



ANNEXE I : Reconnaissance légale, politique ou pratique du droit d'accès aux origines et conditions d'exercice de ce droit (Questions 1 et 2 de la Circulaire)

	Reconnaissance légale/ politique/ pratique du droit d'accès aux origines	Conditions/limites de l'exercice de ce droit
Afrique du Sud	In South Africa adoption matters are dealt in accordance with the Children's Act 38 of 2005. Section 248 of this Act provides for the adopted persons to access information pertaining to their origins.	Section 248(1) of the Children's Act (Act No 38 of 2005) prescribes that the information contained in the adoption register may not be disclosed to any person, except: (a) to an adopted child after the child has reached the age of 18 years. (b) to the adoptive parent of an adopted child after the child has reached the age of 18 years (c) to the biological parents or previous adoptive parent of an adopted child after the child has reached the age of 18 years, but only if the adoptive parent and the adopted child gives consent in writing (d) for any official purposes subject to conditions determined by the Director General (e) by an order of Court, if the court finds that such information is in the best interest of the adopted child (f) for purpose of research provided that no information that would reveal the identity of an adopted child or his adoptive or biological parent is revealed.
Allemagne	The German law knows 4 different types of adoption : -anonymous adoptions -open/half – open adoptions -intrafamily/stepchild-adoptions -intercountry adoptions The desire to learn about one's own history can, of course, arise in all four cases. However, in the 2 nd and 3 ^d cases it will in many cases not be necessary to search for the biological parents, because they are known. Concerning international adoptions, it depends on the law of the homecountry of the child whether the identity of the biological parents (if known) is revealed to the adoptive parents or not.	Already mentioned

	<p>According to German law, adopted persons have – like any other person – the right to know their parentage. Being part of the general rights of personality, this right is a constitutional principle. For adopted persons, is mainly specified in the:</p> <p>-Art. 63 Sec. 1 of the Law on the Civil Status that allows every person older than 16 years to access his or her birth entry without consent of the adoptive parents. Before the age of 16, only the adoptive parents, their parents or the legal representative of a child have access to the birth entry. This certificate (which has replaced certificates of descent in 2009) includes a mention of the adoption and of the biological parents, if they are known.</p> <p>- Art. 9 b) of the Adoption Placement Act that obliges the adoption agencies to keep the files concerning an adoption 60 years from the date of the birth of the child. The legal representative as well as the child itself (without consent of the adoptive parents) from the age of 16 years has the right to access the adoption file insofar as it contains information about the origin and the life story of the child. Other information can be obtained if the adopted person or the legal representative has is a legitimate interest to have access to them. The access to an adoption file can be denied in case of predominant rights of another person involved. The access has to be accompanied by a professional.</p>	
Andorre	<p>Ce pays ne dispose d'aucune disposition politique ou pratique relative à la possibilité pour les adoptés d'accéder à leurs origines. La raison est que jusqu'à ce jour aucun enfant adopté n'a atteint l'âge de la majorité.</p> <p>Une démarche administrative, mise en place par le service andorran d'adoption, permet toutefois aux enfants adoptés d'accéder à toute l'information disponible sur son processus d'adoption.</p>	L'enfant adopté doit avoir atteint la majorité pour bénéficier de la démarche prévue par le Service d'adoption.
Australie	<p>En Australie, chaque Etat dispose de sa propre loi régissant les adoptions, et notamment le droit et les modalités d'accès aux informations relatives aux origines des personnes adoptées (Voir <i>Extract from Australian Institute of Health and Welfare, Adoptions Australia 2009-10, December 2010, Canberra, Cat.no.CWS 38, pp.70-75</i>)</p>	
South Australia	<p>Yes, adopted people, birth parents, adoptive parents and certain relatives are legally entitled to obtain adoption information that identifies the parties to one another and provides the record of the circumstances of the adoption, once the adopted person turns 18 years of age. That legal entitlement is contained within section 27 of the South</p>	<p>Yes, there are certain restrictions to accessing adoption information.</p> <p>For people whose adoption order was granted before 17 August 1989 (date the Act came into force), they, their birth parents and their adoptive parents may place a veto that prevents the release of information that may</p>

