

STATE OF ORIGIN

COUNTRY NAME: Sri Lanka

PROFILE UPDATED ON: 06.07.2020

PART I: CENTRAL AUTHORITY

| 1. Contact details ¹ | |
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| Name of office: | Department of Probation and Child Care Services- Central Authority-Sri Lanka |
| Acronyms used: | |
| Address: | 3 rd Floor, Sethsiripaya Stage II, Wing B, Battaramulla, Sri Lanka |
| Telephone: | 94-0112187283/ 94 0112187284 |
| Fax: | 94 0112187285 |
| E-mail: | pcc@sltnet.lk |
| Website: | www.probation.gov.lk |
| Contact person(s) and direct contact details (please indicate language(s) of communication): | 0112187283 English |
| <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 | |
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| a) When did the 1993 Adoption Convention enter into force in your State? <i>This information is available on the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i> | In 1994 |

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

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| <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>Domestic Legislations.</p> <p>No. 24 of 1941 Adoption of Children Ordinance , No. 15 of 1995 Adoption Ordinance (Amendment)</p> <p>The Penal Code of Sri Lanka was amended in a move to bring the national anti human trafficking laws in line with international law, The amended Act, No. 16 of 2016 formulated a comprehensive definition of human trafficking as set out in section 360C.</p> <p>The Assistance to and Protection of Victims of Crime and Witnesses Act No, 04 of 2015 provides victims of all crimes a concrete right to compensation and assistance including victims of human trafficking,</p> |
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| 3. Other international agreements on intercountry adoption² | |
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| <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 checked="" type="checkbox"/> Yes:</p> <p><input checked="" type="checkbox"/> Regional agreements (please specify): SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input checked="" type="checkbox"/> Other (please specify): Sri Lanka is a party to the UN Protocol to Prevent ,Suppress and Punish Trafficking in Persons, specially Women and Children.</p> <p>Convention on Prevention and Combating Trafficking in Women and Children for prostitution Act, No 30 of 2005</p> <p>Convention of 29 May 1993 on Protection of Children and Co-Operation in Respect of Intercountry Adoption.</p> <p><input type="checkbox"/> No</p> |

² 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).

PART III: THE ROLE OF AUTHORITIES AND BODIES

| 4. Central Authority(ies) | |
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| <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>Discharging the following duties which are imposed by the Hague convention</p> <p>Co-operating with other Central Authorities and accredited bodies to protect children and achieve other objects of the convention.</p> <p>Providing information of the adoption and other general information such as statistics and standard forms.</p> <p>Collecting, preserving and exchanging information about the situation of the child to complete the adoption</p> <p>Facilitating, conducting follow-up and expediting the proceedings with a view to obtaining approval for the adoption from Sri Lanka and the receiving country .</p> <p>Providing counselling and post adoption services to adoptive children, adoptive parents and biological parents .</p> <p>Providing each other with general evaluation reports about experience with inter country adoption .</p> <p>Facilitating the requests from other Central Authorities or public authorities for information about particular adoption situation.</p> |

| 5. Public and competent authorities | |
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| <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><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p> | <p>1. Ministry of Foreign Affairs-</p> <p>Authentication of adoption dossier of Prospective adoptive parents, authentication of all legal adoption documents of adopted child.</p> <p>2. Registrar General's Department</p> <p>As one of the respondents of the adoption case filed in the court, submit their report in relation to birth registration of a child to be adopted.</p> <p>Maintaining the adoption register as per the domestic adoption law.</p> |

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| | <p>Issuing the adoption certificate after the adoption order is issued</p> <p>Issuing the new birth certificate to the adopted child with new names of adoptive parents.</p> <p>3. Department of Immigration and Emigration Issuing a new passport to the adopted child.</p> <p>4. Courts: The final adoption order is issued by the relevant court</p> <p>Monitoring the integration of the adopted child as per the domestic adoption law.</p> |
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| 6. National accredited bodies³ | |
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| <p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p>N.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).⁴</p> | <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 7</p> |
| <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.⁵</p> | |
| <p>c) Please briefly describe the role of national accredited bodies in your State.</p> | |
| 6.1 The accreditation procedure (Arts 10-11) | |
| <p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p> | |
| <p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p> | |
| <p>c) For how long is accreditation granted in your State?</p> | |

³ “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 > at Chapters 3.1 *et seq.*

⁴ *Ibid.*, Chapter 3.2.1 (para. 111).

