

## STATE OF ORIGIN

**COUNTRY NAME:** AZERBAIJAN

**PROFILE UPDATED ON:** May 2024

### PART I: CENTRAL AUTHORITY

1. Contact details <sup>1</sup>	
Name of office:	The Ministry of Labour and Social Protection of Population
Acronyms used:	MLSPP
Address:	AZ 1009, Baku, Salatin Asgarova 85 str.
Telephone:	+994125965034
Fax:	+994125965033
E-mail:	info@sosial.gov.az
Website:	www.sosial.gov.az
Contact person(s) and direct contact details (please indicate language(s) of communication):	Mr.Tokay Bayramov, Deputy Head of the Adoption Policy Department phone:+994125419855 ogss@sosial.gov.az (english, russian)
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	

### PART II: RELEVANT LEGISLATION

2. The 1993 Adoption Convention and domestic legislation	
a) When did the 1993 Adoption Convention enter into force in your State?  <i>This information is available on the <a href="#">Status Table</a> for the 1993 Adoption Convention (accessible via the <a href="#">Adoption Section</a> of the HCCH website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i>	30 March 2004

<sup>1</sup> Please verify whether the contact details on the “Adoption Section” of the HCCH website < [www.hcch.net](http://www.hcch.net) > under “Central Authorities” are up to date. If not, please e-mail the updated contact information to < [secretariat@hcch.net](mailto:secretariat@hcch.net) >.

<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Issues related to Adoption are regulated with the Family Code of The Republic of Azerbaijan and order "Adoption of children deprived of parental care, including adoption of children who are citizens of the Republic of Azerbaijan by foreigners and stateless persons"</p>
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3. Other international agreements on intercountry adoption <sup>2</sup>	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

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

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Adoption Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>MLSPP is operating in the field of adoption (domestic and inter-country). The requests for adopting children from Azerbaijan, in accordance with the terms of the order "Adoption of children deprived of parental care, including adoption of children who are citizens of the Republic of Azerbaijan by foreigners and stateless persons", should be submitted to MLSPP, through the Accredited Body or in person.</p>

5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p>	<p>Only MLSPP has authority in the field of Adoption. The Court makes final decision.</p>

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

See Arts 4, 5, 8, 9, 12, 22, 23 and 30.	
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6. National accredited bodies <sup>3</sup>	
<p>a) Has your State accredited its own adoption bodies?</p> <p>See Arts 10-11.</p> <p><b>N.B.</b> the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH (see Art. 13).<sup>4</sup></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <b>go to Question 7</b></p>
b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis. <sup>5</sup>	
c) Please briefly describe the role of national accredited bodies in your State.	
6.1 The accreditation procedure (Arts 10-11)	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	
c) For how long is accreditation granted in your State?	
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	
6.2 Monitoring of national accredited bodies <sup>6</sup>	
<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State?</p> <p>See Art. 11(c).</p>	
b) Please briefly describe how national accredited bodies are monitored / supervised in your State ( <i>e.g.</i> , if	

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

<sup>4</sup> *Ibid.*, Chapter 3.2.1 (para. 111).

<sup>5</sup> *Ibid.*, Chapter 3.4.

<sup>6</sup> *Ibid.*, Chapter 7.4.

inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked ( <i>i.e.</i> , withdrawn).	
d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions ( <i>e.g.</i> , fine, withdrawal of accreditation): <input type="checkbox"/> No

<b>7. Authorised foreign accredited bodies<sup>7</sup> (Art. 12)</b>	
a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?  <i>N.B. the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – <b>go to Question 8</b>
b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate on what basis your State limits the number. <sup>8</sup>	Until today not any foreign bodies have applied for being accredited
c) Please briefly describe the role of authorised foreign accredited bodies in your State.	Accredited Bodies act on behalf of foreign adoptive parent candidates.
d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?  <i>Please tick any which apply.</i>	<input checked="" type="checkbox"/> Yes: <input checked="" type="checkbox"/> The foreign accredited body must establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): from the receiving State (in cases of permanent) <b>OR</b> <input checked="" type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: in cases of temporary <b>OR</b> <input type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office

