration benefit for a Convention adoptee cannot be obtained until the consular officer determines the child's eligibility under U.S. law and certifies compliance with the Convention.

Uruguay	<p>La normativa vigente en el Uruguay ha reglado la forma en que se realizan los procesos de adopcion y centralizado tanto los procesos nacionales como los internacionales a traves de la intervencion del Instituto como Autoridad Central. Los procedimientos son ampliamente conocidos por todos los actores involucrados.</p> <p><i>The regulations in force in Uruguay have regulated the way in which adoption processes are carried out, and centralized both national and international processes through the intervention of the Institute as the Central Authority. The procedures are widely known to all the actors involved.</i></p>
Venezuela	<p>The adoption process in Venezuela is completely free. There are two phases in the process, which are independent of each other, the administrative and the judicial. The Venezuelan Central Authority, represented by the Ministry of Popular Power for Foreign Affairs, is kept informed and attentive to the fulfillment of the Agreement.</p>
Viet Nam	<ul style="list-style-type: none"> • Issue and strictly enforce policies, laws and regulations relating to intercountry adoptions, especially the incorporation of the provisions of the Hague Convention on adoption to create a domestic legal framework to prevent and address illicit practices, • Strengthen the state management of ASPs' performance in Vietnam to ensure that those agencies comply with Vietnamese and international laws on adoption, • Ensure the transparency of fees and expenses for adoption processing, strictly manage humanitarian supports of ASPs and adoptive parents, • Enhance the capacity of the state management system on adoption, and ensure the effective operation of the system, • Strictly address all illicit practices concerning adoption.

7. CONTACT ENTRE LES FUTURS PARENTS ADOPTIFS ET L'ENFANT AVANT L'APPARENTEMENT

7.1 Questions générales

Q. 66 Votre État interdit-il tout contact entre l'enfant et les FPA avant l'apparementement ?

Andorra	Non
Armenia	Oui
Australia	Oui
Austria	Oui
Belarus	Non
Belgium	Non
Brazil	Oui
Bulgaria	Non
Burkina Faso	Oui
Cambodia	Oui
Canada	Oui
Chile	Oui
China, PR of	Non
Colombia	Non
Congo	Oui
Costa Rica	Oui
Croatia	Oui
Czech Republic	Non
Denmark	Oui
Dominican Rep.	Oui
Ecuador	Oui
El Salvador	Non
Finland	Oui
France	Oui
Germany	Oui
Greece	Oui
Guinea	Oui
Haiti	Oui
Honduras	Oui
India	Non
Ireland	Oui
Italy	Non
Latvia	Oui

Lithuania	Oui
Luxembourg	Oui
Madagascar	Oui
Malta	Non
Mauritius	Non
Mexico	Oui
Monaco	Oui
Montenegro	Oui
Namibia	Oui
New Zealand	Oui
Norway	Oui
Panama	Non
Peru	Oui
Philippines	Oui
Poland	Oui
Portugal	Oui
Rep. of Moldova	Oui
Romania	Oui
Senegal	Oui
Serbia	Oui
Slovakia	Oui
Slovenia	Oui
South Africa	Oui
Spain	Oui
Sri Lanka	Oui
Sweden	Oui
Switzerland	Oui + Non *
Togo	Oui
Turkey	Oui
USA	Oui
Uruguay	Oui
Venezuela	No
Viet Nam	Oui + Non *

* Ces États ont répondu "Oui" et "Non".

Q. 66 Si la réponse est « Oui » : Veuillez expliquer votre réponse.

Armenia	According to the Hague Convention principles.
Australia	All states are of the mutual understanding that there is to be no contact prior to matching to ensure the safety and wellbeing of children. NSW: We ask that our adoptive applicants do not make direct contact with another central authority/child. When we receive an allocation we assess the material and make a decision as to whether to present the allocation. If we decide not to present the allocation, the applicants are not made aware of the allocation. There is a potential that if the family are in contact with the other Central Authority they may become aware of an inappropriate allocation that is yet to be matched by our team.
Austria	no contact before the matching
Brazil	Unless we are dealing with intra-family adoptions, Brazilian law in force prohibits contact between child and the PAPs before: a) the competent State Court properly examines and concludes on the impossibility of placement of the adoptée into a national substitute family, within its jurisdiction, b) that Court has defined that the child or adolescent is available for intercountry adoption and informed the registration of the State-level Central Authority, 16 c) the State-level Central Authority has certified the applicants as eligible and suited to adopt.
Burkina Faso	le contact se fait par album photo ou telephone après que les deux Autorités centrales aient échangé les APP
Cambodia	Unless a match is made and the PAPs agree to adopt the child, the first meeting with the child can be arranged to protect the selection of the child.
Canada	For all Canadian Central Authorities, allowing contact prior to matching is inconsistent with their established best practices, except for intra family adoptions. We are aware, however, that the adoption process in a few states of origin allows for such contacts.
Chile	Es una decisión técnica de los profesionales responsables de la adopción, a fin de proteger al niño y sus expectativas. <i>It is a technical decision of the professionals responsible for the adoption, in order to protect the child and his expectations.</i>
China (HK SAR)	PAPs can indicate their child preference in their adoption application, and a basket of factors related to PAPs' suitability to adopt a child would be considered in the matching process. To protect children from possible negative feelings of being frequently visited by different PAPs, contacts between the children and the PAPs are not allowed before matching is made.
China (Macao SAR)	For preventing any illicit practices, and to protect the child and also to respect the privacy of the family background of the child, any contact between the child and the PAPs before matching is prohibited.
Congo	En application de l'article 29 de la Convention Adoption 1993
Costa Rica	Se realiza cuando la PME esté bien preparada, y se utilizan diferentes técnicas audiovisuales y de comunicación tecnológica. No se permite que visiten a la PME antes de establecer claramente la conveniencia para la PME que se ha concluido con esa etapa. <i>It is carried out when the PME is well prepared, and different audiovisual and technological communication techniques are used. They are not allowed to visit the PME before clearly establishing the suitability for the PME that has concluded that stage.</i>

Croatia	In accordance with the Family Act, only PAPs who are considered to be the most suitable for the adoption of a particular child will be able to make contact with the child. The consent of the center for social welfare is required.
Denmark	In intercountry adoption cases where the PAPs adopt via an AAB, it's the responsibility of the AAB to ensure that the adoption procedure is in accordance with the principles of the HC93 and the rules and procedures in the State of origin and in Denmark. In Denmark, all PAPs must be assisted by an AAB and cannot be introduced to a matching proposal before the competent authority in Denmark has made the assessment of whether the PAPs have the resources to care for the specific child.
Domini. Rep.	They can only have contact after the match has been made.
Ecuador	<p>El Ecuador autoriza el contacto entre las niñas, niños y adolescentes en aptitud psicosocial y legal para ser adoptados y las familias solicitantes de adopción, únicamente cuando estas últimas han aceptado la asignación y se prepara el proceso de apego y vinculación afectiva (emparentamiento). El contacto previo se prohíbe con el propósito de prevenir el establecimiento de referentes afectivos temporales que deriven en procesos psicológicos de duelo emocional en las niñas, niños y adolescentes en acogimiento institucional, lo cual, podría incidir negativamente en los procesos de adopción con las familias asignadas.</p> <p><i>Ecuador authorizes contact between children and adolescents in psychosocial and legal capacity to be adopted and the families requesting adoption, only when the latter have accepted the assignment and the process of attachment and affective bonding (parenting) is prepared. Prior contact is prohibited in order to prevent the establishment of temporary affective referents that lead to psychological processes of emotional mourning in children and adolescents in institutional care, which could negatively affect the adoption processes with the assigned families. .</i></p>
Finland	The Finnish Adoption Act requires that adoption service providers check that the child referral is in line with the adoption permit and only after this checking proceed to present the referral to the adopters. There is thus no possibility of contact between adopter and child prior to checking the entire content of the referral and clearance that the process may continue.
France	De tels contacts sont prohibés en application de l'article 29 de la CLH, sauf adoptoin intrafamiliale. Dans les Etats non parties à la CLH, il n'existe aucune disposition formelle interdisant de tels contacts. Néanmoins, lorsque ces contacts permettent d'établir que l'enfant a été préidentifié avant que son adoptabilité n'ait été établie, la MAI est en mesure de refuser le visa d'entrée sur le territoire français.
Germany	See Article 29 of the Hague Adoption Convention.
Greece	Except in intra family or step adoptions.
Guinea	l'Etat interdit et fait proposition aux familles adoptifs pour l'apparentement
Haiti	D'après l'article 6 de la loi du 29 aout 2013, sont interdits: a) L'adoption indépendante et privée, b) L'adoption par les parents biologiques ou représentants légaux de l'enfant de décider de la/des personnes qui adopteront leur enfant, sauf lorsqu'il s'agit de l'adoption de l'enfant du conjoint, d'adoption intrafamiliale. Le cas d'une famille d'accueil qui avait préalablement accueilli l'enfant souhaitant l'adopter constitue l'autre exception, Les contacts préalables avant la décision d'apparentement, entre les futurs parents adoptifs et les parents biologiques de l'enfant ou toute autre personne pouvant influencer le consentement de la personne autorisée ainsi qu'avec l'institution engagée dans le processus d'adoption, sauf si l'adoption a lieu entre les membres d'une même famille.
Honduras	La Ley Especial de Adopciones prohíbe las adopciones predeterminadas, en los casos en la aplicación del código de familia en el marco de las familias sustitutas el contacto es desde antes del proceso de adopción

	<i>The Special Adoption Law prohibits predetermined adoptions, in cases where the family code is applied within the framework of surrogate families, the contact is made before the adoption process</i>
Italy	Is not formally prohibit, but the prohibition is strictly followed in the practice.
Latvia	In cases when a child has established relationship with a family during hosting programmes.
Lithuania	The contact is available only after the matching according to Lithuanian legislation.
Luxembourg	L'apparement se fait toujours par l'intermédiaire des tiers sociaux: AC et OAA. Un contact est seulement possible en cas d'adoption intrafamiliale.
Madagascar	La rencontre sera organisée qu'après l'apparement
Mexico	<p>Se ha trabajado en mecanismos que prohíban las adopciones privadas o independientes. El pasado 03 de junio de 2019, se reformó la Ley General de los Derechos de Niñas, Niños y Adolescentes, en la que se adicionó el artículo 30 Bis 2, en el que se prohíbe la adopción privada De igual manera las Autoridades Centrales mexicanas no realizan la difusión de niños susceptibles de adopción por internet, ni comparten fotografías, al menos de que sean sujetos de atención prioritaria para la adopción.</p> <p><i>Work has been done on mechanisms that prohibit private or independent adoptions. On June 3, 2019, the General Law on the Rights of Children and Adolescents was reformed, in which article 30 Bis 2 was added, in which private adoption is prohibited. Similarly, the Mexican Central Authorities do not They disseminate children susceptible to adoption on the Internet, nor do they share photographs, unless they are subjects of priority attention for adoption.</i></p>
Monaco	Dans le cadre de la Convention de La Haye de 1993, l'Etat d'origine transmet à l'Etat d'accueil une proposition d'apparement. Les FPA ne peuvent donc rentrer en contact avec l'enfant qu'après avoir accepté ladite proposition.
Namibia	Not applicable
New Zealand	There are occasions where people locate children when they visit overseas countries orphanages and wish to adopt children they identify. This is discouraged as it is counter to the principles of the Convention. Advice is given to prospective adoptive parents as to the proper process and the requirements of Article 29.
Norway	Contact before matching is allowed only in accordance with Article 29 of the 93HC.
Peru	Contact between children and adolescents with FPAs is not allowed until after both the receiving country and the country of origin have accepted the adoption procedure that takes place after the matching of the National Adoption Council that decides which family of a pair or triplet is ideal for a girl, boy or teenager. Only in cases of Special Adoptions is prior contact between families and girls, boys or adolescents permitted. Special adoptions are understood as adoptions of children who due to certain characteristics are difficult to promote in adoption, such as health problems, physical or mental disabilities, age, among others. Contact starts the child's integration stage. It is called the empathy phase.
Philippines	Unless related by blood, ICAB prohibits prospective adoptive parents to travel and visit orphanages/child caring agencies to choose a child. Directly negotiating with birthmothers is also not allowed. This practice poses risks and violates Article 29 of the Hague Convention.
Poland	An adoption centre shall make it possible to get in touch with a child and make available information about it to candidates for adoption of a child after a candidate has completed a child adoption training (when it's necessary) and after a positive qualification opinion has been granted and after a child has been qualified for adoption, unless the adoption takes place between family members. Where a candidate for child adoption resides outside the borders of the Republic of Poland, the adoption centre authorised to cooperate with central