⁵ *Ibid.*, Chapter 3.4.

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| 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 bodies⁶ | |
| a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11(c).</i> | |
| b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if 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 |

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| 7. Authorised foreign accredited bodies⁷ (Art. 12) | |
| 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No – go to Question 8 |
| 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. ⁸ | <p>Currently 4 accredited bodies are registered in Sri Lanka</p> <p>There is no limitation in Sri Lanka to register as an accredited bodies,</p> |
| c) Please briefly describe the role of authorised foreign accredited bodies in your State. | <p>Collecting, preserving and exchanging information about the prospective adoptive parents.</p> |

⁶ *Ibid.*, Chapter 7.4.

⁷ "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.

⁸ See GGP No 2, *ibid.*, Chapter 4.4 on "limiting the number of accredited bodies authorised to act in States of origin".

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| | <p>Facilitating, conducting follow-up and expediting the proceedings with a view to obtaining approval for the child proposal from the receiving country .</p> <p>Providing post adoption services to adoptive children, adoptive parents ,</p> <p>Providing each other with general evaluation reports about experience with inter country adoption .</p> |
| <p>d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?</p> <p><i>Please tick any which apply.</i></p> | <p><input checked="" type="checkbox"/> Yes:</p> <p><input 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): OR</p> <p><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: OR</p> <p><input type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: OR</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p> |

| 7.1 The authorisation procedure | |
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| a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies? | Central Authority Sri Lanka |
| b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . ⁹ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made. | The accredited body should submit the certificate of accreditation issued to them by the Central authority in the state of Receiving in terms of Article 12 , |
| c) For how long is authorisation granted? | As long as the authorization is valid in their country. |
| d) Please briefly describe the criteria and procedure used to determine whether | Once the authorization is renewed by the state of Receiving , a copy of renewed certificate |

⁹ In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

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| authorisation will be <i>renewed</i> . | should be submitted to Sri Lankan Central Authority. |
| 7.2 Monitoring of authorised foreign accredited bodies | |
| a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? ¹⁰ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – go to Question 8 |
| b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies? | |
| c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently). | |
| d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (<i>i.e.</i> , withdrawn). | |
| e) If authorised foreign 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 authorisation): <input type="checkbox"/> No |

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| 8. Approved (non-accredited) persons (Art. 22(2))¹¹ | |
| 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 Status Table for the 1993 Adoption Convention, available on the Adoption Section 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)).¹²</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 |
| b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State? <i>N.B. see Art. 22(4) and check whether your State</i> | <input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State: <input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4). |

¹⁰ *Ibid.*, Chapter 7.4 and, in particular, para. 290.

¹¹ *Ibid.*, Chapter 13.

¹² *Ibid.*, Chapter 13.2.2.5.

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| <p><i>has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Adoption Convention, available on the Adoption Section of the HCCH website.</i></p> | |
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PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

| 9. The profile of children in need of intercountry adoption | |
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| <p>Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (<i>e.g.</i>, age, sex, state of health).</p> | <p>As per the provisions of the Adoption Ordinance in Sri Lanka children will be referred for inter country adoption if no other person who is a citizen of Sri Lanka and resident and domiciled in Sri Lanka has applied to adopt such children</p> <p>Mostly children with special needs are referred for international adoptions.</p> |

| 10. The adoptability of a child (Art. 4(a)) | |
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| <p>a) Which authority is responsible for establishing that a child is adoptable?</p> | <p>Courts</p> <p>Provincial Departments of Probation and Child Care Services in Sri Lanka</p> <p>Central Authority of Sri Lanka</p> |
| <p>b) Which criteria are applied to determine whether a child is adoptable?</p> | <p>After ascertaining the child is an orphan or an abandoned child, such children are identified as adoptable children. Consent of all relevant parties should be obtained before placing the child for the adoption.</p> |
| <p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (<i>e.g.</i>, 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>If parents or guardians are present, their should be obtained for the adoption of the child. If the child is an orphaned or an abandoned child, the s/he will be produced before revevant court to obtain an order adoption.</p> |

| 11. The best interests of the child and subsidiarity (Art. 4(b)) | |
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| <p>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).</p> | <p>Measures are taken to keep the child with her/his natural family or extended family by providing support services for such families. If the efforts for keeping the child within natural the family or extended family is unsuccessful, action be taken to place such children for domestic adoption. If such endeavors fail and alternati care has not worked ,such children will be referred to tor inter country adoption.</p> |

