

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

Name of State:	Republic of Mauritius
Information for follow-up purposes	
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1. POST-ADOPTION MATTERS

1.1. Preservation of, and access to, information

Both States of origin and receiving States

1.1.1. Preservation of information and use of data

1.	Has your State centralised , in a public facility, information concerning the child's origins and the adoption of the child? <input type="checkbox"/> Yes. Please specify where the information is centralised: Please insert text here <input checked="" type="checkbox"/> No. Please specify where the information is stored: The National Adoption Council has a register where the name, address and the names of the biological parents are recorded.
2.	Has your State encountered situations where personal data obtained during the intercountry adoption process has been misused (see Art. 31 of the Convention)? <input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response: Please insert text here <input checked="" type="checkbox"/> No.

1.1.2. Search for origins

3.	Is there a specialised programme or section in the Central Authority which deals with the search for the origins of an adoptee? <input type="checkbox"/> Yes. Please provide its name and explain the services provided: Please insert text here <input checked="" type="checkbox"/> No. Please specify how the search for the origins is handled: The National Adoption Council has a register where the names of the child, names of the biological parents, their address, the names of the Prospective Adoptive Parents Date of application. File reference number and date of adoption are recorded.
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4.	<p>Has your State developed any good practices to ensure that Recommendation No 21¹ of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard: When an adopted child request for a search of his origins, the register is consulted and the child is provided with relevant information if same is available in the register mentioned at 3 above.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (<i>e.g.</i>, government, private companies, NGOs); Government</p> <p>(b) where the data is stored, and whether it is stored by a public or private entity; Public body</p> <p>(c) the average cost of a DNA test in your State and whether any subsidy is available; Please insert text here</p> <p>(d) details of any challenges and / or good practices your State may have developed with respect to the issues identified in this question and DNA testing in general. Please insert text here</p>
6.	<p>What is your State's practice when the background information of an adoption is incomplete or non-existent? How does your State support adoptees in such situations? The adoptee is referred to the Supreme Court where perhaps in case information regarding the adoption might have been archived.</p>
7.	<p>What is the procedure in your State when illicit practices are discovered during a search for origins? Please provide details of any challenges and / or good practices. The Police is requested to carry out an inquiry</p>
8.	<p>If statistics are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were successful (<i>e.g.</i>, the adoptee found his birth family); So far only one adoptee requested for search of his origins but no record was available. He was directed to the Supreme Court.</p> <p>(b) how many were not successful and what were the reasons. No feedback was received</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the confidentiality of the identity of the birth parents?</p> <p><input type="checkbox"/> Yes. Please specify the challenges and how your State addressed them: Please insert text here</p>

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

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

	<input checked="" type="checkbox"/> No.
10.	<p>Does your State make a distinction between the disclosure of identifying versus non-identifying information?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
11.	<p>What is the procedure in your State for processing requests from the birth family to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>The National Adoption Council has a file for each case where the names of the adoptive parents are recorded.</p>

1.1.3. Guidelines and good practices

12.	<p>Has your State developed any guidelines (e.g., procedures, manuals) and / or good practices regarding preservation of information and search for origins?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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1.2. Post-adoption services²

Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that Recommendation No 18³ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: Post -adoption home visits are carried out and on a quarterly basis during the first year and the second year every six months. A report is sent to the country of origin and a copy is kept in the daoption file.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
14.	<p>If your State provides specialised post-adoption services, please specify:</p> <p>(a) the type of services provided and to whom they are provided (e.g., child and adult adoptees, birth families, adoptive families); Once the child is adopted, he/she becomes a member of the family and the Ministry of Gender Equality and Family Welfare provides protection & counselling to families and children as and when required.</p> <p>(b) who provides the services (e.g., social welfare administration, school, health personnel);</p>

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

³ C&R No 18 of the 2015 SC:

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

	<p>Officers of the Ministry of Gender Equality and Family Welfare</p> <p>(c) whether the professionals involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs); No</p> <p>(d) how, if there are different services, these various services are coordinated; There is exchange of correspondence among the different partners.</p> <p>(e) how the post-adoption services are financed (e.g., the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other); For the time being, it is from government funds.</p> <p>(f) the length of time this support is available. Please insert text here</p>
15.	<p>Please provide details of any good practices in your State which ensure that adoptees, adoptive families and birth families are adequately informed about, and can easily access, post-adoption services.</p> <p>The PAPs are informed about post adoption services when they request for information for adoption procedures before making an application. They are also requested to submit a letter to the effect that they accept to allow officers to conduct home visits inquiries</p>
16.	<p>In setting up post-adoption services in your State, were the voices of adoptees considered?</p> <p><input type="checkbox"/> Yes. Please specify in what way their voices were considered: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
17.	<p>Has research been carried out in your State in the past five years assessing post-adoption services?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

