

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

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

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

Both States of origin and receiving States

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

1.	Has your State <b>centralised</b> , in a public facility, information concerning the child's origins and the adoption of the child? <input checked="" type="checkbox"/> Yes. Please specify where the information is centralised: Central Authority in Sri Lanka <input type="checkbox"/> No. Please specify where the information is stored: Please insert text here
2.	Has your State encountered situations where personal data obtained during the intercountry adoption process has been <b>misused</b> (see Art. 31 of the Convention)? <input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response: Please insert text here <input checked="" type="checkbox"/> No.

**1.1.2. Search for origins**

3.	Is there a <b>specialised programme</b> or <b>section</b> in the <b>Central Authority</b> which deals with the search for the origins of an adoptee? <input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided: It's the "Adoption Division" of the Central Authority of Sri Lanka The adoptees should submit documents and information in relation to their adoption in order to search for biological parents. <input type="checkbox"/> No. Please specify how the search for the origins is handled: Please insert text here
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4.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 21<sup>1</sup></b> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:  Prospective adoptive parents are been informed the process of search for origin and the professional services available for them withi the country. In addition , when adult adoptees made request of search for origin they are provised with necessary professional support.</p> <p><input type="checkbox"/> No. Please specify any reasons:  Please insert text here</p>
5.	<p>If your State allows for the use of <b>DNA testing</b> to search for origins, please specify:</p> <p>(a) <b>which body</b> is in charge of the DNA testing (e.g., government, private companies, NGOs);  It's either Government or private</p> <p>(b) where the <b>data</b> is stored, and whether it is stored by a public or private entity;  Relevant authority which is responsible for the DNA testing stores such data</p> <p>(c) the average <b>cost</b> of a DNA test in your State and whether any subsidy is available;  Approximately US\$ 105</p> <p>(d) details of any <b>challenges</b> and / or <b>good practices</b> your State may have developed with respect to the issues identified in this question and DNA testing in general.  Adoptees get the DNA testing done by their own and the government does not intervene in that process</p>
6.	<p>What is your State's practice when the background information of an adoption is <b>incomplete or non-existent</b>? How does your State support adoptees in such situations?</p> <p>Adoptees are requested to submit the particulars they possess in relation to their adoption and in addition Central Authority contact Courts/ Hospitals/ Children's Homes/ Registrar General's Department to get further details of the adoption</p>
7.	<p>What is the procedure in your State when <b>illicit practices</b> are discovered during a search for origins? Please provide details of any challenges and / or good practices.</p> <p>Cases discovered as illicit practices shall be reffered to Sri Lanka Police for investigations and other proceedings. Even though it is alleged that illicit practices on adoption had taken place in Sri Lanka in the early 1980s, there are no proven court cases in this regard.</p>
8.	<p>If <b>statistics</b> are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were <b>successful</b> (e.g., the adoptee found his birth family);  After signing a protocol with Switzerland Central Authority, a separate section was established in the Central Authority to search origin of adoptees. three(03) Cases were successful.</p> <p>(b) how many were <b>not successful</b> and what were the reasons.  44 were not successful due to lack of information or inability to trace them with given</p>

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

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

	information and 15 cases are pending .
9.	<p>Has your State encountered any challenges with regard to access to information due to the <b>confidentiality</b> of the <b>identity of the birth parents</b>?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the challenges and how your State addressed them:</p> <p>Since the biological parents are already leading a family of their own at present they sometimes refuse to reveal their information relating to the adoptee as it can damage their present family and reputation.</p> <p>Instances of not providing correct information of the biological parents due to social stigma have been reported.</p> <p>It is important to protect the rights of biological parents as well.</p> <p>Biological parents have already given up all their rights of the child given for adoption.</p> <p><input type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of <b>identifying</b> versus <b>non-identifying</b> information?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>Since the biological parents have no legal rights over the child after the adoption order is made by the relevant court, they are not provided any information about the adopted child. However, both the adopted child and the PAPs and biological family are in Consensus information can be shared with them.</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p>Please insert text here</p>
11.	<p>What is the procedure in your State for processing requests from the <b>birth family</b> to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>No. Birth families are not encouraged to do so, as they have no legal rights over the child anymore. However, if the request comes from the parents, they will be supported. So far any such requests have not been referred to this Department.</p>

### 1.1.3. Guidelines and good practices

12.	<p>Has your State developed any <b>guidelines</b> (e.g., procedures, manuals) and / or <b>good practices</b> regarding preservation of information and search for origins?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>Documents of the finalized adoption cases after year 2000 are kept in a secured room.</p> <p><input type="checkbox"/> No.</p>
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### 1.2. Post-adoption services<sup>2</sup>

Both States of origin and receiving States

13.	Has your State developed any good practices to ensure that <b>Recommendation No 18</b> <sup>3</sup> of the
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<sup>2</sup> Post-adoption services may be provided to adoptees, birth families and adoptive families.