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

<sup>8</sup> See GGP No 2, *ibid.*, Chapter 4.4 on “limiting the number of accredited bodies authorised to act in States of origin”.

	or a representative in your State: <b>OR</b> <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
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<b>7.1 The authorisation procedure</b>	
a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?	MLSPP
b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . <sup>9</sup> If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	Application is submitted to the central body for accreditation. Required documents for authorisation are below: 1. constituent documents of the legal entity and documents on state registration; 2. information on property status, employees, staff and structure of the organization; 3. documents confirming accreditation in a foreign state (if applicable); 4. recommendation of the central body of the foreign state to which it is accredited, or in the absence of that body, the state body exercising its powers; 5. detailed information on work experience (if applicable); 6. information on its activities in other states as an accredited body (if applicable); 7. information on staff salaries; 8. information on the types of services he intends to provide during his activity; 9. information on the cost of services provided by the applicant authority; 10. other information deemed necessary by the central authority.
c) For how long is authorisation granted?	2 years
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	it is the same procedure as having a new license
<b>7.2 Monitoring of authorised foreign accredited bodies</b>	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? <sup>10</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No – <b>go to Question 8</b>

<sup>9</sup> In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

<sup>10</sup> *Ibid.*, Chapter 7.4 and, in particular, para. 290.

b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	MLSP
c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).	The main form of monitoring over the activities of an accredited body is the collection of information on the activities of that body and the assessment of the information collected.
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (i.e., withdrawn).	Accreditation is terminated by the decision of the central body in the following cases: 1. in case of violation of requirements by the accredited body; 2. in case of submission of incorrect information by the accredited body during accreditation; 3. if the accredited body fails to perform its duties; 4. if the accredited body operates outside the limits established by the accreditation procedure; 5. upon expiration or termination of accreditation issued by a foreign state; 6. in case of liquidation of the legal entity applying for accreditation; 14.1.7. if the shortcomings in the activities of the accredited legal entity are not eliminated.
e) If authorised foreign accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	<input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of authorisation): withdrawal <input type="checkbox"/> No

8. Approved (non-accredited) persons (Art. 22(2)) <sup>11</sup>	
a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State?  <i>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Adoption Convention, available on the <a href="#">Adoption Section</a> of the HCCH website. If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).<sup>12</sup></i>	<input type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State:  <input checked="" type="checkbox"/> No

<sup>11</sup> *Ibid.*, Chapter 13.

<sup>12</sup> *Ibid.*, Chapter 13.2.2.5.

<p>b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?</p> <p><i>N.B. see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Adoption Convention, available on the <a href="#">Adoption Section</a> of the HCCH website.</i></p>	<p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4).</p>
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#### PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (e.g., age, sex, state of health).	<p>Intercountry adoption is allowed if child can not be adopted by the citizens of Azerbaijan and relatives.</p> <p>Children with disabilities are usually in need of intercountry adoption</p>

10. The adoptability of a child (Art. 4(a))	
a) Which authority is responsible for establishing that a child is adoptable?	MLSP
b) Which criteria are applied to determine whether a child is adoptable?	<p>Declaration of child as adoptable is possible in cases:</p> <ol style="list-style-type: none"> <li>1. If the child's parents are not known;</li> <li>2. If the parents are known, but the consent is not required;</li> <li>3. If child's parents have consent for adoption</li> </ol>
<p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (e.g., search for the child's birth family).</p> <p><i>N.B. the issue of consent is dealt with at Question 12 below.</i></p>	<p>Required Documents to declare child as adoptable are below:</p> <ol style="list-style-type: none"> <li>1. Birth certificate</li> <li>2. Report on the child's health condition, medical report</li> <li>3. Notarized consent of the child's parents for adoption, except in cases when the law allows the adoption of a child without the consent of the parents</li> <li>4. Child's consent for adoption (at the age of 10)</li> <li>5. Child's opinion (at the age of 7)</li> </ol>

11. The best interests of the child and subsidiarity (Art. 4(b))
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a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions ( <i>e.g.</i> , through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).	In Azerbaijan intercountry adoption is the last choice for the child. MISPP do some social measures for reintegration of children into their biological families. If reintegration is not possible the State ensure children with alternative care and domestic adoption.
b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?	MLSPP
c) Please briefly explain how that decision is reached ( <i>e.g.</i> , whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.	It is decided according to the best interests of the child.

