COUNTRY PROFILE

1993 ADOPTION CONVENTION

2020 VERSION

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# STATE OF ORIGIN

**COUNTRY NAME:** ESTONIA

**PROFILE UPDATED ON:** 30.06.2023

## PART I: CENTRAL AUTHORITY

| **1. Contact details**[1] | |
|---|---|
| Name of office: | Estonian Social Insurance Board |
| Acronyms used: | SKA |
| Address: | Paldiski mnt 80, Tallinn, Estonia |
| Telephone: | +372 53091597 |
| Fax: | (+372) 640 8155 |
| E-mail: | irje.tammeleht@sotsiaalkindlustusamet.ee |
| Website: | www.sotsiaalkindlustusamet.ee |
| Contact person(s) and direct contact details (please indicate language(s) of communication): | Irje Tammeleht; irje.tammeleht@sotsiaalkindlustusamet.ee; english |
| *If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.* | |
| Kaja Rattas; kaja.rattas@sotsiaalkindlustusamet.ee; english | |

## PART II: RELEVANT LEGISLATION

| **2. The 1993 Adoption Convention and domestic legislation** | |
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| a) When did the 1993 Adoption Convention enter into force in your State?<br><br>*This information is available on the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).* | 01.06.2002 |

[1] Please verify whether the contact details on the "Adoption Section" of the HCCH website < www.hcch.net > under "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

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| b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption Convention in your State. Please also provide the date of their entry into force.<br><br>*Please remember to indicate how the legislation / regulations / rules may be accessed:* e.g.*, provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.* | Family Law Act, 1st of July 2010 (https://www.riigiteataja.ee/en/eli/507022018005/consolide) |

| **3. Other international agreements on intercountry adoption**[2] | |
|---|---|
| Is your State party to any other international (cross-border) agreements concerning intercountry adoption?<br><br>*See Art. 39.* | ☒ Yes:<br>☒ Regional agreements (please specify): Co-operation with Sweden<br>☐ Bilateral agreements (please specify):<br>☐ Non-binding memoranda of understanding (please specify):<br>☐ Other (please specify):<br>☐ No |

**PART III: THE ROLE OF AUTHORITIES AND BODIES**

| **4. Central Authority(ies)** | |
|---|---|
| Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Adoption Convention in your State.<br><br>*See Arts 6-9 and Arts 14-21 if accredited bodies are not used.* | The functions of Social Incurance Board (Central Authority):<br><br>supporting the local governments upon the establishment of suitable measures for children or families from amongst the existing state measures;<br><br>organisation of national and international adoption and servicing the international adoption committee; |

[2] See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

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| | petitions for adoption of a child from Estonia to a foreign state;<br>petitions for adoption of a child from a foreign state to Estonia. |

| **5. Public and competent authorities** | |
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| Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.<br><br>*See Arts 4, 5, 8, 9, 12, 22, 23 and 30.* | Local government finds out, if the child is adoptable and gives consent to adopte the specific child.<br>The decision of adoption is made by the civil court. |

| **6. National accredited bodies**[3] | |
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| a) Has your State accredited its own adoption bodies?<br><br>*See Arts 10-11.*<br><br>***N.B.*** *the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH (see Art. 13).*[4] | ☐ Yes<br>☒ No – **go to Question 7** |
| b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.[5] | |
| c) Please briefly describe the role of national accredited bodies in your State. | |
| **6.1 The accreditation procedure (Arts 10-11)** | |
| a) Which authority / body is responsible for the accreditation of national adoption bodies in your State? | |
| b) Please briefly describe the *procedure* for granting accreditation and the most important accreditation *criteria*. | |
| c) For how long is accreditation granted in your State? | |
| d) Please briefly describe the criteria and the procedure used to determine | |

[3] "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Adoption Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* ("GGP No 2"), available on the Adoption Section of the HCCH website < www.hcch.net > at Chapters 3.1 *et seq*.

[4] *Ibid.,* Chapter 3.2.1 (para. 111).

[5] *Ibid.*, Chapter 3.4.

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| whether the accreditation of a national adoption body will be *renewed*. | |
| **6.2 Monitoring of national accredited bodies**[6] | |
| a) Which authority is competent to monitor / supervise national accredited bodies in your State?<br>*See Art. 11(c).* | |
| b) Please briefly describe how national accredited bodies are monitored / supervised in your State (*e.g.*, if inspections are undertaken, how frequently). | |
| c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (*i.e.*, withdrawn). | |
| d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied? | ☐ Yes, please specify possible sanctions (*e.g.*, fine, withdrawal of accreditation):<br>☐ No |

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| **7. Authorised foreign accredited bodies**[7] **(Art. 12)** | |
| a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?<br>***N.B.*** *the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH.* | ☒ Yes<br>☐ No – **go to Question 8** |
| b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate on what basis your State limits the number.[8] | 1 |
| c) Please briefly describe the role of authorised foreign accredited bodies in your State. | The body is juctified to act as partner on intercountry adoption field in Estonia. Their role is to send dossiers about families, they recieve reports about children from Estonia and they represent families in Estonia, they have responsibility to send post adoption reports. |

6 *Ibid.*, Chapter 7.4.