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| | The Government has recently decided and endorsed for the for the National Alternative Care Policy and for the Child Protection Policy in Sri Lanka. Due consideration is given to the provisions of these two pieces policies and also to the provisions of the Adoption Ordinance when in country or intercountry placements are made. |
| b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests? | Provincial Department of Probation and Child Care Services together with the Central Authority. |
| 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. | When the child is found suitable for adoption , the s/he is referred for local adoption by the Placement Committee at Provincial level. When there are no local applicants to accept the child, placement Committee of the Provincial Departments of Probation and Child Care decides to give the child for Inter Country adoptions and refer Child's Case file to the Central Authority Sri Lanka to start the Inter Country adoption Process. |

| 12. Counselling and consents (Art. 4(c) and (d)) | |
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| <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> <p>(i) Both parents are known;</p> <p>(ii) One parent is unknown or deceased;</p> <p>(iii) Both parents are unknown or deceased;</p> <p>(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).</p> <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> | <p>(i) When both parents are known they should give the consent.</p> <p>(ii) The surviving parent should give the consent together with the death certificate of deceased parent.</p> <p>(iii) When both parents are unknown or deceased the guardian/s should give the consent.</p> <p>(iv) Under the provisions of Adoption of Children Ordinance respective court has discretionary powers to give the child for adoption when parents have been deprived of their responsibilities over the child.</p> <p>(v) If father has accepted the paternity of the child he is required to give the consent for adoption of the child.</p> |
| <p>b) Please describe the procedure for:</p> <p>(i) counselling and informing the birth</p> | <p>(i) The Probation Officer, as a case worker, analyses the family situation of the child and make aware relevant</p> |

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| <p>parents / family regarding the consequences of a domestic / intercountry adoption; and</p> <p>(ii) obtaining their consent(s) to an adoption.¹³</p> | <p>party/parties of the consequences of domestic adoption and intercountry adoption. Relevant parties will be given counselling when and where necessary.</p> <p>(ii) Parents/ guardians should give their written consent in a form prescribed by the Adoption Ordinance before an Attorney- at-law or a Justice-of-peace.</p> |
| <p>c) Does your State use the model form “Statement of consent to the adoption” developed by the Permanent Bureau of the HCCH?</p> <p><i>The model form is available on the Adoption section 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>The child to be adopted is age appropriately made aware of the consequences of the adoption by the Court and the Probation Officer.</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>As per the provisions of the Adoption of Children Ordinance, written consent of the child is required if the child is above 10 years of age. Consent of the child will be given before an Attorney-at- law or a Justice-of-peace. The respective court and the Probation Officer will make the child aware of the effects of the adoption.</p> |

| 13. Children with special needs | |
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| <p>a) In the context of intercountry adoption, please describe what is meant in your State by “children with special needs”.</p> | <p>A child with special needs is a person who has been diagnosed to require special attention and specific needs that other normal children do not.</p> |
| <p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p> | <p>The placement Committee, health officials will give priority and take early decision in respect of children with special needs.</p> |

¹³ See also Part VIII below on “Simple and Full Adoption” and Art. 27 of the 1993 Adoption Convention.

| 14. The preparation of children for intercountry adoption | |
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| Is there a special procedure in your State to prepare a child for an intercountry adoption? | <input checked="" 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): The Probation officer takes the responsibility for the preparation of the child for Inter-Country adoption. If the child is mature enough s/he will be made aware of the consequences of adoption and new family. Parents / guardians are also made aware of it. The prospective adoptive parents are allowed to share their family/country information with the child through the Central Authority or Accredited bodies. <input type="checkbox"/> No |

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

PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

| 16. Limits on the acceptance of files | |
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| Does your State place any limit on the number of PAPs’ files which are accepted from receiving States? ¹⁵ | <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 ¹⁶ | |
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| a) Do PAPs wishing to undertake an intercountry adoption in your State | <input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: |

¹⁴ 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](http://www.hcch.net) of the HCCH website < www.hcch.net >, at Chapter 8.4.5.

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

¹⁶ *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.