<b>12. Counselling and consents (Art. 4(c) and (d))</b>	
<p>a) According to your State's domestic legislation, please explain which person, institution or authority has to consent to the adoption of a child in the following scenarios – where:</p> <ul style="list-style-type: none"> <li>(i) Both parents are known;</li> <li>(ii) One parent is unknown or deceased;</li> <li>(iii) Both parents are unknown or deceased;</li> <li>(iv) One or both parents have been deprived of his / her / their parental responsibilities (<i>i.e.</i>, the rights and responsibilities which attach to being a parent).</li> </ul> <p>In each case, please remember to specify in which circumstances a <i>father</i> will have to consent to his child's adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority.</p>	<ul style="list-style-type: none"> <li>(i) both parents</li> <li>(ii) a known parent</li> <li>(iii) n/a</li> <li>(iv) n/a</li> </ul>
<p>b) Please describe the procedure for:</p> <ul style="list-style-type: none"> <li>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</li> <li>(ii) obtaining their consent(s) to an adoption.<sup>13</sup></li> </ul>	<ul style="list-style-type: none"> <li>(i) Individual interviews carried out with both parent to inform them about consequences of the adoption</li> <li>(ii) MLSPP obtains parents' consent</li> </ul>

<sup>13</sup> See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Adoption Convention.



<p>c) Does your State use the model form “<i>Statement of consent to the adoption</i>” developed by the Permanent Bureau of the HCCH?</p> <p><i>The model form is available on the <a href="#">Adoption section</a> of the HCCH website.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – please provide (or link to) any form(s) which your State uses for this purpose:</p>
<p>d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child’s wishes and opinions when determining whether an intercountry adoption should proceed.</p> <p><i>See Art. 4(d)(2).</i></p>	<p>Wish and opinions of the child are taken according to the age and degree of maturity.</p> <p>When a 7-year-old child is adopted, his/her opinion is learnt and taken into account by the courts with the presence of a pedagogical worker or psychologist</p>
<p>e) Please briefly describe the circumstances in which a child’s <u>consent</u> to an intercountry adoption is required in your State.</p> <p>Where the child’s consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption.</p> <p><i>See Art. 4(d)(1).</i></p>	<p>The child's consent at the age of 10 is required for adoption.</p>

13. Children with special needs	
<p>a) In the context of intercountry adoption, please describe what is meant in your State by “children with special needs”.</p>	<p>Children with physical or mental problems.</p>
<p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>	<p>It is the same procedure as healthy children.</p>

14. The preparation of children for intercountry adoption	
<p>Is there a special procedure in your State to prepare a child for an intercountry adoption?</p>	<p><input type="checkbox"/> Yes, please provide details (<i>e.g.</i>, the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used):</p> <p><input checked="" type="checkbox"/> No</p>

15. The nationality of children who are adopted intercountry <sup>14</sup>	
Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (e.g., the nationality of the foreign resident prospective adoptive parents (“PAPs”), whether the child acquires the nationality of the receiving State): it depends on the legislation of the Receiving State <input type="checkbox"/> No, the child will never retain this nationality

## PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

16. Limits on the acceptance of files	
Does your State place any limit on the number of PAPs’ files which are accepted from receiving States? <sup>15</sup>	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No

17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State <sup>16</sup>	
<p>a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <input checked="" type="checkbox"/> Married, heterosexual couples: <input type="checkbox"/> Married, same-sex couples: <input type="checkbox"/> Heterosexual couples in a legally registered partnership: <input type="checkbox"/> Same-sex couples in a legally registered partnership: <input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: <input type="checkbox"/> Same-sex couples that have not legally formalised their relationship: <input type="checkbox"/> Single men: <input type="checkbox"/> Single women: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No, there are no relationship status criteria for PAPs.