	<p>Australian Adoption Act 1988 (see http://www.austlii.edu.au/au/legis/sa/consol_act/aa1988107/s27.html)</p>	<p>identify them to the other parties to the adoption. The restricted information includes names and any information that would allow the person to be identified.</p> <p>Furthermore, according to Section 27B of the South Australian Adoption Act 1988 (http://www.austlii.edu.au/au/legis/sa/consol_act/aa1988107/s27b.html) headed "Limitation of right to obtain information where adoption occurred before commencement of Act", while adoptive parents may place a veto, it cannot prevent the disclosure of information to the birth parents about the welfare or whereabouts of the adopted person. It cannot stop the birth parents and adopted person from sharing information.</p>
Tasmania (Australie)	<p>Yes, there is provision under the Tasmanian Adoption Act 1988 Part V1 for adoptees to access identifying information from the record of his or her adoption.</p>	<p>Access is determined by law. Adult adoptees, defined as 18 years and over, can access information which identifies his or her birth parents. Adoptees under the age of 18 can access non identifying information but require the consent of both their adoptive and birth parents to access identifying information.</p>
Victoria State (Australie)	<p>In Victoria, it is the Victorian Adoption Act 1984 that recognizes this right.</p>	<p>Eligible applicants are defined in The Victorian Adoption Act 1984, section 93, 94, 95, 96, 96A, and 97.</p> <p><u>Identifying information</u> is released to Adult Adopted persons (18 years and over) and Adult Children of Adopted persons. For Adopted persons (under 18) the permission of both adoptive parents and also the written permission of the birth parent/s are required.</p> <p>The release of identifying information to Adoptive parents, Birth parents and Birth relatives is not possible unless the adult adopted person has provided written permission.</p> <p><u>Non identifying information</u> is released to Adoptive parents, Birth parents and Birth relatives.</p>
Western Australia	<p>Western Australian adoptions are governed by the Adoption Act 1994 and Adoption Regulations 1995.</p> <p>Access to information relating to a Western Australian adoption order is subject to the provisions of the Act in the following sections:</p> <p><i>Adoption Act 1994 – part 4</i> <i>Div 1 – Adoption Information Services</i> <i>Div 2 – Access to Adoptions Information</i> <i>Div 3 – Exchange and preservation of adoption information</i> <i>Schedule 3 – Transitional and savings, cl.9</i></p> <p>(Accessible online at State Law Publishers web page: http://www.slp.wa.gov.au)</p>	<p>Adoption information consists of 'Identifying Information' and 'Non-Identifying Information'. The conditions/limits for access foreseen by the law are different according to the type of information (see art. 84 (1), 85(1), 86 (1), 88, 89 and 90.</p>
Belgique	<p>La Belgique est un Etat fédéral. Depuis la</p>	

	<p>réforme d'adoption, en vigueur depuis le 1/09/2005 :</p> <ul style="list-style-type: none"> - une loi s'applique à l'ensemble du territoire belge (loi du 24/04/2003 réformant l'adoption) - un décret s'applique à la partie du territoire de langue française (Décret de la Communauté française du 31/03/2004 relatif à l'adoption) - un autre décret s'applique à la partie du territoire de langue néerlandaise (Décret de la Communauté flamande du 15/07/2005 relatif à l'adoption). <p>Par ailleurs selon le Code civil belge, art.368-6 :</p> <p>« Les autorités compétentes veillent à conserver les informations qu'elles détiennent sur les origines de l'adopté, notamment celles relatives à l'identité de sa mère et de son père, ainsi que les données, nécessaires au suivi de sa situation de santé, sur le passé médical de l'adopté et de sa famille, en vue de la réalisation de l'adoption et aux fins de permettre ultérieurement à l'adopté, s'il le désire, de découvrir ses origines. Elles assurent l'accès de l'adopté ou de son représentant à ces informations, avec les conseils appropriés, dans la mesure permise par la loi belge. La collecte, la conservation et l'accès à ces informations sont réglés par un arrêté royal délibéré en Conseil des ministres.»</p> <p>L'arrêté royal d'application qui réglera la question de la recherche des origines n'a pas encore été adopté. La pratique actuelle des Communautés est donc celle qui prévalait avant la réforme.</p>	
<p>Communauté flamande (Belgique)</p>	<p>The decree of 15th of July 2005 gives adopted persons the right to access their adoption files when they are 12 years old (article 26). The adopted person can put a request with the director of the Flemish central authority (VCA) to ask for more information.</p> <p>The decree has not yet been implemented by a Ministerial resolution. Nevertheless, adopted persons can already ask for access to their file and the director of the VCA supervises this access.</p>	<p>A child can get access to the adoption file if he/she is over 12 years old. When the child has not yet reached that age, the director of the VCA can decide to give access, taking the maturity of the child in consideration. When a child (younger than 18 years) wants access, this had to be done under guidance. What this guidance should be, is not specified.</p>
<p>Communauté française (Belgique)</p>	<p>La question de la recherche des origines est réglée par les articles 49 et 50 du décret du 31 mars 2004 relatif à l'adoption. L'arrêté d'application visé à l'alinéa 3 de l'article 49 n'a pas encore été pris ; en effet, la Communauté française attend que le Gouvernement fédéral ait pris l'arrêté royal relatif à l'article 368-6 du code civil.</p> <p>En pratique :</p> <ul style="list-style-type: none"> - si l'adoption a été encadrée par un OAA encore en fonctionnement, celui-ci est chargé d'accompagner la recherche d'origine (tel qu'explicité ci-dessous) ; 	<p>Le décret permet la consultation des dossiers par toute personne adoptée ou par son représentant, dans la mesure où les données ne peuvent être utilisées à d'autres fins que celles pour lesquelles elles ont été rassemblées ou transmises.</p> <p>En pratique, un professionnel intervient systématiquement ; à partir du moment où l'enfant est en âge de discernement (pas d'âge actuellement fixé), il peut faire une demande, accompagné de ses parents adoptifs ou tuteurs.</p>