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| <p>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> | <p><input checked="" type="checkbox"/> Married, heterosexual couples:</p> <p><input type="checkbox"/> Married, same-sex couples:</p> <p><input type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Single men:</p> <p><input type="checkbox"/> Single women:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p> |
| <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: 25 years</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: 21 years</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 checked="" type="checkbox"/> Yes:</p> <p><input checked="" type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p>PAPs should give their consent for the adoption of a child with special needs.</p> <p><input checked="" type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</p> <p>Parents with children (biological or adopted) will be given less priority.</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p> |

18. Preparation and counselling of PAPs (Art. 5(b))

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| <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 checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected:</p> <p>Families who wish to adopt, should receive support that help them understand the experiences of adoptive children while the</p> |
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| | <p>adoptive child should receive new parents that act in the best interest of the child. It is expected the prospective adoptive parents prepare to receive a new child to their family. For that they need to aware the consequences of adoption, their rights over the child, understanding about the background of the adoptive children , rules and regulation (national and international) of the intercountry adoption, pre and post adoption services avqailable for them.</p> <p><input type="checkbox"/> No</p> |
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PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

| 19. Applications | |
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| <p>a) To which authority / body in your State does the adoption file of PAPs have to be submitted?</p> | <p>The Central Authority of Sri Lanka</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> <p><input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):</p> <p>If PAPs are suffering from illnessess , they should submit comprehensive medical reports on the same.</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p>Total monthly income and other assets owned by them.</p> <p><input checked="" type="checkbox"/> Information concerning the employment</p> |

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| | <p>status of the PAPs (please specify in which circumstances and what type of information is required): Employment details of the adoptive parents, their annual income and period of service should be mentioned in the certificate of employment.</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain if adoptive parent accept the child with special need they should inform it writing,</p> <p>if adoptive parents have any preferences to an adoptive child such as age. gender they should mention it in their letter</p> |
| <p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p> | <p><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.¹⁸ 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):</p> <p><input checked="" type="checkbox"/> No</p> |
| <p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p> | <p><input type="checkbox"/> Yes</p> <p><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):</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p> |
| <p>e) Please specify the language(s) in which any documents must be submitted:</p> | <p>English</p> |
| <p>f) Do any of the required documents need</p> | <p><input checked="" type="checkbox"/> Yes, please specify which documents:</p> |

¹⁷ 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.

¹⁸ See the definitions provided at notes 3 and 7 above.

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| to be legalised or apostilled? | Documents should be authenticated by the Sri Lankan Foreign mission in the applicant's country. <input type="checkbox"/> No – go to Question 20 |
| <p>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)?</p> <p><i>This information is available on the Status Table for the Apostille Convention (see the Apostille Section of the HCCH website).</i></p> | <input type="checkbox"/> Yes, please specify the date of the entry into force of the Apostille Convention in your State: <input checked="" type="checkbox"/> No |

| 20. The report on the child (Art. 16(1)(a)) | |
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| a) Who is responsible for preparing the report on the child? | Commissioner, Probation and Child Care Services |
| 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: Report is prepared in terms of section 16 of the Convention . All documents required by the country of Receiving are attached to the child's report. (Birth certificate, consent papers, court orders if necessary, all health records.) |
| <p>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>”?</p> <p><i>See GGP No 1 – Annex 7, available here.</i></p> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

| 21. The report on the PAPs (Art. 15(2)) | |
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| a) For how long is the report on the PAPs valid in your State? | As long as the Homestudy report is valid |
| <p>b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. <i>E.g., does an updated report have to be submitted or is an entirely new report required? In either case, what is the</i></p> | <p>An updated report should be submitted by the Receiving country(central Authority) Once the First report is no longer valid , Sri Lankan Central Authority informs the Receiving country about it.</p> |

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| procedure? | |
| 22. Matching of the child and the PAPs (Art. 16(1)(d) and (2)) | |
| 22.1 The authorities and the matching procedure | |
| a) Who is responsible for the matching of the child and the PAPs in your State? | It's the Placement Committee appointed by the Commissioner of Probation and Child Care Services. |
| b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority? | Specialized officials in the field of child protection are appointed for the Committee and final decision is taken by the Commissioner of probation and child Care services. |
| c) What methodology is used for the matching in your State? | Home Study report and the recommendation given by the social worker of the Prospective adoptive parents are seriously taken into consideration. In addition, health of the applicants, their financial situation, age, Police reports, applicant's preferences with regard to child to be adopted (special need, sex and gender of the child) are also considered |
| d) Is any preference given to PAPs who have a close connection with your State (e.g., nationals of your State who have emigrated to a receiving State)? | <input checked="" type="checkbox"/> Yes, please specify: Sri Lankans or persons with a Sri Lankan origin are given preferences when allocating a child. <input type="checkbox"/> No |
| e) Who is responsible for notifying the receiving State of the matching? | Commissioner, Central Authority in Sri Lanka |
| f) How does your State ensure that the prohibition on contact in Article 29 is respected? | Prospective adoptive parents are not allowed to contact the parents or guardians of the proposed child or anyone else. All communications are done directly by the Central Authority to central Authority of both country of Origin and Receiving country. |
| 22.2 Acceptance of the match | |
| a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State? | <input type="checkbox"/> Yes, please provide details of the required procedure: <input checked="" type="checkbox"/> No |
| b) How much time is the receiving State given to decide whether to accept a match? | At least one month |

