The Investigation Committee for International Adoptions

Interim report on Ecuador and Colombia

22 January 2025

The interim report was submitted to Minister of Children and Families Kjersti Toppe on 22 January 2025.

Further information about the committee's work can be found on the website www.utenlandsadopsjonsutvalget.no

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Figures and tables

List of abbreviations used in the report

AF	Adoption Forum
AiE	Adoption in Change
ALDHU	Latin American Association for Human Rights ASFADDES
Association of Families of Disappeared Detainees	
BFD	Ministry of Children and Family Affairs (1991–2006; 2019–present)
BLD	Ministry of Children and Equality/Ministry of Children, Equality and Inclusion (2006–2019)
BUFA	Child, Youth and Family Administration (2002–2004) Bufdir Directorate for Children, Youth and Family Affairs (2004–
present) Bufetat	Child, Youth and Family Agency (2004–present)
CRAN	Foundation Centre for the Reintegration and Care of Children
EU	European Union
FANA	Foundation for the Assistance of Abandoned Children FBAL Parents' Association for Children from Other Countries
FFD	Ministry of Family and Consumer Affairs
UN	United Nations
FU	Technical Committee (1987–1999)
FUA	Professional Committee for Adoption Cases (1999–
2017) FRU	Professional Advisory Committee (2017–present)
HCCH	Hague Conference on Private International Law IA InorAdopt
IAB	Interest group for adoptees from Bangladesh ICBF Colombian Institute for Family Welfare ISS International Social Service
IUCW	International Union for Child Welfare JD Ministry of Justice
NOU	Norwegian Official Reports
NK	National Office for Child Welfare and Family Services (2004)
NKRG	Norwegian Korean Rights Group
PARD	Administrative Process for the Restoration of Rights PU Placement Committee (1978–1987)
RACO	Rights Group for Adopted Children from Colombia
RIA	Council for International Adoptions (1978–1987)
RVTS	Regional Resource Centres on Violence, Traumatic Stress and Suicide Prevention
SAK	State Adoption Office (1987–1998) SD Ministry of Social Affairs
SK	Committee for South-East Asia
SSB	Statistics Norway
SUAK	State Youth and Adoption Office (1998–2002) MFA Ministry of Foreign Affairs
VB	Children of the World
VF	Norwegian-Vietnamese Association
WHO	World Health Organisation

List of terminology used in the report

The choice of terminology when discussing cross-border adoption is challenging. The committee is aware that there is ongoing debate on this issue and that several widely used terms are not perceived as neutral by all parties involved. The committee's choice of terminology will be explained below.

Adoption intermediary
The committee uses the term ‘adoption agency’ (or ‘placement organisation’) rather than "adoption organisation" to avoid confusion with other organisations for adoptees and adoptive families.

Adopted child / adoptee
The committee uses "adoptee" when referring to adults who have been adopted. Adopted child is used when referring to minors who have been adopted.

Adoptive parents / adoption applicants
The committee avoids the term "adopters" as it does not have a completely intuitive meaning.
The terms "adoptive parents" and "adoption applicants" are used interchangeably and as appropriate in relation to where they are in the adoption process.

Children with special care needs
This applies to children who need more follow-up than is normally expected when adopting children from abroad, for example due to medical conditions, previous experiences or age.

Human trafficking
The committee uses the criminal law definition of this term. See also section 5.4.4.

Original parents
The Committee uses the term ‘birth parents’ rather than ‘biological parents’ or ‘first parents’, in line with the terminology used in NOU 2014:9.

Country of origin and receiving country
The Committee uses ‘country of origin’ to describe the country from which the child is adopted and ‘receiving country’ to describe the country to which the child is adopted, in line with the legal terminology used in the Hague Convention.

Illegal/unethical
Something being illegal means that it is a violation of an applicable legal rule. Something being unethical means that it violates norms for how one should act. Rather than resorting to general characteristics, the committee strives to be specific and precise when it finds something to be wrong, deficient or worthy of criticism. If something is a violation of a legal rule, the committee will describe which rule it is and give reasons why it believes the rule has been violated.

International adoption

The committee uses the term ‘foreign adoption’ (and not, for example, ‘international adoption’), as this is part of the committee’s name and is included in its mandate.

Summary for children

What this text is

In 2023, the Minister for Children and Families/Ministry of Children and Families decided that an inquiry committee should investigate international adoptions. The committee is to deliver at least two reports: a comprehensive report on all its work, which is to be ready in December 2025, and a preliminary report on what has been found during the first year of the committee's work. This text has been written especially for children and is a *summary* of the preliminary report. It explains a little about what adoption is and why adoptions are now being investigated. In addition, some of the most important findings of the committee regarding adoptions from Ecuador and Colombia are explained.

Adoption and the investigation of adoptions

What is adoption?
When a child is adopted, it means that the child gets new parents and a new family. Many countries have adoption schemes, and in Norway we have had such schemes for over a hundred years. In some cases, children need a new home because their parents are dead or have disappeared. In other cases, the child welfare services determine that the parents are not taking good enough care of the child and therefore decide that the child should be placed with a new family through adoption. In some cases, it is the parents themselves who say that they cannot take care of the child and therefore decide that the child should be adopted.

If a country is unable to find parents for all the children who need them, the children may in some cases be placed with a new family in another country. This is called *foreign adoption* or *international adoption*. Since the 1950s, over 20,000 children from other countries have found new parents in Norway. Particularly from the 1980s until 2010, many children were adopted into Norway from abroad. Most of those who have been adopted into Norway are now adults.

The goal of adoption should always be to do what is best for the individual child. In principle, it is best for children to grow up with their own family and in their own country. However, if this is not possible, many countries have agreed that it may be better for a child to grow up in another family than in an orphanage, even if this means that the child has to move to a new country.

Why are adoption cases investigated?
There are strict rules that must be followed when a child is adopted from one country to another. This is partly because it must be certain that adoption is truly in the best interests of the child. In recent years, stories have emerged about children who have been adopted from other countries to Norway, and where mistakes have been made. There are several examples of cases where information in the adoption documents has later turned out to be untrue. Everyone has the right to know where they come from and who they are, which is why it is important that the information written about them is

correct. In some cases, children have also been adopted abroad even though they had parents or others in the country where they were born who could take care of them.

When it has been revealed that mistakes have been made in some adoptions, both in Norway and in other countries, this is very serious. The Norwegian government has therefore decided that the system for adoptions to Norway, both those that took place a long time ago and those that take place now, must *be investigated.* To investigate means to examine or inquire, and the goal is to find out what has happened.