	<p>- si l'adoption a été encadrée par un OAA qui n'existe plus, et que les archives de cet OAA ont été récupérées par l'ACC, celle-ci accompagne la recherche d'origine (ou transmet le dossier à un OAA pour cet accompagnement) ;</p> <p>- si l'adoption n'a pas été encadrée, l'ACC tente, au cas par cas si c'est possible, d'accompagner cette recherche.</p>	
Brésil	<p>Sim, a Lei Federal 12.010/2009 permite o acesso dos adotados às origens :</p> <p>Art. 47, § 8º: O processo relativo à adoção assim como outros a ele relacionados serão mantidos em arquivo, admitindo-se seu armazenamento em microfilme ou por outros meios, garantida a sua conservação para consulta a qualquer tempo.</p> <p>Art.48. O adotado tem direito de conhecer sua origem biológica, bem como de obter acesso irrestrito ao processo no qual a medida foi aplicada e seus eventuais incidentes após completar 18 (dezoito) anos.</p> <p>Parágrafo único: O acesso ao processo de adoção poderá ser também deferido ao adotado menor de 18 (dezoito) anos, a seu pedido, assegurada orientação e assistência jurídica e psicológica.</p>	<p>- Após completar 18 anos, o acesso ao processo é irrestrito;</p> <p>- aos menores de 18 anos, o acesso pode ser deferido, a seu pedido, assegurada a orientação e assistência jurídica e psicológica.</p> <p>É comum as pessoas que foram adotadas procurarem os juizados da infância e da juventude com o objetivo de conhecer sua história. Trata-se o caso de "Direito ao Reconhecimento das Origens". É direito personalíssimo da criança e do adolescente, não sendo passível de obstaculização, renúncia ou indisponibilidade por parte da mãe ou do pai.</p>
Burkina Faso (BF)	<p>Le BF ne dispose pas d'une loi formelle permettant l'accès des personnes adoptées à leurs origines. Toutefois les professionnels assurent cette pratique conformément à l'art.30.2 de la CLH-1993.</p> <p>La raison principale de cette lacune est que la direction technique récemment érigée œuvre à l'élaboration et à l'adoption de textes pouvant réglementer cet aspect très important de l'adoption internationale.</p>	<p>Dans la pratique les conditions d'accès sont les suivantes :</p> <ul style="list-style-type: none"> - Tout enfant adopté et originaire du BF peut solliciter la recherche de ses origines - le consentement des parents adoptifs est requis s'il est mineur (moins de 18 ans) - seule l'Autorité Centrale chargée des Adoptions a accès aux archives des dossiers d'adoption - l'intervention d'un professionnel notamment un agent social reconnu par l'Autorité centrale chargé de la recherche des origines. <p>Les limites à cette recherche des origines sont surtout socioculturelles. Elles peuvent être liées à l'histoire personnelle de l'enfant notamment quand il s'agit d'un enfant dont les parents sont inconnus et les recherches sont restées infructueuses. Existe aussi le cas des mères dépressives qui souvent sont errantes et ne savent pas de quelle région elles sont issues ou même des enfants issus d relations incestueuses ou adultérines. Tout ceci peut faire que l'Autorité centrale n'arrive pas à aider l'enfant à retrouver ses origines.</p>
Canada		
British Colombia (Canada)	<p>Provincial Freedom of Information and Protection of Privacy Act</p>	<p>Birth parent, the adoptive parent and the adoptee all have the right of access to the adoption record <u>once the child turns 19</u>. In addition, in accordance with provisions of BC's Adoption Act, the birth parent and the adult adoptee may have the right to access identifying information related to the other party (in the absence of a disclosure veto).</p>

<p>Alberta (Canada)</p>	<p>Child, Youth and Family Enhancement Act Enhancement Act Policy Manual</p> <p><i>Only applies to adoptions finalized in Alberta</i></p>	<p>The following persons may register for voluntary disclosure and/or to receive information from the sealed adoption record:</p> <ul style="list-style-type: none"> - a person 18 or over who was adopted in Alberta - a 16 or 17 year old adoptee who can demonstrate they are living independent of their adoptive parent - the biological mother of an adoptee - the biological father of an adoptee - an adoptive parent on behalf of their minor adopted child - the adoptive parent of a deceased adoptee - an adult sibling of an adoptee - an adult who is a blood relative of an adoptee or who is a member of the same Indian band or Metis settlement, if: – the biological parent consents in writing; or– the Minister is satisfied that the biological parent is deceased, cannot be located, or is mentally incapable of consenting - an adult descendant of a deceased adoptee - an adoptive parent under a previous adoption order. <p>If the adoption occurred before January 1, 2005, an adult adoptee, birth parent or adoptive parent under a previous adoption order may register a veto with the Post Adoption Registry. Registration of a Veto will prevent the registry from releasing that person’s identifying information to the applicant.</p>
<p>Saskatchewan (Canada)</p>	<p>SK adopted The Hague into policy. As per Article 30, all intercountry adoption files are kept in permanent storage. Access to these files is subject to Sections 32, 33, 34 & 36 of The Adoption Regulations (2003). Section 29.4 of The Adoption Act, 1998 provides provisions for confidentiality and disclosure.</p>	<p>Section 32 of the Regs defines a process whereby <u>mutual consent for release of information is required by the adoptee</u> (if he/she is 18; if not, then consent of adoptive parents is required) <u>and birth parent</u>. If birth parents are deceased, then there are various levels of birth family consent that are deferred to. Legislation is definitive; cannot allow rights of one party to override rights of another. There are cases where, pursuant to Section 33, we can release identifying information for medical reasons and, pursuant to Section 34, we can release information for estate purposes.</p>
<p>Manitoba (Canada)</p>	<p>Manitoba’s Adoption Act, Adoption Regulation and Post-Adoption Regulation provides for the operation of Manitoba’s Post-Adoption Registry, which is accessed by individuals involved in a Manitoba Adoption order.</p>	<p>The Post-Adoption Registry requires the consent of the parties to release identifying information for all pre-March 15, 1999 adoptions. All post-March 15, 1999 adoptions are “open” to provide identifying information unless the parties file a disclosure and/or contact vetoes.</p> <p>Eligible individuals must be 18 years of age to register on the Post-Adoption Registry, unless the adoptive parents register on behalf on their minor adoptive child.</p>
<p>Ontario (Canada)</p>	<p>Child and Family Services Act. Adoption Information Disclosure Act, 2005 Access to Adoption Records Act, 2008</p>	<p>Although the Ministry of Government Services asks for a certified copy of a birth certificate or immigration paper, they cannot release a document that did not originate in Ontario. If</p>

