

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

<b>Name of State:</b>	Republic of Belarus
<b>Information for follow-up purposes</b>	
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**1. POST-ADOPTION MATTERS**

**1.1. Preservation of, and access to, information**

Both States of origin and receiving States

**1.1.1. Preservation of information and use of data**

1.	<p>Has your State <b>centralised</b>, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input checked="" type="checkbox"/> Yes. Please specify where the information is centralised:</p> <p>Under Article 117 of the Code on Marriage and Family of the Republic of Belarus, the child-care authorities at the place of residence (location) of children send the information about adoptable children (including information concerning their origin, their parents, brothers and sisters) to the institution "The National Adoption Center of the Ministry of Education of the Republic of Belarus" to form a republic-wide data bank on the adoption of orphans and children deprived of parental care. This information is kept in the institution "The National Center of Admission of the Ministry of Education of the Republic of Belarus"</p> <p><input type="checkbox"/> No. Please specify where the information is stored:</p> <p>Please insert text here</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been <b>misused</b> (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

**1.1.2. Search for origins**

3.	<p>Is there a <b>specialised programme or section</b> in the <b>Central Authority</b> which deals with the search for the origins of an adoptee?</p> <p><input type="checkbox"/> Yes. Please provide its name and explain the services provided:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify how the search for the origins is handled:</p> <p>Information on the origins of adopted children has been kept in the archives of the National Adoption Center of the Ministry of Education of the Republic of Belarus since 1999.</p>
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4.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 21<sup>1</sup></b> 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 style="padding-left: 20px;">Under the Code on Marriage and Family of the Republic of Belarus the separation of brothers and sisters during adoption is possible in case the adoptive parents do not insist on preserving the confidentiality of adoption and agree not to prevent contact between the adopted child and their brothers and sisters.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p style="padding-left: 20px;">Please insert text here</p>
5.	<p>If your State allows for the use of <b>DNA testing</b> to search for origins, please specify:</p> <p>(a) <b>which body</b> is in charge of the DNA testing (e.g., government, private companies, NGOs);  Information is not available.</p> <p>(b) where the <b>data</b> is stored, and whether it is stored by a public or private entity;  Information is not available.</p> <p>(c) the average <b>cost</b> of a DNA test in your State and whether any subsidy is available;  Information is not available.</p> <p>(d) details of any <b>challenges</b> and / or <b>good practices</b> your State may have developed with respect to the issues identified in this question and DNA testing in general.  Information is not available.</p>
6.	<p>What is your State's practice when the background information of an adoption is <b>incomplete or non-existent</b>? How does your State support adoptees in such situations?</p> <p style="padding-left: 20px;">Under paragraph 4 of Article 136 of the Code on Marriage and Family of the Republic of Belarus, an adopted child, upon reaching the age of majority or if emancipated, is fully entitled to receive information regarding his adoption in the court that has decided on the adoption of the child, civil registration authorities registering the acts of civil status at the location of the adoption record or the child-care authority at the place of residence of the adoptive parents.</p>
7.	<p>What is the procedure in your State when <b>illicit practices</b> are discovered during a search for origins? Please provide details of any challenges and / or good practices.</p> <p style="padding-left: 20px;">Information is not available.</p>
8.	<p>If <b>statistics</b> 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 <b>successful</b> (e.g., the adoptee found his birth family);  The Republic of Belarus does not have state statistics on this issue.</p> <p>(b) how many were <b>not successful</b> and what were the reasons.  Please insert text here</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the <b>confidentiality of the identity of the birth parents</b>?</p>

<sup>1</sup> [“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"/> Yes. Please specify the challenges and how your State addressed them: <p>Under articles 17-18 of the Law of the Republic of Belarus No. 455-3 of 10 November 2008 “On Information, Informatization and Protection of Information”, personal data of an individual refer to information of limited distribution, the procedure for provision of which, as well as their use, shall be determined by the Law and other legislative acts of the Republic of Belarus. Collection, processing and storage of information about the personal life of an individual and personal data, as well as their use, shall be carried out with the consent of this individual.</p> <input type="checkbox"/> No.
10.	<p>Does your State make a distinction between the disclosure of <b>identifying</b> versus <b>non-identifying</b> information?</p> <input checked="" type="checkbox"/> Yes. Please explain your response: <p>We make distinction between the disclosure of identifying and non-identifying data. Under articles 8–9 of the Law of the Republic of Belarus No. 418-3 of 21 July 2008 “On the Population Register”, the basic personal data include identification number and other data of a citizen.</p> <input type="checkbox"/> No. Please explain your response: <p>Please insert text here</p>
11.	<p>What is the procedure in your State for processing requests from the <b>birth family</b> to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>Under the marriage and family legislation of the Republic of Belarus, it is prohibited to give any information, as well as copies of the court decision, documents and (or) certificates containing information from civil registration records, which indicate that the adoptive parents are not the natural parents of the adoptee, without the consent of the adoptive parents, and in the event of their death, without the consent of the child-care authorities. Belarus does not have a programme for processing requests from biological parents.</p>