Receiving States only

18.	<p>Please specify any challenges your State encounters in ensuring that adequate support is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with special needs. Please also share any good practices your State has developed to overcome such challenges.⁴</p> <p>Please insert text here</p>
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1.3. Post-adoption reports

Receiving States only

⁴ If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

19.	<p>Does the preparation of PAPs in your State include the provision of information on post-adoption report requirements of the State where the PAPs (would like to) adopt?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p><input checked="" type="checkbox"/> No. Please specify when and how PAPs are otherwise informed: PAPs are informed at the very start when they inquire about adoption procedures. They are even requested to submit a letter stating that they accept to allow for post adoption home visit and inquiry to be carried out.</p>
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Both States of origin and receiving States

20.	<p>Has your State encountered situations where the adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent experience regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>Please insert text here</p>

1.4. Adoption breakdowns

Both States of origin and receiving States

22.	<p>If your State has had any experience regarding intercountry adoptions which have broken down, please specify:⁵</p> <p>(a) what have been the main causes of the breakdowns;⁶ Please insert text here</p> <p>(b) how your State has addressed these situations and whether your State has any good practices to share in this regard;⁷ Please insert text here</p> <p>(c) what support is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions; Please insert text here</p> <p>(d) whether your State has developed any good practices to ensure that Recommendation No 19⁸ of the 2015 Special Commission is implemented:</p> <p><input checked="" type="checkbox"/> Yes. Please specify any good practices developed in this regard:</p>
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⁵ If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

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

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

⁸ C&R No 19 of the 2015 SC:

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

During the training of PAPs, the latter are educated on the challenges regarding adoption.

No. Please specify any reasons:

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

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

Please insert text here

(i) in line with **Recommendation No 20**⁹ of the 2015 Special Commission, whether your State has applied the **1996 Child Protection Convention** to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.

Please insert text here

Receiving States only

23.	<p>Is your State's Central Authority informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption: There is no such provision in the existing law.</p>
24.	<p>Do your State's authorities consult with the Central Authority of the child's State of origin:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p>

⁹ C&R No 20 of the 2015 SC:

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

	<input type="checkbox"/> Yes. Please describe the type of cooperation: <p style="text-align: center; color: blue;">There is no such provision for the time being.</p> <input type="checkbox"/> No.
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States of origin only

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

1.5. Other post-adoption matters

States of origin only

26.	<p>Are adoptees, who did not retain the nationality of their State of origin, permitted to regain it at a later stage?</p> <input type="checkbox"/> Yes. Please specify the conditions to regain nationality: <p style="text-align: center; color: blue;">Please insert text here</p> <input checked="" type="checkbox"/> No. Please explain your response: <p style="text-align: center; color: blue;">This does not apply as Mauritius allows its citizen to have dual nationality.</p>
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Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the nationality of their State of origin?</p> <input type="checkbox"/> Yes. Please specify the situations and how they were handled: <p style="text-align: center; color: blue;">Please insert text here</p> <input checked="" type="checkbox"/> No.
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a Guide to Good Practice on post-adoption.</p> <p style="text-align: center; color: blue;">Please insert text here</p>

2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

Both States of origin and receiving States

29.	<p>Have illicit practices in intercountry adoption been discovered since 2015 in your State?</p> <input type="checkbox"/> Yes. Please specify: <p>(a) the type of illicit practices which were discovered;</p>
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	<p>(b) when the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure); Please insert text here</p> <p>(c) whether the illicit practices were done under or outside the scope of the 1993 Adoption Convention; Please insert text here</p> <p>(d) how your State handled these situations; Please insert text here</p> <p><input type="checkbox"/> No.</p>
30.	<p>Please specify any good practices of your State to prevent and address illicit practices. Through strict adherence to the procedures as per existing laws.</p>
31.	<p>Is it possible in your State to annul an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has jurisdiction to do so;</p> <p>(b) who can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the grounds upon which this may be done; Please insert text here</p> <p>(d) whether there is an age limit for the annulment of an adoption; Please insert text here</p> <p>(e) the procedure involved; Please insert text here</p> <p>(f) the number of intercountry adoptions which are on average annulled per year. Please insert text here</p> <p><input type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to revoke an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has the jurisdiction to do so; Please insert text here</p> <p>(b) who can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the grounds upon which this is done; Please insert text here</p> <p>(d) whether there is an age limit for the revocation of the adoption; Please insert text here</p> <p>(e) the procedure involved; Please insert text here</p>

(f) the **number of** intercountry adoptions which are on average revoked per year.

