

|                           |                                                                                                                                                                                                                                    |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Title</b>              | <b>Annulment and Revocation of an Intercountry Adoption</b>                                                                                                                                                                        |
| <b>Document</b>           | <b>Info. Doc. No 2 of June 2022</b>                                                                                                                                                                                                |
| <b>Author</b>             | PB                                                                                                                                                                                                                                 |
| <b>Agenda Item</b>        | N/A                                                                                                                                                                                                                                |
| <b>Mandate(s)</b>         | C&R No 27 of CGAP 2020; C&D No 21 of CGAP 2022                                                                                                                                                                                     |
| <b>Objective</b>          | To summarise some of the findings of the Questionnaire on the practical operation of the 1993 Adoption Convention                                                                                                                  |
| <b>Action to be Taken</b> | For Decision <input type="checkbox"/><br>For Approval <input type="checkbox"/><br>For Discussion <input type="checkbox"/><br>For Action/Completion <input type="checkbox"/><br>For Information <input checked="" type="checkbox"/> |
| <b>Annexes</b>            | N/A                                                                                                                                                                                                                                |
| <b>Related Documents</b>  | <a href="#">Prel. Doc. No 3 of February 2020 - Questionnaire on the practical operation of the 1993 Adoption Convention</a><br><a href="#">Responses to the Questionnaire</a>                                                      |

## Contents

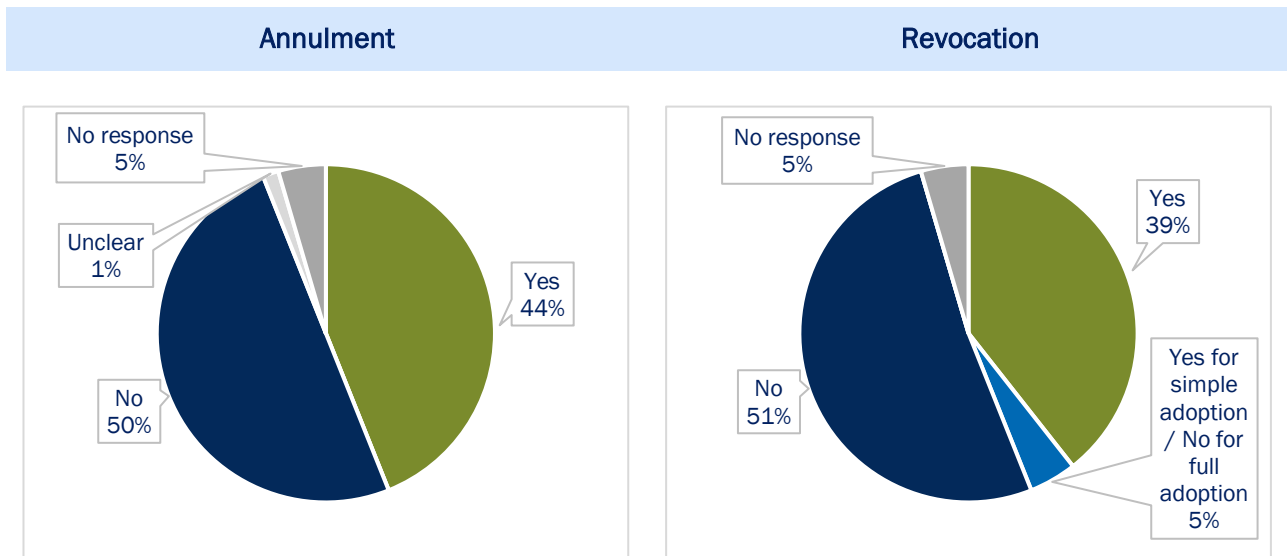
|    |                                                                                      |   |
|----|--------------------------------------------------------------------------------------|---|
| 1. | Background .....                                                                     | 2 |
| 2. | States permitting the annulment / revocation of an ICA.....                          | 3 |
| 3. | Authority with jurisdiction to annul and / or revoke an ICA.....                     | 2 |
| 4. | Persons and authorities which can request the annulment / revocation of an ICA ..... | 3 |
| 5. | Grounds on which annulment / revocation of an ICA can be found.....                  | 4 |
| 6. | Age limits for annulment / revocation of an ICA.....                                 | 5 |
| 7. | Procedure for annulment / revocation of an ICA.....                                  | 6 |
| 8. | Statistics on annulment / revocation of ICAs .....                                   | 7 |
|    | Endnotes.....                                                                        | 8 |