	<p>2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:  <a href="#">However the implemented service is not in accordance with the said recommendations.</a></p> <p><input type="checkbox"/> No. Please specify any reasons:  <a href="#">Please insert text here</a></p>
14.	<p>If your State provides <b>specialised</b> post-adoption services, please specify:</p> <p>(a) the <b>type</b> of services provided and <b>to whom</b> they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families);  <a href="#">child and adult adoptees, adoptive families,</a></p> <p>(b) <b>who</b> provides the services (<i>e.g.</i>, social welfare administration, school, health personnel);  <a href="#">Central Authority-Sri Lanka</a></p> <p>(c) whether the <b>professionals</b> involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs);  <a href="#">Professionals are involved when there is a need in the family</a></p> <p>(d) how, if there are different services, these various services are <b>coordinated</b>;  <a href="#">Central Authority co-ordinates with other relevant Government and other stake holders.</a></p> <p>(e) how the post-adoption services are <b>financed</b> (<i>e.g.</i>, the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other);  <a href="#">Government Funds</a></p> <p>(f) the <b>length of time</b> this support is available.  <a href="#">It's depend on the availability of information</a></p>
15.	<p>Please provide details of any <b>good practices</b> in your State which ensure that adoptees, adoptive families and birth families are adequately <b>informed</b> about, and can easily <b>access</b>, post-adoption services.</p> <p><a href="#">At the time of the interview with adoptive parents, they are provided the information of post adoption services. Birth families are not provided with information after adoption as they have given up their legal rights to the adopted child.</a></p>
16.	<p>In setting up post-adoption services in your State, were the <b>voices of adoptees</b> considered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify in what way their voices were considered:  <a href="#">when adoptee contact the Central Authority for adoption</a></p> <p><input type="checkbox"/> No.</p>
17.	<p>Has <b>research</b> been carried out in your State in the past five years assessing post-adoption services?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>

<sup>3</sup> C&R No 18 of the 2015 SC:

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

Receiving States only

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

19.	<p>Does the <b>preparation</b> of PAPs in your State include the provision of information on post-adoption report <b>requirements</b> of the State where the PAPs (would like to) adopt?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed:  <a href="#">Not Relevant</a></p>
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Both States of origin and receiving States

20.	<p>Has your State encountered situations where the <b>adopted child refused or objected to</b> the obligation to comply with the post-adoption report requirements?</p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent <b>experience</b> regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p><a href="#">Some countries do not submit post adoption reports on time as per the instruction given to them,</a></p>

**1.4. Adoption breakdowns**Both States of origin and receiving States

22.	<p>If your State has had any experience regarding <b>intercountry adoptions which have broken down</b>, please specify:<sup>5</sup></p> <p>(a) what have been the main <b>causes</b> of the breakdowns;<sup>6</sup>  <a href="#">such cases are not reported</a></p>
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<sup>4</sup> If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

<sup>5</sup> If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

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

(b) how your State **has addressed** these situations and whether your State has any good practices to share in this regard;<sup>7</sup>

N/A

(c) what **support** is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;

N/A

(d) whether your State has developed any good practices to ensure that **Recommendation No 19**<sup>8</sup> of the 2015 Special Commission is implemented:

Yes. Please specify any good practices developed in this regard:

[Please insert text here](#)

No. Please specify any reasons:

[Please insert text here](#)

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

N/A

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

[No any cases reported.](#)

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

N/A

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

[No such cases reported](#)

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

N/A

Receiving States only

23.