7 "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Adoption Convention (usually a receiving State) which your State has authorised, under Art. 12, to work with, or in, your State on intercountry adoption. See further GGP No 2,*ibid.*, Chapter 4.2.

8 See GGP No 2, *ibid.*, Chapter 4.4 on "limiting the number of accredited bodies authorised to act in States of origin".

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| d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?<br><br>*Please tick any which apply.* | ☐ Yes:<br>☐ The foreign accredited body must establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): **OR**<br>☐ The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: **OR**<br>☒ The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: **OR**<br>☐ Other (please specify):<br>☐ No |

| **7.1 The authorisation procedure** | |
|---|---|
| a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies? | Social Insurance Board |
| b) Please briefly describe the *procedure* for granting authorisation and the most important authorisation *criteria*.[9]<br>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made. | The criterias from the Hague Convention and Estonian laws. We ask to prove the professional skills, earlier practice, consents from the reciving country. |
| c) For how long is authorisation granted? | |
| d) Please briefly describe the criteria and procedure used to determine whether authorisation will be *renewed*. | |
| **7.2 Monitoring of authorised foreign accredited bodies** | |
| a) Does your State monitor / supervise the activities of authorised foreign accredited bodies?[10] | ☐ Yes<br>☒ No – **go to Question 8** |
| b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies? | |
| c) Please briefly describe how the activities of authorised foreign accredited bodies | |

[9] In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.
[10] *Ibid.*, Chapter 7.4 and, in particular, para. 290.

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| are monitored / supervised in your State (*e.g.*, if inspections are undertaken, how frequently). | |
| d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (*i.e.*, withdrawn). | |
| e) If authorised foreign accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied? | ☐ Yes, please specify possible sanctions (*e.g.*, fine, withdrawal of authorisation):<br>☐ No |

| **8. Approved (non-accredited) persons (Art. 22(2))**[11] | |
|---|---|
| a) Is the involvement of approved (non-accredited) persons *from your State* permitted in intercountry adoption procedures in your State?<br><br>***N.B.*** *see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Adoption Convention, available on the Adoption Section of the HCCH website.*<br>*If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).*[12] | ☐ Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State:<br>☒ No |
| b) Is the involvement of approved (non-accredited) persons *from other Contracting States* permitted in intercountry adoption procedures in your State?<br><br>***N.B.*** *see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Adoption Convention, available on the Adoption Section of the HCCH website.* | ☐ Yes. Please specify the role of these approved (non-accredited) persons in your State:<br>☐ No, our State has made a declaration according to Article 22(4). |

## PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

| **9. The profile of children in need of intercountry adoption** | |
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| Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (*e.g.*, age, sex, state of health). | Most of the children are with special needs, some are siblings of those who are with special needs or have been adopted earier. |

11 *Ibid.*, Chapter 13.
12 *Ibid.*, Chapter 13.2.2.5.

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| | Adoption from Estonia to a foreign state may occur primarily if it is not possible to care for the child to the necessary extent in the Republic of Estonia. |

| **10. The adoptability of a child (Art. 4(a))** | |
|---|---|
| a) Which authority is responsible for establishing that a child is adoptable? | Local Government<br><br>The decision to adopt the child abroad comes from the the committee for international adoptions formed at the Social Insurance Board |
| b) Which criteria are applied to determine whether a child is adoptable? | Family Law Act<br><br>Only minors may be adopted.<br><br>§ 151. Consent of child<br><br>A child who is at least 10 years of age may be adopted only with his or her consent. A child shall grant his or her consent in person. The wishes of a child younger than 10 years of age shall also be considered if the development level of the child so permits. A child shall grant his or her consent to an adoptive parent whose person is known to the child.<br><br>§ 152. Consent of child's parents<br><br>(1) A child may be adopted only with the consent of his or her parents.<br><br>(2) Consent of a parent shall not enter into force before eight weeks have passed from the birth of the child. A petition for adoption cannot be filed with a court before entry into force of the consent of a parent. With the consent of a parent, a child may be given to the person who wishes to adopt to be cared for before entry into force of the consent granted for adoption.<br><br>(3) Parent's consent for adoption may be granted to an adoptive parent whose person is determined or to an adoptive parent whose person has not been determined.<br><br>(4) If consent is granted for adoption to an adoptive parent whose person is not determined, a parent does not have the right to request disclosure of information concerning the person of the adoptive parent and the new identity of the child to him or her.<br><br>[RT I, 29.06.2014, 3 - entry into force 09.07.2014] |