## 1. Background

1. This Information Document aims to summarise the practices of some Contracting Parties regarding the annulment / revocation of intercountry adoption (ICA). The information presented is based on the responses received from 66 Contracting Parties to a Questionnaire on the practical operation of the 1993 Adoption Convention (2020 Questionnaire No 1).<sup>1</sup> This Document aims at providing a general overview of the situation regarding this topic. However, due to the limited time available for discussions at the Special Commission Meeting (SC), the content of this Information Document is, in principle, not intended to be discussed during the SC.
2. The 1993 Adoption Convention does not provide guidance on annulment / revocation of ICAs. As such, these procedures are carried out in accordance with each Contracting Party's domestic law.
3. Due to the language differences and diverse legal systems among States, the definition of each term and their effects are not universal. In general, the annulment / revocation of adoption may be understood as follows and have the following effects:
  - Annulment of adoption: When an adoption is declared invalid and is treated as if it *never* took place.<sup>2</sup>
  - Revocation of adoption: When an adoption ceases to have effect but *only for the future* (i.e., without retroactive effect).
4. In certain States, annulment / revocation of adoption is treated differently, while in other States the concepts are not clearly separated.<sup>3</sup>
5. Many States note that once an adoption has taken place it is meant to be irrevocable and final and thus, with the exception of reasons relating to fraud (or illegal practices vitiating the legality of the adoption), it is only in exceptional circumstances that it is possible to annul or revoke an adoption.<sup>4</sup> In other States, annulment / revocation of ICAs rarely happen in practice, especially if the adoptee is still a child.<sup>5</sup>
6. One of the main reasons behind not permitting the annulment / revocation of adoption is to protect the adoptee and emphasise the seriousness of what an adoption entails (i.e., adoptive parents cannot adopt a child and then simply decide to annul / revoke the adoption if things do not go well). This is, of course, of the utmost importance.
7. However, there is a new situation that is increasingly being evidenced when adoptees discover that their adoption is vitiated by illicit practices. In such cases, some adoptees (especially adult adoptees) would like to have the possibility to annul or revoke their adoption.

## 2. States permitting the annulment / revocation of an ICA

Chart 1: Do States allow annulment / revocation of an ICA?<sup>6</sup>



8. 29 States allow the annulment of an ICA.
9. One State specified that while it is not possible to annul an ICA, it is possible to revise it: Courts have jurisdiction to revise such adoptions, at the request of the birth family and / or the Public Prosecutor, if the ICA was obtained as a result of an abduction, sale or trafficking of the adoptee.<sup>7</sup>
10. 29 States allow the revocation of an ICA:
  - 26 for all adoptions; and
  - 3 for simple adoption only (*i.e.*, not for full adoption).<sup>8</sup>
11. Other States note that, in most cases, decisions on ICAs can only be annulled / revoked in the State where they were issued (*i.e.*, a receiving State would not be competent to annul / revoke an adoption decision issued in a State of origin).<sup>9</sup>
12. In some federal States, the procedure (including the jurisdiction which has competence to annul / revoke the adoption, the persons / authorities which can request the annulment / revocation, the grounds on which an adoption can be annulled / revoked, and the age limits upon which an adoption can no longer be annulled / revoked) may vary from one region to another.<sup>10</sup>

Chart 2: Which States allow annulment / revocation of an ICA?

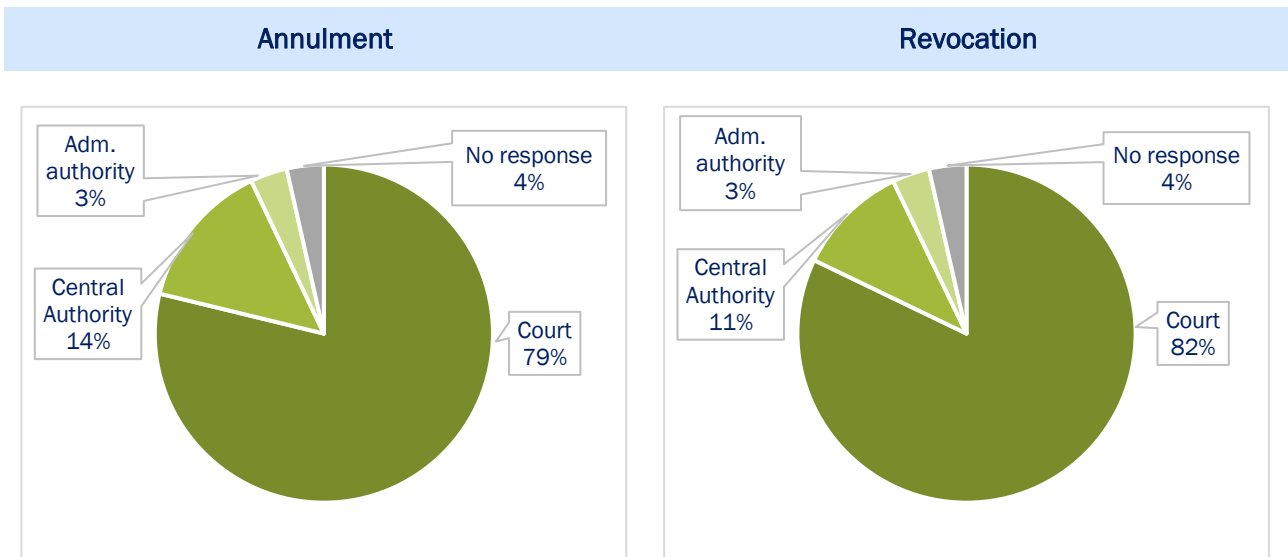
|                    | Annulment   | Revocation  |
|--------------------|-------------|-------------|
| Andorra            | No          | No          |
| Armenia            | Yes         | No          |
| Australia (NSW,NT) | No          | No          |
| Australia (ACT)    | Yes         | No          |
| Austria            | Yes         | Yes         |
| Belarus            | No          | Yes         |
| Belgium            | No          | Yes / No    |
| Brazil             | Yes         | No          |
| Bulgaria           | No          | No          |
| Burkina Faso       | Yes         | Yes / No*   |
| Cambodia           | No          | No          |
| Canada             | Yes         | Yes         |
| Chile              | Yes         | No          |
| China, PR of       | No response | No response |
| Colombia           | No          | No          |
| Congo              | No          | No          |
| Costa Rica         | Yes         | Yes         |
| Croatia            | No          | No          |
| Czech Republic     | Yes         | No          |
| Denmark            | Unclear     | Yes         |
| Dominican Rep.     | Yes         | Yes         |
| Ecuador            | No          | No          |
| El Salvador        | Yes         | No          |
| Finland            | No          | No          |
| France             | No          | Yes / No*   |
| Germany            | No          | Yes         |
| Greece             | No          | No          |
| Guinea             | Yes         | Yes         |
| Haiti              | No          | No          |
| Honduras           | Yes         | Yes         |
| India              | Yes         | Yes         |
| Ireland            | No          | Yes         |
| Italy              | No          | Yes         |
| Latvia             | No          | Yes         |