<sup>14</sup> Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (“GGP No 1”), available on the [Adoption Section](#) of the HCCH website < [www.hcch.net](http://www.hcch.net) >, at Chapter 8.4.5.

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

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

<p>b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Minimum age requirements: 30</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input type="checkbox"/> Difference in years required between the PAPs and the child:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?</p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

18. Preparation and counselling of PAPs (Art. 5(b))	
<p>Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i>?</p>	<p><input type="checkbox"/> Yes, please explain what kind of preparation is expected:</p> <p><input checked="" type="checkbox"/> No</p>

## PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

19. Applications	
<p>a) To which authority / body in your State does the adoption file of PAPs have to be submitted?</p>	<p>MSLPP</p>
<p>b) Please indicate which documents must be submitted with an application:</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of “approval to adopt” issued by a competent authority in the receiving State</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the “home study” and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs’ passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs’ birth certificates</p>

	<input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs <input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): <input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): <input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): document about income and monthly obligation (loans). <input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): <input checked="" type="checkbox"/> Proof of no criminal record <input checked="" type="checkbox"/> Other(s): please explain 1. The document about property of the prospective parents in place of residence 2. The document about the migration
c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure? <sup>17</sup>	<input type="checkbox"/> Yes, please specify whether it must be a <i>national</i> accredited body, a <i>foreign authorised</i> accredited body or whether it may be either of these accredited bodies. <sup>18</sup> Please also specify at which stage(s) of the procedure an accredited body must be involved ( <i>e.g.</i> , for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure): <input checked="" type="checkbox"/> No
d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?  <i>Please tick all which apply.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body ( <i>i.e.</i> , a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption): <input type="checkbox"/> A contract signed by the accredited body and the PAPs: <input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may

<sup>17</sup> See GGP No 1 (*op. cit.* note 14), paras 4.2.6 and 8.6.6: “independent” and “private” adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

<sup>18</sup> See the definitions provided at notes 3 and 7 above.

	undertake intercountry adoptions:  <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
e) Please specify the language(s) in which any documents must be submitted:	Azerbaijani
f) Do any of the required documents need to be legalised or apostilled?	<input checked="" type="checkbox"/> Yes, please specify which documents: all required documents <input type="checkbox"/> No – <b>go to Question 20</b>
g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Apostille Convention)?  <i>This information is available on the <a href="#">Status Table</a> for the Apostille Convention (see the <a href="#">Apostille Section</a> of the HCCH website).</i>	<input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Apostille Convention in your State: Date: 05 march, 2004  <input type="checkbox"/> No

20. The report on the child (Art. 16(1)(a))	
a) Who is responsible for preparing the report on the child?	MLSPP
b) Is a “standard form” used for the report on the child?	<input type="checkbox"/> Yes, please provide a link to the form or attach a copy: <input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the documentation which should be attached to it: the consent of parents for adoption and also information about child's parents, report about health condition of children
c) Does your State use the “ <i>Model Form – Medical Report on the Child</i> ” and the “ <i>Supplement to the general medical report on the child</i> ”?  <i>See GGP No 1 – Annex 7, available <a href="#">here</a>.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

21. The report on the PAPs (Art. 15(2))	
a) For how long is the report on the PAPs valid in your State?	6 month
b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it.	An updated report has to be submitted