In the summer of 2023, a group of experts was therefore assembled to investigate how adoptions to Norway have been carried out. This group is called *the Investigation Committee for International Adoptions*. The most important task of this investigation committee is to find out whether all rules have been followed when children have been adopted from other countries to Norway. They will also provide advice on how to prevent mistakes from happening in the future. The Investigation Committee will work on these investigations for two years and will write about their findings in a *report* or *study* to be completed in 2025.

What does it mean that something *illegal* has happened?
Something being *illegal* means that the rules laid down in the law have not been followed.
In Norway, we have our own adoption law that sets out rules on adoption. Other countries also have adoption laws. In addition, many countries have established common rules on adoption from one country to another, for example in the UN Convention on the Rights of the Child and the Hague Convention of 1993.

Article 21 of the Convention on the Rights of the Child stipulates that the most important consideration when adopting a child is what is in the best interests of the child. To ensure that adoptions are in the best interests of the child, there are many different rules that must be followed when adopting a child from another country. For example, there are rules stating that it must be ensured that the child has no parents or other persons who can take care of the child in the country where the child was born. It must also be investigated whether the adoptive parents are capable of taking good care of a child. In every adoption, it must be checked that the child and the adoptive parents are compatible. There are also rules stating that the documents relating to the child must be completed carefully.

When someone says that an adoption has been *illegal*, they may therefore mean very different things. It does not mean the same thing as a child being kidnapped or sold. For example, they may mean that there are no documents showing that all the checks were carried out as they should have been, or that someone has written something in the adoption documents that is not correct. Not everything that is illegal is equally serious. Even if there is something wrong in a document, it does not necessarily mean that the adoption itself is illegal.

Whose fault is it if something has been done wrong in connection with an adoption?
First and foremost, it is those who govern the country, i.e. *the authorities*, both in Norway and in the country from which the child is adopted, who are responsible for ensuring that adoptions are carried out in a correct and legal manner. They must establish clear rules and ensure that everyone follows them. In addition, there are organisations in Norway and other countries that assist with adoptions and must follow these rules.

When someone in Norway adopts a child, they do not have the opportunity to investigate everything that happens in the country where the child lives. They must trust that the authorities and the organisations that arrange the adoption are doing things correctly. If something has been done wrong in an adoption case, the adoptive parents usually do not know about it.

Does one cease to be adopted if something has gone wrong in connection with an adoption?
No. Even if it is discovered that not all the rules have been followed in an adoption, this does not mean that the adoption is invalid. The adopted person will still be the child of their adoptive parents, just as before.

Will the review committee examine the cases of everyone who has been adopted to Norway?
No. The committee is primarily looking at the system and rules governing adoption, and whether the Norwegian authorities have ensured that these are being followed. In order to investigate whether the rules have been followed, the committee will carefully examine a number of adoption cases from different countries. However, the committee does not have time to look at all adoption cases in the countries to be investigated, and cannot help adoptees find out what happened in their particular case.

What the committee has found out about Ecuador

Between 1976 and 2004, 185 children were adopted from Ecuador to Norway. The organisation Adopsjonsforum has helped Norwegian adoptive parents to adopt children from Ecuador.

The committee has not examined all adoptions from Ecuador, but has decided to look particularly closely at cases from a period in the 1980s. This is because newspapers have reported problems with several adoptions from this period, and it is important to find out what actually happened.

Here are some of the most important findings of the committee so far, and the committee's opinion on these matters:

In the early 1980s, it was decided that some children would be adopted to Norway. However, because it was difficult to get all the documents in order in Ecuador, it took several years before the children were able to travel to their new parents. When the Adoption Forum realised that it would be difficult to get these children to Norway, they asked for help from a solicitor in Ecuador. In addition to sorting out the adoption cases that were already in progress so that the children could travel, the solicitor found several children who could be adopted to both Norway and other countries.

In 1989, the authorities in Ecuador discovered that illegal activities had taken place in some of the cases this lawyer had been involved in. Among other things, they found that what he had said about the children's backgrounds was not true. In some cases, women had lied and said they were the mothers of children who were not theirs in order to sign a document stating that the child's mother wanted it to be put up for adoption. Several of the women involved in such cases have since come forward.

in prison because of it. At the same time, it was discovered that one of the children who had been adopted to Norway had probably been kidnapped from his mother. The mother wanted her child back, but it took a long time to find out what had actually happened. The child had lived with his adoptive parents in Norway for so long that it was eventually decided that it would be best for the child to continue growing up in Norway. The Adoption Forum and the Norwegian authorities eventually reached an agreement whereby they would provide money to help the family in Ecuador, in return for the family agreeing to let the child remain in Norway.

The committee believes that *the Norwegian authorities should have done more to investigate whether the child had been kidnapped as soon as they suspected this.*

Adopsjonsforum and the Norwegian authorities acted wrongly when they did not admit that something had gone wrong, but instead entered into an agreement that the family in Ecuador would receive help if they did not demand the return of the child.

Adopsjonsforum and the Norwegian authorities should have done more to check the other adoptions that the same lawyer in Ecuador helped with, and tried to find out whether anything illegal had happened to several of the children who came to Norway.

What the committee has found out about Colombia

Colombia is the country from which Norway has adopted the second largest number of children. From 1972 to 2024, 4095 children were adopted from Colombia to Norway. Adopsjonsforum has assisted Norwegian adoptive parents in adopting children from Colombia.

Until 2006, children were adopted to Norway both through the public child welfare services in Colombia and through private organisations authorised by the authorities to carry out adoptions. These organisations owned and ran *private children's homes*. The committee has looked particularly closely at adoptions that took place before 2006 from private children's homes.

Here are some of the most important findings of the Committee so far, and the Committee's opinion on these findings:

In order to adopt from private orphanages, Adopsjonsforum had to pay many thousands of kroner in what were called *donations* to the orphanages. The money was to be used, among other things, to improve the orphanages and to care for children who could not be adopted. Gradually, the donations that the orphanages demanded for each adoption became higher and higher. When the orphanages received large sums of money for each adoption, there was a risk that children could be adopted away because the orphanage made money from it, and not because it was in the best interests of the child. In addition, it was difficult for the authorities to know or control how all this money was actually being used.