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

\* Yes / No = Yes for simple adoption / No for full adoption

### 3. Authority with jurisdiction to annul and / or revoke an ICA

Chart 3: Yes - Which authority has jurisdiction to annul / revoke an ICA?<sup>11</sup>



13. In addition, some States specify that the authority having jurisdiction necessarily has to be the one which issued the adoption decision in the first place.<sup>12</sup>

#### 4. Persons and authorities which can request the annulment / revocation of an ICA

Chart 4: Yes – *Who* can request the annulment / revocation of an ICA?<sup>13</sup>

|                                                                                      | Annulment       | Revocation      |
|--------------------------------------------------------------------------------------|-----------------|-----------------|
| <b>Persons</b>                                                                       |                 |                 |
| Adoptee*                                                                             | 16 States (56%) | 18 States (62%) |
| Birth parents                                                                        | 11 States (38%) | 11 States (38%) |
| Adoptive parents**                                                                   | 15 States (52%) | 17 States (59%) |
| Extended family members (from either the birth or the adoptive family)               | 3 States (10%)  | 2 States (7%)   |
| Heirs of the adoptive parents                                                        | 1 State (3%)    |                 |
| Person(s) who gave their consent to the adoption and / or whose consent was required | 2 States (8%)   | 1 State (3%)    |
| Guardian / curator (i.e., legal representative of the child)                         | 5 States (17%)  | 3 States (10%)  |
| Any person with an interest                                                          | 5 States (17%)  | 2 State (7%)    |
| Any offended party                                                                   | 1 State (3%)    |                 |
| Persons opposing the adoption                                                        | 1 State (3%)    |                 |
| <b>Authorities</b>                                                                   |                 |                 |
| Public Minister / Public Prosecutor                                                  | 6 States (22%)  | 7 States (24%)  |
| Public Advocate                                                                      | 1 State (1%)    |                 |
| Public defender of the child                                                         | 1 State (3%)    | 1 State (3%)    |
| Central Authority                                                                    | 2 States (7%)   | 3 States (10%)  |
| Authority that issued the adoption decision                                          | 1 State (3%)    | 1 State (3%)    |
| Child protection services                                                            | 1 State (3%)    |                 |
| Public authority                                                                     | 1 State (3%)    |                 |
| Judge                                                                                | 1 State (3%)    |                 |
| <b>Other</b>                                                                         |                 |                 |
| Not specified in law                                                                 | 1 State (3%)    | 1 State (3%)    |
| Unclear                                                                              | 2 States (7%)   | 2 States (7%)   |
| No response                                                                          | 1 State (3%)    | 3 States (10%)  |

\* While an adoptee may be able to request the annulment / revocation of their adoption, they may not always be allowed to do so without their legal representative if they have not attained the age of majority.<sup>14</sup>

\*\* In some States, adoptive parents may be able to request the annulment / revocation of the adoption of their child but only if they still have parental responsibility for that child.<sup>15</sup>

## 5. Grounds on which annulment / revocation of an ICA can be found

Chart 5: Yes – What are the *grounds* on which an ICA can be annulled / revoked?<sup>16</sup>