		the adopted person is born outside of Ontario and he/she applies for this information they receive only a copy of the Adoption Order (which will indicate the original birth name of the adopted person).
Prince Edward Island (Canada)	Adoption Act-Sections 48-57 Guide post-adoption services Intercountry Adoption (Hague Convention) Act is also referenced.	Post-Adoption Services can provide services to adult adoptees whose adoptions were finalized within the province of PEI. In terms of intercountry adoption, an adult adoptee seeking information on his/her adoption would be referred to the Central Authority where the adoption was finalized. To date, we have not had any experiences with such requests. Our province would then provide any assistance requested by that jurisdiction.
Newfoundland (Canada)	Adoption Act (Section 41)	The person adopted must be 19 years of age or more.
Québec (Canada)	<p>Selon l'article 582 du Code civil du Québec, « Les dossiers judiciaires et administratifs ayant trait à l'adoption d'un enfant sont confidentiels et aucun des renseignements qu'ils contiennent ne peut être révélé, si ce n'est pour se conformer à la loi.</p> <p>Toutefois, le Tribunal peut permettre la consultation d'un dossier d'adoption à des fins d'étude, d'enseignement, de recherche ou d'enquête publique, pourvu que soit respecté l'anonymat de l'enfant, des parents et de l'adoptant. »</p> <p>La règle en adoption demeure ainsi la confidentialité.</p>	<p>L'article 583 du Code civil du Québec stipule que l'adopté mineur de moins de 14 ans, <u>avec le consentement de son parent adoptif</u>, a le droit d'obtenir les renseignements lui permettant de retrouver ses parents biologiques, <u>si ces derniers y ont préalablement consenti</u>. L'adopté de 18 ans et moins ne peut cependant pas être informé de la demande de ses parents biologiques de le retrouver et d'entrer en contact avec lui.</p> <p>L'article 584 du Code civil du Québec stipule que, lorsqu'un préjudice grave risque d'être causé à la santé de l'adopté, majeur ou mineur, ou de l'un de ses proches parents s'il est privé des renseignements qu'il requiert, le tribunal peut autoriser la divulgation de renseignements confidentiels.</p>
Corée du sud	According to the article 36 of the Adoption Special Law adopted in July 2011 and that will enter into force in January 2012, the adopted person can request adoption information regarding themselves hold by the Central Adoption Authority (CAA) and adoption agencies.	If the adopted person is under 18 years old, the consent of his/her adoptive parents is required. Upon received the above request, the CAA or the adoption agencies shall disclose such information after they get consent from the biological parents of the adoptee. If the biological parents disagree, the agency still shall release the information, apart from personal details of the biological parents. Exceptions can be made if the biological parents are deceased or cannot consent due to inevitable situations, or if the information is needed for medical purpose or for special reasons.
Croatie	Adoption, as legal term, is regulated in the Republic of Croatia by the Family Act. In accordance with such Act, adoptive parents are required to inform the child that he/she was adopted, before the child reaches the age of seven. In some cases, adoptive parents agreed that the child will continue his/her relationship with some family members (grandmother, grandfather, sister, brother, etc.). During adoption procedure, adoptive parents get appropriate information and counseling, in which they are warned on the importance of child's knowledge about his/her	<p>-Art.142 paragraph 3: An adult who was adopted as a child, an adoptive parent and a parent who has given consent for the adoption of a child in accordance with art.129, paragraph 2 of this Act, will be allowed to have an access to adoption case files and into the birth register of an adopted child.</p> <p>-Art.142 paragraph 4: A minor who was adopted will be allowed by the Centre for Social Welfare to see the files concerning his/her adoption, and his/her register of births, if the center estimates that such access is in</p>