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| 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? | The child will be proposed to another suitable family |
| 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: Central Authority in Sri Lanka provides required information. <input type="checkbox"/> No |

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

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| 24. Travel of the PAPs to your State¹⁹ | |
| 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"> - At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: After receiving Article 17c Agreement, applicants must come to Sri Lanka - How many trips are required to complete the intercountry adoption procedure: Only one - How long the PAPs need to stay for each trip: Maximum 5 weeks .However it depends on the procedures of the court - Any other conditions: <input type="checkbox"/> No |
| b) Does your State permit an escort to be used to take the child to the adoptive | <input type="checkbox"/> Yes, please specify in which circumstances: |

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

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| parents in the receiving State in any circumstances? | <input checked="" type="checkbox"/> No |
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25. Entrustment of the child to the PAPs (Art. 17)

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| <p>After the procedures in Article 17 have been completed, what is the procedure for 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>After receiving Article 17c from the Receiving State, Sri Lankan Central Authority issues the final letter of allocation to PAP requesting to make their travel arrangements. Once they arrive in Sri Lanka, they will be interviewed by the Senior Probation Officer of the Central Authority and grant permission to see the child to be adopted.</p> |
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26. Transfer of the child to the receiving State (Arts 5(c) and 18)

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| 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)? | Adoption order issued by the respective court, Adoption Certificate issued by the Registrar General's Department in Sri Lanka, Passport, Visa, article 23 conformity 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. | All above documents are issued by responsible institutions in Sri Lanka Adoption Order issued by the relevant court Adoption Certificate issued by the Registrar General's Department in Sri Lanka, Passport-Department of Immigration and Emigration Visa-Applicant's Embassy or high Commission or accredited institution. Article 23 conformity certificate-Central Authority. |
| 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

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| 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 – go to Question 27 c) <input type="checkbox"/> In the receiving State – go to Question 27 b) |
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| <p>b) Following the making of the final adoption decision in the receiving State:</p> <p>(i) Are any further steps required in your State to complete the procedure (e.g., obtaining a copy of the final adoption decision from the receiving State)?</p> <p>(ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?</p> | <p>(i)</p> <p>(ii)</p> <p><u>Go to Question 28</u></p> |
| <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 Status Table for the 1993 Adoption Convention (under “Authorities”), available on the Adoption Section of the HCCH website.</i></p> | <p>(i) Respective court in Sri Lanka</p> <p>(ii) Central Authority Sri Lanka</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 here.</i></p> | <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> |
| <p>e) Please briefly describe the procedure for issuing the Article 23 certificate. 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?</p> | <p>After obtaining the Court Order, it should be submitted to the Central Authority by the adoptive parents. Thereafter, Article 23 certificate is issued directly to the prospective adoptive parents.</p> |

28. Duration of the intercountry adoption procedure

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| <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</p> | <p>(i) Two weeks</p> <p>(ii) Three to four weeks</p> <p>(iii) Between 14 days and 28 days</p> |
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| <p>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> | |
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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”) | |
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| <p>a) Please explain the circumstances in which an intercountry adoption will be classified as an “intra-family intercountry adoption” in your State.</p> <p>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>When no alternative care options are available in Sri Lanka in the best interest of the child, the next alternative is to propose the child for adoption by relatives overseas.</p> <p>Relationship should be proven by both parties by submitting relevant documents. It may be a close relative or a distant relative.</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, the Convention is applicable, 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 checked="" type="checkbox"/> Yes – go to Question 30</p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: . Go to Question 30</p> <p><input type="checkbox"/> No – go to Question 29 c)</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 ADOPTION²⁰

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| 30. Simple and full adoption |
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²⁰ 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.