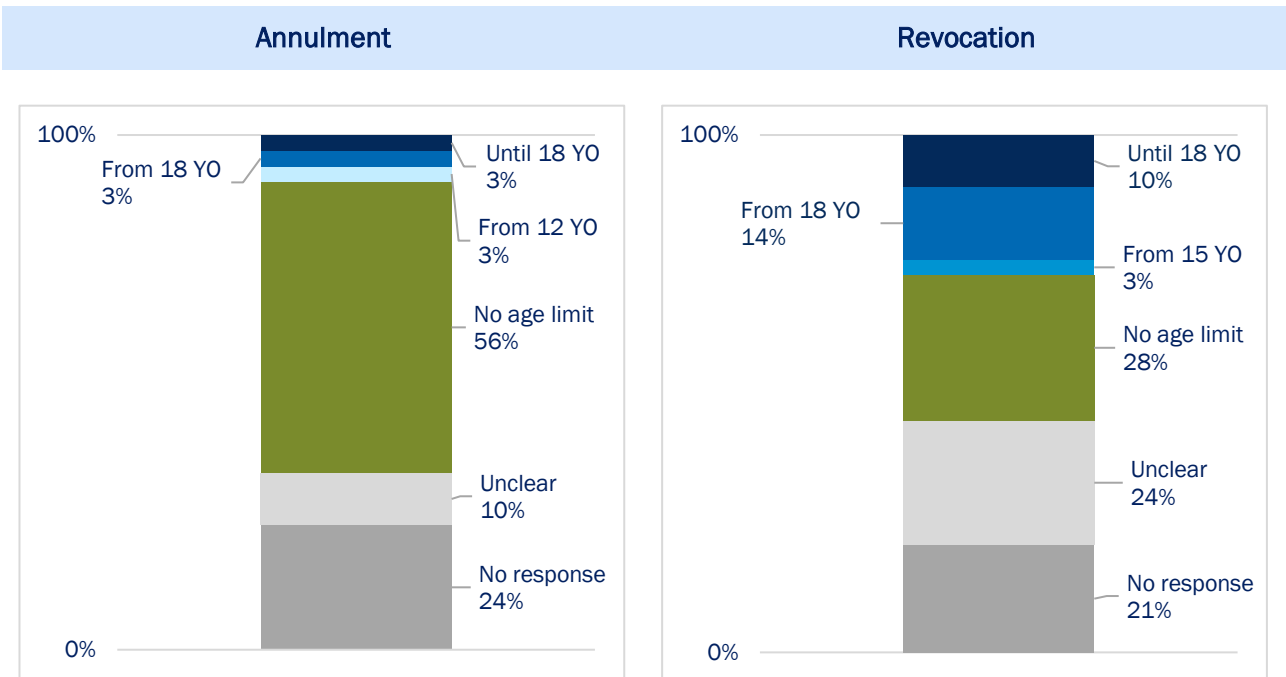
|                                                                                                | Annulment      | Revocation     |
|------------------------------------------------------------------------------------------------|----------------|----------------|
| <b>Grounds related to events that took place <i>during</i> the adoption procedure</b>          |                |                |
| Lack of consent                                                                                | 6 States (20%) | 2 States (7%)  |
| Deficient consent                                                                              | 5 States (17%) | 2 States (7%)  |
| False documents                                                                                | 1 State (3%)   |                |
| Fraud                                                                                          | 6 States (22%) | 2 States (7%)  |
| Coercion during the adoption procedure                                                         | 3 States (10%) |                |
| Violation of the best interests of the child                                                   | 1 State (3%)   |                |
| Illegalities / irregularities during the adoption procedure                                    | 5 States (17%) | 1 State (3%)   |
| Conditions for adoption are not fulfilled                                                      | 1 State (3%)   | 2 States (7%)  |
| Adoptions that took place while they were prohibited                                           | 1 State (3%)   |                |
| Violation of laws and / or substantive and procedural rules                                    | 5 States (17%) | 2 States (7%)  |
| <b>Grounds related to events that took place <i>after</i> the adoption decision was issued</b> |                |                |
| Criminal behaviour of the adoptive parents towards the adoptee                                 | 2 States (7%)  | 1 State (3%)   |
| Criminal behaviour of the adoptee towards the adoptive parents                                 |                | 1 State (3%)   |
| Misconduct of the adoptive parents                                                             | 1 State (3%)   | 1 State (3%)   |
| Adoptive parents not fulfilling their parental obligations (willingly or unwillingly)          | 2 States (7%)  | 1 State (3%)   |
| Revocation is in the best interests of the child                                               |                | 2 States (7%)  |
| Adoption is not in the best interests of the child                                             | 1 State (3%)   | 2 States (7%)  |
| <b>Other</b>                                                                                   |                |                |
| Agreement between the adoptee and the adoptive parents                                         |                | 1 State (3%)   |
| New information obtained                                                                       | 1 State (3%)   |                |
| Serious grounds                                                                                | 1 State (3%)   | 5 States (17%) |
| Case-by-case                                                                                   | 1 State (3%)   | 1 State (3%)   |
| Unclear                                                                                        | 3 States (10%) | 6 States (21%) |
| No response                                                                                    | 2 States (7%)  | 3 States (10%) |