	<p>origins.</p> <p>Art. 142 of the Family Act regulates the conditions of access to origins.</p>	<p>the best interest of the child.</p> <p>-Art.142 paragraph 5: Close blood relatives of the adopted person will be allowed to look into the files of adoption when the adopted person becomes an adult. Only after obtaining the consent of the adult adopted person, the Centre for Social Welfare will allow access to adoption files and/or mediate contact between the applicant (close blood relative) and the person who was adopted.</p>
Equateur	<p>Según los arts. 153, 168 del Código de la Niñez y adolescencia, “las personas adoptadas tienen derecho a conocer su condición de tal, su origen, su historia personal y a su familia consanguínea, salvo que exista prohibición expresa de esta última. Los informes y estudios son reservados y deberán archivarse y conservarse de manera que se asegure este carácter. Podrán acceder a ellos el adoptado que haya cumplido dieciocho años, sus padres adoptivos y las personas legitimadas para la acción de nulidad de la adopción”.</p>	
Espagne	<p>España es un Estado compuesto por unidades territoriales autónomas y son los gobiernos autonómicos los que por mandato legal tienen la competencia en protección de menores, incluyendo la adopción nacional e internacional. Existe una legislación estatal básica en España, en el marco de la cual cada Comunidad Autónoma tiene competencia para desarrollar su legislación en materia de infancia, que comprende la adopción internacional. Por lo tanto, también en materia de búsqueda de orígenes conviven las diferentes legislaciones de las Comunidades Autónomas con lo establecido en la legislación estatal.</p> <p><u>Legislación estatal:</u> El derecho del adoptado a conocer sus orígenes está regulado por el art. 12 de la ley de adopción internacional N° 54/2007 del 28 de diciembre : « Las personas adoptadas, alcanzada la mayoría de edad o durante su minoría de edad representada por sus padres, tendrán derecho a conocer los datos que sobre sus orígenes obran en poder de las Entidades Públicas españolas, sin perjuicio de las limitaciones que pudieran derivarse de la legislación de los países de que provengan los menores. Este derecho se hará efectivo con el asesoramiento, la ayuda y mediación de los servicios especializados de la Entidad Pública de Protección de Menores u organizaciones autorizadas para tal fin (...)».</p> <p><u>Legislaciones de las Comunidades Autónomas :</u> Las Comunidades también reconocen este derecho dentro de sus Leyes de infancia. En ocasiones, la forma de ejercerlo es</p>	<p>Tanto en la legislación estatal como en la autonómica se establece la necesidad de que la persona sea <u>mayor de edad</u> para poder ejercer ese derecho. Además, se da posibilidad de que este derecho sea ejercido por <u>menores de edad representados por sus padres</u> o por las personas que ejercen la patria potestad. En la legislación de alguna Comunidad se da la posibilidad de que se haga sin esta representación cuando se valore que el menor tiene suficiente juicio para ejercerlo.</p> <p>En algunas legislaciones de las Comunidades Autónomas se establecen otros límites, tales como el respecto del anonimato de los denunciantes y los derechos legítimos de terceros o la confidencialidad de datos identificativos.</p>

	<p>desarrollado en la misma ley en la que se reconoce el derecho. En otros casos, el procedimiento para ejercer este derecho se regula dentro de la legislación de mediación ejercida por la entidad pública como un procedimiento de esa naturaleza.</p> <p>En algún caso, se han dictado normativas específicas para la regulación de este procedimiento, como es el caso de la Comunidad de Castilla y León (CL), cuya regulación es la siguiente :</p> <ul style="list-style-type: none"> - Ley 14/2002 del 25 de julio, de Promoción, Atención y Protección a la Infancia en CL, en su art.45,k, reconoce a los adoptados el derecho « a conocer, en función de su edad y capacidad, su historia personal y familiar, y, si ha sido separado de su familia de origen de manera definitiva, sus antecedentes culturales y sociales, que serán en todo caso respetados. Prevé en el art.108 la regulación de las actividades profesionales que pueden llevarse a cabo con tal objeto. -Decreto 37/2005, del 12 de mayo, por el que se regulan los procedimientos administrativos y otras actuaciones complementarias en relación con la adopción de menores, regula en su capítulo XIII las actuaciones profesionales de asesoramiento y mediación en el ejercicio del derecho de las personas adoptadas en CL a conocer los propios orígenes. - ORDEN FAM71990/2008, del 10 de noviembre, por la que se regulan la habilitación y autorización de profesionales, y la inscripción y autorización de entidades para dispensar los servicios de asesoramiento de mediación en el ejercicio del derecho de las personas adoptadas a conocer los propios orígenes, y la organización y funcionamiento de dichos servicios. 	
Géorgie	<p>Selon l'article 25 de la Loi géorgienne sur l'adoption et l'accueil familial de 2010, « la révélation du secret d'adoption est interdite sans le consentement du parent biologique, du parent adoptif et de l'adopté majeur. »</p>	
Hong Kong	<p>In Hong Kong, the right of the adopted children to access their origins and information are stated in the documents of Accreditation System in respect of Inter-country Adoption of the Hong Kong Special Administration Region and the Code of Practice for Accredited Bodies. These can be found in the website of the Social Welfare Department of Hong Kong.</p>	<p>The right of root tracing is not stipulated in the ordinance but in the code of practice for AB. Information can be released to the adopted children who should be above 18 years old or with consent of the adoptive parents if they are under 18. They are always required to have received counselling from a social worker before they actually can have access to the information.</p>
Italie	<p>In Italy, the research of origins is governed by articles 28 and 37 of the Law No 184 of 4 May 1983 "Children's right to a family", as amended by Law No 476/98 and by Law N. 149/2001. Article 28 provides rules for domestic adoptions and Article 37 extends them to Inter-country adoptions.</p>	<p>Under the Italian law, on reaching the age of twenty-five the adoptee may have access to information concerning his/her origin and the identity of his/her biological parents.</p> <p>He/she may do so also on reaching majority (18 years), where serious, proven grounds pertaining to his/her mental or physical</p>