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| <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><i>See GGP No 1 at Chapter 8.8.8 and note 20 below.</i></p> | <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 31</p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p> |
| <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)²¹ 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> | <p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input checked="" type="checkbox"/> No</p> |
| <p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child’s birth mother / family²² 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> | <p>Such cases can be filed in the respective court in Sri Lanka and obtain a court order.</p> |

PART IX: POST-ADOPTION MATTERS

| 31. Preservation of, and access to, information concerning the child’s origins (Art. 30) and the adoption of the child | |
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| <p>a) Which authority is responsible for preserving information concerning the child’s origins, as required by Article 30?</p> | <p>Central Authority of Sri Lanka</p> |
| <p>b) For how long is the information concerning the child’s origins preserved?</p> | <p>Maximum 10 years , however, according to current needs of the adoptees, information will be kept for a peiriod longer than 10 years.</p> |
| <p>c) Does your State permit the following persons to have access to information</p> | <p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: Only the adoptee is permitted to have</p> |

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

²² *Ibid.*

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| <p>concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parents;</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other persons?</p> <p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of 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>access to the information</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: They should submit a formal request letter to the Central Authority Sri Lanka</p> <p><input type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" 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 checked="" type="checkbox"/> Yes – please specify: Adoptee or his/her parents are guided to keep Confidentiality of the information and they are directed to some other institutions such as hospital, registrar general's Department, Courts, Children's home if their information are not sufficinetly provided by the Central authority.</p> <p><input 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 (<i>e.g.</i>, regarding making contact with his / her biological family, tracing extended family)?</p> | <p><input checked="" type="checkbox"/> Yes – please specify: If they need further assistance , Central Authority assigns an officer for translation and for further search for biological parents.</p> <p><input type="checkbox"/> No</p> |

| 32. Post-adoption reports | |
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| <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 (<i>e.g.</i>, provide a link or attach a copy): The Receiving Country is expected use the issued format. However if they use their own format which gives more information than the existing format, then it is accepted.</p> <p><input type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (<i>e.g.</i>, medical information, information about the child's development, schooling):</p> |

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| <p>b) What are the requirements of your State in relation to post-adoption reports? Please indicate:</p> <p>(i) How frequently such reports should be submitted (<i>e.g.</i>, every year, every two years);</p> <p>(ii) For how long (<i>e.g.</i>, 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) Quarterly, in respect of the child until the adoption of such child is legally confirmed in the Receiving country. Half- Yearly, in respect of such child along with the Child's photographs for first three years from the date which the adoption is legally confirmed in that country.</p> <p>(ii) Yearly , in respect of such child until such child reaches the age of ten years.</p> <p>(iii) English</p> <p>(iv) Report should be prepared by an institution recognized by the country of the adopter</p> <p>(v) These reports should be authenticated by the accredited representative for the Republic of Sri Lanka in that Country.</p> <p>(vi)</p> <p>(vii)</p> <p>(viii)</p> <p>(ix)</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 situation will be informed to the relevant court where the adoption order was granted and will act upon accordingly</p> <p>(ii) It will be informed to the Central Authority or Accredited bodies and request them to adhere to the rules and regulations in the country</p> |
| <p>d) What does your State do with post-adoption reports? (<i>i.e.</i>, to what use are they put?)</p> | <p>Reports will be scrutinized by the officials of the Central Authority in Sri Lanka. Receipt of the report is acknowledged and inform the progress of the child to relevant court in Sri Lanka</p> |

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²³

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 ²⁴ of intercountry adoption | |
|--|--|
| <p>a) Are the costs of intercountry adoption regulated by law in your State?</p> | <p><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</p> |

²³ 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*.

²⁴ See the definition of "costs" provided in the Terminology, *ibid*.