14. One State also specified that in cases where a revocation of the adoption is sought to protect the interests of an adopted child, the child's wishes (if the child is above 10 years of age) should be taken into account.<sup>17</sup>



## 6. Age limits for annulment / revocation of an ICA

Chart 6: Yes – What are the *age limits* from / until which an ICA can be annulled / revoked?<sup>18</sup>



15. In addition to age limits, in some States ICAs can only be annulled within a specific timeframe:
- from the moment the adoption decision was issued; and / or
  - from the moment the grounds upon which annulment can be based on is discovered (*i.e.*, usually an illicit practice).<sup>19</sup>

## 7. Procedure for annulment / revocation of an ICA

| Annulment                                                                                                                                          | Revocation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>16. The procedure for annulment always takes place before the authority which has jurisdiction to annul an ICA (see section 3 and chart 3).</p> | <p>17. The procedure for revocation takes place before the authority which has jurisdiction to revoke an adoption (see section 3 and chart 3).</p> <p>18. In one State, the procedure is carried out by the Central Authority if both the adoptee and the adoptive parents agree to the terms of the revocation. However, if they cannot agree, the procedure will take place before a court.<sup>20</sup></p> <p>19. In another State, the request for revocation is first sent to the Central Authority which reviews the request before sending it to the court.<sup>21</sup></p> |

## 8. Statistics on annulment / revocation of ICAs

20. In practice, it seems that many States do not have any data on the number of ICAs being annulled / revoked each year, or where such data is available, it appears that the annulment / revocation of ICAs is very rare (*i.e.*, either there are none, or between one to three per year).<sup>22</sup> It is also possible that since Central Authorities are rarely responsible for annulling / revoking an ICA (see section 3), they are not aware of all ICAs that have been annulled / revoked in their State.
21. Other States note that revocations of adoptions mainly concern *domestic* adoptions (mainly domestic stepchild adoptions<sup>23</sup> or domestic simple adoptions of adults (*i.e.*, the adoptee was already an adult when they were adopted)<sup>24</sup>).