Is your State's **Central Authority** informed and involved / consulted when an intercountry

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

<sup>8</sup> C&R No 19 of the 2015 SC:

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

<sup>9</sup> C&R No 20 of the 2015 SC:

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

	<p>adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please explain your response: N/A</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption: Please insert text here</p>
24.	<p>Do your State's authorities <b>consult</b> with the Central Authority of the child's <b>State of origin</b>:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: Please insert text here</p> <p><input type="checkbox"/> No.</p>

States of origin only

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

States of origin only

26.	<p>Are adoptees, who did not retain the <b>nationality</b> of their State of origin, permitted to <b>regain</b> it at a later stage?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the conditions to regain nationality: By way of dual citizenship. Adoptee could also apply to the relevant authority in Sri Lanka</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
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Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the <b>nationality</b> of their State of origin?</p>
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	<input type="checkbox"/> Yes. Please specify the situations and how they were handled: <p style="text-align: center;">Please insert text here</p> <input checked="" type="checkbox"/> No.
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a <b>Guide to Good Practice</b> on post-adoption.</p> <p>A guide to post adoption is in place is shared with prospective adoptive parents in the adoption process, The Central Authority in monitoring the progress of the adopted child until the child reaches age of 10 years.</p>

## 2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

### Both States of origin and receiving States

29.	<p>Have <b>illicit practices</b> in intercountry adoption been <b>discovered</b> since 2015 in your State?</p> <input type="checkbox"/> Yes. Please specify: <ul style="list-style-type: none"> <li>(a) the <b>type</b> of illicit practices which were discovered; Please insert text here</li> <li>(b) <b>when</b> the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure); Please insert text here</li> <li>(c) whether the illicit practices were done under or outside the <b>scope</b> of the 1993 Adoption Convention; Please insert text here</li> <li>(d) how your State <b>handled</b> these situations; Please insert text here</li> </ul> <input checked="" type="checkbox"/> No.
30.	<p>Please specify any <b>good practices</b> of your State to prevent and address illicit practices.</p> <p>The National Anti Human Trafficking Task Force was Established in Sri Lanka in the Ministry of Justice to look into matters related to Trafficking in Children. SOPs on Prevention, Protection and Prosecutions of trafficking have been issued and officials are trained on the same.</p>
31.	<p>Is it possible in your State to <b>annul</b> an intercountry adoption?</p> <input type="checkbox"/> Yes. Please specify: <ul style="list-style-type: none"> <li>(a) the <b>authority</b> which has jurisdiction to do so; N/A</li> <li>(b) <b>who</b> can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents);</li> <li>(c) the <b>grounds</b> upon which this may be done; N/A</li> <li>(d) whether there is an <b>age limit</b> for the annulment of an adoption; N/A</li> <li>(e) the <b>procedure</b> involved; N.A</li> <li>(f) the <b>number of</b> intercountry adoptions which are on average annulled per year.</li> </ul>



	N/A
	<input checked="" type="checkbox"/> No.
32.	<p>Is it possible in your State to <b>revoke</b> an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has the jurisdiction to do so; Please insert text here</p> <p>(b) <b>who</b> can request the revocation (e.g., adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the <b>grounds</b> upon which this is done; Please insert text here</p> <p>(d) whether there is an <b>age limit</b> for the revocation of the adoption; Please insert text here</p> <p>(e) the <b>procedure</b> involved; Please insert text here</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average revoked per year. Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

### 3. INTRAFAMILY ADOPTIONS

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

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

Both States of origin and receiving States

33.	<p>In your State, which <b>authority</b> is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The <b>Central Authority</b>.</p> <p><input type="checkbox"/> <b>Another competent authority</b>. Please specify which authority and the reasons for designating a different authority: Please insert text here</p>
34.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 32</b><sup>11</sup> of the 2015 Special Commission is implemented?</p>

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

<sup>11</sup> C&R No 32 of the 2015 SC:  
“In relation to in-family adoption, the SC:  
a. recalled that in-family adoptions **fall within the scope** of the Convention;  
b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;

	<input type="checkbox"/> Yes. Please specify the good practices developed in that regard: N/A <input checked="" type="checkbox"/> No. Please specify any reasons: Please insert text here
35.	Are there specific <b>guidelines</b> or <b>procedures</b> for intrafamily adoptions in your State? <input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: Please insert text here <input checked="" type="checkbox"/> No.
36.	Has your State encountered any particular <b>difficulties with adoptability</b> decisions in the context of <b>intrafamily</b> adoptions? <input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled: <sup>12</sup> The Sri Lankan Central authority propose prospective adoptive child to his/her relative family in the best interest of the child after the child is found suitable to place in intercountry adoption. However there are instances where the receiving country reject cases without giving acceptable reasons. <input type="checkbox"/> No.
37.	In your State, does the <b>termination</b> of the <b>pre-existing legal relationship</b> affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)? <input type="checkbox"/> It only affects the child and his or her mother and father. <input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family. <input type="checkbox"/> Other. Please explain your response:
38.	Has your State encountered cases of <b>breakdown</b> in intrafamily intercountry adoptions? <input type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them: Please insert text here <input checked="" type="checkbox"/> No.
39.	In the context of intrafamily intercountry adoptions, does your State <b>cooperate with States</b> with which it normally <b>does not</b> cooperate? <input checked="" type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: Every attempt is made to place the child with intra-family adoption with receiving state <input type="checkbox"/> No.