<i>E.g.</i> , does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?	
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<b>22. Matching of the child and the PAPs (Art. 16(1)(d) and (2))</b>	
<b>22.1 The authorities and the matching procedure</b>	
a) Who is responsible for the matching of the child and the PAPs in your State?	MLSPP
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	The matching process is carried out electronically through the Ministry's subsystem without human intervention. PAP's wishes are taken into account in the best interests of the child
c) What methodology is used for the matching in your State?	The matching process is carried out according to the results of the training and date of application. Mostly PAPs with high results are matched with the child
d) Is any preference given to PAPs who have a close connection with your State ( <i>e.g.</i> , nationals of your State who have emigrated to a receiving State)?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
e) Who is responsible for notifying the receiving State of the matching?	MLSPP
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	According to the Legislation of the Republic Azerbaijan contact between PAPs and child is prohibited until matching has been accepted. Institutions have not any role in the adoption process
<b>22.2 Acceptance of the match</b>	
a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?	<input checked="" type="checkbox"/> Yes, please provide details of the required procedure: permission document is requested from the Competent Authority of the Receiving State to allow the adopted child to come and live in the territory of its. <input type="checkbox"/> No
b) How much time is the receiving State given to decide whether to accept a match?	starting from matching until court process. 3-4 months
c) If the relevant authorities / bodies of the receiving State and / or the PAPs refuse the match, what, if any, are the consequences in your State?	another child is determined

22.3 Information following acceptance of the match	
Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development ( <i>i.e.</i> , during the remainder of the intercountry adoption procedure and prior to entrustment)?	<input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information: MLSP <input type="checkbox"/> No

23. Agreement under Article 17(c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)?	MLSP
b) At what point in the adoption procedure is the Article 17(c) agreement given in your State?	<input checked="" type="checkbox"/> Our State sends the Article 17(c) agreement to the receiving State with the proposed match; <b>OR</b> <input type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17(c) agreement; <b>OR</b> <input type="checkbox"/> Other (please specify):

24. Travel of the PAPs to your State <sup>19</sup>	
a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?	<input checked="" type="checkbox"/> Yes, in which case please specify: <ul style="list-style-type: none"> <li>- At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: during meeting between child and PAPs at the institution and temporary placement of the child in the family</li> <li>- How many trips are required to complete the intercountry adoption procedure: 4</li> <li>- How long the PAPs need to stay for each trip:</li> <li>- Any other conditions:</li> </ul> <input type="checkbox"/> No
b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances?	<input type="checkbox"/> Yes, please specify in which circumstances: <input checked="" type="checkbox"/> No

25. Entrustment of the child to the PAPs (Art. 17)	
After the procedures in Article 17 have been completed, what is the procedure for	In order to get acquainted with the child and establish family ties, a meeting between

<sup>19</sup> See GGP No 1 (*op. cit.* note 14), Chapter 7.4.10.

<p>the physical entrustment of the child to the PAPs?</p> <p>Please include an explanation of the procedures used to prepare the child for entrustment (<i>e.g.</i>, counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	<p>PAPs and the matched child is organized at the institution during 2 (two) months (at least 40 hours per month).</p> <p>After meetings the Ministry decides whether the child is temporarily placed in the family of PAPs for a probationary period of 3 (three) months.</p> <p>PAPs stays in Azerbaijan during these period.</p>
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26. Transfer of the child to the receiving State (Arts 5(c) and 18)	
a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State ( <i>e.g.</i> , passport, visa, exit permit)?	1. Passport 2. Visa (if is needed) 3. The court decision 4. The Adoption certificate
b) Which of the documents listed in response to Question 26 a) above does your State issue?  Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.	1. The Ministry of Internal Affairs 2. Diplomatic mission and consulate of the Receiving State 3. The Court 4. The Ministry of Justice
c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be completed in order for the child to be permitted to leave your State and travel to the receiving State?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No

27. Final adoption decision and the Article 23 certificate	
a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?	<input checked="" type="checkbox"/> In our State – <b><u>go to Question 27 c)</u></b> <input type="checkbox"/> In the receiving State – <b><u>go to Question 27 b)</u></b>
b) Following the making of the final adoption decision in the receiving State: (i) Are any further steps required in your State to complete the procedure ( <i>e.g.</i> , obtaining a copy of the final adoption decision from the receiving State)? (ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?	(i) (ii) <b><u>Go to Question 28</u></b>