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| | (5) Parent's consent is not required if he or she is incapable of submitting an application for an extended period of time or if his or her whereabouts are unknown for an extended period of time or if the parent has been deprived of the right of custody in full on the basis of § 135 of this Act.<br><br>[RT I, 29.06.2014, 3 - entry into force 09.07.2014]<br><br>(6) The Social Insurance Board is required to provide advice to a parent who wishes to grant consent for the adoption of his or her child and to explain him or her, inter alia, his or her rights and the legal consequences of adoption.<br><br>§ 153. Consent of child's guardian<br><br>(1) If a guardian has been appointed to a child, the consent of the guardian is required for adoption. If a guardian has been appointed to a child in a situation where the parents have not been deprived of the right of custody in full, the consent of the guardian is required in addition to the consent of the parents.<br><br>(2) If a guardian refuses to grant consent without good reason, a court may substitute the guardian's declaration of intention at the request of the adoptive parent.<br><br>[RT I, 29.06.2014, 3 - entry into force 09.07.2014]<br><br>§ 154. Consent of spouse<br><br>(1) If a spouse wishes to adopt a child alone on the basis of subsection 148 (2) of this Act, the consent of the other spouse is needed therefor. A court may substitute the consent of the other spouse at the request of the adoptive parent unless the adoption is in conflict with the legitimate interests of the spouse and the family.<br><br>(2) The consent of a spouse is not required if he or she is incapable of making a declaration of intention for an extended period of time or if he or she is missing.<br><br>[RT I, 29.06.2014, 3 - entry into force 09.07.2014]<br><br>§ 165. International adoption<br><br>6) Adoption from Estonia to a foreign state may occur primarily if it is not possible to care for the child to the necessary extent in the Republic of Estonia. |

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| c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (*e.g.*, search for the child's birth family).<br><br>***N.B.*** *the issue of* consent *is dealt with at Question 12 below.* | Local Government maks sure, there is nobody among child´s relatives and other people close to the child that would be able and wanting to take the child to their family.<br><br>Local Government with Central Authority make sure there is no foster or adoptive family willing to take care of the child in Estonia.<br><br>The decision has to been made that it is not possible to care for the child to the necessary extent in Estonia. |

| **11. The best interests of the child and subsidiarity (Art. 4(b))** | |
|---|---|
| a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (*e.g.*, through the provision of family support services, the promotion of family reunification and domestic alternative care solutions). | Children are provided with an alternative care, when they cannot be assisted in other ways, it means Local Government has taken every action possible to prevent the child´s placement to altarnative care. |
| b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests? | Local Government establishes that the child is adoptable, the committee for international adoptions decides if the intercountry adoption is in a child´s best interests. |
| c) Please briefly explain how that decision is reached (*e.g.*, whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure. | Before the decision there is no action on adoption procedure. |

| **12. Counselling and consents (Art. 4(c) and (d))** | |
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| a) According to your State's domestic legislation, please explain which person, institution or authority has to consent to the adoption of a child in the following scenarios – where:<br>(i) Both parents are known;<br>(ii) One parent is unknown or deceased;<br>(iii) Both parents are unknown or deceased;<br>(iv) One or both parents have been deprived of his / her / their parental responsibilities (*i.e.*, the rights and | (i) Both parents (in Estona mother and father have equal rights)<br>(ii) The known parent<br>(iii) child's guardian<br>(iv) child's guardian |

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| responsibilities which attach to being a parent).<br>In each case, please remember to specify in which circumstances a *father* will have to consent to his child's adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority. | |
| b) Please describe the procedure for:<br>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and<br>(ii) obtaining their consent(s) to an adoption.[13] | (i) Local Government, Social Insurance Board and notary advises<br>(ii) A child, the parents of a child, a guardian and the spouse of an adoptive parent shall grant their consent to a court. The parents of a child, a guardian and the spouse of an adoptive parent may grant their consent in person or in a notarially authenticated form. Rural municipality or city government as a guardian may grant its consent in writing. |
| c) Does your State use the model form *"Statement of consent to the adoption"* developed by the Permanent Bureau of the HCCH?<br>*The model form is available on the Adoption section of the HCCH website.* | ☐ Yes<br>☒ No – please provide (or link to) any form(s) which your State uses for this purpose: |
| d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child's wishes and opinions when determining whether an intercountry adoption should proceed.<br>*See Art. 4(d)(2).* | Local Government and Social Insurance Board find out the child´s wishes and the child´s opinion will we respected. |
| e) Please briefly describe the circumstances in which a child's consent to an intercountry adoption is required in your State.<br>Where the child's consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption. | Family Law Act<br>§ 151. Consent of child<br>A child who is at least 10 years of age may be adopted only with his or her consent. A child shall grant his or her consent in person. The wishes of a child younger than 10 years of age shall also be considered if the development level of the child so permits. A child shall grant his or her consent to an adoptive parent whose person is known to the child. |

[13] See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Adoption Convention.