	authorities of other countries or with organisations or adoption centres licensed by governments of other countries, shall: 1) after the child's qualification for adoption by the adoption centre which maintains the central databank, submit the information about the child to the proxies of organisations or adoption centres licensed by governments of other countries, 2) upon the consent of the central authority granted in accordance with Article 17 of the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption, make it possible for candidates qualified by the above-mentioned entities to contact the child, unless the adoption takes place between family members.
Portugal	Any contact between PAP and child prior to the matching is forbidden by law. The exception exists for adoptions by a person who already had a structuring emotional relationship with the child of great meaning and reference for the healthy and harmonious development of the child (Article 3rd, f), of the Legal Regime for the Adoption Process).
Rep. of Moldova	The Law on legal regime of adoption provides that in a national procedure of adoption a PAP receive a permit for visit an adoptable child that was selected, taking into consideration what is mentioned in the adopter`s certificate. With reference to international adoption, PAP receive a permit for visit the child only after Central Authority had received their approval to adopt this child and the approval of the Central Authority of receiving state.
Romania	For example, in the case of domestic adoption, the adoptive family loses its adoption certificate if tries to identify a child for adoption.
Senegal	Pour Eviter les gains indus et les pratiques illicites
Slovakia	The first contact between the child and PaPs is after an exchange the required consents in accordance with the Adoption Convention and Slovak legislation.
Slovenia	There is no specific rules in national law, but Article 29 of the HCCH 1993 Adoption Convention is directly applicable.
South Africa	Pre-identification of children is not encouraged
Spain	Sólo se establece el contacto entre los padres adoptivos y el menor cuando ha habido asignación por parte del país de origen. <i>Contact between the adoptive parents and the minor is only established when there has been assignment by the country of origin.</i>
Sri Lanka	No PAPs are allowed to contact the child or his/her family until the child is allocated to them by the central Authority following the matching procedure.
Sweden	The agreemnets between AABs and country of origin prohibits this. Also exemplified in Guide to good practice.
Switzerland	Even though there is no specific rule in national law on this, art. 29 of the Hague Convention is directly applicable and all our procedures are aligned on this. For ex. the AABs are prohibited from presenting a child proposal to the PAPs before informing the canton and getting their authorisation (and if all other conditions are fulfilled, for example the PAPs need a valid eligibility and suitability decision etc). Our law also makes it mandatory for PAPs to get approved by the cantonal central authority before being authorised to start an adoption procedure abroad and send their file (for Hague and non-Hague countries).
Togo	Aucun contact entre les futurs parents adoptifs et les parents de l'enfant ou toute autre personne qui a la garde de celui-ci ne peut avoir lieu sauf si l'adoption a lieu entre membres d'une meme famille (Art. 25 du décret 2008-103/PR relatif à la procédure d'adoption d'enfants au Togo) le comité d'adoption autorité centrale est la seule habileté à proposer les enfants aux familles, sauf en cas d'adoption intrafamiliale ou en cas d'adoption des enfants grands ou des enfants à besoins spécifiques. Les familles candidates à l'adoption

	ne peuvent en aucun cas savoir d'avance quel enfant leur sera attribué et quel sera le centre d'accueil de sa provenance.
USA	As a receiving country, the USCA would allow contact between the PAPs and the child's caregiver or birth parents as a result of the adoption taking place within a family or based on the country of origin's determination of permissible contact in line with Article 29. As a country of origin, individual U.S. states may establish conditions under which contact between the PAPs and the child's caregiver or birth parents is permitted.
Uruguay	<p>En Uruguay el enlace entre los niños/as con condicion de adoptabilidad y los padres adoptivos se lleva a cabo una vez que la integracion esta definida. El equipo presenta una historia a los adultos en la que se exponen aspectos importantes de la vida del niño/a, algunas de sus características y una vez que la familia acepta la historia se realiza la integración. Este es un mecanismo que tiene por objetivo proteger la identidad de los niños/as.</p> <p><i>In Uruguay, the link between children with a condition of adoptability and the adoptive parents takes place once the integration is defined. The team presents a story to the adults, in which important aspects of the child's life are explained, some of his/her characteristics, and once the family accepts the story, the integration process is carried out. This is a mechanism that aims to protect the identity of children.</i></p>

Q. 66 (a) Si la réponse est « Non » : Veuillez préciser dans quelles circonstances un tel contact est autorisé.

Andorra	<p>Dependiendo de la edad del menor se establece un período de acoplamiento mediante una serie de visitas entre ambos en las que se realiza una valoración técnica de las mismas.</p> <p><i>Depending on the age of the minor, a coupling period is established through a series of visits between the two in which a technical assessment of the same is carried out.</i></p>
Belarus	<p>Foster care, acquaintance with a child within the National Adoption Centre of the Ministry of Education of the Republic of Belarus, placement in potential adoptive families during healthcare campaigns. In accordance with paragraphs 1-2 of Article 174 of the Marriage and Family Code of the Republic of Belarus foster care is an opportunity for citizens to help bring up orphans, children without parental care placed in boarding institutions, technical and vocational, specialized secondary and higher educational institutions. Care, guardianship of orphans, children without parental care and children in foster care are the responsibilities of the heads of boarding institutions, technical and vocational, specialized secondary and higher educational institutions.</p>
Belgium	<p>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</p>
Bulgaria	<p>Only for stepfather and interfamily adoptions</p>
China	<p>After the Travelling to China for Adoption" has been sent to the prospective adoptive parents and the Adoption Notice has been sent to the provincial civil affairs departments, the parents may sign a bonding agreement to meet with the child prior to the adoption registration. "</p>
Colombia	<p>Los niños, niñas y adolescentes pueden tener contacto con las familias que los van a adoptar solo en aquellos casos en los que han participado en las estrategias de acogimiento, conocida anteriormente como vacaciones en el extranjero, (se recomienda revisar las respuestas en las preguntas del apartado 7.2).</p> <p><i>Children and adolescents can have contact with the families that are going to adopt them only in those cases in which they have participated in foster care strategies, previously known as vacations abroad, (it is recommended to review the answers in the questions of the section 7.2).</i></p>
Costa Rica	<p>Como antes indiqué solamente a través de medios audiovisuales y comunicación tecnológica.</p> <p><i>As I indicated before, only through audiovisual media and technological communication.</i></p>
Czech Rep.	<p>There is a lot of space during the facilitation - so called interaction" between the PAPs and a child. Interaction takes from 6 to 8 weeks and the child has been continually acquainted with PAPs. Only after receiving the report on contact between PAPs and the child and on their relationship the court can decide on placement. "</p>
El Salvador	<p>1. Cuando exista vínculo de parentesco entre los FPA y la niña, niño o adolescente; y 2. Cuando haya existido vida en común por más de una año en forma continua e ininterrumpida como familia entre los FPA y la niña, niño o adolescente, antes de haberse iniciado el proceso de adopción, siempre y cuando se haya comprobado el origen lícito de dicha convivencia.</p> <p><i>1. When there is a link of kinship between the FPA and the girl, boy or adolescent; and 2. When there has been life in common for more than one year continuously and uninterruptedly as a family</i></p>

	<i>between the FPA and the girl, boy or adolescent, before the adoption process began, as long as the lawful origin has been verified. of said coexistence.</i>
Honduras	Solamente en los consentimientos intrafamiliares y en las familias sustitutas determinadas por los Juzgados de la Niñez. <i>Only in intra-family consents and in substitute families determined by the Children's Courts.</i>
India	The procedure for the same is prescribed under Regulation 15(13) of The Adoption Regulations, 2017 which states that If the prospective adoptive parents desire to visit the Specialised Adoption Agency to see the child in person, before accepting him for adoption, such visit may be made after their adoption application is approved by the Authority and the prospective adoptive parents may also get the Medical Examination Report of the child reviewed by a medical practitioner of their choice."
Malta	PAPs do not have contact with the child before the adoption is finalised. Any contact with the child is done through the Accredited Agency. However, with respect to a particular country, PAPs have 6 months of pre-adoption period whereby the child is living with the PAPs and it is after the lapse of such period that the PAPs finalise the adoption.
Mauritius	For the time being, most of the adoptions are Intrafamily and adoption of stepchild.
Namibia	Not applicable
New Zealand	Only if the child is a relative.
Panama	Se permite el contacto únicamente cuando la familia adoptiva forma parte de la familia biológica, es decir adopción de Hijo del cónyuge o adopción de Familia Consanguínea <i>Contact is allowed only when the adoptive family is part of the biological family, that is, adoption of a Child of the spouse or adoption of a Consanguineous Family.</i>
Philippines	In family adoption
Serbia	The contact is always guided and supervised by social workers and other professionals and starts with the first day of adoption process, which is agreed in advance.
Switzerland	There were some exceptions in adoption cases with the USA, where the birthmother wanted to talk to the prospective adoptive family before choosing them to place her child. Such contacts have been authorized by the cantonal central authorities, under the condition that the phone call be accompanied and supervised by the AAB. That usually concerns pregnant women planning an adoption for the baby to come, so no contact with the child himself but with his mother.
Venezuela	Contact is allowed for the purpose of knowledge and matching
Viet Nam	In principle, the contact between children and PAPs is prohibited, except for the following circumstances where PAPs are: - Stepfather, stepmother of the to-be-adopted child, - The aunt or uncle of the to-be-adopted child, - Having adopted children who are siblings of the to-be-adopted child, or - Adopting a child with disabilities, HIV/AIDS or other serious illnesses.

Q. 66 (b) Si la réponse est « Non » : Veuillez préciser l'expérience de votre État en ce qui concerne ces contacts.

Andorra	<p>Entendemos que ante unos perfiles determinados de NNA (edades a partir de los 6 años, necesidades especiales, grupos de hermanos, etc.) es importante que estos puedan tener la experiencia no imaginaria de lo que será su futura familia y así poder trabajar con ellos de una manera más real sus miedos, expectativas, etc. Hasta la fecha y siguiendo esta metodología, no ha habido ningún caso en el que no se haya consolidado la adopción.</p> <p><i>We understand that given certain profiles of children and adolescents (ages from 6 years old, special needs, groups of siblings, etc.) it is important that they can have the non-imaginary experience of what their future family will be and thus be able to work with them in a more real way their fears, expectations, etc. To date and following this methodology, there has been no case in which adoption has not been consolidated.</i></p>
Belarus	Such contact often results in foster family start or child's adoption
Belgium	For any other adoption, our CA doesn't allow previous contact/agreements between the child and the PAP's
Burkina Faso	Par le biais de l'OAA après que les deux Autorités centrales aient échangé les APP. Les OAA pourront se rendre dans les lieux de résidence de l'enfant et échanger avec lui en établissant un contact avec les FPA.
China	From the perspective of our working practice, a certain period of bonding for the prospective adoptive parents and child to meet will help both parties understand each other, enhance their relationship, promote bonding, and lay a good foundation for the smooth adoption registration.
Colombia	<p>En general desde el ICBF se ha percibido de manera positiva el contacto previo a la asignación debido a que los niños y las familias fortalecen el vínculo que ya formaron durante las estrategias de acogimiento.</p> <p><i>In general, from the ICBF, contact prior to assignment has been perceived positively because children and families strengthen the bond that they already formed during foster care strategies.</i></p>
Costa Rica	Ha sido excelente.
Czech Rep.	During the interaction the PAPs and the child receive support from the Central Authority, especially its psychologists.
El Salvador	<p>Las dos excepciones anteriormente señaladas, constituyen un mecanismo para dar respuesta jurídica a la convivencia de hecho entre parientes o la convivencia legalmente establecida entre tutores y pupilos.</p> <p><i>The two aforementioned exceptions constitute a mechanism to provide a legal response to the de facto coexistence between relatives or the legally established coexistence between guardians and wards.</i></p>
Germany	Difficult situation if bonding has already occurred between child and PAPs.
Honduras	<p>Ha sido positivo ya que existe un vínculo entre los niños y niñas y las familias.</p> <p><i>It has been positive since there is a link between children and families.</i></p>
India	It is a positive provision which enables the parents to have a comprehensive view about the child before finally going forward with the adoption and accepting the child.

Malta	Contact prior to adoption is solely limited to the sending of videos and dossiers through the Accredited Agencies and Central Authorities to the Receiving States,
Mauritius	Both the PAPs and the adoptee agree to the adoption.
Namibia	Not applicable
Panama	N/A
Serbia	Such organization reduces not only illicit practice in contacting, but also disappointment and (“positive”) stress for both a child and PAP’s.
Sweden	It is not suitable
Venezuela	It has been positive in order to achieve the link
Viet Nam	For the first 3 circumstances, the contact does not affect the adoption processing because it is in-family adoption. The contact between PAPs and to-be-adopted children with disabilities, HIV/AIDS serious diseases will enable PAPs to understand the special needs of the children, help them to better prepare for adoption or determine whether they can afford to adopt the child or not.

7.2 Camps d'été / programmes d'accueil²

Q. 67 Votre État participe-t-il à des camps d'été / programmes d'accueil pour enfants ?

Andorra	Non
Armenia	Non
Australia	Non
Austria	Non
Belarus	Non
Belgium	Non
Brazil	Non
Bulgaria	Non
Burkina Faso	Non
Cambodia	Non
Canada	Non
Chile	Non
China, PR of	Oui
Colombia	Oui
Congo	Non
Costa Rica	Non
Croatia	Non
Czech Republic	Non
Denmark	Non
Dominican Rep.	Non
Ecuador	Non
El Salvador	Non
Finland	Non
France	Oui
Germany	Oui
Greece	Non
Guinea	Non
Haiti	Non
Honduras	Non
India	Non
Ireland	Non
Italy	Non*
Latvia	Oui

Lithuania	Non
Luxembourg	Non
Madagascar	Non
Malta	Non
Mauritius	Non
Mexico	Non
Monaco	Non
Montenegro	Non
Namibia	Non
New Zealand	Non
Norway	Non
Panama	Non
Peru	Non
Philippines	Oui
Poland	Non
Portugal	Non
Rep. of Moldova	Non
Romania	Non
Senegal	Pas de réponse
Serbia	Non
Slovakia	Pas de réponse
Slovenia	Non
South Africa	Non
Spain	Oui
Sri Lanka	Non
Sweden	Non
Switzerland	Non
Togo	Non
Turkey	Non
USA	Non
Uruguay	Non
Venezuela	Non
Viet Nam	Non

* Cet État n'a pas répondu soit "Yes" ou "No" mais a répondu aux questions plus spécifiques sous "Yes".

Q. 67 (a) Si la réponse est « Oui » : Veuillez préciser si ces programmes visent spécifiquement à être un précurseur de l'adoption pour certains enfants (par ex., pour les enfants ayant des besoins particuliers).