- c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;  
d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;  
e. recognised that it is necessary to undertake an **individualised assessment of each child's situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child's best interests" [emphasis added].

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

States of origin only

40.	<p>In your State, is the <b>subsidiarity principle</b> applied in the same manner to intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any <b>different procedures</b> used and explain the reasons for these different procedures:<sup>13</sup></p> <p><a href="#">Please insert text here</a></p>
41.	<p>Is intrafamily adoption used frequently to <b>protect children</b> within the extended family and / or are there other child protection measures (<i>e.g.</i>, kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response:</p> <p><a href="#">Intra family adoption is used as a tool of alternative care where all attempts to place the child with natural family or extended family fail.</a></p> <p><input type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which <b>other child protection measures</b> are applied to protect children within the extended family:</p> <p><a href="#">Legal guardianship, custody orders or supervision orders from the relevant court for children who need alternative care and keep them with their own families.</a></p> <p>(b) if your State is a Party to the <b>1996 Child Protection Convention</b>, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:</p> <p><a href="#">Please insert text here</a></p>

**3.2. Stepparent adoptions**Both States of origin and receiving States

42.	<p>Does your State apply the <b>1993 Adoption Convention</b> to stepparent intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p><a href="#">Please insert text here</a></p>
43.	<p>What is the <b>profile</b> of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p><a href="#">Legal provisions are available in the Adoption Ordinance for such adoptions. If the child is found suitable for adoption, stepparent adoptions are proceeded.</a></p>
44.	<p>(a) Please specify any <b>challenges</b> your State encounters with stepparent intercountry adoptions:</p> <p><a href="#">N/A</a></p> <p>(b) Please specify any <b>good practices</b> of your State for stepparent intercountry adoptions, including those for overcoming any challenges:</p> <p><a href="#">N/A</a></p>

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

### 3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

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

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

Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the <b>State of habitual residence</b> of the <b>mother</b> (State A), the State of <b>birth of the child</b> (State B), or another State?  <a href="#">N/A</a></p> <p>(b) how was the <b>child's habitual residence</b> determined? Which <b>factors</b> were considered?  <a href="#">N/A</a></p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a <b>domestic adoption</b> or an <b>intercountry adoption</b>?  <a href="#">N/A</a></p> <p>(d) what <b>challenges</b> did your State face in dealing with such situation(s)?  <a href="#">N/A</a></p> <p>(e) if your State was the State where the child was born, was <b>contact</b> sought with the State of habitual residence of the mother? Was there any <b>cooperation</b> between the concerned States?  <a href="#">N/A</a></p>
47.	<p>If there is a <b>risk</b> that the situation described above involves a case of <b>human trafficking</b>, would this be considered by your State when determining the child's habitual residence?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:  <a href="#">Habitual residence of the pregnant mother is changed deliberately to give the newborn child for illegal adoption it will come under the human trafficking law of the country.</a></p> <p><input type="checkbox"/> No. Please explain your response:  <a href="#">Please insert text here</a></p>
48.	<p>Which <b>actions</b> would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child's habitual residence to be in <b>their</b> State?  <a href="#">Please insert text here</a></p> <p>(b) would determine the child's habitual residence <b>not to be</b> in their State?  <a href="#">Please insert text here</a></p>

## 5. SIMPLE AND OPEN ADOPTIONS

### Both States of origin and receiving States

#### 5.1. Simple adoptions

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

49.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding simple intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
50.	<p>What is the <b>profile</b> of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p><a href="#">N/A</a></p>
51.	<p>If your State permits both full and simple adoption, are <b>simple adoptions encouraged / promoted</b>?</p> <p><input type="checkbox"/> Yes. Please explain your response:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No. Please explain your response:  <a href="#">Please insert text here</a></p>
52.	<p>Has your State faced any problems regarding seeking the birth mother / family's <b>consent to convert</b> a simple adoption into a full adoption in the State of origin (Art. 27 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
53.	<p>(a) Please specify any <b>challenges</b> your State encounters with simple adoptions:  <a href="#">N/A</a></p> <p>(b) Please specify any <b>good practices</b> of your State for simple adoptions, including those for overcoming any challenges:  <a href="#">Please insert text here</a></p>

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

54.	<p>Does the terms "open adoption", "openness in adoption" or similar concepts <b>exist</b> in your State?<sup>15</sup></p>
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<sup>14</sup> See [Guide to Good Practice No 1](#), Glossary.