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| *See Art. 4(d)(1).* | Child´s opinion is always asked and recorded. |

| **13. Children with special needs** | |
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| a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs". | It is not possible to care for these children to the necessary extent in Estonia. |
| b) What, if any, procedures does your State use to expedite the adoption of children with special needs? | |

| **14. The preparation of children for intercountry adoption** | |
|---|---|
| Is there a special procedure in your State to prepare a child for an intercountry adoption? | ☒ Yes, please provide details (*e.g.*, the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): Local Government and trustee (if the child is in the institution), they also talk to the children who are living with the child who is gonna be adopted.<br>☐ No |

| **15. The nationality of children who are adopted intercountry**[14] | |
|---|---|
| Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality? | ☒ Yes, always<br>☐ It depends – please specify which factors are taken into consideration (*e.g.*, the nationality of the foreign resident prospective adoptive parents ("PAPs"), whether the child acquires the nationality of the receiving State):<br>☐ No, the child will never retain this nationality |

**PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")**

| **16. Limits on the acceptance of files** |
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[14] Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* ("GGP No 1"), available on the Adoption Section of the HCCH website < www.hcch.net >, at Chapter 8.4.5.

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| Does your State place any limit on the number of PAPs' files which are accepted from receiving States?[15] | ☒ Yes, please specify the limit applied and the basis on which it is determined: We are looking the family for the child, not the child for the family. Intercountry adoption is always an exception.<br>☐ No |

| **17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State**[16] | |
|---|---|
| a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?<br><br>*Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (*e.g.*, duration of marriage / partnership / relationship, cohabitation).* | ☒ Yes, the following person(s) may apply in our State for an intercountry adoption:<br>☐ Married, heterosexual couples:<br>☒ Married, same-sex couples:<br>☒ Heterosexual couples in a legally registered partnership:<br>☒ Same-sex couples in a legally registered partnership:<br>☐ Heterosexual couples that have not legally formalised their relationship:<br>☐ Same-sex couples that have not legally formalised their relationship:<br>☒ Single men:<br>☒ Single women:<br>☐ Other (please specify):<br>☐ No, there are no relationship status criteria for PAPs. |
| b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State? | ☒ Yes, please specify:<br>☒ Minimum age requirements: 25<br>☐ Maximum age requirements:<br>☐ Difference in years required between the PAPs and the child:<br>☐ Other (please specify):<br>☐ No |
| c) Are there any *other* eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil? | ☐ Yes:<br>☐ Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):<br>☐ Couples must supply evidence of infertility: |

15 See GGP No 2 (*op. cit.* note 3), Chapter 3.4.2 and, in particular, para. 121.

16 *I.e.*, this section refers to the eligibility criteria for PAPs who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Adoption Convention.

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| | ☐ For persons with children already (biological or adopted), there are additional criteria (please specify):<br>☐ Other (please specify):<br>☒ No |

| 18. Preparation and counselling of PAPs (Art. 5(b)) | |
|---|---|
| Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption *in the receiving State*? | ☒ Yes, please explain what kind of preparation is expected: Same that is required in domestic adoption<br>☐ No |

**PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE**

| 19. Applications | |
|---|---|
| a) To which authority / body in your State does the adoption file of PAPs have to be submitted? | Central Authority |
| b) Please indicate which documents must be submitted with an application:<br><br>*Please tick all which apply.* | ☒ An application form for adoption completed by the PAPs<br>☒ A statement of "approval to adopt" issued by a competent authority in the receiving State<br>☒ A report on the PAPs including the "home study" and other personal assessments (see Art. 15)<br>☒ Copies of the PAPs' passports or other personal identification documents<br>☐ Copies of the PAPs' birth certificates<br>☐ Copies of the birth certificates of any children living with the PAPs<br>☒ Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):<br>☒ Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):<br>☒ Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):<br>☐ Information concerning the employment status of the PAPs (please specify in which |

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| | circumstances and what type of information is required):<br>☒ Proof of no criminal record<br>☐ Other(s): please explain |
| c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?[17] | ☐ Yes, please specify whether it must be a *national* accredited body, a *foreign authorised* accredited body or whether it may be either of these accredited bodies.[18] Please also specify at which stage(s) of the procedure an accredited body must be involved (*e.g.*, for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure):<br>☒ No |
| d) Are any *additional* documents required if PAPs apply through an accredited body?<br><br>*Please tick all which apply.* | ☐ Yes<br>☐ A power of attorney issued by the PAPs to the accredited body (*i.e.*, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):<br>☐ A contract signed by the accredited body and the PAPs:<br>☐ A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:<br>☐ Other (please specify):<br>☒ No |
| e) Please specify the language(s) in which any documents must be submitted: | Translated into Estonian |
| f) Do any of the required documents need to be legalised or apostillised? | ☒ Yes, please specify which documents: documents mentioned 19 b<br>☐ No – **go to Question 20** |
| g) Is your State party to the *Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents* (the Apostille Convention)?<br><br>*This information is available on the Status Table for the Apostille Convention (see the Apostille Section of the HCCH website).* | ☒ Yes, please specify the date of the entry into force of the Apostille Convention in your State: 30.09.2001<br>☐ No |