### 1.1.3. Guidelines and good practices

12.	<p>Has your State developed any <b>guidelines</b> (e.g., procedures, manuals) and / or <b>good practices</b> regarding preservation of information and search for origins?</p> <input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: <p>The Republic of Belarus has the Law No. 418-3 of 21 July 2008 “On the Population Register” which regulates public relations regarding the process of entering personal data in the population register, their updating, deletion, storage, restoration, provision, use and protection.</p> <p>The procedure for certifying an electronic request for the provision of personal data from the register through the national automated information system is determined by the Ministry of Internal Affairs of the Republic of Belarus.</p> <input type="checkbox"/> No.
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### 1.2. Post-adoption services<sup>2</sup>

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

Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 18</b><sup>3</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>In case of post-adoption problems adoptive parents and adopted children can receive qualified assistance of educational psychologists of social education centers of education offices (departments) at the place of residence, in the Republican Center for Psychological Assistance, established within Belarusian State Pedagogical University named after Maxim Tank, in the National Adoption Center of the Ministry of Education of the Republic of Belarus</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
14.	<p>If your State provides <b>specialised</b> post-adoption services, please specify:</p> <p>(a) the <b>type</b> of services provided and <b>to whom</b> they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families);</p> <p>Individual counseling, psychological correction of family relationships, correction of parent-child and family relationships, group therapy, etc. are provided to adoptive families (adoptive parents, adopted children), foster families (foster parents, adoptive parents of family-type homes, foster children of family-type homes), biological parents.</p> <p>(b) <b>who</b> provides the services (<i>e.g.</i>, social welfare administration, school, health personnel);</p> <p>Structural units of local executive and administrative bodies that exercise authority in the field of education, health, labour and social protection, the National Adoption Center of the Ministry of Education of the Republic of Belarus and the Republican Center for Psychological Assistance.</p> <p>(c) whether the <b>professionals</b> involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs);</p> <p>A foster family selects a specialist to provide post-adoption services at will, regardless of its place of study or place of residence.</p> <p>(d) how, if there are different services, these various services are <b>coordinated</b>;</p> <p>Local executive and administrative bodies</p> <p>(e) how the post-adoption services are <b>financed</b> (<i>e.g.</i>, the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other);</p> <p>Under the Decree of the President of the Republic of Belarus No. 330 of 30 June 2014 "On the state support of foster families", persons permanently residing in the Republic of Belarus, who have adopted orphans and children deprived of parental care, permanently residing in the territory of the Republic of Belarus, are provided with monthly allowance stipulated by law for the maintenance of orphans and children deprived of parental care in family-type homes, family-type children's villages, and foster families.</p> <p>(f) the <b>length of time</b> this support is available.</p>

<sup>3</sup> 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>Support and psychological and pedagogical assistance to adoptive families are provided at a request from a family on an ongoing basis by specialists of the National Adoption Center of the Ministry of Education of the Republic of Belarus until the adopted child is of legal age. Monthly allowances for the maintenance of the adopted children are provided until these children reach 16.</p>
15.	<p>Please provide details of any <b>good practices</b> in your State which ensure that adoptees, adoptive families and birth families are adequately <b>informed</b> about, and can easily <b>access</b>, post-adoption services.</p> <p>Information on the availability of post-adoption services is given initially at the stage of preparing the citizens for the fulfillment of their parenting role.</p> <p>Post-adoption informational support is provided with the help of the websites of child-care authorities, social and pedagogical centers, the National Adoption Center of the Ministry of Education of the Republic of Belarus, etc., on social networks Facebook, VKontakte and Instagram, with the help of a popular Viber messenger application.</p> <p>Provision of information to families in the Republic of Belarus is carried out through printed materials in the form of information flyers, booklets, brochures containing important information for the psychological education of citizens, the newspaper “Domoy” of the National Adoption Center of the Ministry of Education of the Republic of Belarus, which regularly publishes articles and materials for adoptive families, and in other printed media.</p>
16.	<p>In setting up post-adoption services in your State, were the <b>voices of adoptees</b> considered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify in what way their voices were considered:</p> <p>When public institutions providing post-adoption services were established, adoptive parents and adopted persons took part in an anonymous questionnaire, and 90-95% of their ideas, wishes and suggestions were taken into account.</p> <p><input type="checkbox"/> No.</p>
17.	<p>Has <b>research</b> been carried out in your State in the past five years assessing post-adoption services?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>In February 2017 and March 2020, an anonymous survey for adoptive parents was conducted on the website of the National Adoption Center of the Ministry of Education of the Republic of Belarus to evaluate the post-adoption service. In addition, specialists in the field of child protection have been regularly filling in written questionnaires on this issue. Suggestions and wishes expressed by adoptive parents and specialists were taken into account during the development of a programme for preparation of prospective adoptive parents, implementation of programs to support foster families.</p> <p><input type="checkbox"/> No.</p>

Receiving States only

18.	<p>Please specify any <b>challenges</b> your State encounters in ensuring that <b>adequate support</b> is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with <b>special needs</b>. Please also share any <b>good practices</b> your State has developed to overcome such challenges.<sup>4</sup></p>
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<sup>4</sup> 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](#)").

After intercountry adoption there are no problems in providing post-adoption support to families that have adopted children. The procedure for providing support is the same as for the families that have adopted children in the Republic of Belarus.