China, PR of	Oui
Colombia	Oui
France	Oui
Germany	Pas de réponse

Italy	Non
Latvia	Non
Philippines	Oui
Spain	Non

China	The Summer/winter hosting programs will enhance the mutual understanding between the disabled and older children and prospective adoptive parents, and help children back to a home.
Colombia	<p>El ICBF desarrolla las estrategias de acogimiento que posibilitan la adopción de niños, niñas y adolescentes con declaratoria de adoptabilidad y con características y necesidades especiales. Estas estrategias se denominan Acogimiento en el Extranjero, en Colombia y en modalidad de Campamento y tienen como objetivo fundamental acercar a familias interesadas en la adopción y a estos niños, niñas y adolescentes para que se conozcan, generen empatía y compartan la experiencia de vivir en familia. El periodo es determinado y va en un tiempo de 2 a máximo 5 semanas. En aquellos casos en donde el acogimiento durante las vacaciones entre un niño y una familia haya sido exitoso, y la familia desee iniciar un proceso de adopción, remite a la Subdirección de Adopciones del ICBF una carta de intención para la adopción, dando inicio al proceso respectivo de adopción internacional de aquel niño que han acogido por algunas semanas. Dicho proceso se surte de acuerdo a lo estipulado en el Convenio de La Haya relativo a la Protección del Niño y a la Cooperación en materia de Adopción Internacional.</p> <p><i>The ICBF develops foster care strategies that enable the adoption of children and adolescents with a declaration of adoptability and with special characteristics and needs. These strategies are called Foster Care Abroad, in Colombia and in Camp mode and their fundamental objective is to bring families interested in adoption and these children and adolescents closer together so that they can get to know each other, generate empathy and share the experience of living as a family. . The period is determined and goes in a time of 2 to maximum 5 weeks. In those cases where the fostering during the holidays between a child and a family has been successful, and the family wishes to start an adoption process, it sends a letter of intent for the adoption to the ICBF Adoption Subdirector, starting the process. international adoption of that child they have fostered for a few weeks. This process is provided in accordance with the provisions of the Hague Convention on Child Protection and Cooperation in International Adoption.</i></p>
France	Un programme Vacances de verano a été expérimenté il y a plusieurs années pour des enfants grands (au moins 9 ans) colombiens
Italy	No. The solidarity/therapeutic programs for the temporary reception of foreign children, provided by Art. 33, Legislative Decree 286/1998 (Immigration Act) and governed by DPCM 535/1999, provide for the reception in Italy, for specific periods (maximum 120 days in the calendar year) and mainly in families, of foreign children from the age of seven, who are in difficult situations. These programs are not finalized and in any way connected to the ICA procedures, the main objective is to strengthen the well-being of children who come from areas at risk, especially from a health point of view, and to make them know a different reality than the one in which they live, through contact with other peers and openness to new experiences. These programs are approved by the Italian Ministry of Labor and Social Policies, at the request of the proposing bodies that select the host families and upon the release of a clearance from the Police Headquarters (Questure). Promoting bodies do not receive public subsidies for the implementation of these programs and families join them on a voluntary basis. Since 1986, the year in which the Chernobyl nuclear catastrophe occurred and the phenomenon of temporary reception of foreign children for solidarity purposes began in Europe, approximately 600,000 children were received in Italy, 75% of

	whom came from Belarus and 10% from Ukraine. During 2019, 7,802 children were welcomed, in 2018 8,714 were welcomed and in 2017 9,231 were welcomed.
Philippines	<p>The Hosting Program is a strategy to identify possible permanent families for older Filipino children who have long been cleared for inter-country adoption but have not been placed due to unavailability of approved families in the ICAB's Roster of Approved Applicants (RAA). The Hosting Program is open to the different Child Caring Agencies (CCAs). The program is for a minimum of 5 to a maximum of 20 children who have been assessed by the ICAB as prepared to participate in the program. The children travel to a foreign country to spend a month with identified host families. The host families must have strong commitment to adopt. Activities for the Summer Hosting Program shall, as much as possible, be those which approximate the activities undertaken in a normal family setting e.g. house chores, time with the family, family outings, church/community activities and interactions with other host families/children (weekly potlucks, week-end outings, etc.) interspersed with occasional group activities with their co-participants.</p>

Q. 67 (b) Si la réponse est « Oui » : Veuillez préciser si ces programmes ont effectivement abouti à l'adoption d'enfants.

China, PR of	Non
Colombia	Oui
France	Non
Germany	Pas de réponse

Italy	Oui
Latvia	Oui
Philippines	Oui
Spain	Oui

Colombia	<p>Desde el año 2004 el ICBF ha desarrollado las estrategias de acogimiento durante las vacaciones que posibilitan la adopción, que han permitido la participación de un total de 1.442 niños, niñas y adolescentes con declaratoria de adoptabilidad y con características y necesidades especiales, de los cuales han sido adoptados un total de 875, equivalente a un 60,6%. Sin embargo, es de importancia aclarar que las adopciones logradas gracias al desarrollo de la estrategia durante el año 2019 aún no se han materializado en su totalidad debido a que los procesos de adopción internacional pueden durar hasta un año o más; por lo tanto, los resultados en cuanto a número de adopciones logradas gracias a la implementación de las estrategias en 2019 se reflejarán a lo largo de todo el año 2020.</p> <p><i>Since 2004, the ICBF has developed foster care strategies during the holidays that make adoption possible, which have allowed the participation of a total of 1,442 children and adolescents with a declaration of adoptability and with special characteristics and needs, of which they have A total of 875 have been adopted, equivalent to 60.6%. However, it is important to clarify that the adoptions achieved thanks to the development of the strategy during the year 2019 have not yet fully materialized because the international adoption processes can last up to a year or more; therefore, the results in terms of the number of adoptions achieved thanks to the implementation of the strategies in 2019 will be reflected throughout the year 2020.</i></p>
France	Aucun, exclusivement du fait du refus exprimé de la part des enfants. Toutes les familles accueillantes étaient disposées à les adopter, cet accueil les ayant pour la plupart rassuré par rapport aux appréhensions relatives à l'âge.
Italy	Some children, mainly from Belarus, have been adopted with the ordinary ICA procedure, which are totally disconnected from the programs mentioned above. 95 adoption procedures were concluded in 2018, while 75 adoption procedures were concluded in 2019.
Latvia	At least half of the children, which have participated in various hosting programs for several years establish relationship which lead to adoption.
Philippines	From 2007-2019, a total of 103 children participated in the hosting program. Out of this 103, 61 or 59% were adopted. Four out of five (5) children participants of the 2019 Hosting Program will be adopted by their host families.
Spain	<p>No se dispone de datos cuantificados.</p> <p><i>No quantified data available.</i></p>

Q. 67 (c) Si la réponse est « Oui » : Veuillez préciser lorsqu'un enfant est adopté à la suite d'un tel programme, comment il est assuré que les garanties de la Convention Adoption de 1993 sont respectées (en gardant à l'esprit qu'il est probable que l'enfant reste « habituellement résident » dans son État d'origine et que, par conséquent, l'adoption relèverait du champ d'application de la Convention en vertu de l'art. 2) ?

<p>Colombia</p>	<p>Una vez los niños participantes en los programas de acogimiento regresan a sus lugares de origen y las familias extranjeras expresan su interés en adoptarlos, se da inicio al proceso de adopción intencional de acuerdo a lo estipulado en el Convenio de La Haya. EL ICBF, como autoridad competente en Colombia para el desarrollo de procesos de adopción nacional e internacional, cuenta con la Subdirección de Adopciones la cual se asegura de salvaguardar que en los procesos de adopción internacional se cumplan todas las disposiciones establecidas en el Convenio de La Haya, las cuales también se encuentran referidas en el Lineamiento Técnico Administrativo del Programa Adopciones vigente, el cual debe ser cumplido en su totalidad en todo proceso de adopción.</p> <p><i>Once the children participating in the foster programs return to their places of origin and the foreign families express their interest in adopting them, the international adoption process begins in accordance with the provisions of the Hague Convention. The ICBF, as the competent authority in Colombia for the development of national and international adoption processes, has the Subdirectorate of Adoptions which ensures that international adoption processes comply with all the provisions established in the Hague Convention. , which are also referred to in the Administrative Technical Guideline of the current Adoption Program, which must be complied with in its entirety in all adoption processes.</i></p>
<p>Italy</p>	<p>By monitoring the adoption procedures of the two Central Authorities.</p>
<p>Latvia</p>	<p>According to Article 2 with adoption children move to the receiving State, start their permanent living there and no longer reside in State of origin (do not remain habitually resident in State of origin), although in most cases they choose to accept dual citizenship.</p>
<p>Philippines</p>	<p>An ICAB social worker/s act as the children's escort and supervised them while at the the receiving country. The ICAB social worker monitors the activities of the Hosting Program and reports to ICAB the issues and challenges encountered while in the receiving country.</p>
<p>Spain</p>	<p>Se requiere que el acogimiento haya finalizado y el niño retorne a su país y en éste haya sido declarado adoptable.</p> <p><i>It is required that the fostering has ended and the child returns to his country and has been declared adoptable there.</i></p>

Q. 67 Si la réponse est « Non » :

Canada	But a few Central Authorities are aware that some residents of Canada have hosted children through a US program and who have subsequently come forward to be assessed for an intercountry adoption.
Haiti	LIBESR a une seule fois autorisée la partition d'environ une quinzaine d'enfant à un tel programme, mais l'a interrompu car les termes du contrat ne sont pas par la suite respectés. Les organisateurs qui étaient préalablement d'accord de ne pas associé l'adoption à la démarche, ont voulu modifier l'entente. Donc le programme est discontinué."
Lithuania	In Lithuania we have no summer camps, but according to the provisions of the law regarding hosting programmes the guardian of a child may temporarily allow the child to visit a person/family permanently residing in a foreign state, if applied for by a foreign organization holding a permit issued by a competent foreign authority to carry out social welfare activities. In accordance with the provisions of the Description of the Hosting Procedure and taking into account the recommendations of the Interdepartmental Commission, the Service issues a permit to a legal person to carry out a programme of temporary stay abroad in the Republic of Lithuania and supervises the implementation of the programme by that legal person. The laws of Lithuania prohibit the families to adopt children involved in hosting programmes.

Q. 68 (a) Si la réponse est « Oui » à la question 67(a), veuillez préciser si les enfants bénéficiant de ces programmes doivent avoir été déclarés adoptables avant de pouvoir participer à ces programmes.

China	Yes, children participating in summer/winter hosting programs must have met the requirements for intercountry adoption.
Colombia	SI. Todos los niños, niñas y adolescentes que participan en las estrategias de acogimiento son aquellos que ya se encuentran con declaratoria de adoptabilidad. <i>YES. All children and adolescents who participate in foster care strategies are those who have already been declared adoptable.</i>
France	oui
Haiti	Oui ces enfants devraient être déclarés adoptables.
Philippines	Yes. The program is for older Filipino children ages 7-14 years old who have been declared adoptable/ or cleared for inter-country adoption.
USA	The U.S. Central Authority has no involvement in these programs and does not have access to the information requested below.

Q. 68 (b) Si la réponse est « Oui » à la question 67(a), veuillez préciser si les FPA participant à ces programmes doivent avoir été déclarés qualifiés et aptes à adopter pour être autorisés à participer à ces programmes.

China	Yes, prospective adoptive parents participating in such programs must have determined to be complied with the relevant adoption laws and regulations of their national country, and be eligible and suitable for adoption.
Colombia	No es necesario que las familias acogedoras cuenten con la idoneidad requerida para la adopción. Sin embargo, las familias que tengan el deseo de acoger deben ser aprobadas por el ICBF como familia de acogida luego de que su informe psicosocial sea evaluado por parte de un profesional de la Subdirección de Adopciones, el cual verificará que la familia cuenta con las características requeridas para acoger en las vacaciones a los niños, niñas o adolescentes. <i>Foster families do not need to have the suitability required for adoption. However, families who wish to foster must be approved by the ICBF as a foster family after their psychosocial report is evaluated by a professional from the Adoption Subdirectorate, who will verify that the family has the characteristics required to welcome children or adolescents on vacation.</i>
France	Oui
Philippines	Yes, The PAPs do not necessarily have to be declared suitable and eligible. ICAB requires that PAPs submit profiles in order to assess and evaluate the eligibility of the PAPs to host children.

Q. 68 (c) Si la réponse est « Oui » à la question 67(a), veuillez préciser comment les FPA et les enfants sont sélectionnés pour participer à ces programmes, et si une sélection est faite en coopération avec l'autre État.

China	Through strengthening communication with the cooperative countries, we select children who are suitable for returning to a family and families with good conditions to participate in the program.
Colombia	<p>Las familias acogedoras son pre-seleccionadas en el Estado de recepción por parte de los organismos acreditados, por medio de procesos de convocatoria, socialización, capacitación y realización de su estudio psicosocial de cada una de las mismas. Este estudio psicosocial es posteriormente evaluado por la Subdirección de Adopciones del ICBF, en donde se determina si la familia cuenta con el perfil para participar. Los niños, niñas y adolescentes participantes deben tener declaratoria de adoptabilidad y ser de difícil adoptabilidad, es decir, contar con características y necesidades especiales. La selección de los niños participantes se realiza luego de surtir un proceso de caracterización y entrevistas realizadas por el operador con acompañamiento del ICBF, por medio de los cuales se conoce si los niños cuentan con el perfil para participar en las estrategias.</p> <p><i>The foster families are pre-selected in the State of reception by the accredited organizations, through processes of convocation, socialization, training and the completion of their psychosocial study of each one of them. This psychosocial study is subsequently evaluated by the ICBF Adoption Subdirectoriate, where it is determined if the family has the profile to participate. Participating children and adolescents must have a declaration of adoptability and be difficult to adopt, that is, have special characteristics and needs. The selection of the participating children is carried out after completing a characterization process and interviews carried out by the operator with the accompaniment of the ICBF, through which it is known if the children have the profile to participate in the strategies.</i></p>
France	Ce programme a exigé une mobilisation intense des conseils départementaux qui ont, en lien avec les opérateurs, choisi ces candidats potentiels, et on assuré leur accompagnement étroit durant l'accueil
Philippines	The FAA is required to submit profiles of the host families. Said profiles are assessed by the ICAB secretariat for approval of the ICA Board. Host family must meet the same requirements of a PAPS.