[17] See GGP No 1 (*op. cit.* note 14), paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

[18] See the definitions provided at notes 3 and 7 above.

| **20. The report on the child (Art. 16(1)(a))** | |
|---|---|
| a) Who is responsible for preparing the report on the child? | Central Authority |
| b) Is a "standard form" used for the report on the child? | ☒ Yes, please provide a link to the form or attach a copy:<br>☐ No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the documentation which should be attached to it: |
| c) Does your State use the *"Model Form – Medical Report on the Child"* and the *"Supplement to the general medical report on the child"*?<br><br>*See GGP No 1 – Annex 7, available here.* | ☐ Yes<br>☒ No |

| **21. The report on the PAPs (Art. 15(2))** | |
|---|---|
| a) For how long is the report on the PAPs valid in your State? | Approx. 20 pages. There is a good custom that the report can´t be older than two years. The information has to be checked right before the adoption. |
| b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it.<br>*E.g.*, does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure? | |

| **22. Matching of the child and the PAPs (Art. 16(1)(d) and (2))** | |
|---|---|
| **22.1 The authorities and the matching procedure** | |
| a) Who is responsible for the matching of the child and the PAPs in your State? | Central Authority with Reciving State |
| b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority? | It is the responsibility of Central Authority, the decision is made collegially in the commission. |
| c) What methodology is used for the matching in your State? | Conversations, meetings, discussions |

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| d) Is any preference given to PAPs who have a close connection with your State (*e.g.*, nationals of your State who have emigrated to a receiving State)? | ☐ Yes, please specify:<br>☒ No |
| e) Who is responsible for notifying the receiving State of the matching? | Central Authority |
| f) How does your State ensure that the prohibition on contact in Article 29 is respected? | The contacts of biological family are not revealed. |
| **22.2 Acceptance of the match** | |
| a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State? | ☒ Yes, please provide details of the required procedure: receiving state has already chosen the PAP´s for the specific child<br>☐ No |
| b) How much time is the receiving State given to decide whether to accept a match? | |
| c) If the relevant authorities / bodies of the receiving State and / or the PAPs refuse the match, what, if any, are the consequences in your State? | |
| **22.3 Information following acceptance of the match** | |
| Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development (*i.e.*, during the remainder of the intercountry adoption procedure and prior to entrustment)? | ☒ Yes, please specify who is responsible for providing this information: Central Authority<br>☐ No |

| | |
|---|---|
| **23. Agreement under Article 17(c)** | |
| a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)? | Commission of Intercountry Adoption |
| b) At what point in the adoption procedure is the Article 17(c) agreement given in your State? | ☐ Our State sends the Article 17(c) agreement to the receiving State with the proposed match; **OR**<br>☐ The receiving State must accept the match first and then our State will provide its Article 17(c) agreement; **OR**<br>☒ Other (please specify): When Commission of Intercountry Adoption approves PAPs |

| 24. Travel of the PAPs to your State[19] | |
|---|---|
| a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point? | ☒ Yes, in which case please specify:<br>- At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: First trip to meet the child, second trip is the court hearing and other procedures<br>- How many trips are required to complete the intercountry adoption procedure: 2<br>- How long the PAPs need to stay for each trip: both trips approximately 5-7 days<br>- Any other conditions:<br>☐ No |
| b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances? | ☐ Yes, please specify in which circumstances:<br>☒ No |

| 25. Entrustment of the child to the PAPs (Art. 17) | |
|---|---|
| After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs?<br>Please include an explanation of the procedures used to prepare the child for entrustment (*e.g.*, counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods). | During the period after first meeting and final decision child gets photos, phone calls and e-mails and trust care giver's explanations. Child is not in entrusted to the PAPs before final decision by Court.<br>Local Government social worker with child's trust care giver or social worker in child´s care institution prepare the child. |

| 26. Transfer of the child to the receiving State (Arts 5(c) and 18) | |
|---|---|
| a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State (*e.g.,* passport, visa, exit permit)? | Passport |
| b) Which of the documents listed in response to Question 26 a) above does your State issue?<br>Please list the documents including, in each case, which public / competent authority is responsible for issuing the document. | Passport- Police and Border Guard Board |

[19] See GGP No 1 (*op. cit.* note 14), Chapter 7.4.10.