### 1.3. Post-adoption reports

#### Receiving States only

19.	<p>Does the <b>preparation</b> of PAPs in your State include the provision of information on post-adoption report <b>requirements</b> of the State where the PAPs (would like to) adopt?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify when and how PAPs are otherwise informed: The legislation of the Republic of Belarus establishes the procedure for the preparation of PAPs permanently residing in the territory of the Republic of Belarus. Prospective adoptive parents are informed about the procedure of monitoring of the living conditions of the adopted child. In case of intercountry adoption, PAPs are informed about the control during interviews with child-care authorities and in the National Adoption Center of the Ministry of Education of the Republic of Belarus.</p>
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#### Both States of origin and receiving States

20.	<p>Has your State encountered situations where the <b>adopted child refused or objected to the obligation to comply with the post-adoption report requirements</b>?</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 <b>experience</b> regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>In accordance with paragraph 81 of the Regulation on the procedure for international adoption and guardianship of children, approved by the Decree of the Council of Ministers of the Republic of Belarus No. 122 of 31 January 2007 the National Adoption Center of the Ministry of Education of the Republic of Belarus monitors provision of information on the conditions of life and upbringing of children living outside the Republic of Belarus in countries their adoptive parents are citizens of or on the territory of which they have permanently resided for five years from the date of the international adoption of the child.</p> <p>This norm is included in Article 23 of the Protocol on Cooperation between the Ministry of Education of the Republic of Belarus and the Commission on International Adoption under the Presidium of the Council of Ministers of the Italian Republic on the adoption of minor citizens of the Republic of Belarus by citizens of the Italian Republic, signed in Minsk on 30 November 2017, which also states that the reports about the living conditions and upbringing of adopted children shall be sent by mail to the National Adoption Center of the Ministry of Education of the Republic of Belarus and in electronic copies to the Embassy of the Republic of Belarus in the Italian Republic every year for five years after the adoption in the Republic of Belarus and with at least two relevant photographs of a minor.</p> <p>Information about the conditions of life and upbringing of all children adopted by foreign citizens is provided annually (in 2019, reports on 313 children were provided, in 2018 – on 223 children, in 2017 – on 236 children, in 2016 – on 193 children; in 2015 – on 224 children).</p>

#### 1.4. Adoption breakdowns

##### Both States of origin and receiving States

22. If your State has had any experience regarding **intercountry adoptions which have broken down**, please specify:<sup>5</sup>
- (a) what have been the main **causes** of the breakdowns;<sup>6</sup>  
[Please insert text here](#)
- (b) how your State **has addressed** these situations and whether your State has any good practices to share in this regard;<sup>7</sup>  
[Please insert text here](#)
- (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](#)
- (d) whether your State has developed any good practices to ensure that **Recommendation No 19**<sup>8</sup> of the 2015 Special Commission is implemented:
- Yes. Please specify any good practices developed in this regard:  
[Please insert text here](#)
- 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](#)

<sup>5</sup> 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.

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

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

<sup>8</sup> 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."

- (i) in line with **Recommendation No 20<sup>9</sup>** 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.

Receiving States only

23.	<p>Is your State's <b>Central Authority</b> informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p style="color: blue;">The regulations of the national government bodies provide for informing the Government and the Presidential Administration about cases of violation of the rights and legitimate interests of minors, including in cases of violation of the procedure for international adoption. At the same time, it should be noted that over the period since 1993, there have been no violations of the international adoption procedure in the country.</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption:</p> <p style="color: blue;">Please insert text here</p>
24.	<p>Do your State's authorities <b>consult</b> with the Central Authority of the child's <b>State of origin</b>:</p> <p>(a) if an adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p style="color: blue;">In accordance with article 233, part 1, of the Marriage and Family Code of the Republic of Belarus, intercountry adoption of a minor who is a foreign citizen and resides on the territory of the Republic of Belarus is possible only upon the receipt of a written permission from the competent authority of the State of which the child is a citizen and upon the child's consent to the adoption if this is required under the legislation of a foreign State.</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p style="color: blue;">Please insert text here</p> <p><input type="checkbox"/> No.</p>

States of origin only

25.	<p>Is your State's <b>Central Authority</b> (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p style="color: blue;">Please insert text here</p>
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<sup>9</sup> 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"/> No. (b) before determining a new placement for the child? <input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here <input type="checkbox"/> No.
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### 1.5. Other post-adoption matters