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| | <p>the legal framework:</p> <input checked="" type="checkbox"/> No |
| <p>b) Does your State monitor the payment of the costs of intercountry adoption?</p> | <input type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: <input checked="" type="checkbox"/> No |
| <p>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?</p> <p><i>See the “Note on the Financial Aspects of Intercountry Adoption” at para. 86.</i></p> | <input type="checkbox"/> Through the accredited body: <input checked="" type="checkbox"/> Directly by the PAPs: <input type="checkbox"/> Other (please explain): |
| <p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the “Note on the Financial Aspects of Intercountry Adoption” at para. 85.</i></p> | <input type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash: <input type="checkbox"/> Other (please explain): The Central Authority does not charge any cost for adoptions. |
| <p>e) Which body / authority in your State receives the payments?</p> | <p>Registrar General's Department, Department of Immigration and Emigration, Ministry of Foreign Affairs.</p> |
| <p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p><i>N.B. Please also ensure that your State has completed the “Tables on the costs associated with intercountry adoption” (see above).</i></p> | <input type="checkbox"/> Yes – please indicate how this information may be accessed: <input checked="" type="checkbox"/> No |

34. Contributions, co-operation projects and donations²⁵

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| <p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution²⁶ to your State if it</p> | <input type="checkbox"/> Yes – please explain: <ul style="list-style-type: none"> • What type of contribution is required: |
|---|---|

²⁵ 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.

²⁶ 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.

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| <p>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> | <ul style="list-style-type: none"> • Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body): • How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <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 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"> • What type of co-operation projects are permitted: • Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies): • Whether such projects are monitored by an authority / body in your State: • How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p> |
| <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><i>N.B. This is <u>not</u> recommended as a good practice: see further the “Note on the Financial Aspects of Intercountry Adoption” at Chapter 6 (in particular, Chapter 6.4).</i></p> | <p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • To whom may donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): • What donations are used for: • Who is permitted to pay donations (<i>e.g.</i>, only authorised foreign accredited bodies or also PAPs): • At what stage of the intercountry adoption procedure donations are permitted to be paid: • How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p> |

| 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? | Department of Police or in the case of adoption Commission to investigation of , Bribery or in Sri Lanka |
| b) What measures have been taken in your State to prevent improper financial or other gain? | PAPs are informed of the legal provisions in relation to the adoption. |
| c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached. | <p>In terms of the penal code in Sri Lanka improper financial or other gains are recognized as Trafficking in persons.</p> <p>Any person who is guilty of the offence of Human Trafficking shall on conviction be punished with imprisonment of either description for a term not less than two years and not exceeding twenty years and may also be punished with fine and where such offence is committed in respect of a child, be punished with imprisonment of either description for a term not less than three years and not exceeding twenty years and may also be punished with fine.</p> <p>Further, if found guilty, Adoption application and the adoption will be cancelled.</p> |

PART XI: ILLICIT PRACTICES²⁷

| 36. Response to illicit practices in general | |
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| Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. ²⁸ | such cases will be referred to the Department of Police in Sri Lanka for investigations and take legal actions. |

| 37. The abduction, sale of and traffic in children | |
|---|---|
| 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. | The Penal Code -Amendment Act No: 16 of 2006 Act no 30 of 2005 - Convention on Preventing and Combating Trafficking in Women and children for prostitution |

²⁷ "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 >).

²⁸ *Ibid.*

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| Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children’s institutions). | All persons who are involved. |
| b) Please explain how your State monitors respect for the above laws. | Attorney General's Department in Sri Lanka issues indictment with regard to trafficking cases. However, a National Anti Human Trafficking Task force was established under the Ministry of Justice to combat human trafficking in Sri Lanka with a special focus on children and women. Another objective of the Task Force is monitoring the cases of trafficking and coordinating among the stakeholders. |
| c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)? | |

| 38. Private and / or independent adoptions | |
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| <p>Are private and / or independent adoptions permitted in your State?</p> <p><i>N.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.</i></p> <p><i>Please tick all which apply.</i></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) | |
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| <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 State²⁹ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p><input type="checkbox"/> No</p> |

²⁹ 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.

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| <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><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p> | <p><input checked="" 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 type="checkbox"/> No</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 State³⁰ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p><input type="checkbox"/> No</p> |

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION³¹

| 40. Selection of partners | |
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| <p>a) With which receiving States does your State currently partner on intercountry adoption?</p> | <p>Australia, USA, Canada, UK, France, Sweden, Switzerland, The Netherlands, Italy, Germany, Singapore, India,</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 Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i></p> | <p>It depend on the request of the receiving country</p> <p>Only state parties to the 1993 Convention are in contact with our state for inter-country adoption.</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.³²</p> | <p><input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p> |

³⁰ 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.

³¹ 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.

³² 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”.

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| 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 ³³ with that receiving State)? | <input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: ³⁴ <input checked="" type="checkbox"/> No |
|--|---|

³³ 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.

³⁴ *Ibid.*