<p>c) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the adoption decision; and</p> <p>(ii) Issues the certificate under Article 23 of the 1993 Adoption Convention?</p> <p><i>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Adoption Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</i></p> <p><i>The answer to (ii) above should therefore be available on the <a href="#">Status Table</a> for the 1993 Adoption Convention (under "Authorities"), available on the <a href="#">Adoption Section</a> of the HCCH website.</i></p>	<p>(i) The respective court</p> <p>(ii) MLSPP</p>
<p>d) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p><i>See GGP No 1 – Annex 7, available <a href="#">here</a>.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>e) Please briefly describe the procedure for issuing the Article 23 certificate.</p> <p><i>E.g., how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the receiving State?</i></p>	<p>PAPs get adoption certificate after court decision.</p>

28. Duration of the intercountry adoption procedure	
<p>Where possible, please indicate the average time which it takes to:</p> <p>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</p> <p>(ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;</p> <p>(iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: <i>i.e.</i>, if the final adoption decision is made in your State and not in the receiving State).</p>	<p>(i) 2 month</p> <p>(ii) 3 month</p> <p>(iii) up to a month</p>

## PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

29. Procedure for the intercountry adoption of a child who is a relative of the PAPs (“intra-family intercountry adoption”)	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an “intra-family intercountry adoption” in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a “relative” of those PAPs.</p>	<p>Sister, brother, grandparents, aunt, uncle, cousin are considered close relatives of the child. And adoption by these persons is called intra-family.</p> <p>Adoption by stepparents is not considered intra-family. It is another type of adoption in Azerbaijan.</p> <p>If child's relatives are the citizens of other country it is equal for intra-family adoption.</p>
<p>b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?</p> <p><i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Adoption Convention, <b>the Convention is applicable</b>, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input type="checkbox"/> Yes – <b>go to Question 30</b></p> <p><input checked="" type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Permission document of the Competent Authority of the Receiving State is required . <b>Go to Question 30</b></p> <p><input type="checkbox"/> No – <b>go to Question 29 c)</b></p>
<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAPs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>

## PART VIII: SIMPLE AND FULL ADOPTION<sup>20</sup>

30. Simple and full adoption	
<p>a) Is “full” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 20 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>b) Is “simple” adoption permitted in your State?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <b>go to Question 31</b></p>

<sup>20</sup>

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

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

## PART IX: POST-ADOPTION MATTERS

<b>31. Preservation of, and access to, information concerning the child’s origins (Art. 30) and the adoption of the child</b>	
<p>a) Which authority is responsible for preserving information concerning the child’s origins, as required by Article 30?</p>	<p>MLSPP</p>
<p>b) For how long is the information concerning the child’s origins preserved?</p>	<p>There are no time limits to preserve this kind of data</p>
<p>c) Does your State permit the following persons to have access to information concerning the child’s origins and / or information concerning the adoption of the child:</p> <ul style="list-style-type: none"> <li>(i) the adoptee and / or his / her representative(s);</li> <li>(ii) the adoptive parents;</li> <li>(iii) the birth family; and / or</li> <li>(iv) any other persons?</li> </ul> <p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of</p>	<ul style="list-style-type: none"> <li>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: When the adopted child reaches 10  <input type="checkbox"/> No</li> <li>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria:  <input type="checkbox"/> No</li> <li>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: It is possible only with the consent of adoptive parents. (if the adoptive parent dies it is possible with the consent of MLSPP)</li> </ul>

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

<sup>22</sup> *Ibid.*

<p>the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9(a) and (c) and Art. 30.</i></p>	<p><input type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: It is possible only with the consent of adoptive parents. (if the adoptive parent dies it is possible with the consent of MLSP)</p> <p><input type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No</p>
<p>e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No</p>