#### States of origin only

26.	<p>Are adoptees, who did not retain the <b>nationality</b> of their State of origin, permitted to <b>regain</b> it at a later stage?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the conditions to regain nationality:</p> <p style="padding-left: 20px;">In accordance with Article 27 of the Law of the Republic of Belarus No. 136-3 of 1 August 2002 "On citizenship of the Republic of Belarus", a child who is a citizen of the Republic of Belarus retains the nationality of the Republic of Belarus upon adoption:</p> <p style="padding-left: 20px;">by spouses who are foreign citizens or a foreign citizen;</p> <p style="padding-left: 20px;">by spouses who are stateless persons or a stateless person;</p> <p style="padding-left: 20px;">by spouses, one of whom is a citizen of the Republic of Belarus, and the other is a foreign citizen or a stateless person.</p> <p style="padding-left: 20px;">A child adopted by spouses who are foreign citizens or a foreign citizen may have his or her citizenship of the Republic of Belarus terminated after reaching 18 years of age in accordance with the procedure of the renunciation of citizenship.</p> <p style="padding-left: 20px;">In accordance with Article 14 of the Law of the Republic of Belarus on citizenship, an adoptee who has reached the age of 18 has the right to apply for citizenship of the Republic of Belarus if he or she was previously a citizen of the Republic of Belarus.</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
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#### Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the <b>nationality</b> of their State of origin?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled:</p> <p style="padding-left: 20px;">In accordance with Article 14 of the Law of the Republic of Belarus No. 136-3 of 1 August 2002 "On citizenship of the Republic of Belarus", persons who were previously citizens of the Republic of Belarus have the right to regain the nationality of the Republic of Belarus.</p> <p style="padding-left: 20px;">Adoptees who took the decision to return to habitual residence in the Republic of Belarus addressed the Embassy of the Republic of Belarus in the country of residence (where they were registered with consulate), received passports of citizens of the Republic of Belarus and returned to the country of citizenship or applied for a restoration of citizenship upon arrival on the territory of the Republic of Belarus.</p> <p><input type="checkbox"/> No.</p>
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a <b>Guide to Good Practice</b> on post-adoption.</p> <p style="padding-left: 20px;">Given that the main vector of social policy, including the national system of child protection of the Republic of Belarus, is primarily the respect for the interests of the child, the Republic of</p>

Belarus does not object to the development of a Guide to Good Practice on the post-adoption matters as this guide is a project that provides support after the adoption of the Convention and was initiated by the Permanent Bureau in order to assist States (regardless of whether they are Contracting States or not) in a practical implementation of the Convention in a way allowing to achieve the objectives of the Convention, namely the protection of children. We hope that the Guide will pay particular attention to the shared responsibility of receiving States and States of origin for the development and introduction of intercountry adoption practices.

## 2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

### Both States of origin and receiving States

29.	<p>Have <b>illicit practices</b> in intercountry adoption been <b>discovered</b> since 2015 in your State?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>type</b> of illicit practices which were discovered; Please insert text here</p> <p>(b) <b>when</b> 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 <b>scope</b> of the 1993 Adoption Convention; Please insert text here</p> <p>(d) how your State <b>handled</b> these situations; Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
30.	<p>Please specify any <b>good practices</b> of your State to prevent and address illicit practices.</p> <p>In order to prevent and address the illicit adoption practices Article 124 of the Marriage and Family Code of the Republic of Belarus stipulates that a person not authorized by the legislation of the Republic of Belarus (adoption intermediary activities) may not select and transfer children for adoption on behalf of or in the interests of persons wishing to adopt them.</p> <p>Article 177-1771 of the Criminal Code of the Republic of Belarus establishes the liability of individuals for breaching the confidentiality of adoption and for illegal actions relating to adoption of children.</p> <p>In accordance with paragraph 3, subparagraph 3.2, of Article 9 of the Law of the Republic of Belarus No. 350-3 of 7 January 2012 "On combating human trafficking", the Ministry of Foreign Affairs of the Republic of Belarus, diplomatic missions and consular offices of the Republic of Belarus, within the limits of their competence, collect data on children who are citizens of the Republic of Belarus adopted by citizens of the Republic of Belarus permanently residing outside the Republic of Belarus, foreign citizens and stateless persons, examine their living conditions and inform the Ministry of Education of the Republic of Belarus every six months.</p>
31.	<p>Is it possible in your State to <b>annul</b> an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has jurisdiction to do so; Please insert text here</p> <p>(b) <b>who</b> can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p>

- (c) the **grounds** upon which this may be done;  
Please insert text here
- (d) whether there is an **age limit** for the annulment of an adoption;  
Please insert text here
- (e) the **procedure** involved;  
Please insert text here
- (f) the **number of** intercountry adoptions which are on average annulled per year.  
Please insert text here

No.

32. Is it possible in your State to **revoke** an intercountry adoption?

Yes. Please specify:

- (a) the **authority** which has the jurisdiction to do so;  
Regional (Minsk city) court of the place of residence (location) of the child
- (b) **who** can request the revocation (*e.g.*, adoptee, adoptive parents, birth parents);  
birth parents, child's adoptive parents, adoptees over fourteen years of age, guardianship and custody bodies, prosecutor, and in cases of intercountry adoption - the National Adoption Centre of the Ministry of Education of the Republic of Belarus»
- (c) the **grounds** upon which this is done;  
In accordance with Article 138 of the Marriage and Family Code of the Republic of Belarus, the adoption of a child can be revoked if the adoptive parents:  
have been declared to be incompetent or of limited competence;  
suffer from chronic alcoholism, drug addiction and substance abuse;  
refuse to upbringing and (or) maintain the child;  
abuse parental rights and / or treat an adopted child cruelly;  
cannot discharge parental duties due to a disease included in the list provided for in Article 93, part 3, of the Marriage and Family Code of the Republic of Belarus;  
lead an immoral lifestyle, which has a harmful effect on the adopted child.  
The adoption of a child may also be revoked in other cases provided for in Article 125, part 1, of the Marriage and Family Code of the Republic of Belarus, if this is necessary to protect the rights and legitimate interests of the child. In this case the wish of a child over 10 years of age should be taken into account.
- (d) whether there is an **age limit** for the revocation of the adoption;  
In accordance with Article 141 of the Marriage and Family Code of the Republic of Belarus, the revocation of the adoption is not allowed if at the time of presentation of the claim to revoke the adoption the adoptee has reached the age of majority, except when there is a mutual consent of the adoptive parents and the adoptee as well as parents of the adoptee, if they are alive, not deprived of parental rights or not declared incompetent by a court.
- (e) the **procedure** involved;  
According to Article 137 of the Marriage and Family Code of the Republic of Belarus, the revocation of a child's adoption is made by a district (city) court, and in respect of intercountry adoption – by a regional (Minsk city) court, which issued a decision on the adoption of a child.