| | |
|---|---|
| c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be completed in order for the child to be permitted to leave your State and travel to the receiving State? | ☐ Yes, please specify:<br>☐ No |

| **27. Final adoption decision and the Article 23 certificate** | |
|---|---|
| a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State? | ☒ In our State – **go to Question 27 c)**<br>☐ In the receiving State – **go to Question 27 b)** |
| b) Following the making of the final adoption decision in the receiving State:<br>(i) Are any further steps required in your State to complete the procedure (*e.g.*, obtaining a copy of the final adoption decision from the receiving State)?<br>(ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State? | (i)<br>(ii)<br>**Go to Question 28** |
| c) If the final adoption decision is made in your State, which competent authority:<br>(i) Makes the adoption decision; and<br>(ii) Issues the certificate under Article 23 of the 1993 Adoption Convention?<br><br>***N.B.*** *According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Adoption Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.*<br><br>*The answer to (ii) above should therefore be available on the Status Table for the 1993 Adoption Convention (under "Authorities"), available on the Adoption Section of the HCCH website.* | (i) court<br>(ii) Central Authority |
| d) Does your State use the *"Recommended model form – Certificate of conformity of intercountry adoption"*?<br><br>*See GGP No 1 – Annex 7, available here.* | ☒ Yes<br>☐ No |
| e) Please briefly describe the procedure for issuing the Article 23 certificate. | Right after the Court´s decision.<br>PAPs and the the Central Authority of the receiving state get the certificate |

| | |
|---|---|
| *E.g.*, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the receiving State? | |

| **28. Duration of the intercountry adoption procedure** | |
|---|---|
| Where possible, please indicate the average time which it takes to:<br>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;<br>(ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;<br>(iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: *i.e.*, if the final adoption decision is made in your State and not in the receiving State). | (i)<br>(ii) After the Court´s decision<br>(iii) |

**PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS**

| **29. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")** | |
|---|---|
| a) Please explain the circumstances in which an intercountry adoption will be classified as an "*intra-family* intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs. | Case by case decision. Intra-family adoption is possible only by married partner. |
| b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?<br><br>***N.B.*** *If the child and PAPs are habitually resident in* different *Contracting States to the 1993 Adoption Convention,* ***the Convention is applicable****, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.* | ☒ Yes – **go to Question 30**<br>☐ Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: . **Go to Question 30**<br>☐ No – **go to Question 29 c)** |
| c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to: | (i)<br>(ii)<br>(iii)<br>(iv) |

| | |
|---|---|
| (i) The counselling and preparations which PAPs must undergo in the receiving State;<br>(ii) The preparation of the child for the adoption;<br>(iii) The report on the PAPs; and<br>(iv) The report on the child. | |

**PART VIII: SIMPLE AND FULL ADOPTION**[20]

| **30. Simple and full adoption** | |
|---|---|
| a) Is "full" adoption permitted in your State?<br><br>*See GGP No 1 at Chapter 8.8.8 and note 20 below.* | ☒ Yes<br>☐ No<br>☐ In certain circumstances only – please specify:<br>☐ Other (please explain): |
| b) Is "simple" adoption permitted in your State?<br><br>*See GGP No 1 at Chapter 8.8.8 and note 20 below.* | ☐ Yes<br>☒ No – **go to Question 31**<br>☐ In certain circumstances only (*e.g.*, for intra-family adoptions only) – please specify:<br>☐ Other (please explain): |
| c) If a "simple" adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family's consent(s)[21] to a "*full*" adoption where this is in the child's best interests (*i.e.*, so that a "conversion" of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)?<br><br>*See Art. 27(1)(b) and Art. 4 (c) and (d).* | ☐ Yes – please provide details of how this is undertaken:<br>☐ No |
| d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family[22] to the conversion of a "simple" adoption into a "full" adoption (in accordance with Art. 27) when the request is made many years after the original adoption? | |

[20] According to the 1993 Adoption Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1 (*op. cit.* note 14), Chapter 8.8.8.

[21] Or other person(s) whose consent to the adoption is required under Art. 4 (c) and (d) of the 1993 Adoption Convention.

[22] *Ibid.*

**PART IX: POST-ADOPTION MATTERS**

| **31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child** | |
|---|---|
| a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30? | Central Authority and Local Government |
| b) For how long is the information concerning the child's origins preserved? | 75 years |
| c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:<br>(i) the adoptee and / or his / her representative(s);<br>(ii) the adoptive parents;<br>(iii) the birth family; and / or<br>(iv) any other persons?<br><br>If so, are there any criteria which must be met for access to be granted (*e.g.*, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?<br><br>*See Art. 9(a) and (c) and Art. 30.* | (i) ☒ Yes – please explain any criteria: Only the adoptee<br>☐ No<br><br>(ii) ☒ Yes – please explain any criteria: (ii) § 164. Adoption secrecy<br>(iii) (iii) (1) Adoption secrecy means the information and data relating to the pre-trial proceedings and judicial proceedings of adoption, including facts of adoption from which it may be presumed that a child is adopted or that parents have adopted a child or that a parent or guardian has given a child for adoption. The objective of adoption secrecy is to guarantee the protection of the private life of children, parents and adoptive parents, prevent undesired interference and discrimination on the basis of origin or on any other basis.<br>(iv) (iv) (2) A person who is aware of adoption secrecy shall not disclose it unless disclosure thereof is required in the public interest.<br>(v) (v) (3) The new personal data of a child shall be in secrecy from adoptive parents if a parent has granted consent for adoption of the child to an adoptive parent whose person is not determined.<br>(vi) (vi) (4) The birth certificate of an adopted child shall not indicate that the child has been adopted.<br>(vii) (vii) (5) Data on adoption shall be used pursuant to the principle of purposefulness provided for in the Personal Data Protection Act by ensuring, inter alia, that the data |