Adoption Forum and two of the private orphanages also entered into agreements whereby Adoption Forum would pay a large sum in advance and then pay less for each adoption. It

The large sum was donations for the number of adoptions that the private orphanages believed Adopsjonsforum would obtain. In some cases, Adopsjonsforum did not obtain as many children as they had donated for, and then they talked to the orphanage about how many children they were "short" of.

The Committee believes that *when Adopsjonsforum paid high donations for each adoption and entered into agreements in advance about how many children they would receive, there was a risk that children could be adopted to Norway because the orphanage earned money from it and/or because they had already received money for these children, and not because it was in the best interests of the child.*

The Norwegian and Colombian authorities asked Adopsjonsforum several times how they arranged payments to the private orphanages. For a long time, Adopsjonsforum did not answer these questions truthfully. Among other things, Adopsjonsforum did not disclose that they had started paying large sums of money to the orphanages in advance. Even after the Norwegian and Colombian authorities made it clear that it was not permitted to make donations for each adoption, Adopsjonsforum continued to do so for several years.

The committee believes that *Adopsjonsforum should have provided accurate information about how money was paid to the private orphanages. As Norwegian rules on adoption and adoption agencies became stricter, this was a violation of their licence to arrange adoptions from Colombia.*

Adopsjonsforum eventually told the whole truth about what they were paying. This sparked a major debate in Colombia. Adopsjonsforum's cooperation with the private orphanages was then terminated.

Many of the private organisations also had their own *maternity homes*. The maternity homes were places where pregnant women could live and receive help in connection with the birth. Many of the children born in the maternity homes ended up being adopted abroad through the private children's homes. Many women voluntarily gave their children up for adoption. However, several women who lived in such maternity homes have later said that they were pressured or tricked into agreeing to adoption, or that their children were taken from them and adopted without their consent. Several people who have worked with adoptions from Colombia believe that some women may have agreed to the adoption when it took place, but changed their minds later because they regretted giving up their child. No one has conducted a thorough investigation into what happened at these maternity homes, and it is impossible to be completely sure what is true. However, since many women tell similar stories, there is reason to believe that such things may have happened.

The committee believes: *It is not possible for the committee to know for certain whether mothers were pressured or tricked into giving up their children at private children's homes. However, we do know that private children's homes received money for each adoption and that they had agreed to a certain number of adoptions each year. This meant that there was a risk that they did not help the mothers sufficiently to consider whether they could keep their children themselves, but rather pressured or tricked some into giving up their children for adoption. The Norwegian authorities and Adopsjonsforum should have understood that there was a risk that not all children were released for adoption in the correct manner. The Norwegian*

authorities should therefore have investigated more thoroughly what was happening at the maternity homes before granting permission to cooperate with these orphanages.

Since 2006, all adoptions from Colombia to Norway have been handled by the public child welfare services, and not by private orphanages. Colombia is one of the countries from which it is still legal to adopt children to Norway.

It is not the committee's task to decide whether it should still be legal to adopt children from Colombia to Norway. However, if the investigations reveal serious errors that lead the committee to believe that these adoptions should be stopped, the committee will nevertheless inform the Norwegian authorities of this. The committee has mainly looked at adoptions prior to 2006, but has read a number of documents and spoken to several people in Colombia who work with adoptions today. The committee has not discovered any errors in these investigations that would make it necessary to inform the Norwegian authorities that adoptions from Colombia should be stopped.

1 Appointment, mandate and work

1.1 Introduction

The Investigation Committee for International Adoptions was appointed by the Cabinet on 20 June 2023. The work commenced at the end of 2023 and is to be completed with a final report by the end of 2025. The committee's mandate stipulates that it shall submit one or more interim reports on conditions in individual countries or other relevant topics.

The committee has decided to submit an interim report with the results of its review of adoptions from two of the twelve countries of origin that are given particular priority in the review, Colombia and Ecuador. Furthermore, the interim report will provide a description of the committee's working methods and the investigation so far. The committee wishes to be open about its work and methods, among other things in order to obtain feedback that the committee can use in its further work.

The content of the interim report is preliminary. The results of the two country reviews may also be adjusted in the final report, once the committee has gained a better overall picture of international adoptions to Norway. [1]

1.2 Mandate

The committee has been given the following mandate:

> **'Background**
> **Introduction**
> Adoption is a significant undertaking for all involved and will be a lifelong process. In international adoptions, a child is taken away from their country of origin and given a new home in another country. Strict requirements must therefore be imposed on the rules and procedures for carrying out an international adoption, and the system must ensure that the fundamental human rights and legal protection of children and families are safeguarded.
>
> In recent years, a number of countries have conducted investigations into their adoption systems, and unacceptable practices have been uncovered in several places. Several of the countries in question are countries with which Norway has had adoption cooperation. In addition, the press has revealed that illegal activities have taken place in connection with adoptions to Norway. Several of the adoptees who have come forward with their stories have said that they have not received satisfactory follow-up when they have reported their suspicions. It cannot therefore be ruled out that there have been unacceptable aspects of the Norwegian system for international adoptions.

[1] See also section 1.9

History

The number of international adoptions has fallen sharply in Norway over the last two decades. In 2022, 45 children were adopted into Norway. In the mid-1980s, the number of international adoptions to Norway was between 500 and 600 per year, and in 2005, over 700 adoptions were arranged through Norwegian adoption organisations. In the 1960s and 1970s, most adoptions were from Asia, while South American countries dominated in the 1980s. Today, Norway cooperates with ten countries, with most adoptions coming from Colombia, South Africa and Thailand in recent years.

Today, more cases are reviewed by the Professional Advisory Committee than in the past. These are cases that involve children who have reached the age of five, sibling groups of more than two children, or cases where the child needs special support for other reasons.

Before the Ministry of Family and Consumer Affairs, later the Ministry of Children and Family Affairs, was given responsibility for adoption in 1990, the Ministry of Justice, the Ministry of Health and Care Services (formerly the Ministry of Social Affairs) and the Ministry of Consumer Affairs and Administration had been responsible for this area. The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir), which is the adoption authority in Norway, was established in 2004. Prior to this, the State Youth and Adoption Office and the Council for International Adoptions, among others, had this responsibility.

The adoption system in Norway

International adoption is currently regulated by the Convention on the Rights of the Child, where Article 21 specifically concerns international adoption, the Adoption Act and the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. Since 2003, the Convention on the Rights of the Child has been applicable as Norwegian law through the Human Rights Act. The 1993 Hague Convention, which came into force in Norway in 1998, aims to prevent the abduction of children and combat human trafficking. The Convention contains rules on the respective obligations of the country of origin and the receiving country in connection with specific adoptions.