## Endnotes

- 1 Prel. Doc. No 3 of February 2020, “Questionnaire on the Practical Operation of the 1993 Adoption Convention” (2020 Questionnaire No 1). The 66 Contracting Parties which responded to the 2020 Questionnaire No 1 are: Andorra, Armenia, Australia, Austria, Belarus, Belgium (Flemish region), Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China (People's Republic of), China (Hong Kong SAR), China (Macao SAR), Colombia, Congo, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Greece, Guinea, Haiti, Honduras, India, Ireland, Italy, Latvia, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Monaco, Montenegro, Namibia, New Zealand, Norway, Panama, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Togo, Turkey, United States of America, Uruguay, Venezuela and Viet Nam.
- 2 2020 Questionnaire No 1, Question 31(e): Denmark.
- 3 Thus, on some occasions, responses to the Questionnaire were affected by this absence of a clear distinction in practice (see e.g., responses from Australia, Costa Rica, Peru, Philippines to Question 32(a) of the 2020 Questionnaire No 1). In such cases, the Permanent Bureau (PB) of the HCCH had to interpret that information to the best of its knowledge.
- 4 2020 Questionnaire No 1, Question 31(a): Canada.
- 5 2020 Questionnaire No 1, Question 32(d): Denmark.
- 6 Chart 1: Do States allow annulment of an ICA? The responses from 66 States were taken into account. 2020 Questionnaire No 1, Question 31:
- **Yes:** Armenia, Australia (ACT), Austria, Brazil, Burkina Faso, Canada, Chile, Costa Rica, Czech Republic, Dominican Republic, El Salvador, Guinea, Honduras, India, Madagascar, Malta, Monaco, Panama, Peru, Philippines, Republic of Moldova, Romania, Serbia, Slovenia, South Africa, Switzerland, Turkey, United States of America, Uruguay, Venezuela.
  - **No:** Andorra, Australia (NSW, NT), Belarus, Belgium, Bulgaria, Cambodia, Colombia, Congo, Croatia, Ecuador, Finland, France, Germany, Greece, Haiti, Ireland, Italy, Latvia, Lithuania, Luxembourg, Mexico, Montenegro, New Zealand, Norway, Poland, Portugal, Senegal, Slovakia, Spain, Sri Lanka, Sweden, Togo, Viet Nam.
  - **Unclear:** Denmark.
  - **No response:** China (PR of), Mauritius, Namibia.
- Chart 1: Do States allow revocation of an ICA? The responses from 66 States were taken into account. 2020 Questionnaire No 1, Question 32:
- **Yes:** Austria, Belarus, Canada, Costa Rica, Denmark, Dominican Republic, Germany, Guinea, Honduras, India, Ireland, Italy, Latvia, Malta, Monaco, Panama, Peru, Philippines, Republic of Moldova, Romania, Serbia, Slovakia, South Africa, Togo, Turkey, United States of America.
  - **Yes for simple adoption / No for full adoption:** Belgium, Burkina Faso, France.
  - **No:** Andorra, Armenia, Australia, Brazil, Bulgaria, Cambodia, Chile, Colombia, Congo, Croatia, Czech Republic, Ecuador, El Salvador, Finland, Greece, Haiti, Lithuania, Luxembourg, Madagascar, Mexico, Montenegro, New Zealand, Norway, Poland, Portugal, Senegal, Slovakia, Spain, Sri Lanka, Sweden, Switzerland, Uruguay, Venezuela, Viet Nam.
  - **No response:** China (PR of), Mauritius, Namibia.
- 7 2020 Questionnaire No 1, Question 31: Belgium.
- 8 A **full adoption** is one in which the parent-child relationship which existed before the adoption is *terminated* and a new legal parent-child relationship between the child and their adoptive parents is established.  
A **simple adoption** is one in which the parent-child relationship which existed before the adoption is *not terminated* but a new legal parent-child relationship between the child and his or her adoptive parents is established.  
In **both full and simple adoptions**, only the adoptive parents have parental responsibility for the child.  
See “[Guide to Good Practice No 1: The Implementation and Operation of the 1993 Intercountry Adoption Convention](#)”, Glossary.
- 9 2020 Questionnaire No 1, Question 31(a): Canada.
- 10 2020 Questionnaire No 1, Question 31(a): Canada; Questions 31 and 32(a)(b)(c)(d): United States of America.
- 11 Chart 3: Which authority has jurisdiction to annul an ICA? The responses from 29 States were taken into account (the responses from Australia (ACT) were also taken into account but not counted in the total number of States). 2020 Questionnaire No 1, Question 31(a):
- **Court:** Armenia, Australia (ACT), Austria, Brazil, Burkina Faso, Canada, Chile, Costa Rica, Czech Republic, Dominican Republic, El Salvador, India, Malta, Monaco, Panama, Republic of Moldova, Romania, Serbia, Slovakia, South Africa, Switzerland, United States of America, Uruguay, Venezuela.
  - **Central Authority:** Guinea, Honduras, Philippines, Turkey.
  - **Administrative authority:** Peru.
  - **No response:** Madagascar.
- Chart 3: Which authority has jurisdiction to revoke an ICA? The responses from 29 States were taken into account. 2020 Questionnaire No 1, Question 32(a):

- **Court:** Austria, Belarus, Belgium, Burkina Faso, Canada, Costa Rica, Denmark, Dominican Republic, France, Germany, India, Ireland, Italy, Latvia, Malta, Monaco, Panama, Republic of Moldova, Romania, Serbia, Slovakia, South Africa, Togo, United States of America.
- **Central Authority:** Denmark, Guinea, Philippines, Turkey.
- **Administrative authority:** Peru.
- **No response:** Honduras.

12 2020 Questionnaire No 1, Question 31(a): India, Malta, Uruguay.

13 Chart 4: Who can request the **annulment** of an ICA? The responses from 29 States were taken into account (the responses from Australia (ACT) were also taken into account but not counted in the total number of States). 2020 Questionnaire No 1, Question 31(b):

- **Persons:**
  - **Adoptee:** Armenia, Australia (ACT), Austria, Burkina Faso, Chile, Czech Republic, Dominican Republic, El Salvador, Monaco, Panama, Peru, Republic of Moldova, Serbia, Slovenia, South Africa, Turkey, Venezuela.
  - **Birth parents:** Armenia, Burkina Faso, Dominican Republic, El Salvador, Honduras, Monaco, Republic of Moldova, Serbia, Slovenia, South Africa, Turkey
  - **Adoptive parents:** Armenia, Australia, Austria, Burkina Faso, Czech Republic, El Salvador, India, Madagascar, Monaco, Peru, Republic of Moldova, Serbia, Slovenia, South Africa, Turkey, Venezuela.
  - **Extended family members (from either the birth or the adoptive family):** El Salvador, Honduras, Venezuela.
  - **Heirs of the adoptive parents:** Burkina Faso.
  - **Person who gave their consent to the adoption and / or whose consent was required:** Australia (ACT), Romania, Switzerland.
  - **Guardian / curator (*i.e.*, legal representative of the child):** Armenia, Chile, Serbia, South Africa, Venezuela.
  - **Any person with an interest:** Canada, Guinea, Romania, Serbia, Switzerland.
  - **Any offended party:** Brazil.
  - **Persons opposing the adoption:** Venezuela.
- **Authorities:**
  - **Public Minister / Public Prosecutor:** Australia (ACT), Brazil, Burkina Faso, Panama, Republic of Moldova, Serbia, Venezuela.
  - **Public Advocate:** Australia (ACT), .
  - **Public defender of the child:** Panama.
  - **Central Authority:** Dominican Republic, Philippines.
  - **Authority that issued the adoption decision:** Peru.
  - **Child protection services:** Slovenia.
  - **Public authority:** Republic of Moldova.
  - **Judge:** El Salvador.
- **Other:**
  - **Not specified in law:** Malta.
  - **Unclear:** Costa Rica, United States of America.
  - **No response:** Uruguay.