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| | on adoption and the data referring thereto can be accessed only by officials for whom it is necessary in order to perform their official duties.<br>(viii) (viii) (6) A minor adopted child, with the consent of the adoptive parent, or an adopted child who has become an adult has the right to obtain information from the Social Insurance Board concerning the fact of adoption.<br>(ix) (ix) [RT I, 29.06.2014, 3 - entry into force 09.07.2014]<br>(x) (x) (7) In addition to the information specified in subsection (6) of this section, a minor adopted child, with the consent of the adoptive parent, or an adopted child who has become an adult has the right to obtain information from the Social Insurance Board concerning his or her biological parents, grandparents, brothers and sisters if the abovementioned persons have granted consent for disclosure of the corresponding information. If consent for disclosure of information is not granted, the Social Insurance Board shall provide information concerning the abovementioned persons to the extent and in a manner which does not enable identification of the biological parents, grandparents, brothers or sisters of the adopted child if they have not granted consent for disclosure of information.<br>(xi) (xi) [RT I, 29.06.2014, 3 - entry into force 09.07.2014]<br>(xii) (xii) (8) If an adopted child wishes to obtain information concerning his or her adopted minor biological brother or sister, prior consent of the adoptive parent is required for requesting the consent specified in subsection (7) of this section from the brother or sister.<br>☒ No |

| | |
|---|---|
| | (xiii) ☐ Yes – please explain any criteria:<br>☒ No<br>(xiv) ☐ Yes – please explain any criteria:<br>☒ No |
| d) Where access to such information is provided, is any counselling or other guidance / support given in your State? | ☒ Yes – please specify:<br>☐ No |
| e) Once access to such information has been provided, is any *further* assistance offered to the adoptee and / or others (*e.g.*, regarding making contact with his / her biological family, tracing extended family)? | ☒ Yes – please specify:<br>☐ No |

| **32. Post-adoption reports** | |
|---|---|
| a) Is there a model form which is used by your State for post-adoption reports? | ☐ Yes – please specify whether use of the form is mandatory and indicate where it may be accessed *(e.g.,* provide a link or attach a copy):<br>☒ No – in which case, please specify the content expected in a post-adoption report (*e.g.*, medical information, information about the child's development, schooling): |
| b) What are the requirements of your State in relation to post-adoption reports?<br>Please indicate:<br>(i) How frequently such reports should be submitted (*e.g.*, every year, every two years);<br>(ii) For how long (*e.g.,* until the child is a certain age);<br>(iii) The language in which the report must be submitted;<br>(iv) Who should write the reports; and<br>(v) Any other requirements. | (i) 1, 6, 12, 24 and 36 months after the adoption was completed<br>(ii) 3 years after the adoption was completed)<br>(iii) Estonian (or in English)<br>(iv)<br>(v) |
| c) What, if any, are the consequences in your State if post-adoption reports are either:<br>(i) Not submitted at all; or<br>(ii) Submitted, but not in accordance with your requirements? | (i)<br>(ii) |

| | |
|---|---|
| d) What does your State do with post-adoption reports? (*i.e.*, to what use are they put?) | We read the reports to be convinced that child has been taken good care of. |

**PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION**[23]

***States of origin are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the Adoption Section of the HCCH website.***

| **33. The costs[24] of intercountry adoption** | |
|---|---|
| a) Are the costs of intercountry adoption regulated by law in your State? | ☒ Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (*e.g.*, link to a website or attach a copy). Please also briefly explain the legal framework: State Fees Act<br>☐ No |
| b) Does your State monitor the payment of the costs of intercountry adoption? | ☒ Yes – please briefly describe how this monitoring is undertaken:<br>☐ No |
| c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 19 c) above) or directly by the PAPs themselves?<br><br>*See the "Note on the Financial Aspects of Intercountry Adoption" at para. 86.* | ☐ Through the accredited body:<br>☐ Directly by the PAPs:<br>☒ Other (please explain): We don´t have such payments in adoption procedure. |
| d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?<br><br>*See the "Note on the Financial Aspects of Intercountry Adoption" at para. 85.* | ☐ Only by bank transfer:<br>☐ In cash:<br>☒ Other (please explain): same as 33 c |
| e) Which body / authority in your State receives the payments? | |
| f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (*e.g.*, in a brochure or on a website)? | ☒ Yes – please indicate how this information may be accessed:<br>☐ No |

[23] See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the Adoption Section of the HCCH website: *i.e.*, the *Terminology on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

[24] See the definition of "costs" provided in the Terminology, *ibid*.