International adoption should only take place if the authorities in the child's home country have been unable to find a family in that country. Norway currently only cooperates with two countries that are not signatories to the 1993 Hague Convention: South Korea and Taiwan. Norway may have such cooperation as long as the country has an adoption system in accordance with the objectives and principles of the Convention. Norway has (since 1998) terminated adoption cooperation with countries of origin that cannot document that their obligations under the Convention are being fulfilled.

Adoptions are normally carried out in the child's country of origin. A final decision on adoption by a public authority or court in another country shall be approved in Norway without further ado if prior consent has been given. As a general rule, adoptions shall be carried out through organisations that have an operating and placement licence. Bufdir may grant organisations that have a licence to work with adoption a temporary licence to place children from individual countries. Bufdir will investigate whether the country in question (the child's country of origin) has a need for adoptive families abroad, whether the country has

satisfactory legislation and adoption system, and that the Norwegian adoption organisation has insight into and knowledge of the laws, rules and procedures that apply to international adoptions in the country. Bufdir supervises all aspects of the adoption organisation's activities and conducts supervisory visits to partner countries. In addition, the Norwegian Directorate for Children, Youth and Family Affairs (Bufetat) is responsible for approving adoption applicants in Norway.

In exceptional cases, adoption outside of an organisation in Norway is possible. This applies to both known and unknown children. For all such adoptions, at least one of the applicants must have a special connection to the country where the child has their usual place of residence, and the adoption must be carried out in a responsible manner. Furthermore, an unknown child can only be adopted outside of an organisation if no Norwegian adoption organisation has a licence to operate in the country from which the child is to be adopted. For the adoption of a known child, a close personal connection to the child or the child's immediate family is required, and the contact must have been established without the intention of adoption. In the case of the adoption of a known child, it is also a requirement that the child lacks security and permanent caregivers in their country of origin.

Challenges

International adoptions involve two countries cooperating on an adoption across national borders. Cooperation is needed both at the system level and in individual cases, and the 1993 Hague Convention has rules that ensure that responsibilities and obligations are shared between countries.

Such adoptions are based on two sets of national regulations and practices, as well as international rules. For Norway, this involves cooperation with different countries, with different rules and practices. Laws and practices have evolved, both in Norway and in the countries of origin, and it has been challenging to obtain a comprehensive overview of the systems, rules and practices that have applied to adoptions to Norway to date.

Prior to the Convention on the Rights of the Child and the Hague Convention of 1993, adoption practices were regulated to a limited extent compared to today, and international regulation was unsatisfactory from today's perspective. Both receiving countries and some countries of origin have now launched investigations to examine how international adoptions have been carried out in recent decades. These are organised in different ways. The UN Committee's Joint Statement on Illegal Intercountry Adoptions (2022) recommends that countries should consider establishing an independent commission where appropriate.

The purpose of the investigation

The overall purpose of the work is to determine whether there have been any illegal or unethical practices in connection with international adoptions to Norway.

The committee shall determine whether the system for adoptions to Norway has been sound. This includes questions about regulations and practices. The committee shall examine whether legal certainty and human rights obligations, including the best interests of the child, have been safeguarded.

The aim is also to learn from any weaknesses in the system. The review shall provide a basis for legislative development and the development of practices for control and supervision.

The main issue for the committee is to determine whether the Norwegian authorities have exercised sufficient control over international adoptions and to uncover whether any illegalities have occurred in adoptions to Norway.

The committee's tasks

The committee shall examine adoptions at the system level and shall look into a selection of individual cases. The committee shall describe the system that has existed for the control and supervision of international adoptions. The committee shall assess how the Norwegian authorities have handled situations where they have received reports or become aware of circumstances in the countries of origin that require follow-up. The assessments and measures taken shall be examined, including whether the authorities have terminated cooperation with countries of origin when there have been grounds for doing so. With regard to the obligations of the countries of origin, the committee shall examine whether Norway has had the opportunity and incentive to follow up more closely. This applies to the procedures for matching potential adoptive parents and adoptive children, control of information about the child's identity and family ties, and consent.

The committee shall also consider whether Norwegian authorities and adoption agencies have had the opportunity and encouragement to follow up more closely when it comes to money transfers in connection with adoptions, both money transfers from Norway to the country of origin and between actors in the country of origin.

The committee shall also assess how the ratification of the 1993 Hague Convention led to changes in the regulations and practices for adoptions to Norway.

The committee shall examine whether the assessments have been thorough enough when granting mediation licences for cooperation with countries of origin. The committee shall examine whether there are cases that should have been identified in the processing of mediation licences.

The committee must also assess the regulations and practices for granting prior consent to adoption applications. Here, the committee must assess what has been the focus of the assessment, whether the best interests of the child have been given sufficient priority, and whether the requirements for parents have been strict enough in the context of international adoption.

The committee should look at findings from studies from other countries where this is appropriate and assess whether the situations are comparable.

The committee shall also consider the need for forward-looking measures and make recommendations regarding the adoption system in the future. Recommendations regarding the future system shall be based on the requirements in the investigation instructions, including an assessment of alternative measures and the consequences (including financial) of various proposals.

Most adoptions take place through adoption organisations, and such adoptions will be the main focus of the committee. The committee shall also consider adoptions outside of organisations. The committee shall consider both rejections and approvals in order to obtain a representative picture of practice, and the committee must consider different countries and time periods.

The committee should consider the child's opportunities to obtain information about his or her biological origins, the adoptive parents' obligation to share information about the adoption with the child, and the child's right to access his or her own adoption file. In particular, the committee should consider the practice of anonymous adoption, which is now regulated by the Hague Convention. The committee shall assess how children and families have been cared for in Norway after adoption.

More about countries and time periods

The committee shall examine the adoption system in all countries from which Norway has adopted children. The committee shall review a selection of cases from each country with which Norway has cooperated in order to determine whether the cooperation has been appropriate. The committee may make its own assessments of how extensively it should investigate the various countries. However, the committee must, as a minimum, prioritise a more thorough investigation of the following countries (in alphabetical order): Bangladesh, Brazil, Chile, Colombia, Costa Rica, Ecuador, Ethiopia, Indonesia, China, Sri Lanka, South Korea and Vietnam. There is also reason to take a closer look at countries from which adoption agencies or Norwegian authorities have decided to discontinue adoption services.