		<p>health exist.</p> <p>The application shall be submitted to the Juvenile Court of the place of residence. In all case, the Juvenile Court's authorization is compulsory. The Juvenile Court will assess the adoptee's application by taking into account the adoptee's level of maturity and by avoiding producing serious troubles to the adoptee's psycho-social balance. However, the Juvenile Court's authorization is not necessary when the adoptee has reached the majority and his/her adoptive parents are died or cannot be traced (art. 28, paragraphs. IV, V & VIII)</p>
Lettonie	<p>Selon l'article 171 du Code civil, les informations sur l'adoption de l'enfant ne sont pas disponibles sans le consentement des adoptants avant que l'enfant ait atteint l'âge de la majorité.</p>	
Liberia	<p>Tous les documents et dossiers concernant une adoption doivent être conservés dans le registre permanent du tribunal des successions et des tutelles et ne doivent pas être divulgués. Personne ne peut avoir accès à ces dossiers, sauf décision contraire du tribunal. (see Liberian Codes Revised LCR (III) sous-§ 4,75)</p>	
Mexique	<p>Au Mexique, il n'existe pas de législation fédérale en matière d'adoptions. Chaque entité fédérative dispose de son propre corps de lois.</p>	
Mexique (Hidalgo)	<p>Según el art. 483 del Código de Procedimientos Familiares en el Estado de Hidalgo: El oficial del Registro del Estado Familiar se abstendrá de proporcionar información sobre los antecedentes filiales del adoptado, excepto en los casos siguientes y contando con una autorización judicial: - para efectos de impedimento para contraer matrimonio - cuando el adoptado desee conocer a sus antecedentes filiales, siempre y cuando sea mayor de edad; si fuera menor de edad, se requerirá el consentimiento de los adoptantes</p>	<p>Siempre y cuando el adoptado sea mayor de edad; si fuere menor de edad, se requerirá el consentimiento de los adoptantes</p>
Mexique (Jalisco)	<p>Si. El art. 542 de la ley sustantiva civil del Estado de Jalisco establece a este efecto que: "La adopción plena es irrevocable, cuando cause ejecutoria la sentencia que la pronuncie, salvo en los efectos de la patria potestad, la cual se podrá perder por las causas que para tal efecto se establecen en este Código. <i>Quando el adoptado alcance la mayoría de edad podrá conocer sus antecedentes familiares; las autoridades le garantizarán el acceso a dicha información</i>".</p>	<p>Los menores de edad adoptados tendrán derecho a conocer sus orígenes cuando hayan cumplido la mayoría de edad.</p>

Mexique (Oaxaca)	<p>En cuanto a los instrumentos internacionales ratificados por el Estado Mexicano y por tanto aplicables para toda la República, encontramos a la Convención de los Derechos de Niño, ratificada por México en el año de 1990, previéndose en los artículos séptimo y octavo de dicho ordenamiento, el derecho de que en la medida de lo posible, el niño tiene derecho a conocer a sus padres, a ser cuidado por ellos y se le debe respetar su derecho a preservar su identidad incluida la nacionalidad, nombre y relaciones familiares, respectivamente.</p> <p>En este mismo sentido la Convención de la Haya de 1993, ratificada por México en el año de 1994, señala en su artículo 30 que los Estados Parte asegurarán la conservación de la información de que dispongan sobre los orígenes del niño, en particular, la información sobre la identidad de sus padres, su historia médica y de su familia.</p> <p>A nivel Federal de conformidad con la convención se tiene la Ley para la protección de los Derechos de los Niños, niñas y adolescentes, en la que en su artículo 22 dispone, entre otras cosas, que el niño tiene derecho a conocer su filiación y origen, salvo en los casos en que la ley lo prohíba.</p> <p>En el ámbito Estatal, este derecho se encuentra contemplado en el capítulo VI de la Ley para la Protección de los Derechos de los niños, niñas y adolescentes para el Estado de Oaxaca, en donde se reconoce el derecho que tienen de preservar su identidad, por lo que podrán obtener los documentos públicos que comprueben su identidad, de conformidad con la ley.</p> <p>Por su parte, el artículo 415 del Código Civil para el Estado Libre y Soberano de Oaxaca, dispone que el Juez que apruebe la adopción remitirá copia de las diligencias al Oficial del registro Civil, y que el Registro Civil se abstendrá de proporcionar información sobre los antecedentes de la familia de origen del adoptado, excepción hecha cuando se trate de impedimento para contraer matrimonio y cuando el adoptado desee conocer sus antecedentes familiares, siempre y cuando sea mayor de edad; si fuera menor de edad se requerirá el consentimiento de los adoptantes (contando con la autorización judicial).</p>	<p>Como se aprecia del último de los ordenamientos en cita de la respuesta anterior, y en lo que se refiere al Registro Civil, se requiere de la autorización judicial, para el caso de que sea mayor de edad y tratándose de menores de edad además es necesario el consentimiento de los adoptantes.</p>
Norvège	<p>The Norwegian Adoption Act of 28 February 1986 no. 8 says as follows: “Section 12: Adoptive parents shall, as soon as is advisable, tell the adopted child that he or she is adopted. When the child has reached 18 years of age, he or she is entitled to be informed by the Ministry of the identity of his or her biological parents.”</p>	<p>The adopted person has an unconditional right to access to the information about biological parents that is available in the adoption file.</p>