Please insert text here

No.

3. INTRAFAMILY ADOPTIONS

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

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

Both States of origin and receiving States

33.	<p>In your State, which authority is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The Central Authority.</p> <p><input type="checkbox"/> Another competent authority. Please specify which authority and the reasons for designating a different authority:</p> <p>Please insert text here</p>
34.	<p>Has your State developed any good practices to ensure that Recommendation No 32¹¹ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>A Home Study report is carried out regarding the status and financial means of the biological parents and the reasons for consenting to give their child into adoption. Moreover, the National Adoption Council conducts an interview with both the biological parents, the child is above 5 years old and the PAPs before it gives its recommendation for adoption.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
35.	<p>Are there specific guidelines or procedures for intrafamily adoptions in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>Same procedures for intercountry adoption apply.</p> <p><input type="checkbox"/> No.</p>

¹⁰ See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

¹¹ C&R No 32 of the 2015 SC:

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

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

36.	<p>Has your State encountered any particular difficulties with adoptability decisions in the context of intrafamily adoptions?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled:¹² Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
37.	<p>In your State, does the termination of the pre-existing legal relationship affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)?</p> <p><input type="checkbox"/> It only affects the child and his or her mother and father.</p> <p><input type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input checked="" type="checkbox"/> Other. Please explain your response: There is no such provision under existing law.</p>
38.	<p>Has your State encountered cases of breakdown in intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them: There has been 1 case of breakdown. The adoptee, after reaching the age of 18 decided to return to her country of origin to get married with a national of her country of origin.</p> <p><input type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State cooperate with States with which it normally does not cooperate?</p> <p><input type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

States of origin only

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

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

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

	<p>(a) which other child protection measures are applied to protect children within the extended family: Children are placed in shelters and foster care families</p> <p>(b) if your State is a Party to the 1996 Child Protection Convention, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States: Please insert text here</p>
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3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the 1993 Adoption Convention to stepparent intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
43.	<p>What is the profile of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p>They are mostly the biological children of the spouse of the applicant.</p>
44.	<p>(a) Please specify any challenges your State encounters with stepparent intercountry adoptions: There have been cases where the application is made a few months before the child turns 18 and by the time the court conducts the adoption hearing , the child already reaches the age of majority.</p> <p>(b) Please specify any good practices of your State for stepparent intercountry adoptions, including those for overcoming any challenges: Wherever possible, the applicant is requested to apply for adoption of the stepchild well in advance.</p>

3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

45.	<p>Has your State encountered situations where intrafamily adoptions were sought / used to circumvent immigration laws?</p> <p><input type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

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

Both States of origin and receiving States

46.	If your State has been involved in situation(s) similar to the above-described scenario:
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	<p>(a) was your State the State of habitual residence of the mother (State A), the State of birth of the child (State B), or another State? Please insert text here</p> <p>(b) how was the child's habitual residence determined? Which factors were considered? Please insert text here</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a domestic adoption or an intercountry adoption? Please insert text here</p> <p>(d) what challenges did your State face in dealing with such situation(s)? Please insert text here</p> <p>(e) if your State was the State where the child was born, was contact sought with the State of habitual residence of the mother? Was there any cooperation between the concerned States? Please insert text here</p>
47.	<p>If there is a risk that the situation described above involves a case of human trafficking, would this be considered by your State when determining the child's habitual residence?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: The place of habitual residence of the child will be determined as per the guide on Habitual Residence and the Scope of the 1993 Hague Convention.</p> <p><input type="checkbox"/> No. Please explain your response:</p>
48.	<p>Which actions would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child's habitual residence to be in their State? The residency of the biological parents will be taken into consideration as per the guidelines of the Habitual Residence and Scope of The 1993 Hague Convention.</p> <p>(b) would determine the child's habitual residence not to be in their State? Please insert text here</p>

5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

5.1. Simple adoptions

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

49.	<p>Has your State changed its legislation, rules or practices in recent years regarding simple intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here</p>
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¹⁴ See [Guide to Good Practice No 1](#), Glossary.