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

No more than one case per year

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.<sup>10</sup>

#### 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 <b>authority</b> is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The <b>Central Authority</b>.</p> <p><input type="checkbox"/> <b>Another competent authority</b>. Please specify which authority and the reasons for designating a different authority:</p>
34.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 32</b><sup>11</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>In accordance with Article 118 of the Marriage and Family Code of the Republic of Belarus, when orphaned children and children deprived of parental care are being adopted due consideration must be given to kinship ties, ethnic, religious and cultural background, native language and, whenever possible, continuity in upbringing and education. In each individual case of adoption, the motivation of all parties is studied and the situation of each child is individually assessed.</p> <p>In accordance with paragraph 12 of the Regulations on the procedure for transfer of children for adoption and on monitoring the living conditions and upbringing of children in adoptive families on the territory of the Republic of Belarus, approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 290 of 28 February 2006, and paragraph 41 of the Regulations on the procedure of intercountry adoption and the establishment of intercountry guardianship or custody of children, approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 122 of 31 January 2007, the potential adoptive parents, permanently residing on the territory of the Republic of</p>

<sup>10</sup> 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.

<sup>11</sup> 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].

	<p>Belarus, undergo psychological diagnostics and parental training except in cases of adoption by stepfathers/stepmothers, grandfather and grandmother.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
35.	<p>Are there specific <b>guidelines</b> or <b>procedures</b> for intrafamily adoptions in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: In accordance with Article 131 of the Marriage and Family Code of the Republic of Belarus, the adoption of a child by one of the spouses requires the consent of the other spouse if the child is not adopted by both spouses. According to Article 125, part 4, of the Marriage and Family Code of the Republic of Belarus, if several persons wish to adopt the same child, the preferential right is granted to the child's relatives provided that the requirements of this Article and the interests of the adopted child are observed.</p> <p><input type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular <b>difficulties with adoptability</b> decisions in the context of <b>intrafamily</b> adoptions?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled:<sup>12</sup> Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
37.	<p>In your State, does the <b>termination</b> of the <b>pre-existing legal relationship</b> 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 checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input type="checkbox"/> Other. Please explain your response:</p>
38.	<p>Has your State encountered cases of <b>breakdown</b> in intrafamily intercountry adoptions?</p> <p><input 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: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State <b>cooperate with States</b> with which it normally <b>does not</b> cooperate?</p> <p><input checked="" type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: The good practices in the Republic of Belarus is that the intercountry adoption of a child who is a citizen of the Republic of Belarus by his/her relatives or stepfather/stepmother does not require the coordinated intercountry adoption procedure between competent authorities of the Republic of Belarus and a foreign State (paragraph 2, part 2, of the Regulations on the coordination of procedure of the international adoption and the</p>

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

	<p>interaction with competent organizations of foreign States within this procedure, approved by the decree of the Council of Ministers of the Republic Belarus No. 1173 of 21 September 2004).</p> <p><input type="checkbox"/> No.</p>
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States of origin only

40.	<p>In your State, is the <b>subsidiarity principle</b> 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 <b>different procedures</b> used and explain the reasons for these different procedures:<sup>13</sup></p> <p><a href="#">Please insert text here</a></p>
41.	<p>Is intrafamily adoption used frequently to <b>protect children</b> 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 checked="" type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response:</p> <p><a href="#">According to Article 125, part 4, of the Marriage and Family Code of the Republic of Belarus, if several persons wish to adopt the same child, the preferential right is granted to the child's relatives, if they may be adoptive parents in accordance with the requirements of the legislation</a></p> <p><input checked="" type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which <b>other child protection measures</b> are applied to protect children within the extended family:</p> <p><a href="#">In the Republic of Belarus, orphaned children and children deprived of parental care are commonly taken under the custody (guardianship) of their relatives. According to Article 153, part 4, of the Marriage and Family Code of the Republic of Belarus, if several persons wish to become guardians or trustees of the same child, the preferential right is granted to the child's relatives, if they may be guardians or trustees in accordance with the requirements of the legislation</a></p> <p>(b) if your State is a Party to the <b>1996 Child Protection Convention</b>, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:</p> <p><a href="#">Please insert text here</a></p>

### 3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the <b>1993 Adoption Convention</b> to stepparent intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p><a href="#">Please insert text here</a></p>
43.	<p>What is the <b>profile</b> of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p>