With regard to time periods, the committee itself should assess which periods it is necessary and appropriate to examine in connection with each individual country. However, the committee must ensure that it assesses processes both before and after 1998, when Norway acceded to the Hague Convention, in order to assess how ratification has worked. Different considerations must be taken into account for the different countries, and the committee is also expected to adapt to its own findings along the way. The committee shall justify its limitations and choice of time periods.

About the process

The committee must facilitate the greatest possible openness in its work. Individuals must be able to contact the committee. The committee must have a system for receiving information from private individuals and use such information as background for its work.

The committee shall ensure input from and dialogue with relevant actors, including organisations that represent adoptees, adoptees who are not affiliated with an organised group, and adoptive parents. The committee may, if possible, obtain information from biological parents.

The committee shall, in cooperation with the ministry, establish a reference group to assist the committee in its ongoing work. The committee is otherwise free to make choices in its work with regard to participation.

As the committee will also be looking at specific adoption cases in its work, the government will propose an interim law on access to information for the committee. The law will give the committee access to necessary information subject to confidentiality, and ensure that it can perform its tasks in a good and effective manner. Any individual cases mentioned in the committee's report shall be anonymised.

The committee may cooperate with other countries' review committees, etc. It is beyond the mandate of this committee to participate in foreign reviews of individual cases in the countries of origin.

The committee may raise questions regarding the interpretation or delimitation of its mandate with the Ministry of Children and Families. The Ministry may supplement the mandate as necessary.

The committee shall present its findings in a Norwegian official report (NOU). The NOU shall include a summary of the main findings of the report in English. The committee shall also prepare a summary for children.

The committee's term of office is up to two years from the date of its establishment. The committee shall submit one or more interim reports on the situation in individual countries or other relevant topics. Adoption cases from Ecuador and South Korea and any other relevant countries shall be given priority. If the committee considers that adoptions to Norway from certain countries should be stopped, it shall raise this issue with the Norwegian Directorate for Children, Youth and Family Affairs and the Ministry.

In a letter from the Ministry of Children and Families dated 22 February 2024, the following addition to the mandate was made in response to a request from the committee to limit the review to the 12 countries that are given particular priority:[2]

"The committee shall review the system for adoption from as many countries as possible with which Norway has cooperated. To the extent that limitations and priorities are necessary, the committee must justify this, based on, among other things, assessments of the risks in the adoption systems in the various countries. The purpose of the committee's work remains unchanged."

1.3 Composition of the committee and secretariat

The committee consists of:

Camilla Bernt (chair), professor of law at the University of Bergen. Torunn E.
Kvisberg, judge at Eidsivating Court of Appeal.
Rudolf Christoffersen, liaison prosecutor at Eurojust.

[2] See section 1.7.2 below for more information on this.

Anne Balke Staver, political scientist and researcher at NIBR, OsloMet – Metropolitan University.
Ketil Eide, professor of sociology at the Faculty of Health and Social Sciences, University of South-Eastern Norway.

The committee has been assisted by a secretariat consisting of three full-time staff members:
Jostein Løvoll (head of the secretariat), lawyer, on leave from his position as assistant department head at the Civil Ombudsman.
Vilde Fastvold Thorbjørnsen, social anthropologist with a PhD in medical anthropology. Siri Elisabeth Bernssen, lawyer with a PhD in legal history.

1.4 Start and deadline for the investigation

After the committee was appointed, it took some time to hire staff and establish the secretariat. The investigation began at the first committee meeting, which was held on 18 December 2023. The committee's two-year deadline for submitting its final report will therefore expire on 18 December 2025.

1.5 Committee meetings

The committee has so far held six two-day meetings and four one-day meetings, totalling 16 meeting days. In addition, the committee has held six shorter digital meetings.

1.6 Reference group

The mandate states that the committee shall establish a reference group to assist it in its work.

In early 2024, the committee appointed a broadly composed reference group with representatives from various stakeholders and perspectives. The largest group consists of people who are themselves adopted, including representatives from various associations for adoptees and some independent individuals. In addition, the group has representatives from adoptive parents, adoption agencies and the public agencies that work with adoption. The group was appointed in collaboration with the Ministry of Children and Families.

The appointed representatives are as follows:

- John Erik Aarsheim
- Sofie Andelic, Rights Group for Adoptees from Colombia (RACO)
- Sandra V. Borhaug, UTAD
- Vigdis Eckhardt, Norwegian Korean Rights Group (NKRG)
- Ingrid K. Fevåg (from October 2024)
- Diana P. Fynbo Adoption in Change (AiE)
- Øystein Gudim, Adoption Forum
- Finn Olav Haga, Adoption Norway
- Daniel G. Hatland (until October 2024)

- Young K. Kim, Children of the World
- Erlend P. Nordtorp, Bufetat East
- Line O. Onshus, InorAdopt
- Priyangika Samanthie, Romanticised Immigration
- Guro J. Skåre-Jullum, China Association
- Kristin U. Steinrem, Bufdir
- Aud Ørnes, RVTS South
- Kirsten Sandberg, Professor at the Department of Public Law, University of Oslo

To date, one reference group meeting has been held, on 18 March 2024, at which the committee asked the reference group for their input on the following questions about the investigation and the investigation process:

1. What do you think is the most important thing to get out of the investigation?
2. Do you have any concerns regarding the investigation?
3. Do you see any particular challenges associated with carrying out the review work?

A further 2-3 meetings of the reference group are planned, to be held in 2025. At the first of these meetings, we will ask for feedback on the interim report.

1.7 Adjustments to the mandate and the committee's understanding of it

1.7.1 Time limits

The mandate is not limited in time and initially covers the review of the entire period during which adoptions to Norway from abroad have taken place, from the early 1950s to the present day. However, the committee may make its own assessments of how extensive the investigation of individual countries should be, and for several of the 12 countries prioritised by the committee, the investigations will be limited to, or particularly focused on, specific time periods. The periods to be investigated will be determined on the basis of assessments of when there has been the greatest risk of illegalities and unethical practices, as well as the extent of adoptions from the country in question during different periods.

1.7.2 Number of adoption countries to be assessed and adjustment of the mandate:

The committee's mandate is very comprehensive. The mandate's description of which countries are to be investigated reads as follows:

> "The committee shall examine the adoption system linked to all countries of origin from which Norway has adopted children. The committee shall review a selection of cases from each country with which Norway has cooperated in order to determine whether the cooperation has been justifiable.