| | |
|---|---|
| ***N.B.*** *Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).* | |

| **34. Contributions, co-operation projects and donations**[25] | |
|---|---|
| a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution[26] to your State if it wishes to engage in intercountry adoption in your State?<br>*For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.* | ☐ Yes – please explain:<br>• What type of contribution is required:<br>• Who is responsible for paying it (*i.e.*, the Central Authority or the relevant authorised foreign accredited body):<br>• How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process:<br>☒ No |
| b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State? | ☐ Yes – it is a *mandatory* requirement for authorisation to be granted to a foreign accredited body.<br>☐ Yes – it is *permitted* but not required.<br><br>In either of the above cases, please explain:<br>• What type of co-operation projects are permitted:<br>• Who may undertake such projects (*i.e.*, the Central Authority and / or authorised foreign accredited bodies):<br>• Whether such projects are monitored by an authority / body in your State:<br>• How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:<br>☐ No |

25 See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra,* note 23.

26 See further the Terminology, *supra,* note 23, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

| | |
|---|---|
| c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?<br><br>***N.B. This is not recommended as a good practice**: see further the "Note on the Financial Aspects of Intercountry Adoption" at Chapter 6 (in particular, Chapter 6.4).* | ☐ Yes – please explain:<br>• To whom may donations may be made (*e.g.*, to orphanages, other institutions and / or birth families):<br>• What donations are used for:<br>• Who is permitted to pay donations (*e.g.*, only authorised foreign accredited bodies or also PAPs):<br>• At what stage of the intercountry adoption procedure donations are permitted to be paid:<br>• How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process:<br>☐ No |

| **35. Improper financial or other gain (Arts 8 and 32)** | |
|---|---|
| a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention? | Central Authority |
| b) What measures have been taken in your State to prevent improper financial or other gain? | Intercountry adoption has been arranged by Central Authority and decided by Intercounty Adoption Commisssion. PAPs can visit the child welfare institution only with permission of Central Authority and with Local Government social worker, they always visit earlier specified child. PAPs never meet with other children, but only the one who has been presented to them trough the accredited body in their home country.<br>It is shared responsibility between the Central Authority of origin and receiving state. |
| c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached. | |

## PART XI: ILLICIT PRACTICES[27]

| **36. Response to illicit practices in general** |
|---|

[27] "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases,* available on the Adoption Section of the HCCH website < www.hcch.net >).

| | |
|---|---|
| Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices.[28] | We don´t have such experiences. |

| **37. The abduction, sale of and traffic in children** | |
|---|---|
| a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your State's intercountry adoption programmes.<br>Please also specify which bodies / persons the laws target (*e.g.*, accredited bodies (national or foreign), PAPs, directors of children's institutions). | Penal Code |
| b) Please explain how your State monitors respect for the above laws. | |
| c) If these laws are breached, what sanctions may be applied (*e.g.*, imprisonment, fine, withdrawal of accreditation)? | |

| **38. Private and / or independent adoptions** | |
|---|---|
| Are private and / or independent adoptions permitted in your State?<br>***N.B.*** *"Independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.*<br>*Please tick all which apply.* | ☐ Private adoptions are permitted – please explain how this term is defined in your State:<br>☐ Independent adoptions are permitted – please explain how this term is defined in your State:<br>☒ Neither private nor independent adoptions are permitted |

**PART XII: INTERNATIONAL MOBILITY**

| **39. The scope of the 1993 Adoption Convention (Art. 2)** | |
|---|---|
| a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State? | ☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State[29] and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: domestic<br>☐ No |

28 *Ibid.*

29 According to the 1993 Adoption Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1 (*op. cit.* note 14), Chapter 8.4.

| | |
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| *Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.* | |
| b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of your State?<br>*Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.* | ☒ Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:<br>☐ No |
| c) If nationals of your State, habitually resident in another Contracting State to the 1993 Adoption Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?<br>*Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.* | ☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State[30] and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:<br>☐ No |

**PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION[31]**

| **40. Selection of partners** | |
|---|---|
| a) With which receiving States does your State currently partner on intercountry adoption? | Sweden (since 1993) |
| b) How does your State determine with which receiving States it will partner?<br>In particular, please specify whether your State only partners with other *Contracting States* to the 1993 Adoption Convention.<br>*To see which States are Contracting States to the 1993 Adoption Convention, please refer to the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).* | |
| c) If your State also partners with *non-*Contracting States, please explain how it is ensured that the safeguards of the | ☒ Not applicable: our State only partners with other *Contracting* States to the 1993 Adoption Convention. |

30 According to the 1993 Adoption Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1 (*op. cit.* note 14), Chapter 8.4.

31 In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

| | |
|---|---|
| 1993 Adoption Convention are complied with in these cases.[32] | |
| d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (*e.g.*, the conclusion of a formal agreement[33] with that receiving State)? | ☐ Yes – please explain the content of any agreements or other formalities:[34]<br>☐ No |

[32] See GGP No 1 (*op. cit.* note 14), Chapter 10.3 regarding the fact that "[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions".

[33] See note 2 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

[34] *Ibid.*