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

	<p>According to Articles 120 and 179 of the Marriage and Family Code of the Republic of Belarus, an adopted child is a minor from 0 to 18 years of age, one of whose parents has died; or has been legally deprived of parental rights; or has given written consent to adoption; or has been declared legally incompetent, or is missing or dead; or is unknown; and the second parent gives written consent to adoption by a spouse.</p>
44.	<p>(a) Please specify any <b>challenges</b> your State encounters with stepparent intercountry adoptions:</p> <p>The Republic of Belarus lacks interstate agreements with some foreign States on mutual enforcement of court decisions (including adoption). In cases where a Belarusian child is being adopted on the territory of a foreign State with which the agreement is not reached, civil registry authorities encounter challenges in the execution of decisions on adoption (on the basis of a court decision on adoption no changes are made to the entry on the adopted child's birth, no new birth certificate is issued (with changes provided for by a court decision).</p> <p>(b) Please specify any <b>good practices</b> of your State for stepparent intercountry adoptions, including those for overcoming any challenges:</p> <p>In order to overcome the challenges Article 233, part 6, of the Marriage and Family Code of the Republic of Belarus stipulates that the adoption of a child who is a citizen of the Republic of Belarus and resides outside the Republic of Belarus made by a competent authority of a foreign State whose citizen is the adoptive parent (a foreign citizen) or where the adoptive parent (a stateless person) resides shall be valid in the Republic of Belarus provided that they obtain a written consent of the Minister of Education of the Republic of Belarus to the adoption in the order established by the Government of the Republic of Belarus (Chapter 6 of the Regulation on the procedure of intercountry adoption and the establishment of intercountry guardianship or custody of children, approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 122 of 31 January 2007).</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 <b>circumvent</b> 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.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the <b>State of habitual residence</b> of the <b>mother</b> (State A), the State of <b>birth of the child</b> (State B), or another State?</p> <p>The Republic of Belarus is involved in these situations both as the State of habitual residence of the mother (State A) and as the State of birth of the child (State B)</p>
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	<p>(b) how was the <b>child's habitual residence</b> determined? Which <b>factors</b> were considered?  When determining the place of habitual residence of the child, the place of permanent residence of the child's parents (sole parent) (residence permit) and mother's citizenship were taken into account.</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a <b>domestic adoption</b> or an <b>intercountry adoption</b>?  In accordance with Article 233, part 1, of the Marriage and Family Code of the Republic of Belarus, adoption on the territory of the Republic of Belarus of a child who is a foreign citizen is possible only with the written consent of the competent authority of the child's country of citizenship. Such adoption is considered intercountry.</p> <p>(d) what <b>challenges</b> did your State face in dealing with such situation(s)?  There have been instances of foreign States refusing to return a minor citizen of the Republic of Belarus to the territory of the country of citizenship and to allow him/her to continue to live on the territory of the country of citizenship.</p> <p>(e) if your State was the State where the child was born, was <b>contact</b> sought with the State of habitual residence of the mother? Was there any <b>cooperation</b> between the concerned States?  Since the Republic of Belarus considers it a priority to place children deprived of parental care to the family of relatives, the guardianship and custody bodies ascertain in each case the view of all the child's relatives on the possibility of placing the child in the family of relatives. If necessary, the State cooperated with interested countries if the child's relatives lived outside the Republic of Belarus.</p>
47.	<p>If there is a <b>risk</b> that the situation described above involves a case of <b>human trafficking</b>, 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:  In accordance with Article 23 of the Law of the Republic of Belarus No. 350-3 of 7 January 2012 "On combating human trafficking", diplomatic missions and consular offices of the Republic of Belarus ensure the return of citizens of the Republic of Belarus who are victims of human trafficking to the States of their permanent residence.  According to Article 20 of this Law, social protection and rehabilitation of victims of human trafficking is provided free of charge and includes the identification of families of minor victims of human trafficking or their placement in other families, and if this is not possible, in residential children's institutions.</p> <p><input type="checkbox"/> No. Please explain your response:  Please insert text here</p>
48.	<p>Which <b>actions</b> 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 <b>their</b> State?  If it is discovered that a minor citizen of the Republic of Belarus does not have a legal representative on the territory of a foreign State, the guardianship and custody bodies of the Republic of Belarus are engaged in transferring him/her to the Republic of Belarus and in arranging his/her further life (if possible by placing to a family of relatives).</p> <p>(b) would determine the child's habitual residence <b>not to be</b> in their State?  If it is discovered that a minor citizen of the Republic of Belarus does not have a legal representative on the territory of a foreign State where a close relative of the child wishing to adopt him/her (to take custody) resides, this adoption (custody) is formalized upon the</p>

written permission of the Minister of Education of the Republic of Belarus (Ministry of Education of the Republic of Belarus).