Chart 4: Who can request the **revocation** of an ICA? The responses from 29 States were taken into account. 2020 Questionnaire No 1, Question 32(b):

- **Persons:**
  - **Adoptee:** Austria, Belarus, Belgium, Burkina Faso, Costa Rica, Denmark, Dominican Republic, France, Latvia, Monaco, Panama, Peru, Romania, Serbia, Slovakia, South Africa, Togo, Turkey.
  - **Birth parents:** Belarus, Burkina Faso, Costa Rica, Denmark, Dominican Republic, Ireland, Monaco, Serbia, South Africa, Togo, Turkey.
  - **Adoptive parents:** Austria, Belarus, Belgium, Burkina Faso, Costa Rica, Denmark, France, India, Latvia, Monaco, Peru, Romania, Serbia, Slovakia, South Africa, Togo, Turkey.
  - **Extended family members (from either the birth or the adoptive family):** Burkina Faso, Togo.
  - **Person who gave their consent to the adoption and / or whose consent was required:** Germany.
  - **Guardian / curator (*i.e.*, legal representative of the child):** Belarus, Serbia, South Africa.
  - **Any person with an interest:** Canada, Serbia.
- **Authorities:**
  - **Public Prosecutor:** Belarus, Belgium, France, Monaco, Panama, Serbia, Togo.
  - **Public defender of the child:** Panama.

- **Central Authority:** Belarus, Dominican Republic, Philippines.
- **Authority that issued the adoption decision:** Peru.
- **Other:**
  - **Not specified in law:** Malta.
  - **Unclear:** Guinea, United States of America.
  - **No response:** Honduras, Italy, Republic of Moldova.

14 2020 Questionnaire No 1, Question 31(b): Armenia, Republic of Moldova, Slovenia; Questions 31 and 32 (d): Peru

15 2020 Questionnaire No 1, Question 31(b): El Salvador.

16 Chart 5: What are the grounds on which an ICA can be annulled? The responses from 29 States were taken into account (the responses from Australia (ACT) were also taken into account but not counted in the total number of States). 2020 Questionnaire No 1, Question 31(c):

- **Grounds related to events that took place during the adoption procedure:**
  - **Lack of consent:** Austria, El Salvador, Republic of Moldova, South Africa, Switzerland, Venezuela.
  - **Deficient consent:** Burkina Faso, Honduras, Monaco, Romania, Serbia.
  - **False documents:** Republic of Moldova.
  - **Fraud:** Australia (ACT), Burkina Faso, Canada, Chile, Costa Rica, El Salvador, Honduras.
  - **Coercion during adoption procedure:** Brazil, El Salvador, Honduras.
  - **Violation of the best interests of the child:** Turkey.
  - **Illegalities / irregularities during adoption procedure:** Brazil, Chile, Dominican Republic, Guinea, Venezuela.
  - **Conditions for adoption are not fulfilled:** Slovenia.
  - **Adoptions that took place while they were prohibited:** El Salvador.
  - **Violation of laws and / or substantive and procedural rules:** Costa Rica, Panama, Peru, Republic of Moldova, Romania.
- **Grounds related to events that took place after the adoption decision was issued:**
  - **Criminal behaviour of the adoptive parents towards the adoptee:** Armenia, Austria.
  - **Misconduct of the adoptive parents:** Armenia.
  - **Adoptive parents not fulfilling their parental obligations (willingly or unwillingly):** Armenia, Austria.
  - **Adoption is not in best interests of the child:** Romania.
- **Other:**
  - **New information obtained:** Guinea.
  - **Serious grounds:** Czech Republic.
  - **Case-by-case:** India.
  - **Unclear:** Malta, Philippines, United States of America.
  - **No response:** Madagascar, Uruguay.