Q. 68 (d) Si la réponse est « Oui » à la question 67(a), veuillez préciser la manière dont les enfants sont préparés à ces programmes.

China	We will coordinate the child welfare institutions to make corresponding preparations and provide appropriate educational guidance for the children, in combination of the children's physical and mental development characteristics, to help them prepare for living abroad.
Colombia	La preparación inicia con la sensibilización y motivación por parte de las Defensorías de Familia a cargo, en donde se aborda con los niños, niñas y adolescentes seleccionados su deseo de participación, expectativas y su percepción frente a la adopción aclarando los objetivos de la experiencia. Posteriormente, en la etapa previa al proceso de acogimiento, cada estrategia contempla el desarrollo de un periodo de preparación en donde todos los niños que van a ser acogidos participan en talleres en donde, dependiendo de la estrategia, se abordan temas o aspectos tales como: a) El motivo del viaje y la identificación de expectativas para aclarar aquellas que no estén relacionados con el viaje. b) La Identificación de los diversos trámites legales para salir del país y su importancia. c) Habilidades sociales y los modales que se requieren para tener una experiencia exitosa. d) La Identificación de los temores que produce el viaje mediante el reconocimiento del

	<p>avión. e) Conocer las características más relevantes de la cultura del país al que van los niños, niñas y adolescentes o de donde provienen las familias acogedoras. f) La identificación y reforzamiento de los comportamientos asertivos de un buen huésped o anfitrión. g) Conocer las características de la familia y su contexto. h) La elaboración de un anecdotario donde cada niño escribirá su experiencia durante la estrategia. i) Brindar herramientas que promuevan la prevención de accidentes.</p> <p><i>The preparation begins with awareness and motivation by the Family Defenders in charge, where their desire to participate, expectations and their perception of adoption are discussed with the selected children and adolescents, clarifying the objectives of the experience. Subsequently, in the stage prior to the fostering process, each strategy contemplates the development of a preparation period in which all the children who are going to be fostered participate in workshops where, depending on the strategy, topics or aspects such as: a) The reason for the trip and the identification of expectations to clarify those that are not related to the trip. b) The identification of the various legal procedures to leave the country and its importance. c) Social skills and manners that are required to have a successful experience. d) The identification of the fears that the trip produces through the recognition of the plane. e) Know the most relevant characteristics of the culture of the country to which the children and adolescents go or where the foster families come from. f) The identification and reinforcement of the assertive behaviors of a good guest or host. g) Know the characteristics of the family and its context. h) The preparation of an anecdote where each child will write their experience during the strategy. i) Provide tools that promote accident prevention.</i></p>
Italy	It is a function performed by the State of origin, not by the receiving State.
Philippines	ICAB holds a pre-orientation program that aims to prepare the children and their escort/s participating the Hosting Program.

Q. 68 (e) Si la réponse est « Oui » à la question 67(a), veuillez préciser quels sont les effets sur les enfants et les réactions des enfants qui ont participé à ces programmes mais n'ont pas été adoptés.

China	For some children who participated in the project but were not adopted, this experience also helps them broaden their horizons and enrich their experience.
Colombia	<p>La Subdirección de Adopciones ha contemplado esta situación, para lo cual ha desarrollado de un proceso de preparación previa y posterior al viaje en aras de que las expectativas de los niños no sea la de la adopción sino del disfrute de un intercambio cultural. Sin embargo se han encontrado algunos efectos negativos en algunos niños en acoplarse nuevamente a sus rutinas en Colombia, para lo cual el equipo psicosocial de las defensorías de familia, realiza un trabajo de intervención individual frente a la situación presentada y los cambios en sus rutinas.</p> <p><i>The Subdirectorate of Adoptions has contemplated this situation, for which it has developed a process of preparation before and after the trip so that the children's expectations are not that of adoption but of enjoying a cultural exchange. However, some negative effects have been found in some children in adapting to their routines in Colombia, for which the psychosocial team of the family advocates carries out an individual intervention work in the face of the situation presented and the changes in their routines.</i></p>
Philippines	Children and their escorts have post evaluation of the hosting program days after their arrival. Based on the evaluation, the children enjoy the new experience of travelling and living with families.

Q. 68 (f) Si la réponse est « Oui » à la question 67(a), veuillez préciser s’il y a eu des situations où l’adoption a échoué après l’adoption de l’enfant à la suite de la participation à ces programmes.

<p>Colombia</p>	<p>En pocas ocasiones se han presentado fracasos en la adopción de niños que han participado en los programas. Durante los últimos 5 años se han realizado 347 adopciones gracias al desarrollo de las estrategias de acogimiento, de las cuales solo 5 han terminado en adopciones fallidas, las cuales se deben a las propias características y complejos perfiles de los niños que ha terminado en una difícil adaptación a su nuevo entorno familiar. Para tratar de reducir la ocurrencia de estas situaciones, la Subdirección de Adopciones del ICBF es estricta a la hora de preparar a los niños que van a ser adoptados y de exigir que las familias reciban unas eficientes y buenas capacitaciones requeridas para acoger o adoptar a un niño, niña o adolescente, mostrándoles desde un principio la realidad y la vida que ha llevado el niño a ser adoptado, para que cuenten con herramientas que les permita afrontar y manejar estas situaciones de un modo adecuado.</p> <p><i>On few occasions there have been failures in the adoption of children who have participated in the programs. During the last 5 years, 347 adoptions have been carried out thanks to the development of fostering strategies, of which only 5 have ended in failed adoptions, which are due to the characteristics and complex profiles of the children that have ended in a difficult situation. adaptation to his new family environment. In an attempt to reduce the occurrence of these situations, the ICBF Adoption Subdirectorate is strict when it comes to preparing children to be adopted and demanding that families receive the efficient and good training required to foster or adopt a boy, girl or adolescent, showing them from the beginning the reality and the life that the child has led to be adopted, so that they have tools that allow them to face and manage these situations in an appropriate way.</i></p>
<p>Italy</p>	<p>Yes, taking into account that the adoption procedure is disconnected from the mentioned solidarity/therapeutic programs, it can be said indicatively that the number of adoption breakdown is in a much lower percentage, precisely thanks to the previous integration of adoptees in Italy.</p>
<p>Philippines</p>	<p>Yes, we have 1 reported case of breakdown. However, the child's adoption was already finalized by the PAPs.</p>

Q. 68 (g) Si la réponse est « Oui » à la question 67(a), veuillez préciser si les FPA souhaitent adopter l’enfant, s’il est possible pour l’enfant de rester dans l’État d’accueil ou s’il doit retourner dans l’État d’origine avant que la procédure d’adoption puisse être engagée.

<p>China</p>	<p>The child must return to the State of origin.</p>
<p>Colombia</p>	<p>Todos los niños, niñas y adolescentes participantes en las estrategias, vayan a ser adoptados o no, deben regresar a Colombia una vez la estrategia de acogimiento ha finalizado, este periodo oscila entre 2 a máximo 5 semanas.</p> <p><i>All children and adolescents participating in the strategies, whether they are going to be adopted or not, must return to Colombia once the fostering strategy has ended, this period ranges from 2 to a maximum of 5 weeks.</i></p>
<p>Italy</p>	<p>No. They must return to the State of origin, see also the previous answer 67 (a)</p>
<p>Philippines</p>	<p>Should the PAPs decide to pursue the adoption of their host child, the child must return to the sending country to process the necessary application of the PAPs and complete immigration requirements of the child.</p>

Q. 68 (h) Si la réponse est « Oui » à la question 67(a), veuillez préciser qui finance ces programmes.

China	Foreign adoption agencies and adoptive families.
Colombia	<p>El ICBF, como entidad del Estado Colombiano, financia el desarrollo de estos programas en lo referente a todos los gastos de viaje, logística, periodo de preparación previo al viaje, trámites consulares y médicos, entre otros. De igual modo, los entes operadores de las estrategias realizan aportes de contrapartida para el desarrollo de actividades tales como la socialización de la estrategia en el país extranjero y la selección de las familias acogedoras.</p> <p><i>The ICBF, as an entity of the Colombian State, finances the development of these programs in relation to all travel expenses, logistics, preparation period prior to the trip, consular and medical procedures, among others. Similarly, the operating entities of the strategies make counterpart contributions for the development of activities such as the socialization of the strategy in the foreign country and the selection of foster families.</i></p>
France	Les autorités centrales des 2 pays
Philippines	The Foreign Adoption Agency (FAA) who requested the hosting program finances all related costs of the program .

Q. 68 (i) Si la réponse est « Oui » à la question 67(a), veuillez préciser quelle est l'expérience de votre État en ce qui concerne ces pratiques (c.-à-d., les défis et les avantages éventuels).

Colombia	<p>Gracias al desarrollo de las estrategias de acogimiento, se ha logrado que un total de 875 niños, niñas y adolescentes con características y necesidades especiales hayan sido adoptados y se les haya restablecido el derecho de contar con una familia. De igual modo, los niños participantes tienen la oportunidad de conocer otras culturas y ampliar sus perspectivas para su proyecto de vida. Como desafíos principales encontramos que cada año se presenta una mayor dificultad en encontrar familias con apertura para acoger y adoptar niños con características y necesidades especiales. De igual modo, encontrar profesionales con el perfil requerido y con un manejo adecuado del idioma extranjero para acompañar de una manera adecuada el proceso de acogimiento ha sido un desafío cada vez mayor. Para esto hemos fortalecido los procesos de convocatoria de estos profesionales; sin embargo esta dificultad ha persistido.</p> <p><i>Thanks to the development of foster care strategies, a total of 875 children and adolescents with special characteristics and needs have been adopted and their right to have a family restored. Similarly, participating children have the opportunity to learn about other cultures and broaden their perspectives for their life project. As main challenges we find that each year there is greater difficulty in finding families open to welcoming and adopting children with special characteristics and needs. Similarly, finding professionals with the required profile and with adequate command of the foreign language to adequately accompany the fostering process has been a growing challenge. For this we have strengthened the processes for calling these professionals; however this difficulty has persisted.</i></p>
France	Ce type de pratique est très exigeant mais semble pouvoir être une voie pour ouvrir les possibilités de trouver une famille à des enfants très grands. Un projet de réitération avec la Colombie est en cours de réflexion, pour des enfants de plus de 11 ans, dont la pleine adhésion est indispensable.
Italy	Very positive.
Philippines	Data shows that the Hosting Program has been an effective means to recruit families for children who are considered difficult to place.

7.3 Volontourisme³

Q. 69 Votre État a-t-il fait face à des situations dans lesquelles des « volontaires » ont entamé une procédure d'adoption pour adopter un enfant de l'institution dans laquelle ils étaient volontaires ?

Andorra	Non
Armenia	Non
Australia	Non
Austria	Non
Belarus	Non
Belgium	Non
Brazil	Oui
Bulgaria	Non
Burkina Faso	Non
Cambodia	Oui
Canada	Oui
Chile	Non
China, PR of	Pas de réponse
Colombia	Oui
Congo	Non
Costa Rica	Oui
Croatia	Pas de réponse
Czech Republic	Non
Denmark	Non
Dominican Rep.	Oui
Ecuador	Non
El Salvador	Non
Finland	Non
France	Non
Germany	Oui
Greece	Non
Guinea	Non
Haiti	Oui
Honduras	Oui
India	Non
Ireland	Non
Italy	Non
Latvia	Non

Lithuania	Non
Luxembourg	Non
Madagascar	Non
Malta	Non
Mauritius	Non
Mexico	Non
Monaco	Non
Montenegro	Non
Namibia	Oui
New Zealand	Oui
Norway	Oui
Panama	Pas de réponse
Peru	Non
Philippines	Oui
Poland	Non
Portugal	Oui
Rep. of Moldova	Non
Romania	Non
Senegal	Pas de réponse
Serbia	Non
Slovakia	Non
Slovenia	Non
South Africa	Oui
Spain	Oui
Sri Lanka	Oui
Sweden	Non
Switzerland	Non
Togo	Non
Turkey	Pas de réponse
USA	Oui
Uruguay	Non
Venezuela	Non
Viet Nam	Non

Q. 69 Si la réponse est « Oui », veuillez préciser comment votre État a géré ces situations et les difficultés que ces situations ont pu causer.