## 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.<sup>14</sup>*

49.	Has your State <b>changed its legislation, rules or practices</b> in recent years regarding simple intercountry adoption?  <input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:  <input checked="" type="checkbox"/> No.
50.	What is the <b>profile</b> of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? <a href="#">Please insert text here</a>
51.	If your State permits both full and simple adoption, are <b>simple adoptions encouraged / promoted</b> ?  <input type="checkbox"/> Yes. Please explain your response: <a href="#">Please insert text here</a>  <input type="checkbox"/> No. Please explain your response: <a href="#">Please insert text here</a>
52.	Has your State faced any problems regarding seeking the birth mother / family's <b>consent to convert</b> 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: <a href="#">Please insert text here</a>  <input type="checkbox"/> No.
53.	(a) Please specify any <b>challenges</b> your State encounters with simple adoptions: <a href="#">Please insert text here</a>  (b) Please specify any <b>good practices</b> of your State for simple adoptions, including those for overcoming any challenges: <a href="#">Please insert text here</a>

#### 5.2. Open adoptions / openness in adoption

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

54.	<p>Does the terms “open adoption”, “openness in adoption” or similar concepts <b>exist</b> in your State?<sup>15</sup></p> <p><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:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No. Please explain what is understood in your State by the terms “open adoption”, “openness in adoption” or similar concepts:  <a href="#">Please insert text here</a></p>
55.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding open or openness in intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p>
56.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 31</b><sup>16</sup> of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No. Please specify any reasons:  <a href="#">Please insert text here</a></p>
57.	<p>(a) What is the <b>profile</b> of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?  <a href="#">Please insert text here</a></p> <p>(b) Does your State have a <b>specific approach</b> depending on the profile of these children?</p> <p><input type="checkbox"/> Yes. Please specify these different approaches:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p>
58.	<p>Does your State provide professional <b>support or services</b> 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:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No. Please explain your response:  <a href="#">Please insert text here</a></p>

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

<sup>16</sup> 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].

59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of <b>contact</b> between them after the adoption?</p> <p><input type="checkbox"/> Yes. Please specify what action was taken in response:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other <b>challenges</b> your State encounters regarding open adoptions:  <a href="#">Please insert text here</a></p> <p>(b) Please specify any <b>good practices</b> of your State with regard to open adoptions, including those for overcoming any challenges:  <a href="#">Please insert text here</a></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 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 <b>circumstances</b> in your State in which a parent can lose his or her parental responsibility?</p> <p><a href="#">In accordance with Article 80 of the Marriage and Family Code of the Republic of Belarus both or one of the parents may be deprived of parental responsibility for a minor in the following cases:</a></p> <p><a href="#">they fail to educate and (or) provide for a child;</a></p> <p><a href="#">they abuse parental rights and / or mistreat a child;</a></p> <p><a href="#">they lead an immoral lifestyle that negatively impacts a child;</a></p> <p><a href="#">they abandoned a child and submitted a written consent for adoption when they are separated from a child;</a></p> <p><a href="#">six months after they were separated from a child by the decision of the Commission for Minors and their Rights of the District or City Executive Committee, district administration in the city of child's residence the reasons to separate them from a child are still in place as stipulated in paragraph 1 of Article 851 of the aforementioned Code:</a></p> <p><a href="#">According to a court decision a parent may be recognized as legally incapacitated or partially incapacitated</a></p>
62.	<p>Does your State <b>permit</b> 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 <b>consent</b> 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:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p>

In accordance with Article 128 of the Marriage and Family Code of the Republic of Belarus no consent is required from parents who have lost their parental responsibility.

In accordance with paragraph 2 of Article 80 of the Marriage and Family Code of the Republic of Belarus parents are deprived of parental responsibility by a court decision only.

- (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.

The State ensures the compliance with subsidiarity principle prior to making a decision to deprive parents of their parental responsibility. To help retain child's birth family the State offers parents a 6-month period to resolve both causes and conditions of family problems, as well as provides the support of state authorities.

A general policy of the Republic of Belarus on orphans or children without parental care is kinship care (guardianship) by their relatives. According to paragraph 4 of Article 153 of the Marriage and Family Code of the Republic of Belarus if several persons are willing to become carers or guardians of one child the priority right shall be granted to child's relatives provided they are legally capable to become carers or guardians in accordance with the legislation requirements.

- (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).

In accordance with Article 122 the Marriage and Family Code of the Republic of Belarus cases on the adoption of a child are tried in a special court hearing according to the provisions of civil procedure legislation of the Republic of Belarus.

In accordance with Article 139 of the Code of the Republic of Belarus birth parents of an adopted child have the right to request adoption abolition.

No. Please explain your response:

Please insert text here

Receiving States only

63. 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?

Yes. Please specify what actions, if any, your State has taken to deal with these situations:

Please insert text here

No.

Both States of origin and receiving States

64. 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?

According to Articles 120 and 179 of the Marriage and Family Code of the Republic of Belarus an adopted child is a minor from 0 to 18 years of age whose parents (one parent) are unknown; or have been legally deprived of their parental responsibility; or have been declared legally incapacitated, or missing, or dead.