Chart 5: What are the grounds on which an ICA can be revoked? The responses from 29 States were taken into account. 2020 Questionnaire No 1, Question 32(c):

- **Grounds related to events that took place during the adoption procedure:**
  - **Lack of consent:** Germany, South Africa.
  - **Deficient consent:** Austria, Malta.
  - **Fraud:** Canada, Costa Rica.
  - **Illegalities / irregularities during adoption procedure:** Dominican Republic.
  - **Conditions for adoption are not fulfilled:** Germany, Serbia.
  - **Violation of laws and / or substantive and procedural rules:** Costa Rica, Peru.
- **Grounds related to events that took place after the adoption decision was issued:**
  - **Criminal behaviour of the adoptive parents towards the adoptee:** Belarus.
  - **Criminal behaviour of the adoptee towards the adoptive parents:** Italy.
  - **Misconduct of the adoptive parents:** Belarus.
  - **Adoptive parents not fulfilling their parental obligations (willingly or unwillingly):** Belarus.
  - **Revocation is in the best interests of the child:** Austria, Germany.
  - **Adoption is not in best interests of the child:** Slovakia, Turkey.
- **Other:**
  - **Agreement between the adoptee and the adoptive parents:** Denmark.
  - **Serious grounds:** Belgium, Burkina Faso, France, Monaco, Togo.

- **Case-by-case:** India.
- **Unclear:** Guinea, Latvia, Panama, Philippines, Romania, United States of America.
- **No response:** Honduras, Ireland, Republic of Moldova.

17 2020 Questionnaire No 1, Question 32(c): Belarus.

18 Chart 6: What is the age limit from / until which an ICA can be annulled? The responses from 29 States were taken into account (the responses from Australia (ACT) were also taken into account but not counted in the total number of States). 2020 Questionnaire No 1, Question 31(d):

- **Until 18 years old:** South Africa.
- **From 18 years old:** Chile.
- **From 12 years old:** Australia (ACT)
- **No age limit:** Armenia, Austria, Brazil, Burkina Faso, Canada, Costa Rica, Czech Republic, El Salvador, Honduras, India, Malta, Monaco, Peru, Romania, Serbia, Slovenia, Venezuela.
- **Unclear:** Switzerland, Turkey, United States of America.
- **No response:** Dominican Republic, Guinea, Madagascar, Panama, Philippines, Republic of Moldova, Uruguay.

Chart 6: What is the age limit from / until which an ICA can be revoked? The responses from 29 States were taken into account. 2020 Questionnaire No 1, Question 32(d):

- **Until 18 years old:** Belarus, Germany, South Africa, Togo.
- **From 18 years old:** Latvia, Monaco, Romania.
- **From 15 years old:** Burkina Faso.
- **No age limit:** Austria, Belgium, Canada, Costa Rica, France, Malta, Peru, Serbia.
- **Unclear:** Denmark, Guinea, India, Italy, Slovakia, Turkey, United States of America.
- **No response:** Dominican Republic, Honduras, Ireland, Panama, Philippines, Republic of Moldova.

19 2020 Questionnaire No 1, Question 31(d): Chile (4 years), Switzerland (6 months from the moment the vice is discovered and 2 years maximum after the adoption decision was issued).

20 2020 Questionnaire No 1, Question 32(e): Denmark.

21 2020 Questionnaire No 1, Question 32(e): Togo.

22 Regarding the number of ICAs **annulled** on average per year, the responses from 29 States were taken into account (the responses from Australia (ACT) were also taken into account but not counted in the total number of States). 2020 Questionnaire No 1, Question 31(f):

- **Average number of annulment of ICAs:**
  - **0 per year:** Chile, Costa Rica, Czech Republic, El Salvador, Honduras, Monaco, Peru, Republic of Moldova, Slovenia.
  - **4 before 2015; 0 since 2015:** Romania.
  - **1 in 2016:** Armenia.
  - **0-1 per year:** Austria.
  - **3 per year:** India.
  - **Not aware of any:** Australia (ACT), Canada, Switzerland.
- **Other:**
  - **No data:** Brazil, Burkina Faso, Panama, Serbia, Switzerland.
  - **Unknown:** United States of America.
  - **No response:** Dominican Republic, Guinea, Madagascar, Malta, Philippines, South Africa, Turkey, Uruguay, Venezuela.

Regarding the number of ICAs **revoked** on average per year, the responses from 29 States were taken into account. 2020 Questionnaire No 1, Question 32(f):

- **Average number of revocation of ICAs:**
  - **0 per year:** Costa Rica, Monaco, Peru, Romania, Slovakia, Togo.
  - **0-1 per year:** Austria, Belarus.
  - **3 per year:** India.
  - **Not aware of any:** Canada.
- **Other:**
  - **No data:** Belgium, Burkina Faso, Denmark, Italy, Latvia, Panama.
  - **No data specific to revocation of *intercountry* adoptions only:** France.
  - **Unknown:** Serbia, United States of America.

- **No response:** Dominican Republic, Germany, Guinea, Honduras, Ireland, Malta, Philippines, Republic of Moldova, South Africa, Turkey.

23 2020 Questionnaire No 1, Question 32(d): Denmark.

24 2020 Questionnaire No 1, Question 32(f): France.