<p>Brazil</p>	<p>Brazil had to handle the above situation in at least two recent cases. In both cases, the State of origin of the child was Peru. After some time working as volunteers in that country, 2 families (habitually resident in Brazil) presented a request to the Brazilian Central Authority asking for the adoption of children they have met abroad. The Brazilian Central Authority engaged in intensive dialogue with the Peruvian Central Authority in order to discuss the possibility of cooperating to perform those intercountry adoptions. In both cases the Peruvian Central Authority informed us that the children who the Brazilian PAPs were willing to adopt were not eligible for adoption. Besides, Peru showed surprise for the documents and information presented by the PAPs related to the children, as they were considered confidential. In one of the cases, the PAPs were already in a process of analysis of eligibility - in Brazil - to adopt, without a final decision issued by the Brazilian authority. In the other case, the PAPs were only in the stage of consultation.</p>
<p>Cambodia</p>	<p>This has happened in the past, but not now, as Cambodia has strongly encouraged the preservation of children in families or in communities.</p>
<p>Canada</p>	<p>Canadian Central Authorities do not support voluntourism and discourage it. Some Canadian jurisdiction, however, have experienced situations where voluntourists have come forward to adopt a child they were in contact with in the institution or the country where they were volunteering. Some Central Authorities have also experienced situations where the voluntourists were able to adopt domestically in the country of origin, without their knowledge, and who then wanted to return to Canada with the child. Depending on their legislative and regulatory frameworks on intercountry adoption, Canadian Central Authorities may handle such situations differently. The Central Authority in one province (Québec) may refuse to be involved if the situation does not fall within the limited exceptions allowing their PAPs to adopt without using an accredited body (which is usually the case). If the adoption has already been completed in the State of origin, the Central Authority will refuse to recognize it, which usually means that the adoptive parents will not be able to return with the child. Other jurisdictions advise the PAPs that they will need to go through the regular intercountry adoption process, and that the decision regarding matching will be made by the authorities of the State of origin.</p>
<p>Colombia</p>	<p>Se presentaron dos casos. Uno realizado por un solicitante extranjero de nacionalidad Australiana quien, presentó una solicitud de adopción para dos jóvenes con quienes tuvo contacto directo en la institución donde realizó voluntariado y posterior a ello. El ICBF tuvo conocimiento de que la motivación para adoptar del PAP no correspondía con el interés superior de los jóvenes y que manipuló tanto a la institución de protección como a los adolescentes para que se agilizará el proceso de adopción a su favor. Posteriormente por denuncias de tipo penal por uno de los niños a quien pretendía adoptar hubo necesidad de adelantar ante la fiscalía acciones de ese corte. Por tal motivo el proceso de adopción no se llevó a cabo. El otro caso, es de un pretense adoptante Americano, quién con frecuencia realizaba visitas al país y en ellas asistía a instituciones de caridad y tuvo contacto con un niño con quién estableció lazos, y posteriormente remite carta de intención dirigida a ese niño en particular. Al tener conocimiento la Subdirección de Adopciones de la situación, se investiga la institución encontrando que no tenía los permisos de funcionamiento y se cierra la institución. Al peticionario se le informa que a) el niño a quien tenía intención de adoptar contaba con una familia biológica, que no lo había abandonado. b) que no procedía dicha intención de adopción y c) que al no contar con los permisos de ley dicha institución fué cerrada.</p> <p><i>Two cases were presented. One carried out by a foreign applicant of Australian nationality who submitted an adoption application for two young people with whom he had direct contact in the institution where he volunteered and after that. The ICBF learned that the motivation to adopt the PAP did not correspond to the best interests of the young people and that it manipulated both the protection institution and the adolescents to speed up the adoption process in their favor.</i></p>

	<p>Subsequently, due to criminal complaints by one of the children whom he intended to adopt, it was necessary to bring forward actions from that court before the prosecutor's office. For this reason, the adoption process was not carried out. The other case is that of an American prospective adopter, who frequently made visits to the country and attended charity institutions and had contact with a child with whom he established ties, and subsequently sends a letter of intent addressed to that child in particular. When the Subdirectorate of Adoptions became aware of the situation, the institution was investigated, finding that it did not have operating permits and the institution was closed. The petitioner is informed that a) the child whom he intended to adopt had a biological family, which had not abandoned him. b) that said intention of adoption was not admissible and c) that since it did not have the legal permits said institution was closed.</p>
Costa Rica	<p>En estos casos lo que se hace es hablar con los encargados de la ONG en donde los niños (as) se encuentran e indicarles que no es el procedimiento idóneo para solicitar una adopción, deben realizar los trámites conforme a derecho. En el caso de una PME con ea en donde ya en Costa Rica no es posible su ubicación en familia adoptiva o comunal, se analiza la situación y en excepcionles casos procede, siempre realizando el proceso conforme a derecho y en aras del interés superior de la PME.</p> <p><i>In these cases, what is done is to talk to those in charge of the NGO where the children are and tell them that it is not the ideal procedure to request an adoption, they must carry out the procedures in accordance with the law. In the case of an SME with an EA where placement in an adoptive or communal family is not possible in Costa Rica, the situation is analyzed and in exceptional cases it proceeds, always carrying out the process in accordance with the law and in the best interest of the PME.</i></p>
Domini. Rep.	They have to submit there case file as
Germany	<p>Refusal of adoption proceedings when child is still in country of origin. In isolated cases PAPs have succeeded in bringing the child into the receiving country and established a stable relationship. The latter usually ended in an adoption order by a German court or recognition of a foreign adoption order. More and more young people spend time working, for example, in social projects or children's homes in other countries. It is understandable that when they are there they build a good relationship with a child and experience a growing desire to care for this child or to adopt it. In isolated cases, depending on the age of the volunteers, the situation of this person, reasons/motives for the adoption etc., it could make sense to make contact with the competent authority in the foreign country and ask them about the adoptability and the situation of the child. The suggestion here is therefore, that an adoption process should not be strictly refused in all cases.</p>
Haiti	<p>Cette pratique était en effet courante avant la réforme de l'adoption, elle a subsisté jusqu'à deux après la réforme. De nos jours l'Autorité centrale n'accepte plus d'agréeer les rares demandes qui se produisent en ce sens.</p>
Honduras	<p>el interes superior del niño o la niña, a traves de la idoneidad atraves de valoraciones psicosociales</p> <p><i>the best interest of the boy or girl, through suitability through psychosocial assessments</i></p>
Namibia	The state discourage such process and request that the person follows proper adoption polices and legislation of the country
New Zealand	<p>New Zealand has just had its first approach about the adoption of a child as a result of voluntourisim but not involving a Hague Convention contracting State. This will be problematic as the prospective adoptive parents do not meet the residence requirement for foreigners to adopt in the child's country of origin. They have lodged an application in the New Zealand Family Court with the expectation that the Court will both dispense with the consent of the birth parents, who placed the child in an orphanage for its safe keeping, and to grant an adoption order for a foreign citizen child which would entitle the child to a New Zealand passport. They expect the child would be allowed to leave its country of origin on a clean New Zealand passport.</p>

Norway	We have experienced cases where volunteers" have applied for adoption of a child at children's institutions. Some apply from the country where they stay as "voluntourist", others apply after arrival to Norway. Most of the applications are rejected. The main reasons for this is that applications without the mediator of a Norwegian AAB has not been, accepted by the State of origin, or that the applicants do not fulfil requirements in the Norwegian Adoption Act to adopt a specific child habitually resident abroad, in particular Section 21. "
Panama	N/A
Philippines	Pre-identification of child/ren is prohibited under Republic Act 8043. ICAB collaborates with the Department of Social Welfare and Development (DSWD) and Child Caring Agencies to prevent this from happening.
Portugal	Receiving State: Portuguese resident PAPs have travelled abroad and, while voluntaries, adopted a child in that State of Origin, according to the laws applicable i that country. Since these cases occur within countries that are not parties to the 1993 Hague Convention, the adoption must then be confirmed (or not confirmed) by the Portuguese Central Authority for Intercountry Adoption, after analysing the procedures of the specific case.
Senegal	S.O
South Africa	This practice is not encouraged
Spain	<p>En ocasión se dirigen a nosotros personas que han sido cooperantes en algunos países de origen y quieren adoptar a algún niño que han conocido. Normalmente no es posible y no se gestiona como una adopción internacional dado que son países con los que España no tiene abierta la tramitación de adopciones internacionales. En otro caso, un cooperante en Costa de Marfil, que sí está abierto para la tramitación de adopciones internacionales en España, comunicó que había iniciado un proceso adoptivo en el país de una menor con discapacidad. Se realizó la valoración de idoneidad del solicitante y resultó no idóneo.</p> <p><i>Sometimes people who have been cooperating in some countries of origin and want to adopt a child they have met contact us. Normally it is not possible and it is not managed as an international adoption since they are countries with which Spain does not have open procedures for international adoptions. In another case, an aid worker in the Ivory Coast, which is open for the processing of international adoptions in Spain, reported that he had initiated an adoption process in the country of a minor with a disability. The suitability assessment of the applicant was carried out and it was not suitable.</i></p>
Sri Lanka	There are instances where the Voluntourists apply for adoption of children in the institution where they come for voluntary work. Since they live in Sri Lanka for a very short period it is important to get a homestudy done in their own country. however such applicants face difficulties to get the home study as they do not currently live in their own country.
USA	Anecdotally we have heard of such cases (particularly in countries not a party to the Convention). In Convention countries, such cases would raise issues under Article 29 of the Convention and concerns of possible improper financial or other gain under Articles 8 and 32 or improper inducement in connection with the adoption.

Q. 70 Votre État a-t-il pris des mesures pour interdire, réglementer ou ajouter des garanties à la pratique du « volontourisme » ?

Andorra	Oui
Armenia	Non
Australia	Non
Austria	Non
Belarus	Non
Belgium	Non
Brazil	Non
Bulgaria	Pas de réponse
Burkina Faso	Non
Cambodia	Oui
Canada	Oui
Chile	Non
China, PR of	Pas de réponse
Colombia	Oui
Congo	Non
Costa Rica	Oui
Croatia	Pas de réponse
Czech Republic	Non
Denmark	Oui
Dominican Rep.	Pas de réponse
Ecuador	Oui
El Salvador	Oui
Finland	Oui
France	Non
Germany	Non
Greece	Pas de réponse
Guinea	Non
Haiti	Oui
Honduras	Non
India	Non
Ireland	Non
Italy	Non
Latvia	Non

Lithuania	Oui
Luxembourg	Oui
Madagascar	Non
Malta	Non
Mauritius	Pas de réponse
Mexico	Non
Monaco	Non
Montenegro	Non
Namibia	Non
New Zealand	Non
Norway	Oui
Panama	Pas de réponse
Peru	Non
Philippines	Oui
Poland	Non
Portugal	Oui
Rep. of Moldova	Non
Romania	Non
Senegal	Pas de réponse
Serbia	Non
Slovakia	Pas de réponse
Slovenia	Non
South Africa	Oui
Spain	Non
Sri Lanka	Non
Sweden	Non
Switzerland	Non
Togo	Oui
Turkey	Pas de réponse
USA	Oui
Uruguay	Pas de réponse
Venezuela	Non
Viet Nam	Pas de réponse

Q. 70 Si la réponse est « Oui », veuillez expliquer votre réponse.

<p>Andorra</p>	<p>En nuestro Estado, aunque existen personas y familias que hacen voluntariado en instituciones de NNA de otros países, no se ha dado ningún caso en el que finalmente se haya adoptado. Nuestra legislación no permite la adopción por libre y por lo tanto estas no son reconocidas en el Principado de Andorra.</p> <p><i>In our State, although there are people and families who volunteer in institutions for children in other countries, there has been no case in which it has finally been adopted. Our legislation does not allow free adoption and therefore these are not recognized in the Principality of Andorra.</i></p>
<p>Cambodia</p>	<p>Action to prohibit, regulate or to otherwise add safeguards to the practice of voluntourism" as follow: -General Principles related to child protection system in the orphanage. Shall follow the laws of the Kingdom of Cambodia: -Convention on the Rights of the Child 1992 - Alternative Care Policy 2006 -Law on the Suppression of Human Trafficking and Sexual Exploitation 2008 -Law on Inter-Country Adoption of the Kingdom of Cambodia 2009. - Constitution of the Kingdom of Cambodia 2018 "</p>
<p>Canada</p>	<p>In all Canadian jurisdiction, the legislative and regulatory frameworks regarding intercountry adoptions provide safeguards that, at the very least, allows for some control over the intercountry adoption process that follows. There are no provisions, however, dealing specifically with the practice of voluntourism.</p>
<p>Colombia</p>	<p>Ante las situaciones arriba mencionadas, el ICBF ha extremado las medidas para que personas ajenas al medio tengan acceso a los niños, niñas y adolescentes y que en caso de hacerlo cuenten con los permisos de las Autoridades Administrativas requeridas. Adicionalmente, se han incrementado la asistencia técnica al personal de las instituciones de protección con el fin de que cualifiquen al personal que en ellas labora, y se tomen las debidas precauciones vinculando laboralmente solamente profesionales para la atención directa de los niños.</p> <p><i>Given the situations mentioned above, the ICBF has taken extreme measures so that people outside the environment have access to children and adolescents and that, if they do so, they have the necessary permits from the Administrative Authorities. Additionally, technical assistance to the personnel of the protection institutions has been increased in order to qualify the personnel who work in them, and take the necessary precautions by hiring only professionals for the direct care of children.</i></p>
<p>Costa Rica</p>	<p>Se tienen protocolos al respecto.</p> <p><i>There are protocols in this regard.</i></p>
<p>Denmark</p>	<p>According to Danish law, all intercountry adoptions must proceed via an AAB. Under very specific circumstances, it can be allowed to do an independent adoption. In practice, no independent adoptions have been allowed during the last 10-15 years. Furthermore, the Danish law clearly states that residents in Denmark may only adopt under the provision of the Danish adoption act. According to the Danish definition of domicile, a citizen is still domiciled in Denmark during a temporary stay at a children's institution, and is therefore obliged to adopt via the Danish AAB, which excludes the possibility of adopting a specific child. In order to perform an intra family adoption, the child must be fostered by the PAPs for a period of minimum of 3 years, before an intra family adoption can proceed.</p>
<p>Ecuador</p>	<p>El Ecuador cuenta con tres modalidades para el acogimiento institucional de niñas, niños y adolescentes: 1. Entidades públicas, las cuales reciben fondos estatales para su funcionamiento, 2. Entidades con convenio, cuyo funcionamiento se cubre por fondos públicos y provados; y, 3. Las instituciones privadas, que no perciben recursos públicos. Todas estas modalidades deben ser autorizadas por el Estado para su funcionamiento. En la actualidad, el voluntariado internacional se realiza únicamente en las instituciones que</p>