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

	<input checked="" type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: it has been a traditional practice in Sri Lanka for raising relative children without obtaining any legal coverage, <input type="checkbox"/> No. Please explain what is understood in your State by the terms “open adoption”, “openness in adoption” or similar concepts: Please insert text here
55.	Has your State <b>changed its legislation, rules or practices</b> in recent years regarding open or openness in intercountry adoption? <input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here <input checked="" type="checkbox"/> No.
56.	Has your State developed any good practices to ensure that <b>Recommendation No 31<sup>16</sup></b> of the 2015 Special Commission is implemented? <input type="checkbox"/> Yes. Please specify the good practices developed in that regard: Please insert text here <input checked="" type="checkbox"/> No. Please specify any reasons: The existing law does not provide legal right to the adoptee to have formal contact with biological parents. If both adoptee and biological parents give consent for such contacts the Central Authority assist them with required information available.
57.	(a) What is the <b>profile</b> of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? The central authority maintains a data base of adoptees specially for post adoption monitoring (b) Does your State have a <b>specific approach</b> depending on the profile of these children? <input type="checkbox"/> Yes. Please specify these different approaches: Please insert text here <input checked="" type="checkbox"/> No.
58.	Does your State provide professional <b>support or services</b> to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)? <input checked="" type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Services of Specialized doctors, counselors, are obtained when requires <input type="checkbox"/> No. Please explain your response: Please insert text here

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C&amp;R No 31 of the 2015 SC:

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

59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of <b>contact</b> between them after the adoption?</p> <p><input type="checkbox"/> Yes. Please specify what action was taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other <b>challenges</b> your State encounters regarding open adoptions: Please insert text here</p> <p>(b) Please specify any <b>good practices</b> of your State with regard to open adoptions, including those for overcoming any challenges: Please insert text here</p>

## 6. NON-CONSENSUAL ADOPTIONS

*In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have been deprived of parental responsibility by a competent authority but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).*

### States of origin only

61.	<p>What are the <b>circumstances</b> in your State in which a parent can lose his or her parental responsibility?</p> <p>With the ruling of a court after a judicial process</p>
62.	<p>Does your State <b>permit</b> the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the <b>consent</b> of the birth parents who have lost their parental responsibility is <u>still</u> required?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: If the court ruling disowns the parental responsibility, such children could be considered for local adoption.</p> <p>(b) how your State ensure that the <b>principle of subsidiarity</b> is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p>Inter country adoption is the last last option for alternative care for children. Prior to that all attempts are made to place the child within the biological parents , extended family, and temporary care until the biological parents or extended family prepares to take the child back.</p> <p>(c) what is the <b>procedure</b> applicable to such non-consensual adoptions (e.g.: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest).</p> <p>Through a court ruling. However, such cases are rare</p>

	<input type="checkbox"/> No. Please explain your response: <a href="#">Please insert text here</a>
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Receiving States only

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

64.	<p>What is the <b>profile of children</b> for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?  <a href="#">Please insert text here</a></p>
65.	<p>(a) Please specify any <b>challenges</b> your State encounters with non-consensual adoptions:  <a href="#">Please insert text here</a></p> <p>(b) Please specify any <b>good practices</b> of your State regarding non-consensual adoptions, including those for overcoming any challenges:  <a href="#">Please insert text here</a></p>

## 7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

### 7.1. General questions

66.	<p>Does your State prohibit any <b>contact</b> between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:  <a href="#">No PAPs are allowed to contact the child or his/her family until the child is allocated to them by the central Authority following the matching procedure.</a></p> <p><input type="checkbox"/> No. Please specify:</p> <p>(a) in which <b>circumstances</b> such contact is permitted;  <a href="#">Please insert text here</a></p> <p>(b) the <b>experience</b> of your State with regard to such contact.  <a href="#">Please insert text here</a></p>
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### 7.2. Summer camps / hosting programmes

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

*“Hosting programmes” (including “respite care” programmes for children who go abroad to improve their physical and psychological well-being) are when adoptable children are hosted by families living abroad, usually*



for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.