<p>Nouvelle -Zélande</p>	<p>Yes. The Adult Adoption Information Act 1985. See: http://www.legislation.govt.nz/act/public/1985/0127/latest/DLM80513.html?search=ts_act_adult+adoption+information_resel&p=1&sr=1 See also: http://www.cyf.govt.nz/adoption/index.html</p>	<p>The limits are clear in the law:</p> <ul style="list-style-type: none"> - Adopted persons must be over 20 years of age for the law to apply. - Only a birth parent who is named on the birth registration or in Child, Youth and Family Services (CYF) records may apply. - Only birth parents and adopted persons may access information under this Act. Access is not available to any other parties, e.g. Adoptive parents or to extended family (e.g. siblings) - Birth parents and adopted persons over 19 may place a “veto” on release of indentifying information about themselves. - No veto can be placed on a birth registration by a birth parent after 1986. Adopted persons can place a veto once he or she has turned 19 years. - Birth parents can access identifying information about the adopted person only via the government agency, CYF. CYF must obtain the adopted person adoptive name from government records, search for and locate the adopted person and obtain permission before releasing the adopted person’s adoptive name to the birth parents. If the adopted person cannot be located, CYF is unable to release the name. - Adult adopted persons can apply for their original (pre-adoptive) birth certificate directly, and make contact with their birth parent directly if they choose to do so, but the certificate must be issued to the adopted person via a counsellor appointed under the Act, unless the birth parent has placed a veto or unless the adopted person resides outside of New Zealand .The Act does not require mediation by a professional where adopted adults are concerned. - Access to medical information under Section 11 of the Adult Adoption Information Act in practice can only be accessed by the other party to the adoption, as only the other party will know to what doctor the request for medical information can be submitted. - For persons under 20, policy and practice is that CYF will endeavour to ascertain if the parties are likely to be open to contact and provided no veto is in place will endeavour to reach the other party concerned via a social worker. No identifying information will be relapsed unless permission is gained from the other party. - New Zealand has practiced “open adoption” for many years, notwithstanding the Adoption Act does not specifically provide for it. Therefore, in most cases, the parties to domestic adoptions in NZ know of the identities of each other from the beginning. "Contact Agreements" are usually set up but are not enforceable by law. Where an intercountry adoption is concerned, the
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		<p>adoptive parents are provided with the available information.</p> <ul style="list-style-type: none"> - The Act does not exclude access to “non-identifying’ information. For example, the general background of the birth parents or adoptive parents and child can be released to the other party provided it does not identify that other party. - There is provision under Section 23 of the Adoption Act (1955) for an application to be made to the Family Court for access to court adoption records on “special grounds.” For example, other family members may seek to use this channel, or it may be invoked by a person under 20, or by a person who has received a veto.
Ouganda	<p>Selon l’art. 55 du Children Act 2000, Chapitre 59:</p> <ul style="list-style-type: none"> - lorsqu’un enfant a atteint l’âge de 18 ans, ou même avant, il doit être informé, sur sa propre demande ou à la discrétion de l’adoptant, sur l’identité de ses parents biologiques, à moins que cela ne soit pas dans son meilleur intérêt; - le parent adoptif doit informer l’enfant qu’il est adopté aussitôt qu’il est en âge de comprendre. 	
Pays-Bas	<p>According to the art.17.b of the WOBKA law (law taken children in for adoption of December 8th 1988, adapted version of March 13, 2008), the licensed adoption agency is obligated to gather as much information about the background and origin of a foreign child and is obligated to keep that information in a file.</p>	<p>According to the art. 17d of the WOBKA law, the licensed adoption agency has to allow access to these files to adoption parents and the adopted children themselves when they have reached the age of 12.</p>
Philippines	<p>Selon l’art. 38 du Code de la protection sociale de l’enfance et l’adolescence, « le droit de l’adopté à l’accès aux informations concernant sa famille d’origine est reconnu ».</p>	
Portugal	<p>Au Portugal il n’y a pas une référence explicite dans la loi concernant le droit des personnes adoptées à accéder à leurs origines. Cependant, ce droit découle de l’affirmation dans la Constitution de la République portugaise du droit fondamental à l’identité personnelle. Ainsi, selon l’article 26, « à tous sont reconnus les droits à l’identité personnelle, au développement de la personnalité, à la capacité civile, à la citoyenneté, au bon noms et réputation, à l’image, à la parole, à la réserve de l’intimité de la vie privée et familiale et à la protection légale contre toute forme de discrimination ». De plus, la Constitution prévoit que « la loi déterminera des garanties effectives contre l’obtention et utilisation abusives ou contraires à la dignité humaine, des informations relatives aux personnes et aux familles ».</p> <p>Par ailleurs, la loi régissant le processus d’adoption détermine que le dossier judiciaire d’adoption et les procédures préliminaires, y compris les dossiers administratifs, sont secrets. Cependant, le tribunal, à la demande</p>	<p>Comme il résulte de la réponse à la question précédente cet accès étant considéré comme l’exercice d’un droit à l’identité personnelle suppose la majorité de l’enfant ou l’autorisation et assistance de ses parents s’il est encore incapable: moins de 18 ans et non émancipé par le mariage.</p> <p>De même pour pouvoir accéder au dossier judiciaire et administratif il faut l’autorisation d’un juge tel qu’il est décrit dans la réponse précédente.</p>