	<p>reciben fondos privados y/o extranjeros con programas específicos desarrollados por cada entidad. No obstante, en caso de que un voluntario/a se interese en iniciar procesos de adopción debe aplicar al proceso de adopción internacional regular mediante una entidad intermediaria de adopción internacional y solicitar la pre-asignación de determinada niña, niño o adolescente, siempre que este se encuentre en aptitud psicosocial y legal para ser adoptado y en búsqueda de familia internacional. Es preciso recalcar, que la adopción internacional es excepcional, puesto que se prioriza la adopción por parte de familias ecuatorianas o extranjeras residentes en el Ecuador.</p> <p><i>Ecuador has three modalities for the institutional care of children and adolescents: 1. Public entities, which receive state funds for their operation, 2. Entities with an agreement, whose operation is covered by public and private funds; and, 3. Private institutions, which do not receive public resources. All these modalities must be authorized by the State for their operation. Currently, international volunteering is carried out only in institutions that receive private and/or foreign funds with specific programs developed by each entity. However, in the event that a volunteer is interested in initiating adoption processes, they must apply to the regular international adoption process through an international adoption intermediary entity and request the pre-assignment of a certain girl, boy or adolescent, provided that this is in psychosocial and legal aptitude to be adopted and in search of an international family. It should be emphasized that international adoption is exceptional, since adoption by Ecuadorian or foreign families residing in Ecuador is prioritized.</i></p>
El Salvador	<p>La medida está prohibida por mandato de ley, ya que no es posible solicitar la adopción de una niña, niño o adolescente determinado, salvo las excepciones indicadas en la respuesta 66 apartado (a) de este cuestionario.</p> <p><i>The measure is prohibited by law, since it is not possible to request the adoption of a specific child or adolescent, except for the exceptions indicated in response 66, section (a) of this questionnaire.</i></p>
Finland	<p>Habitual residence policy is applied in our adoption legislation. An adoption permit is required from all adopters to process an adoption to Finland. Adopters have to have habitual residency in Finland when applying for the permit. An adoption that has taken place in another country may only be recognized in Finnish court, if the adopters had minimum of one year habitual residency in the country where they adopted. Voluntourism would very likely thus result in an adoption not being recognized in Finland.</p>
Haiti	<p>Les mesures sont les suivantes: mise en application stricte de l'interdiction d'adoption indépendante et privée prévue par la loi réformant l'adoption , Toute demande d'adoption internationale doit passer par un organisme agréé sans précontact préalable entre le futur parent adoptif, l'enfant à adopter et toutes personnes pouvant influencer le consentement du représentant légal de l'enfant y compris le représentant légal lui-même (parent biologique, tuteur, membre du conseil de famille) , L'organisme agréé qui encourage une telle démarche encourt le risque de perdre son autorisation de fonctionner en Haiti et sera rapporté à l'Autorité centrale de son pays.</p>
Lithuania	<p>In Lithuania inter-country adoption is strictly defined process and in chapter No 7.3 of this questionnaire indicated situations are not impossible according to the laws of Lithuania.</p>
Luxembourg	<p>L'adoption internationale d'un enfant connu n'est en pratique pas encadrée par l'AC au Luxembourg sauf s'il s'agit d'une adoption intrafamiliale. Les candidats qui s'adressent à ce sujet à l'AC sont sensibilisés dès le début de la procédure que cette pratique n'est pas possible.</p>
Norway	<p>The 2017 Adoption Act has a new requirement in Section 21 c) which regulates adoption of children with whom the applicant has a connection. One of the conditions for prior consent is that close contact with the child or the child's close family have been established without the intention of adoption.</p>
Panama	N/A
Philippines	There are existing laws that prohibit pre-identification of child/ren.

Portugal	Volunteers in Homes should not interact with adoptable children, unless in case of special adoptive needs.
Senegal	S.O
South Africa	Engagements were made with Child Youth Care Centres
Togo	Interdiction des adoptions privées, indépendantes et du contact préalable entre le futur adopté et les parents adoptifs.
USA	The Department of State provides public information regarding the vulnerability of institutionalized children to human traffickers and the risks and unintended consequences to children that voluntourism programs can raise. See: https://www.state.gov/child-institutionalization-and-human-trafficking/ .
Uruguay	N/A

Q. 70 Si la réponse est « Non », veuillez expliquer votre réponse.

Australia	NSW: No specific action has been taken, however when we are assessing suitability of applicants we will look carefully at motivations and not proceed should we have concerns. ACT: The ACT Adoptions Unit have not been made aware of such practices in the ACT. Additionally, in order to prevent inappropriate and illegal practices, the ACT Adoptions Unit advises the PAPs that this authority does not become involved in adoptions which are not compliant with the Hague Convention principles, and encourages PAPs to consider the risk involved with this.
Belarus	Given that there is no coherent procedure of intercountry adoption with foreign countries that would allow the adoption of Belarusian children (except for the Italian Republic) such voluntourism visits to boarding institutions may not result in intercountry adoptions
Brazil	As informed above, the Brazilian Central Authority has experienced the situation where voluntourists tried to commence a process of intercountry adoption only twice. In both cases, the information to which the Brazilian Authority had access to did not show, prima facie", any irregularity related to the activity of the voluntourists."
Burkina Faso	il est admis dans le cadre du placement des enfants que l'orsqu'on a en charge un enfant, il n'est pas permis d'adopter ce même enfant
Chile	Si bien no se contempla esta práctica, nuestra legislación ha avanzado en la regulación de procedimientos destinados a garantizar el interés superior de los niños/as <i>Although this practice is not contemplated, our legislation has advanced in the regulation of procedures aimed at guaranteeing the best interests of children.</i>
China (HK SAR)	N/A
China (Macao SAR)	There is no legal grounds for the practice of voluntourism".
Congo	s.o
Czech Rep.	The cases of individual" adoptions (without cooperation with the Central Authority) are very rare in the Czech Rep.. "
Guinea	cette pratique n'existe pas en Guinée
Honduras	al momento de recibir la solicitud se desconoce . <i>at the time of receiving the request is unknown.</i>
Latvia	No such experience.
Monaco	Pas de remarques.
Montenegro	N/A
New Zealand	New Zealand is not able to prohibit New Zealand citizens visiting and volunteering in overseas orphanages. We discourage the practice of children being sourced through this avenue and caution the New Zealand Court from making adoption orders in relation to children sourced in this manner.
Panama	N/A
Poland	There are general rules on voluntourists in foster care in Poland,
Rep. of Moldova	Our legislation regulates voluntourism, but legislation on legal regime of adoption very clear stipulates conditions for adoption.

Romania	Romanian law allows volunteering in child protection institutions, but without involvement in the adoption procedure.
Senegal	S.O
Serbia	It was not necessary to plan or undertake any particular measure/action for it is a “conflict of interest”.
Slovenia	According to national legislation, every applicant has to be first assessed and declared as eligible and suitable to adopt, the social work centre grant them the status of candidate adopter and enter them in the central database of candidate adopters. This rules shall also apply to adoption proceedings carried out in another country. If that procedure is not respected, there is no guarantee that an adoption can be carried out.
Sri Lanka	Voluntourism is not discouraged as it is beneficial to both the volunteers and to the children in the institutions.
Switzerland	Every person wishing to adopt has to first be assessed and declared suitable to adopt in Switzerland before starting any kind of steps abroad. If that procedure is not respected, there is no guarantee that an adoption can be carried out.
Uruguay	N/A
Venezuela	This type of situation is unusual in Venezuela.

7.4 Adoption d'enfants déjà pris en charge par des FPA

Q. 71 (a) Si votre État a connaissance de situations où des FPA ont adopté ou souhaité adopter un enfant qui était déjà sous leur garde dans l'État d'origine (par ex., dans le cadre d'un placement dans une famille d'accueil, de la prise en charge par un membre de la famille, d'un « niño puesto »⁴ ou d'un accord plus informel tel qu'une prise en charge temporaire par des voisins ou au sein d'une communauté), veuillez préciser si l'enfant avait déjà été déclaré adoptable avant la présentation de la demande d'adoption des FPA.

Andorra	<p>En un caso se realizó de manera paralela (declaración de adoptabilidad y proceso de idoneidad) previa coordinación y acuerdo entre las dos Autoridades Centrales (la de origen y la de acogida)</p> <p><i>In one case, it was carried out in parallel (declaration of adoptability and suitability process) after coordination and agreement between the two Central Authorities (the origin and the host).</i></p>
Armenia	<p>In this case it should be mentioned that such situations only refer to cases when that child is under the custody, who might later become PAPs. In this cases, PAPs will have the priority over the adoption of that specific child. If another person adopts that child, the consent of the guardianship person is required.</p>
Australia	<p>ACT: Yes, steps towards adoption had been taken in the country of origin before an application was submitted by the PAPs in the ACT. The child had been relinquished at birth and the care of the child was assumed by PAPs who were relative of the child. Although, the child was declared adoptable under Hama Law, the Adoption Order was not valid due to not being recognised in the ACT.</p>
Austria	no particular experiences
Brazil	Not applicable
Burkina Faso	Des cas ont été rencontrés, mais cela reste interdit car l'enfant qui doit être adopté ne doit pas être connu d'avance par les postulants sauf dans le cas d'une adoption intrafamiliale.
Cambodia	MoSVY and the relevant authorities of the Kingdom of Cambodia require a background check on the child and family reunification before the PAPs can apply for adoption. In order to declare that a child is adoptable, the process shall go through the search for the birth family and try to place in domestic adoption as much as possible before deciding to process inter-country adoption in accordance with the law.
Canada	We are excluding situations of foreign domestic adoptions. Some Canadian Central Authorities have been involved with such situations. In some cases, the children had already been declared adoptable when the Central Authorities became involved and in other cases, not. One province's legal framework (Québec), would not allow the Central Authority to support any situation where the adoption has already been granted when it is asked to become involved.
Chile	No aplica
China (HK SAR)	There has not been any case in the context of intercountry adoption.
China (Macao SAR)	N/A
Colombia	N.A
Congo	s.o

Costa Rica	<p>Se puede dar el caso en adopciones nacionales y se hacen todas las valoraciones respectivas a nivel psicosocial, siempre y cuando la PME se encuentre en condición de adoptabilidad.aquí</p> <p><i>The case can be given in national adoptions and all the respective assessments are made at the psychosocial level, as long as the PME is in a condition of adoptability.here</i></p>
Czech Rep.	N/A
Denmark	N/A
El Salvador	<p>Generalmente los FPA pretenden iniciar un proceso de adopción de niñas, niños o adolescentes a su cuidado en el Estado de origen, pero estas adopciones no son admitidas, si no se encuentran dentro de las excepciones mencionadas en la respuesta 66 apartado (a) de este cuestionario, debiéndose además, cumplir con la documentación que la legislación salvadoreña exige para tales casos.</p> <p><i>Generally, the FPA intend to initiate a process of adoption of girls, boys or adolescents in their care in the State of origin, but these adoptions are not admitted, if they are not within the exceptions mentioned in answer 66 section (a) of this questionnaire, also having to comply with the documentation that Salvadoran legislation requires for such cases.</i></p>
Finland	Not necessarily if the child is still in the birth country
France	L'autorité centrale n'a pas connaissance de telles situations. En effet, dès lors que l'enfant réside déjà avec les FPA, dans l'Etat d'origine ou en France, il s'agit d'une procédure d'adoption nationale relevant soit des autorités locales, soit du tribunal territorialement compétent en France. L'IAJ n'est compétente que pour les adoptions internationales telles que définies par l'article 2 de la CLH adoption
Germany	In some cases yes, in others no.
Guinea	cette pratique n'existe pas en Guinée
Haiti	Non, seul l'Autorité centrale peut déclarer un enfant adoptable après l'accomplissement des procédures à cet effet. Les enfants étaient, certes, déjà sous la responsabilité des futurs parents adoptifs par leur choix ou confiés par l'IBESR dans le cadre de la protection de l'enfance ou est un membre de la famille ou encore sont confiés par les parents biologiques eux-mêmes. Généralement, ces enfants n'étaient pas préalablement confiés en vue d'adoption. Le projet d'adoption se dessinera en cours de route.
Honduras	No
India	N/A
Italy	No, because it's not concern children previously under the PAPs' care. Is this the case, in particular for Belarus children. CAI has signed a bilateral agreement with the Central Authority of Belarus concerning children that already came in Italy for the named "Therapeutic stays", managed by the Italian Ministry of Labour and Social Welfare. "
Latvia	N/A
Lithuania	Lithuania has no experience in such adoptions.
Malta	Yes the child has to be already declared adoptable and freed for adoption before PAPs' adoption application was submitted. The Court may on application of the Accredited Agency decree that a child under a care order be freed for adoption.
Mauritius	We came across only one such case
Monaco	Sans objet.

Montenegro	The child cannot be adopted before PAPs' application submitted
Namibia	Not applicable
New Zealand	The New Zealand Central Authority has had the experience of applying a retrospective application of Convention processes in instances where New Zealanders resident in a Hague contracting State have been fostering a child from an NGO orphanage and then wished to adopt the child. Domestic adoption from that country is not recognised by New Zealand in respect to citizenship by descent.
Norway	In some cases yes, but most often the child is not declared adoptable when the PAP's submit the application. The child lives with the applicants (one of the spouses or both) based on guardianship or informally taken into care. The child may be a relative or a child found by the PAPs, who are often childless.
Panama	N/A
Peru	N/A
Philippines	Yes. there are cases where PAPs who reside in the Philippines were entrusted with a child/ren as foster parents and eventually pursue the adoption of the child/ren under their care thru the domestic adoption process .
Portugal	It will depend on the case. in case of stepparent adoption, informal care, structural emotional relationships with the child, the declaration of intention of adoption may occur before the child is determined adoptable by a Court of Law. In this case, the suitability of an adoption must be studied by an adoption team, considering every aspect and its impact in the life of the child. In the case of structural emotional relationships, the adoptability Court decision may occur before the intention to adopt.
Rep. of Moldova	N/A
Romania	N/A
Senegal	S.O
Serbia	In some (rare) cases child was declared eligible for adoption prior the formal request from foster parents was submitted. Faced with the fact that child is living (and in most cases a child was in the family since the moment she/he was born), foster parents were deciding to enter the process of assessing eligibility for adoption. In such cases the best interest of the child to stay in that particular family was evaluated first. Again, in some rare cases request was refused due to the huge age difference between a child and PAP's, or when a process was "centered" to be "in a favor" of the PAP's rather than in the best interest of a child.
Slovakia	N/A
South Africa	Yes. The child has to be adoptable before placed with PAP's
Spain	Depende del caso.
Sri Lanka	N/A
Sweden	We have not seen the documents from the countries of origin
Togo	S.O.
Uruguay	En Uruguay los niños/as siempre deben ser tener la condicion de adoptabilidad para considerarse su integracion a una familia del registro unico de aspirantes a la adopcion.