> The committee may make its own assessments of how extensively it should investigate the various countries. However, the committee must, as a minimum, prioritise a more thorough investigation of [...]: Bangladesh, Brazil, Chile, Colombia, Costa Rica, Ecuador, Ethiopia, Indonesia, China, Sri Lanka, South Korea and Vietnam..."

In principle, the mandate covers all countries from which adoptions have taken place, including countries from which only private/independent adoptions (adoptions outside of adoption agencies) have taken place. Furthermore, the mandate requires the committee to review a "selection" of individual cases from all countries from which Norway has
"cooperation with", in order to assess whether the cooperation has been appropriate. Countries we have "cooperated with" are naturally understood to be all countries from which the intermediary organisations have arranged adoptions. The material we have received from Bufdir shows that Norway has had 36 such partner countries since 1979. Reviewing a selection of cases from all these countries and assessing the appropriateness of the cooperation would involve a very extensive amount of work – even though the committee can make its own assessments of
"how extensive" the review of individual countries should be. In addition, 12 specific countries are to be reviewed even more "thoroughly" than these 36 countries.

At the second committee meeting on 24–25 January 2024, the committee reviewed the assignment/mandate and discussed how the resources available to the review should be prioritised in order to fulfil the mandate in the best possible way. The assessment took into account the experiences of other countries' investigations of international adoptions, both in terms of available resources and the number of countries covered by the investigation. It was particularly relevant to compare with Sweden's review, as they have comparable human resources, but are concentrating their review on seven countries and have been given up to 3.5 years to complete it (after several extensions). ([3])

As a result of the review, the review committee decided to ask the ministry for limitations/adjustments to the mandate. In a letter to the Ministry of Children and Families dated 26 January 2024, the committee wrote, among other things:

> *"It is resource-intensive to familiarise oneself sufficiently with the adoption system in another country to be able to assess a selection of adoption cases from that country in a responsible manner. The fact that the review covers several time periods, during which there may have been different rules and systems in each individual country, makes it particularly demanding. Against this background, the committee has concluded that it will be difficult to review a selection of individual cases from all 36 countries with which it has cooperated on adoption. This would require so many resources that it would significantly exceed the capacity to conduct a proper review of the 12 countries that the committee has been asked to prioritise. A thorough review of cases from 12 countries is in itself very ambitious when compared to reviews in other countries.*

[3] The Swedish review consists of a part-time chief investigator and a secretariat with three full-time employees, cf. the Adoption Commission's website. It states that the work is also supported by three experts and a group of ten specialists.

In the committee's view, we have not been given the resources to conduct a proper review of a selection of individual cases from more than the 12 priority countries. We therefore request that the mandate be clarified so that the review can initially concentrate its work on these 12 countries. If our work at a later stage indicates that there are special reasons to prioritise other countries higher than any of the 12 that are specifically prioritised in the mandate, we will return to this issue.

The committee emphasises that the investigation may nevertheless have significance for cases from all countries, as it will assess whether the general system for adoptions to Norway has been sound. Furthermore, when reviewing archives and other material in Norway, the committee will also note any significant information about shortcomings in adoptions from countries other than the 12 that are specifically prioritised in the mandate.

On the basis of the committee's request, the Ministry decided in a letter dated 22 February 2024 to add the following to the original mandate:

"*The committee shall review the system for adoption from as many countries as possible with which Norway has cooperated. To the extent that limitations and priorities are necessary, the committee must justify this, based on, among other things, assessments of the risks in the adoption systems in the various countries. The purpose of the committee's work remains* unchanged."

Read in conjunction with the committee's request, the committee believes that the adjustment to the mandate provides greater opportunity to set the necessary priorities and to answer the main questions raised by the mandate in the best possible way. The committee will prioritise the 12 countries specifically mentioned in the mandate, which account for approximately 80% of all international adoptions to Norway. The resources available to the committee do not allow for the investigation or review of individual cases from more than the 12 priority countries. Even within these 12 countries, the committee must prioritise which periods are investigated and how extensive the investigations are, see also section 3.5.3.

1.7.3 Which actors should be investigated

As the mandate is formulated, it is natural to consider Norwegian adoption authorities and adoption agencies as the main focus of the investigation. Among other things, the committee shall determine whether Norwegian authorities have "exercised sufficient control..." and assess how they have handled "notifications or knowledge of circumstances in the countries of origin that require follow-up". With regard to the obligations of the countries of origin, it shall be assessed whether "Norwegian authorities" should have "followed up more closely". The committee shall also assess whether Norwegian "authorities and adoption agencies" have had "the opportunity and encouragement" to follow up more thoroughly on money transfers to countries of origin and between actors in countries of origin.

However, several of the issues to be investigated are formulated in such a way that it is difficult to limit the investigation to Norwegian authorities and adoption agencies. It

The overall purpose of the investigation is to determine whether there have been illegal or unethical circumstances "in connection with" adoptions to Norway. One of the main issues is whether illegalities have occurred "in connection with" adoptions to Norway. An investigation of such circumstances cannot be conducted solely on the basis of an assessment of what the Norwegian authorities have done. Illegalities in the adoption process in the country of origin will also constitute an illegal circumstance "in connection with" the adoption to Norway.

It is therefore part of the committee's remit to assess whether illegal or unethical practices have occurred in connection with the adoption process, regardless of whether this has happened in the country of origin or in Norway, and regardless of who is responsible. However, it is beyond the committee's mandate to assess the responsibility of actors abroad. The committee shall only investigate what has actually happened abroad, as far as possible within the limits of the resources at our disposal.

1.7.4 The investigation concerns the systems

According to the mandate, the investigation shall be conducted at the system level. A "selection" of individual cases will be examined, but the purpose of this is to shed light on how the systems have functioned. The committee shall not provide answers as to what has happened in individual adoption cases.

The fact that the investigation is conducted at system level also means that it is outside the mandate to assess the guilt and responsibility of individuals for any illegal or unethical conduct.

1.8 Budgetary framework for the investigation.

The committee was originally allocated a total budget of NOK 10.5 million for the entire project.

After reviewing the assignment and assessing the resource requirements related to, among other things, travel to countries of origin, on 31 January 2024 the committee requested that the Ministry increase the budget to enable it to carry out the activities it considers necessary during the investigation. In a letter from the Ministry dated 27 June 2024, the committee was granted a budget increase of
NOK 625,000. Without this budget increase, the committee would have had limited opportunities to travel to countries of origin.