	<p>de celui qui prouve un intérêt légitime et par des motifs importants et avec les limites fixées dans la décision, peut autoriser l'accès aux dossiers susmentionnés ainsi que l'expédition de copies. S'il n'y a pas de dossier judiciaire, la requête doit être adressée au tribunal compétent en matière de famille et mineurs du siège de l'organisme de sécurité sociale.</p> <p>La violation du secret des dossiers mentionnés et l'utilisation des documents à des fins différentes à celles prévues par la justification de la demande constitue un délit punissable avec emprisonnement jusqu'à un an ou amende jusqu'à 120 jours.</p>	
République Dominicaine	<p>La Ley 136-03, Código para el Sistema de Protección y los Derechos Fundamentales de los Niños, Niñas y Adolescentes, prevé el derecho de los adoptados a acceder a sus orígenes. Establece en su art. 154 lo siguiente: "Sin perjuicio de lo dispuesto en el artículo anterior, todo adoptado tendrá derecho a conocer su origen y el carácter de su vínculo familiar. El padre y la madre adoptivos determinarán el momento oportuno para comunicarle dicha información".</p>	<p>Según el art.152 de la ley antes mencionada, y debido a la confidencialidad de la materia de adopción, sólo podrán acceder a dichas informaciones los adoptantes o el adoptado, luego de alcanzada la mayoría de edad.</p> <p>(art.152: ")Todos los documentos y actuaciones administrativas o jurisdiccionales propios del proceso de adopción serán reservados por un término de treinta (30) años, en un Tribunal de Niños, Niñas y Adolescentes. Sólo podrá expedirse copia de los mismos a solicitud de los adoptantes o del adoptado al llegar a la mayoría de edad y del Ministerio Público de Niños, Niñas y Adolescentes")</p>
Serbie	<p>Selon les articles 59, 325, 326 de la Loi sur la famille, « un enfant âgé de 15 ans, ou qui est capable de raisonnement, peut accéder au livre de registre des naissances, ainsi qu'aux documents concernant son origine.</p>	
Suède	<p>In the first place it is the responsibility of the adoptive parents to keep the background information of their adopted children and communicate with their children about the adoption and their origins. Insight into the importance of the adopted child's background is an important part of the mandatory parental training course for prospective adopters and important criteria when assessing the suitability of prospective adopters.</p> <p>Furthermore, according to the Public Access to Information and Secrecy Act (SFS 2009:400 Chapter 26 Section 8) adopted persons have the right to information of relevance to his or her knowledge of the birthparents.</p>	<p>A child or young person can have information depending on the age and maturity of the minor.</p>
Suisse	<p>According to legal doctrine and practice, the adoptive parents are obliged to advise the adopted person of the fact that he/she was adopted (s. BSK ZGB I-Breitschmid, Art. 268c N° 5 with references [Honsell/Vogt/Geiser (Hrsg.), Basler Kommentar, Zivilgesetzbuch I, 4. Aufl., Basel 2010]).</p> <p>Art. 268c of the Swiss Civil Code (SCC; SR 210), effective date 01/01/2003, stipulates the right of adopted children to access information</p>	<p>Art. 268c of the Swiss Civil Code differentiates by criteria of age and consent of the adoptive parents.</p> <p>Once the child reaches the age of 18, it is entitled at any time to request information regarding the identity of its biological parents as of the date of adoption (surname, forename, place of origin respectively nationality). Before then it may request such information if it has a legitimate interest in</p>

	<p>on their biological parents. Formerly to Art. 268c SCC, such right was deduced from Art. 7 para. 1 Convention on the Rights of the Child (SR 0.107) and Art. 119 para. 2 let. g Federal Constitution (SR 101).</p> <p>See also “Circular of 21st of march 2003 issued by the Federal Civil Registry Office to the competent Cantonal Authorities (and annexes) “.</p> <p>Jurisprudence (not exhaustive): « the adopted child (over 18) has the right to know his/her biological parents and, hence, to access screened information of the Civil Registry, regardless of any opposite manifestation of interest» (ATF 128 I 63). Another judgment related to the right of the child to know his/her origins: <i>Affaire JÄGGI c. Switzerland CEDH</i>.</p>	<p>so doing (notably medical reasons).</p> <p>Before such information is released to the child, the authority or government body holding it must, if possible, notify the biological parents. If they refuse to enter into personal contact, the child must be informed accordingly and made aware of the personal privacy rights of the biological parents. If they agree on entering into personal contact, the responsible authority or government body provides the child with updated information regarding the identity of its biological parents (surname, forename, place of origin respectively nationality, current address).</p>
Tanzanie	<p>Según el artículo 61 de la Ley de 2009 relativa a la Niñez, “el padre adoptivo debe informar al niño adoptado del hecho de que él o ella es adoptado, así como de su familia, pero esta revelación únicamente debe hacerse si –</p> <p>(a) cumple con el interés superior del niño; y</p> <p>(b) el niño es mayor de 14 años.</p> <p>- Ninguna persona que no sea el padre adoptivo debe revelar la adopción al niño adoptado.</p> <p>- Cualquier persona que contravenga esta disposición comete un delito y será condenado a una multa no inferior a 100,000 shillings y no superior a dos millones de shillings o a encarcelamiento por un período no superior a 12 meses, o a ambos.</p>	
Ukraine	<p>Le Code de la famille ukrainien stipule qu’ « un adoptant a le droit de ne pas divulguer à l’enfant adopté son adoption et de demander aux personnes détenant ces informations de les maintenir confidentielles aussi bien avant qu’après la majorité de l’enfant ».</p>	
Zimbabwe	<p>According to the Children’s Act (as amended at 01 Dec. 2002), Part VII, para 70,” every adoption is recorded by the Registrar-General in the “Adopted Children Register”.No one shall have access to such records except if there is an order of the Minister.</p>	