	<i>In Uruguay, children must always have the condition of adoptability to be considered for their integration into a family from the single registry of applicants for adoption</i>
Venezuela	N/A

Q. 71 (b) Si votre État a connaissance de situations où des FPA ont adopté ou souhaité adopter un enfant qui était déjà sous leur garde dans l'État d'origine (par ex., dans le cadre d'un placement dans une famille d'accueil, de la prise en charge par un membre de la famille, d'un « niño puesto » ou d'un accord plus informel tel qu'une prise en charge temporaire par des voisins ou au sein d'une communauté), veuillez préciser à quel stade du processus les FPA ont été déclarés qualifiés et aptes à adopter.

Armenia	See Point A of 71.
Australia	ACT: In the above situation - a new application for a relative intercountry adoption was submitted in the country of origin. Following a formal request from the country of origin, the PAPs were assessed by the ACT Adoptions Unit and determined eligible to adopt the relative child.
Brazil	Not applicable
Burkina Faso	<<s.o>>
Cambodia	-According to the Alternative Care Policy 2006 and Law on Inter-Country Adoption 2009 as mention about the domestic adoption process, it is necessary to do home study of PAPs and the adoptable child to be requested, if both parties are eligibility, to be on trials for 6 months under the supervision of the DoSVY and the court. If there is a good reasult, we could file the pition to the court for domestic adoption approval. -According to the Inter-Country Adoption Procedure, once Cambodia receives the application, we study all of the applicant's files and after checking that they are valid and applicable, we declare that the PAPs are qualified for adopting a child.
Canada	In one situation, the child was being cared for in the State of origin, by the employers of the child's mother, all residents in that State, under an informal arrangement. When the couple moved permanently to Canada, they contacted an accredited adoption agency in their province of residence. They were assessed and approved as eligible and suitable to adopt before undertaking an adoption process in the child's State of origin. The accredited adoption agency worked closely with the Central Authority of the State of origin to ensure the child was legally available for adoption and compliance with the Hague process. Another province (Nova Scotia) has two similar situations involving the same State of origin but different families. The couples immigrated to Canada having had to leave children that they had cared for in their home country with family or caregivers. The couples were assessed and found to be eligible and suitable to adopt before the country of origin undertook to determine if the children were available for adoption.
Chile	No aplica
China (HK SAR)	As stipulated under section 27A of the Adoption Ordinance (Cap. 290), all adoption applicants must apply to the Director of Social Welfare or an accredited body for assessing their suitability and eligibility to be PAPs before considering a matching for adoption.
China (Macao SAR)	N/A
Colombia	N.A

Congo	s.o
Costa Rica	<p>Estando la PME en condición de adoptabilidad administrativa y los cuidadores deciden que quieren adoptar, deben presentar la solicitud ante el Departamento de Adopciones y si antes de ser ubicada la PME cumplen con los requisitos de idoneidad debidamente declarada, pueden participar en la ubicación de la misma con las demás familias de acuerdo al perfil de PME.</p> <p><i>When the PME is in a condition of administrative adoptability and the caregivers decide that they want to adopt, they must submit the application to the Adoption Department and if, before being located, the PME meets the duly declared suitability requirements, they can participate in the location of the same with the other families according to the PME profile.</i></p>
Czech Rep.	N/A
Denmark	N/A
El Salvador	<p>En todo caso los FPA deben ser declarados idóneos en la etapa administrativa del proceso de adopción y antes de la declaratoria de adoptabilidad de la niña, niño o adolescente.</p> <p><i>In any case, the FPA must be declared suitable in the administrative stage of the adoption process and before the declaration of adoptability of the girl, boy or adolescent.</i></p>
Finland	During adoption counselling before applying for adoption permit, and in the permit procedure - if the permit is required. If all the parties are already living in Finland, the case will be processed in District Court. The court will study the child's adoptability under Finnish legislation, based on the report on adoption counselling and supporting documentation.
Germany	After haven taken care of the child.
Guinea	cette pratique n'existe pas en Guinée
Haiti	Les FPA sont déclarés aptes à adopter par les autorités compétentes de leur pays. Ils seront confirmés aussi par l'Autorité centrale haïtienne à la délivrance de l'autorisation d'adopter.
Honduras	<p>Cuando el niño o niña es declarado en estado de adoptabilidad</p> <p><i>When the child is declared in a state of adoptability</i></p>
India	N/A
Italy	Before the beginning of the adoption procedure.
Latvia	N/A
Malta	PAPs were declared eligible and suitable to adopt when they submit their adoption application to the Adoption Board. It is such Board which declared the eligibility and suitability of the PAPs.
Mauritius	At time of application
Monaco	Sans objet.
Montenegro	They may be declared eligible after a complete assessment and preparation procedure
Namibia	Not applicable
New Zealand	After the child had been placed in their foster care.
Norway	Sometimes there is no assessment of the PAPs, or an assessment is made only in connection to a foster care placement or domestic adoption.

Panama	N/A
Peru	N/A
Portugal	It will depend on the situation. In the case of informal care, stepparent adoption and structural emotional relationships, the PAPs may be declared eligible and suitable after an assessment by the adoption team, following their manifestation of intention to adopt a specific child, and, if positive, the Court of Law will decide if the child should be adopted.
Rep. of Moldova	N/A
Romania	N/A
Senegal	S.O
Serbia	Some foster parents who are announced that a child is going to adoption (in the future), are taking action to establish their own eligibility so they can become competitive to adopt particular child.
Slovakia	N/A
South Africa	After screening and preparation
Spain	Tras la presentación del ofrecimiento para la adopción y tras consultar al país de origen. <i>After the presentation of the offer for adoption and after consulting the country of origin.</i>
Sri Lanka	N/A
Sweden	See above
Togo	S.O.
Turkey	Once a social inquiry and assessment procedures finalised about the PAPs
Uruguay	El proceso de valoración de idoneidad se realiza en todos los casos para cualquier postulante a la adopción. El mismo consta de entrevistas con un equipo técnico que determinará las capacidades de cuidado de los postulantes. Cuando el niño/a ya está integrado en una alternativa de cuidado familiar por una modalidad de familia amiga, se incluye en la valoración, la calidad del vínculo establecido con esa familia asimismo como las posibilidades de respuesta del registro único de aspirantes. <i>The suitability assessment process is carried out in all cases for any applicant for adoption. It consists of interviews with a technical team that will determine the applicants' care capabilities. When the child is already integrated into a care alternative of "friend family" type, the quality of the bond established with that family is included in the assessment, as well as the response possibilities of the single registry of applicants for adoption</i>
Venezuela	N/A

Q. 71 (c) Si votre État a connaissance de situations où des FPA ont adopté ou souhaité adopter un enfant qui était déjà sous leur garde dans l'État d'origine (par ex., dans le cadre d'un placement dans une famille d'accueil, de la prise en charge par un membre de la famille, d'un « niño puesto » ou d'un accord plus informel tel qu'une prise en charge temporaire par des voisins ou au sein d'une communauté), veuillez préciser quel était le profil de ces enfants.

Andorra	Niño de 12 años de edad <i>12 year old boy</i>
Australia	ACT: Relative child.
Brazil	Not applicable
Burkina Faso	<<s.o>>
Cambodia	Most children are in foster care or children in a system of alternative care programs for children (healthy, older children, and some children with special needs and special care).
Canada	Generally, children of all ages, and often intra family situations. In the first example (not intra family), the child had been living with the couple in their home since birth, and the child was 5 or 6 years old. In the second examples, also not intra family, the children had come to the couples when their birth parents had determined they could not provide care and sought out private arrangements.
Chile	No aplica
China (HK SAR)	We have not captured the required information.
China (Macao SAR)	N/A
Colombia	N.A
Congo	s.o
Costa Rica	Es el que se establece por parte de las profesionales que lo atienden y han trabajado con él. <i>It is the one established by the professionals who care for him and have worked with him.</i>
Czech Rep.	N/A
Denmark	N/A
El Salvador	Niñas, niños o adolescentes que tengan parentesco con los FPA o que conforme a la legislación salvadoreña exista convivencia o afectividad comprobada. <i>Girls, boys or adolescents who are related to the PAPs or who, according to Salvadoran legislation, have proven coexistence or affectivity.</i>
Finland	Profile of children varies.
Germany	Generally small children from children's homes or from families in difficult living conditions, those with special needs".
Guinea	cette pratique n'existe pas en Guinée

Haiti	Ce sont des enfants âgés de 3 mois à moins de 16 ans, dans la majorité des cas délaissés par leurs parents biologiques dont certains sont inconnus et d'autres ont consenti à l'adoption de leurs enfants.
Honduras	Para evitar que los Niños y niñas en edad de primera infancia sean institucionalizados, y a falta de familia nuclear y extensiva son colocados por el sistema de proteccion. proceso de declaracion de adoptabilidad <i>To prevent children of early childhood age from being institutionalized, and in the absence of a nuclear and extended family, they are placed by the protection system. adoptability declaration process</i>
India	N/A
Italy	Children already integrated in the Therapeutic stays" program"
Latvia	N/A
Malta	Child must be under the age of eighteen
Mauritius	The child was relinquished by her birth parents
Monaco	Sans objet.
Montenegro	These are children who are permanently without parental care
Namibia	Not applicable
New Zealand	An abandoned baby and siblings living in a dump.
Norway	All ages, in some cases a single child, in others two or more, who may or may not be siblings.
Panama	N/A
Peru	N/A
Philippines	Younger children, less than two (2) years old
Portugal	All profiles aplicable.
Rep. of Moldova	N/A
Romania	N/A
Senegal	S.O
Serbia	Two profiles are mostly represented: young Roma children, (frequently), that are anyhow difficult to find adequate adoptive family, or children with mild (frequently), or even moderate (rarely), developmental difficulties.
Slovakia	N/A
South Africa	Abused and Neglected
Spain	Niños a partir de 6 años en acogimiento familiar en familia ajena, sin contacto ya con la familia de origen <i>Children from 6 years old in foster care in a foreign family, without contact with the family of origin</i>
Sweden	Mostly relatives
Togo	S.O.

Uruguay	<p>En Uruguay se apuesta a la desinstitucionalización de los niños/as y en esta línea se han desarrollado modalidades de cuidado familiar de manera de garantizar sus derechos a vivir en un contexto familiar. Estas modalidades albergan a niños/as de varias edades y con distintos perfiles.</p> <p><i>Uruguay is committed to the deinstitutionalization of children, so family care modalities have been developed in order to guarantee the children's rights to live in a family context. These modalities accommodate children of various ages and with different profiles.</i></p>
Venezuela	N/A
Viet Nam	

Q. 71 (d) Si votre État a connaissance de situations où des FPA ont adopté ou souhaité adopter un enfant qui était déjà sous leur garde dans l'État d'origine (par ex., dans le cadre d'un placement dans une famille d'accueil, de la prise en charge par un membre de la famille, d'un « niño puesto » ou d'un accord plus informel tel qu'une prise en charge temporaire par des voisins ou au sein d'une communauté), veuillez préciser ce qui a été fait pour s'assurer que les garanties et les procédures de la Convention Adoption de 1993 ont été respectées .