32. Post-adoption reports	
<p>a) Is there a model form which is used by your State for post-adoption reports?</p>	<p><input checked="" type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy):</p> <p><input type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (e.g., medical information, information about the child's development, schooling):</p>
<p>b) What are the requirements of your State in relation to post-adoption reports?</p> <p>Please indicate:</p> <p>(i) How frequently such reports should be submitted (e.g., every year, every two years);</p> <p>(ii) For how long (e.g., until the child is a certain age);</p> <p>(iii) The language in which the report must be submitted;</p> <p>(iv) Who should write the reports; and</p> <p>(v) Any other requirements.</p>	<p>(i) The first year of adoption - 4 times a year, next years - once a year</p> <p>(ii) Until the child reaches 18 years</p> <p>(iii) Azerbaijani</p> <p>(iv) Representatives of Embassy in The Receiving State and The Central Body</p> <p>(v) N/A</p>
<p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <p>(i) Not submitted at all; or</p> <p>(ii) Submitted, but not in accordance with your requirements?</p>	<p>(i) The Embassy in Receiving State is informed through The Ministry of Foreign Affairs of the Republic of Azerbaijan</p> <p>(ii) The Embassy in Receiving State is informed through The Ministry of Foreign Affairs of the Republic of Azerbaijan</p>

d) What does your State do with post-adoption reports? ( <i>i.e.</i> , to what use are they put?)	Reports are kept in archives of MLSP
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## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>23</sup>

*States of origin are also kindly requested to complete the “Tables on the costs associated with intercountry adoption”, available on the [Adoption Section](#) of the HCCH website.*

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

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

<sup>24</sup> See the definition of “costs” provided in the Terminology, *ibid.*

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

34. Contributions, co-operation projects and donations <sup>25</sup>	
<p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution<sup>26</sup> to your State if it wishes to engage in intercountry adoption in your State?</p> <p><i>For good practices relating to contributions, see the “Note on the financial aspects of intercountry adoption” at Chapter 6.</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>What type of contribution is required:</li> <li>Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body):</li> <li>How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
<p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>	<p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input checked="" type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> <li>What type of co-operation projects are permitted:</li> <li>Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies):</li> <li>Whether such projects are monitored by an authority / body in your State:</li> <li>How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input type="checkbox"/> No</p>

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

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

<p>c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?</p> <p><b>N.B. This is <u>not</u> recommended as a good practice:</b> see further the “Note on the Financial Aspects of Intercountry Adoption” at Chapter 6 (in particular, Chapter 6.4).</p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>• To whom may donations may be made (e.g., to orphanages, other institutions and / or birth families):</li> <li>• What donations are used for:</li> <li>• Who is permitted to pay donations (e.g., only authorised foreign accredited bodies or also PAPs):</li> <li>• At what stage of the intercountry adoption procedure donations are permitted to be paid:</li> <li>• How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
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35. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	Prosecutor General's Office of the Republic of Azerbaijan
b) What measures have been taken in your State to prevent improper financial or other gain?	The relevant Departments of MLSPP regularly monitor reports during adoption process
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Imprisonment, fine

## PART XI: ILLICIT PRACTICES<sup>27</sup>

36. Response to illicit practices in general	
Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. <sup>28</sup>	Adoption is terminated

## 37. The abduction, sale of and traffic in children

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

<sup>28</sup> *Ibid.*

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

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

## PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Adoption Convention (Art. 2)	
<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>29</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: as an intercountry adoption</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of your State?</p>	<p><input type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p><input checked="" type="checkbox"/> No</p>

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



<p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>	
<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Adoption Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>30</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: domestic adoption</p> <p><input type="checkbox"/> No</p>

### PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>31</sup>

40. Selection of partners	
<p>a) With which receiving States does your State currently partner on intercountry adoption?</p>	<p>N/A</p>
<p>b) How does your State determine with which receiving States it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p> <p><i>To see which States are Contracting States to the 1993 Adoption Convention, please refer to the <a href="#">Status Table</a> for the 1993 Adoption Convention (accessible via the <a href="#">Adoption Section</a> of the HCCH website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>N/A</p>
<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Adoption Convention are complied with in these cases.<sup>32</sup></p>	<p>N/A</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (<i>e.g.</i>, the conclusion of a formal agreement<sup>33</sup> with that receiving State)?</p>	<p><input type="checkbox"/> Yes – please explain the content of any agreements or other formalities:<sup>34</sup></p> <p><input type="checkbox"/> No</p>

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

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

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

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

<sup>34</sup> *Ibid.*