1.9 More about the content of the interim report

In the interim report, the committee will give an account of its work so far and provide a special account of the investigation of adoptions from Colombia and Ecuador and the findings made so far in relation to these countries.

When selecting which countries to describe in the interim report, the committee has prioritised Colombia because it is the country with the second highest number of adoptions to Norway and has gradually become the only one of the 12 priority countries for which there is still a permit to arrange adoptions. [4]

[4] See description of the status of placement permits in section 1.11.

In addition, the committee has selected Ecuador, which is a country with fewer adoptions from the same continent and which was proposed as a topic for the interim report in the mandate. South Korea is also mentioned as a country that should be prioritised in the interim report, but the committee has decided that a report on adoptions from South Korea should await the report on adoptions from the South Korean Truth and Reconciliation Commission, which is expected in the summer of 2025.

The committee emphasises that the interim report's references to and assessments of Colombia and Ecuador are preliminary and may be adjusted in the final report. Although the targeted investigations of adoptions from Colombia and Ecuador have been completed, new relevant information may still emerge during the further review. Furthermore, the committee's ongoing work on investigating adoptions from other countries and the adoption system may provide it with a better basis for understanding and assessing the adoptions from Colombia and Ecuador. The assessments of the two countries may therefore be influenced by the overall picture.

The interim report also contains an account of developments in Norway in the field of international adoptions since the early 1950s. Among other things, the report describes the regulations, practices and organisation of adoption work in different periods. The investigation of these matters will also be included in the final report, but in several respects the accounts may be expanded and further developed.

The interim report does not provide any general assessments of how the Norwegian adoption system has functioned or whether the Norwegian authorities or adoption agencies have had sufficient control over international adoptions. No conclusions can be drawn about the committee's assessments of the Norwegian system and the actors involved until the investigation is complete. This will therefore only be included in the final report.

In its work on the interim report, the committee has not prioritised proofreading and language editing to the same extent as when preparing an NOU. This is because the report is preliminary. When preparing the final report in NOU format, this will be prioritised in the usual manner.

1.10 Involvement of children

It follows from Article 104 of the Constitution and Article 12 of the Convention on the Rights of the Child that children have the right to be heard in matters that concern them, and that their opinions shall be given due weight. For the work of the review committee, it will be particularly relevant to obtain the views of children for those parts of the mandate that concern post-adoption measures. Based on Bufdir's guidelines from 2021 and discussions with the Ombudsman for Children, the committee will recruit children between the ages of 15 and 18 and conduct interviews with them individually and in groups.

As the interim report primarily covers retrospective parts of the mandate, the committee has not found it appropriate to involve children in connection with this. The adoption cooperation with Ecuador ended in 2004, which means that the adoptees are now adults. For Colombia, the committee's investigations focus mainly on the period up to 2006, and these adoptees are also adults today.

1.11 Developments in the field of adoption since the appointment of the committee

Since the appointment of the committee in June 2023, there have been extensive developments in the field of adoption in Norway. The mandate states that Norway has ongoing cooperation with 10 adoption countries, but today only Colombia and Taiwan have active permits to facilitate adoptions.

In autumn 2023, the Ministry of Children and Families tasked Bufdir with reviewing all placement permits for countries of origin to ensure legal certainty in adoptions to Norway. Bufdir has subsequently withdrawn or refused to renew placement permits for eight of the countries with which Norway had adoption cooperation. From June 2024, only Colombia had its licence renewed, which also covers new cases, while Bulgaria's licence was renewed for the completion of a case that was in progress. All revocations/rejections of placement licences were appealed to the Ministry of Children and Families.

In November 2024, the Ministry reversed its decision to refuse to renew the placement permit for Taiwan.[5] As of 16 January 2025, only Colombia and Taiwan have active permits. However, appeals against the refusal to withdraw placement permits for four countries are currently being processed by the Ministry.[6]

In parallel with the processing of permits for individual countries, an assessment has been underway as to whether a general temporary suspension of all international adoptions should be introduced. In January 2024, Bufdir recommended such a suspension on its own initiative while the review is ongoing. The Ministry asked Bufdir for further information, and Bufdir submitted an updated recommendation with the same conclusion on 15 April 2024. On 19 June 2024, the Ministry of Children and Families announced that the government would not introduce a temporary suspension of international adoptions, but that it would implement risk-reducing measures to ensure safe adoptions.

The committee has monitored developments in this area, but has not received any requests from the ministry regarding the assessment of a temporary suspension or of individual placement permits. The Committee has not played any role in the ongoing assessments carried out by Bufdir and the Ministry of Children and Family Affairs. Nor has the mandate been adjusted as a result of the change, and the assignment remains unchanged.

The significant reduction in the number of countries from which children are adopted may nevertheless have consequences for the committee's work, as the adoption agencies have announced that they are considering winding up their operations. In the event of a winding up, it is important that the committee is able to review the adoption agencies' archive material before it is handed over or discarded. It is also important for us to have access to the expertise and experience of the individuals in the organisations.

[5] Active permits refer to permits that allow for new applicants/adoptions. Some of the countries without active permits have been granted permission to finalise adoptions that have already been approved.

[6] These countries are South Africa, Peru, the Czech Republic and Hungary.

[7] A merger of the three adoption agencies has also been discussed.

2 Summary

This interim report describes the work of the Review Committee for International Adoptions to date and the review of international adoptions from Ecuador and Colombia to Norway. The findings presented must be considered preliminary. The Committee's general assessments of how the Norwegian system for international adoptions has functioned and of the authorities' work with adoptions will first be presented in the Committee's final report, which is expected in December 2025. The same applies to the Committee's assessments of adoptions from the other countries of origin that are part of the review.

Chapter 3 describes the legal framework for the review, the committee's methods and the course of the committee's investigations.

Chapter four provides a historical overview of the development of international adoptions to Norway, including the legal and institutional frameworks for such adoptions.

Chapter five describes the development of some key rules and principles for working with international adoptions, both in Norwegian and international law.

Chapter six describes the investigation of adoptions from Ecuador. From 1976 to 2004, a total of 185 children were adopted from Ecuador to Norway through Adopsjonsforum.

The committee has focused on Adopsjonsforum's collaboration with lawyer Roberto Moncayo, who was Adopsjonsforum's contact person in Ecuador for a period in the 1980s and who was arrested in Ecuador in January 1989 on charges of illegal adoptions. The Norwegian authorities' and Adopsjonsforum's follow-up of the adoptions he arranged to Norway has been central to the investigation. Certain other matters have also been assessed, such as the collaboration with the Amparo y Hogar children's home in the period from 1980 to 1986.