	<input checked="" type="checkbox"/> No.
50.	What is the profile of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Please insert text here
51.	If your State permits both full and simple adoption, are simple adoptions encouraged / promoted ? <input type="checkbox"/> Yes. Please explain your response: Please insert text here <input checked="" type="checkbox"/> No. Please explain your response: For the best interest of the child and to protect fthe child from being in an unstable situation. Also to prevent the biological parent from claiming back the child.
52.	Has your State faced any problems regarding seeking the birth mother / family's consent to convert a simple adoption into a full adoption in the State of origin (Art. 27 of the Convention)? <input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations: Please insert text here <input type="checkbox"/> No.
53.	(a) Please specify any challenges your State encounters with simple adoptions: So far intercountry adoption has been full adoption only. (b) Please specify any good practices of your State for simple adoptions, including those for overcoming any challenges: Please insert text here

5.2. Open adoptions / openness in adoption

54.	Does the terms "open adoption", "openness in adoption" or similar concepts exist in your State? ¹⁵ <input type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: Please insert text here <input checked="" type="checkbox"/> No. Please explain what is understood in your State by the terms "open adoption", "openness in adoption" or similar concepts: Please insert text here
55.	Has your State changed its legislation, rules or practices in recent years regarding open or openness in intercountry adoption? <input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here <input checked="" type="checkbox"/> No.

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

56.	<p>Has your State developed any good practices to ensure that Recommendation No 31¹⁶ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: Provision is being made in the new Adoption Bill</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
57.	<p>(a) What is the profile of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Please insert text here</p> <p>(b) Does your State have a specific approach depending on the profile of these children?</p> <p><input type="checkbox"/> Yes. Please specify these different approaches: Please insert text here</p> <p><input type="checkbox"/> No.</p>
58.	<p>Does your State provide professional support or services to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <p><input type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: The Ministry of Gender Equality and Family Welfare has a pool of Psychologists who can be consulted by Adoptive parents or adoptees after adoption if the need arise.</p>
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of contact between them after the adoption?</p> <p><input type="checkbox"/> Yes. Please specify what action was taken in response: Please insert text here</p> <p><input type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other challenges your State encounters regarding open adoptions: Please insert text here</p> <p>(b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges: Please insert text here</p>

6. NON-CONSENSUAL ADOPTIONS

In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have been deprived of parental responsibility by a competent authority but nonetheless disagree with the adoption. It does

¹⁶ C&R No 31 of the 2015 SC:

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

not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).

States of origin only

61.	<p>What are the circumstances in your State in which a parent can lose his or her parental responsibility?</p> <p><i>In cases of child abuse, neglect, sexual abuse, Physical abuse, ill treatment, physical, psychological, emotional or moral injury.</i></p>
62.	<p>Does your State permit the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the consent of the birth parents who have lost their parental responsibility is <u>still</u> required?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p><input type="checkbox"/> No. Please explain your response: <i>Please insert text here</i></p> <p>(b) how your State ensure that the principle of subsidiarity is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p><i>With the Back to Home Programme, the reunification of the child with the birth family is possible.</i></p> <p>(c) what is the procedure applicable to such non-consensual adoptions (e.g.: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest).</p> <p><input type="checkbox"/> No. Please explain your response: <i>Please insert text here</i></p>

Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin contested a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations: <i>Please insert text here</i></p> <p><input checked="" type="checkbox"/> No.</p>
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Both States of origin and receiving States

64.	<p>What is the profile of children for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p><i>The children from the country of origin are abandoned by their biological parents.</i></p>
65.	<p>(a) Please specify any challenges your State encounters with non-consensual adoptions:</p> <p><i>There is the risk that the biological parents might claim their child at a later stage.</i></p>

(b) Please specify any **good practices** of your State regarding non-consensual adoptions, including those for overcoming any challenges:

[The consent of the biological parents should be mandatory.](#)

7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

7.1. General questions

66.	<p>Does your State prohibit any contact between the child and the PAPs before matching?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify:</p> <p>(a) in which circumstances such contact is permitted; For the time being, most of the adoptions are Intrafamily and adoption of stepchild.</p> <p>(b) the experience of your State with regard to such contact. Both the PAPs and the adoptee agree to the adoption.</p>
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7.2. Summer camps / hosting programmes