Andorra	<p>Coordinación entre ambas Autoridades Centrales para investigar el caso y cerciorarse de la adoptabilidad del niño así como de la idoneidad de la pareja.</p> <p><i>Coordination between both Central Authorities to investigate the case and ensure the adoptability of the child as well as the suitability of the couple.</i></p>
Australia	ACT: Follow the principles and procedures of a Inter-country Adoption and consult with the Department of Social Services and Government Solicitor to ensure that the ACT Adoptions Unit has a role in this adoption and it complies with the territory and Commonwealth adoption laws.
Brazil	Not applicable
Burkina Faso	<<s.o>>
Cambodia	Cambodia respects to subsidiarity principles to ensure that children's backgrounds are researched and that every effort is made to reunite families in order to keep children in their families.
Canada	In the first example, the provincial accredited agency worked with the Central Authority of the State of origin to ensure the child was available for intercountry adoption, and the couple met all the requirements of the province for an intercountry adoption. In the second examples, the authorities in the country of origin did an excellent job locating the birth parents, providing counselling, confirming their circumstances and obtaining consents to adoption.
Chile	No aplica
China (HK SAR)	To safeguard the best interests of the child, all adoption applicants (no matter relative adoption or non-related adoption) must go through in-depth and comprehensive assessment. For relative adoption, after considering the view of the child and the concerned parties, the matching will be approved by CA direct without the need to go through the matching panel. For non-related adoption, when a child is confirmed to be

	eligible for adoption, AU of SWD (i.e. CA) will put up the child in the matching panel for consideration as soon as possible so that the most suitable adoptive home among all the approved PAPs (including the PAPs who are taking care of the child) could be identified for him/her.
China (Macao SAR)	N/A
Congo	s.o
Costa Rica	Como antes indiqué, estas situaciones se presentan para la adopción nacional únicamente. <i>As I indicated before, these situations are presented for domestic adoption only.</i>
Czech Rep.	N/A
Denmark	N/A
El Salvador	Regular vía ley secundaria los casos en los que se puede solicitar este tipo de adopción. <i>Regulate via secondary law the cases in which this type of adoption can be requested.</i>
Finland	Depending on who is the authority competent to process the case (the Adopiton Central Authority or the District Court) will take the precautions as requied in the Finnish Legislation that is based on the 1993 Adoption Convention.
Germany	Trying to come to an agreement with CA of country of origin - Challenges: Guardian decisions were made by regional courts.
Guinea	cette pratique n'existe pas en Guinée
Haiti	L'Autorité centrale a mis en place un Collège d'Adoptabilité et d'Apparement devant assurer l'application de la Convention de 1993 et de la loi réformant l'adoption. La préparation des parents biologiques ou des représentants légaux des enfants avant de donner leur consentement à l'adoption est obligatoire et systématique, Seule l'Autorité centrale peut procéder à l'apparement d'un enfant, L'adoption indépendante et privée est interdite de même les contacts préalables avant une proposition d'apparement , Coordination entre l'Autorité centrale et les autorités judiciaires afin de prévenir les pratiques illicites et les gains matériels indus, Détermination d'un barème des coûts de la procédure d'aoption et de la prise en charge des enfants, Coopération avec les Autorités centrales des pays d'accueil pour une bonne gestion de l'adoption, Accréditation d'organismes agréés en vue d'assurer un meilleur contrôle de l'adoption, éviter les pratiques illicites et le recours aux démarches indépendantes et privées de la part des candidats à l'adoption.
Honduras	La creacion y aprobacion de la Ley Especial de Adopciones y la entrada en vigor el convenio de la HAYA de 1993 en materia de adopcion. <i>The creation and approval of the Special Adoption Law and the entry into force of the 1993 HAYA agreement on adoption.</i>
India	N/A
Italy	Monitoring of the two Central authorities, also through the bilateral agreement signed.
Latvia	N/A
Luxembourg	l'AC est en charge d'encadrer toutes les adoptions internationales et le dossier des candidats est analysé au vu des exigences de la Convention de La Haye. Une collaboration

	active avec le PO est mis en place en cas de projet d'adoption spécifique des candidats adoptants.
Malta	In accordance with Article 24(4) of Chapter 569 (Child Protection (Alternative Care) Act, Before making a decree freeing the child in care for adoption, the court shall: (a) hear and ascertain the views and wishes of the child, if considered as having sufficient understanding, (b) hear any person who has been entrusted with the care and custody of the child to be freed for adoption, (c) hear the parents of such child, (d) hear the Children's Advocate, the key social worker and any such other person, whom it deems relevant, (e) take into account whether the freeing for adoption would be in the best interests of the child, (f) take into account whether there are any reasonable prospects for the parents to become able to care for the child, and (g) take into account the consent of the parents to the freeing for the adoption: Provided that the absence of consent of the parents shall not, of itself, be a bar to the freeing of the child for adoption.
Mauritius	A Home Study was carried out on the PAPs to ensure that the child remains under the custody of the applicants.
Monaco	Sans objet.
Montenegro	The safeguards and procedures of the 1993 Adoption Convention are fully respected,
Namibia	Not applicable
New Zealand	The prospective adoptive parents were assessed in the child's country of origin. A child study was provided, the two Central Authorities confirmed the adoptions proceeding and the New Zealand Family Court granted adoption orders.
Norway	Contact to the CA is made in order to get more information about the child's need for adoption and also information about legal requirements and procedures in that state.
Panama	N/A
Peru	N/A
Philippines	Continuous advocacy work with the implementors of domestic adoption law including the court judges, lawyers, social workers and child caring agencies to improve alternative child care law and to ensure that safeguards and procedures of the convention and Republic Act 8043 or the Intercountry Adoption Law is respected.
Portugal	The Portuguese legislation is stricter than the 1993 Hague Convention, and, therefore, all adoptions comply with the CH safeguards and procedures.
Rep. of Moldova	N/A
Romania	N/A
Senegal	S.O
Serbia	As mentioned before, 1993 Convention respect is priority in all forms of adoption in Serbia.
Slovakia	N/A
South Africa	Compliance to the Convention
Spain	Todas las medidas contempladas en el Convenio <i>All the measures contemplated in the Convention</i>
Sweden	In Thailand: it seems like the rules are followed
Togo	S.O.

Uruguay	<p>En nuestro país se han realizado modificaciones en la legislación (Código del Niño y el Adolescente año 2004, ley 18590 "Ley de adopción" 2009, Ley 19092 que incorpora reglamentación del vínculo de familia de origen e iguala los derechos de padres adoptivos a padres biológicos) que tiende a garantizar los derechos de niños, niñas y adolescentes en el marco del cumplimiento de los convenios internacionales firmados en relación al tema.</p> <p><i>In our country modifications have been made in the legislation (Code of the Child and Adolescent year 2004, Law 18590 "Adoption Law" 2009, Law 19092 that incorporates regulation of the bond with the birth family, and equates the rights of adoptive parents to biological parents), which tends to guarantee the rights of children and adolescents within the framework of compliance with the international agreements signed in relation to the subject</i></p>
Venezuela	N/A

Q. 71 (e) Si votre État a connaissance de situations où des FPA ont adopté ou souhaité adopter un enfant qui était déjà sous leur garde dans l'État d'origine (par ex., dans le cadre d'un placement dans une famille d'accueil, de la prise en charge par un membre de la famille, d'un « niño puesto » ou d'un accord plus informel tel qu'une prise en charge temporaire par des voisins ou au sein d'une communauté), veuillez préciser l'expérience de votre État avec ces adoptions.

Andorra	<p>Tan sólo un caso y a pesar de ser un proceso largo (vinculado y coherente a la salvaguarda y procedimientos del Convenio como no puede ser de otra manera) el resultado ha sido positivo pues tanto la convivencia como el desarrollo del niño es óptimo, que relacionamos directamente con el vínculo estrecho previo que mantenían (ambos siempre se habían considerado padres e hijo).</p> <p><i>Only one case and despite being a long process (linked and coherent to the safeguard and procedures of the Convention as it cannot be otherwise) the result has been positive since both the coexistence and the development of the child is optimal, which we relate directly with the previous close bond they maintained (both had always considered themselves father and son).</i></p>
Australia	ACT: Limited, due to being a small jurisdiction.
Brazil	Not applicable
Burkina Faso	<<s.o>>
Cambodia	There are cases of local Cambodian foster parents who wish to adopt a child, however, studies of the background of the child and the foster parents are conducted to ensure that the child and the parents are eligible for adoption. Cambodia does not yet have a legal document for determining the eligibility criteria of foster foreign parents living in Cambodia, although there are currently foreign parents applying for adopting children.
Canada	The number of such cases is limited. Hague process, requirements and safeguards must be followed. Where this is the case, the experiences have been positive for the children.
Chile	No aplica
China (HK SAR)	Please refer to (a) to (d) above.
China (Macao SAR)	N/A
Congo	s.o

Costa Rica	No están autorizadas las ubicaciones con personas que tengan su residencia habitual en otro país. <i>Locations with people who have their habitual residence in another country are not authorized.</i>
Czech Rep.	N/A
Denmark	N/A
El Salvador	Se está tratando de erradicar la mala práctica de las entregas directas de niñas, niños o adolescentes, por parte de sus padres biológicos a terceras personas, sin la intervención de las instituciones que integran el Sistema Nacional de Protección Integral de la Niñez y la Adolescencia. <i>Efforts are being made to eradicate the bad practice of direct deliveries of girls, boys or adolescents, by their biological parents to third parties, without the intervention of the institutions that make up the National System for the Comprehensive Protection of Children and Adolescents.</i>
Finland	For cases that the Finnish CA has processed, these have appeared to be in line with the requirements, we have thus no special concern although we do acknowledge that the checking of the true bases for each case needs to be thorough.
Germany	Difficult - PAPs who just go and take care of a child cannot oversee adoptability and effects on the child if adoption is not granted and immigration to receiving country will be denied.
Guinea	cette pratique n'existe pas en Guinée
Honduras	Hemos tenido varias adopciones de esta manera y se han realizado en base a los resultados de los estudios psicosociales y el interés superior. <i>We have had several adoptions in this way and they have been carried out based on the results of psychosocial studies and best interest.</i>
India	N/A
Italy	Very positive for the adoptee that already participated to the Therapeutic stays" program."
Latvia	N/A
Luxembourg	L'adoption internationale d'un enfant connu n'est en pratique pas encadrée par l'AC sauf s'il s'agit d'une adoption intrafamiliale. Les candidats qui s'adressent à ce sujet à l'AC sont sensibilisés dès le début de la procédure que cette pratique n'est pas possible.
Malta	Usual Adoption procedures.
Mauritius	The PAPs are sensitized to prevent such situation.
Monaco	Sans objet.
Montenegro	The experiences are positive
Namibia	Not applicable
New Zealand	These proved very complicated and lengthy to execute to an acceptable standard of safeguards.
Norway	Often complex and very complicated cases, in particular to ensure that ICA is in the best interests of the child, that the PAPs are eligible and suitable to adopt this specific child and that adoption is not used to circumvent immigration laws.
Panama	N/A

Peru	N/A
Philippines	These cases are eventually treated as intercountry adoption due to PAPA's inability to comply with the requirements of domestic law. However, it becomes complicated when the PAPA's country of citizenship cannot assess while the PAPA's live overseas, or in some cases, PAPA's country does not work with the Philippines. Hence, the processing cannot progress and the placement on the children are put on hold.
Portugal	Positive experience, mostly.
Rep. of Moldova	N/A
Romania	N/A
Senegal	S.O
Serbia	Approximately, they are one third of all adoptions completed during one year.
Slovakia	N/A
South Africa	The State ensures that the adoption service providers comply
Spain	Positiva, tras los seguimientos realizados. <i>Positive, after the follow-ups carried out.</i>
Sweden	See above
Togo	S.O.
Turkey	Generally the children under the care of relatives
USA	We are anecdotally aware of such cases, but do not maintain specific information about them. We have been contacted by dual citizens and citizens of other Contracting States who are living in the United States who have completed U.S. domestic adoptions of children from foster care and have experienced difficulties in obtaining citizenship for their child from their country of citizenship due to the fact that the adoption was completed under laws governing U.S. domestic adoptions and not the Convention adoption process.
Uruguay	En Uruguay, los procesos de adopción por las familias que han sido una respuesta a las modalidades de acogimiento familiar son situaciones extraordinarias. Se promueve siempre que los niños/as sean integrados a familias que han realizado el proceso de valoración y forman parte del registro único de aspirantes. <i>In Uruguay, adoption processes by foster care families are extraordinary situations. It is always promoted that children are integrated into families that have undergone the assessment process and are part of the single registry of applicants.</i>
Venezuela	N/A

Notes de fin

- 1 Doc. pré-l. No 3 de février 2020, « Questionnaire sur le fonctionnement pratique de la Convention Adoption de 1993 » (Questionnaire No 1 de 2020). Les 66 Parties contractantes qui ont répondu au Questionnaire sont les suivantes : Afrique du Sud, Allemagne, Andorre, Arménie, Australie, Autriche, Bélarus, Belgique (Région flamande), Brésil, Bulgarie, Burkina Faso, Cambodge, Canada, Chili, Chine, Chine (RAS de Hong Kong), Chine (RAS de Macao), Colombie, Congo, Costa Rica, Croatie, Danemark, El Salvador, Équateur, Espagne, États-Unis d'Amérique (États-Unis), Finlande, France, Grèce, Guinée, Haïti, Honduras, Inde, Irlande, Italie, Lettonie, Lituanie, Luxembourg, Madagascar, Malte, Maurice, Mexique, Monaco, Monténégro, Namibie, Norvège, Nouvelle-Zélande, Panama, Pérou, Philippines, Pologne, Portugal, République de Moldova, République dominicaine, République tchèque, Roumanie, Sénégal, Serbie, Slovaquie, Slovénie, Sri Lanka, Suède, Suisse, Togo, Turquie, Uruguay, Venezuela et Viet Nam.
- 2 Dans le Questionnaire No 1 de 2020 et dans cette compilation, la pratique des « camps d'été » consiste à faire participer les enfants adoptables et les FPA à un événement (par ex., camp) dans l'État de résidence des FPA (c.-à-d., l'État d'accueil) ou dans l'État d'origine, généralement pour une période de plusieurs semaines. Le but est que les FPA souhaitent demander l'adoption d'un ou plusieurs des enfants avec lesquels ils ont passé du temps lors de cet événement.
Les « programmes d'accueil » (y compris les programmes de « soins de répit » pour les enfants qui vont à l'étranger afin d'améliorer leur bien-être physique et psychologique) sont des programmes dans le cadre desquels des enfants adoptables sont accueillis par des familles vivant à l'étranger, généralement pour une période de plusieurs semaines, parfois dans l'espoir que les familles souhaitent les adopter après l'accueil
- 3 Dans le Questionnaire No 1 de 2020 et dans cette compilation, le « volontourisme » désigne la pratique d'une personne qui se rend dans un autre État pour y faire du bénévolat. Une pratique courante consiste à se déplacer pour faire du bénévolat dans une institution pour enfants. Dans ces situations, certains volontaires peuvent par la suite souhaiter adopter un ou plusieurs enfants de l'institution dans laquelle ils étaient volontaires.
- 4 Dans le Questionnaire No 1 de 2020 et dans cette compilation, le « niño puesto » désigne une pratique dans certains États d'Amérique latine où des personnes qui ont déjà la charge d'un enfant demandent à l'adopter même si l'enfant n'a pas encore été déclaré adoptable ou si les personnes n'ont pas été déclarées qualifiées et aptes à adopter.