- (a) Please specify any **challenges** your State encounters with non-consensual adoptions:

65.	<p>The legislation adequately regulates the issues of non-consensual adoptions, we do not have any information on the challenges in this regard;</p> <p>(b) Please specify any <b>good practices</b> of your State regarding non-consensual adoptions, including those for overcoming any challenges:</p> <p><a href="#">Please insert text here</a></p>
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## 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 <b>contact</b> between the child and the PAPs before matching?</p> <p><input type="checkbox"/> Yes. Please explain your response: <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No. Please specify:</p> <p>(a) in which <b>circumstances</b> such contact is permitted;</p> <p><a href="#">Foster care, acquaintance with a child within the National Adoption Centre of the Ministry of Education of the Republic of Belarus, placement in potential adoptive families during healthcare campaigns.</a></p> <p><a href="#">In accordance with paragraphs 1-2 of Article 174 of the Marriage and Family Code of the Republic of Belarus foster care is an opportunity for citizens to help bring up orphans, children without parental care placed in boarding institutions, technical and vocational, specialized secondary and higher educational institutions. Care, guardianship of orphans, children without parental care and children in foster care are the responsibilities of the heads of boarding institutions, technical and vocational, specialized secondary and higher educational institutions.</a></p> <p>(b) the <b>experience</b> of your State with regard to such contact.</p> <p><a href="#">Such contact often results in foster family start or child's adoption</a></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?<sup>17</sup></p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a <b>precursor to adoption</b> for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response:</p>
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<sup>17</sup> Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p style="text-align: center;">Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, <b>resulted in the adoption</b> 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 checked="" type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the <b>safeguards</b> of the <b>1993 Adoption Convention</b> have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)? Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been <b>declared adoptable before</b> they can be part of such programmes; Please insert text here</p> <p>(b) whether the PAPs participating in such programmes must have been <b>declared eligible and suitable</b> to adopt to be allowed to take part in such programmes; Please insert text here</p> <p>(c) how the PAPs and children are <b>selected</b> 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 <b>prepared</b> for such programmes; Please insert text here</p> <p>(e) what are the <b>effects on</b> and the <b>feedback from</b> the <b>children</b> who participated in such programmes but were not adopted; Please insert text here</p> <p>(f) whether there have been situations where the adoption <b>broke down</b> 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 <b>return</b> to the State of origin before the adoption procedure can be initiated; Please insert text here</p> <p>(h) who <b>finances</b> such programmes; Please insert text here</p> <p>(i) what is the <b>experience</b> of your State with these practices (<i>i.e.</i>, <b>challenges</b> and any potential <b>benefits</b>). 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 <b>experienced</b> situations where "voluntourists" commenced an <b>adoption</b> procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input type="checkbox"/> Yes. Please specify how your State handled these situations and any <b>difficulties</b> these situations may have caused:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
70.	<p>Has your State taken any <b>action</b> to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No. Please explain your response:  <a href="#">Given that there is no coherent procedure of intercountry adoption with foreign countries that would allow the adoption of Belarusian children (except for the Italian Republic) such voluntourism visits to boarding institutions may not result in intercountry adoptions</a></p>

### 7.4. Adoption of children already under the care of PAPs

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

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

## 8. USE OF NEW TECHNOLOGIES

### Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to <b>integrate new technologies</b> into work processes (e.g., blockchain to facilitate transmission and access to data)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify (a) what the <b>experiences</b> of your State are in this regard (i.e., benefits and challenges) and (b) how your State take into account <b>data protection</b> in this context:</p> <p style="color: blue;">Since 2013, <a href="http://www.dadomu.by">www.dadomu.by</a>, a republic-wide data portal, has been fully operational. The website was launched to place Belarusian children in the families of Belarusian citizens.</p> <p style="color: blue;">The website of the National Adoption Centre of the Ministry of Education of the Republic of Belarus, <a href="http://www.nacedu.by">www.nacedu.by</a>, was updated in 2019.</p> <p style="color: blue;">As of 2020, the republican data bank on the adoption of orphans and children without parental care is being updated as a web platform within the republican platform of “OOO “Belarusian Cloud Technologies” secured by data protection system with a respective CERTIFICATE OF COMPLIANCE.</p> <p><input type="checkbox"/> No.</p>
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## 9. STATISTICS

### Both States of origin and receiving States

73.	<p>Please specify the <b>number</b> of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) <b>relative</b> adoptions (i.e., excluding stepparent adoptions);<sup>20</sup></p> <p style="color: blue;">2015 – 4, 2016 – 2, 2017 – 0, 2018 – 0, 2019 - 3</p> <p>(b) <b>stepparent</b> adoptions;</p> <p style="color: blue;">2015 – 14, 2016 – 24, 2017 – 17, 2018 – 24, 2019 – 19.</p> <p>(c) <b>simple</b> adoptions;</p> <p style="color: blue;">The legislation of the Republic of Belarus does not provide for the term “simple adoption”.</p> <p>(d) <b>open</b> adoptions or adoptions that involve a certain <b>degree of openness</b>; and</p> <p style="color: blue;">The legislation of the Republic of Belarus does not provide for the term “open adoption”.</p> <p>(e) <b>non-consensual</b> adoptions.</p> <p style="color: blue;">2015 – 35, 2016 – 94, 2017 – 24, 2018 – 118, 2019 – 75</p>
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## 10. OTHER MATTERS

74.	<p>Please specify <b>any other comments</b> your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.</p> <p style="color: blue;">The matters of intercountry adoption in the Republic of Belarus do not require any further legislative regulation.</p>
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<sup>20</sup> For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).