67.	<p>Is your State involved in summer camps / hosting programmes for children?<sup>17</sup></p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a <b>precursor to adoption</b> for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, <b>resulted in the adoption</b> of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted: N/Aere</p> <p><input type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the <b>safeguards</b> of the <b>1993 Adoption Convention</b> have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)?</p> <p>Please insert text here</p> <p><input type="checkbox"/> No.</p>
68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been <b>declared adoptable before</b> they can be part of such programmes; N/A</p> <p>(b) whether the PAPs participating in such programmes must have been <b>declared eligible and suitable</b> to adopt to be allowed to take part in such programmes; N/A</p> <p>(c) how the PAPs and children are <b>selected</b> to participate in such programmes, and whether a selection is made in cooperation with the other State; N/A</p> <p>(d) how the children are <b>prepared</b> for such programmes; N/A</p> <p>(e) what are the <b>effects on</b> and the <b>feedback from</b> the <b>children</b> who participated in such programmes but were not adopted; Please insert text here</p> <p>(f) whether there have been situations where the adoption <b>broke down</b> after the child was adopted following participation in such programmes;</p>

<sup>17</sup> Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p>Please insert text here</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must <b>return</b> to the State of origin before the adoption procedure can be initiated;</p> <p>Please insert text here</p> <p>(h) who <b>finances</b> such programmes;</p> <p>Please insert text here</p> <p>(i) what is the <b>experience</b> of your State with these practices (<i>i.e.</i>, <b>challenges</b> and any potential <b>benefits</b>).</p> <p>Please insert text here</p>
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### 7.3. Voluntourism

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

69.	<p>Has your State <b>experienced</b> situations where "voluntourists" commenced an <b>adoption</b> procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify how your State handled these situations and any <b>difficulties</b> these situations may have caused:</p> <p>There are instances where the Voluntourists apply for adoption of children in the institution where they come for voluntary work. Since they live in Sri Lanka for a very short period it is important to get a homestudy done in their own country. However such applicants face difficulties to get the home study as they do not currently live in their own country.</p> <p><input type="checkbox"/> No.</p>
70.	<p>Has your State taken any <b>action</b> to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p> <p>Voluntourism is not discouraged as it is beneficial to both the volunteers and to the children in the institutions.</p>

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

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement, kinship care, "<i>niño puesto</i>",<sup>18</sup> or a more informal arrangement such as temporary care by neighbours or within a community), please specify:<sup>19</sup></p>
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<sup>18</sup> "*Niño puesto*" refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

	<p>(a) whether the child had already <b>been declared adoptable</b> before the PAPA's adoption application was submitted; N/A</p> <p>(b) at what stage in the process the PAPA's were <b>declared eligible and suitable</b> to adopt; N/A</p> <p>(c) what the <b>profile</b> of these children was; Please insert text here</p> <p>(d) what was done to ensure that the <b>safeguards and procedures</b> of the 1993 Adoption Convention had been respected; Please insert text here</p> <p>(e) your State's <b>experience</b> with such adoptions. Please insert text here</p>
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## 8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to <b>integrate new technologies</b> into work processes (e.g., blockchain to facilitate transmission and access to data)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify (a) what the <b>experiences</b> of your State are in this regard (i.e., benefits and challenges) and (b) how your State take into account <b>data protection</b> in this context: An electronic data bases for registration of applicants , post adoption reports , statistics of completed adoption cases is available in the Central authority for intenal use.</p> <p><input type="checkbox"/> No.</p>
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## 9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the <b>number</b> of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) <b>relative</b> adoptions (i.e., excluding stepparent adoptions);<sup>20</sup> ?????</p> <p>(b) <b>stepparent</b> adoptions; N/A</p> <p>(c) <b>simple</b> adoptions; N/A</p> <p>(d) <b>open</b> adoptions or adoptions that involve a certain <b>degree of openness</b>; and N/A</p> <p>(e) <b>non-consensual</b> adoptions. N/A</p>
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<sup>19</sup> Regarding foster care, if applicable, you may wish to refer to your State's response to Question 55 of the [2014 Questionnaire](#).

<sup>20</sup> For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).

**10. OTHER MATTERS**

74.	Please specify <b>any other comments</b> your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.  N/A
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