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

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

67.	<p>Is your State involved in summer camps / hosting programmes for children?¹⁷</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a precursor to adoption for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, resulted in the adoption of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted: Please insert text here</p> <p><input type="checkbox"/> No.</p>
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¹⁷ Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p>(c) where a child is adopted following such a programme, how is it ensured that the safeguards of the 1993 Adoption Convention have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)?</p> <p>Please insert text here</p> <p><input type="checkbox"/> No.</p>
68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been declared adoptable before they can be part of such programmes; Please insert text here</p> <p>(b) whether the PAPs participating in such programmes must have been declared eligible and suitable to adopt to be allowed to take part in such programmes; Please insert text here</p> <p>(c) how the PAPs and children are selected to participate in such programmes, and whether a selection is made in cooperation with the other State; Please insert text here</p> <p>(d) how the children are prepared for such programmes; Please insert text here</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted; Please insert text here</p> <p>(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes; Please insert text here</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must return to the State of origin before the adoption procedure can be initiated; Please insert text here</p> <p>(h) who finances such programmes; Please insert text here</p> <p>(i) what is the experience of your State with these practices (<i>i.e.</i>, challenges and any potential benefits). Please insert text here</p>

7.3. Voluntourism

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

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

7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement, kinship care, "<i>niño puesto</i>",¹⁸ or a more informal arrangement such as temporary care by neighbours or within a community), please specify:¹⁹</p> <p>(a) whether the child had already been declared adoptable before the PAPs' adoption application was submitted; We came across only one such case</p> <p>(b) at what stage in the process the PAPs were declared eligible and suitable to adopt; At time of application</p> <p>(c) what the profile of these children was; The child was relinquished by her birth parents</p> <p>(d) what was done to ensure that the safeguards and procedures of the 1993 Adoption Convention had been respected; A Home Study was carried out on the PAPs to ensure that the child remains under the custody of the applicants.</p> <p>(e) your State's experience with such adoptions. The PAPs are sensitized to prevent such situation.</p>
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8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to integrate new technologies into work processes (<i>e.g.</i>, blockchain to facilitate transmission and access to data)?</p> <input type="checkbox"/> Yes. Please specify (a) what the experiences of your State are in this regard (<i>i.e.</i> , benefits and challenges) and (b) how your State take into account data protection in this context: Please insert text here
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¹⁸ "*Niño puesto*" refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

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

	<input checked="" type="checkbox"/> No.
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9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the number of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) relative adoptions (<i>i.e.</i>, excluding stepparent adoptions);²⁰</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Country of Origin - 1</td> <td style="padding-left: 200px;">Receiving Country - 1</td> </tr> </table> <p>(b) stepparent adoptions;</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Country of Origin - 1</td> <td style="padding-left: 200px;">Receiving Country - 5</td> </tr> </table> <p>(c) simple adoptions;</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Country of Origin - NIL</td> <td style="padding-left: 200px;">Receiving Country - NIL</td> </tr> </table> <p>(d) open adoptions or adoptions that involve a certain degree of openness; and</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Country of Origin - NIL</td> <td style="padding-left: 200px;">Receiving Country - NIL</td> </tr> </table> <p>(e) non-consensual adoptions.</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Country of Origin - NIL</td> <td style="padding-left: 200px;">Receiving Country - NIL</td> </tr> </table>	Country of Origin - 1	Receiving Country - 1	Country of Origin - 1	Receiving Country - 5	Country of Origin - NIL	Receiving Country - NIL	Country of Origin - NIL	Receiving Country - NIL	Country of Origin - NIL	Receiving Country - NIL
Country of Origin - 1	Receiving Country - 1										
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Country of Origin - NIL	Receiving Country - NIL										
Country of Origin - NIL	Receiving Country - NIL										

10. OTHER MATTERS

74.	<p>Please specify any other comments your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.</p> <p>Presently, the National Adoption Council deals with the adoption of a Mauritian child by foreigners as country of origin and the Ministry of Gender Equality and Family Welfare looks into intercountry adoption as receiving state. The Ministry of Gender Equality and Family Welfare is therefore, coming up with a new Adoption Bill to integrate all types of adoption under one roof.</p>
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²⁰ For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).