The main findings of the investigation into adoptions from Ecuador are:

- There is a risk that there may be errors in adoptions to Norway through the Amparo y Hogar orphanage in the 1980s.
- When lawyer Moncayo was approved by the Norwegian authorities as Adopsjonsforum's contact person in Ecuador in 1986 and 1987, the authorities and Adopsjonsforum should have requested a more detailed explanation of how he would find children who could be adopted. The fact that this was not done was a breach of the adoption authorities' duty to investigate.
- After Moncayo was arrested, the Norwegian authorities should have been much more concerned with clarifying whether there were any criminal acts that could give grounds for reversing some of the 13 adoptions he arranged as a contact person for Adopsjonsforum, and with speeding up the assessment of this in Ecuador.
- In one of the adoption cases, the birth mother took legal action in Ecuador to have the adoption annulled, as her child had allegedly been kidnapped. It is reprehensible that the Norwegian authorities eventually accepted a proposed solution that involved paying money to avoid a demand to return a kidnapped child. This was contrary to the

the fundamental principles that adoptions should be decided in the best interests of the child and that no one should derive any undue financial gain from an adoption. Violating these principles is a serious matter.

- In 1994, Adopsjonsforum terminated its cooperation with the FANN children's home because they announced an increase in expected donations from USD 1,500 to USD 5,000, in addition to legal fees of USD 2,000. It is positive that Adopsjonsforum itself took the initiative to terminate its cooperation with an orphanage as a result of increased donations.

Chapter seven describes the investigation of adoptions from Colombia.

Colombia is the country from which Norway has adopted the second highest number of children. From 1972 to 2024, 4,095 children were adopted to Norway. The adoptions took place both through the Colombian child welfare service (ICBF) and through private institutions. In 2006, cooperation with private institutions was terminated, and since then all adoptions to Norway have been processed through the ICBF.

The main focus of the committee's investigations is on the period 1990–2006 and on adoptions from private institutions in Colombia.

The main findings of the investigation into adoptions from Colombia are:

- Donations to private institutions were a condition for receiving funding from these institutions as far back as 1980.
- The Committee believes that Adoption Forum's cooperation with private institutions was organised and developed in a way that contributed to making the institutions financially dependent on placing children for adoption in order to receive donations. This created a risk that financial considerations could take precedence over the best interests of the child, and posed a risk of violating, among other things, the requirements for informed consent, the principle of subsidiarity and the prohibition against unlawful financial gain from adoptions.
- The committee is critical of the advance payment agreements that Adopsjonsforum entered into with some of the private institutions, which entailed a risk that considerations other than the best interests of the child could become decisive in each individual adoption.
- The committee is also critical of the fact that Adopsjonsforum was not entirely open about these agreements with the Norwegian adoption authorities for a long time.
- The committee is also critical of how Norwegian adoption authorities in several cases failed to respond to information they received that should have given rise to further investigation. This applies both to information about possible errors in adoptions from Bogotá to Norway in the late 1970s and to the fact that donations to private institutions in the early 2000s were in some cases transferred directly to accounts in third countries.
- The committee has no basis for estimating the proportion of adoptions from private institutions that may have involved errors or illegalities, or for determining the extent of the risk of errors in different periods.

Colombia is one of two countries from which Norwegian authorities still grant permission to adopt children. The committee's work is mainly retrospective, and it is not the committee's task to investigate whether current adoptions from Colombia should continue. However, the mandate stipulates that the committee must report to the Ministry and the Norwegian Directorate for Children, Youth and Family Affairs if we encounter serious circumstances that indicate that adoptions from a country should be suspended at present. The committee's

work has not revealed anything that would give cause for such a report to the Ministry. In general, it appears that the risk of errors has gradually decreased as controls on adoptions in Colombia have been strengthened.

Chapter eight describes the further work leading up to the main report.

3 Method

3.1 Legal basis

The Committee is an administrative body (cf. Section 1 of the Public Administration Act) and is therefore subject to the rules of, among other things, the Public Administration Act, the Freedom of Information Act and the Archives Act, as well as unwritten principles regarding requirements for proper case handling. The Committee must also act in accordance with the requirements of good administrative practice, cf. Section 12, first paragraph, letter a of the Civil Ombudsman Act.

As the Committee's assessments and recommendations do not determine anyone's rights or obligations, the specific rules on case processing for individual decisions in Chapter IV-VI of the Public Administration Act do not apply. However, some of the procedural rules for individual decisions can be considered to be a reflection of the unwritten principles of case processing and will therefore still apply to the committee's work.

There are no specific legal provisions governing the activities of public review boards, but there are certain guidelines. In 1975, the Ministry of Justice issued a circular (G-48/75) with guidelines on case processing in publicly appointed review boards and review commissions. Like other review committees in recent years, this committee has followed the guidelines in the circular to the extent that they are relevant to our mandate. More recently, a proposal for a law on public commissions of inquiry has been drawn up in NOU 2008:09. This work has not been followed up, but the committee has taken into account the views expressed in the report. The committee has also taken into account the practices of previous review committees with mandates similar to ours.

Both the guidelines and the practices of other committees are based on the premise that the case processing in each individual investigation must be adapted to the task at hand, as there are significant variations between the tasks of different investigative committees. There are several distinctive features of this committee's mandate that may be relevant to how the case processing should be organised, including the following:

- The task is to investigate whether international adoption to Norway has been justifiable at a systemic level, not whether individuals have made mistakes. At the same time, we must find out whether there have been any illegal or unethical circumstances surrounding adoptions to Norway.
- The task is very extensive. The committee will investigate and assess the activities of the authorities and adoption agencies in an entire field of activity over a period of more than 50 years. According to its mandate, the committee shall in principle assess adoptions from all countries from which children have been adopted, but the investigation will mainly be limited to 12 countries, cf. section 1.7.2. These countries have different languages, cultures and legal systems.
- There has been extensive and polarised debate about the conditions we are investigating, and the press has reported on very serious circumstances surrounding individual adoptions.
- Many of the circumstances under consideration date back a long time, and the passage of time makes the investigation more difficult.
- The documentation we collect cannot be used as evidence in criminal or civil proceedings.

The committee's investigations have not been directed at the actions of individuals, and it is therefore not appropriate for the committee to criticise individuals. No persons have therefore been considered "parties" to the case. Nevertheless, the committee has taken into account the roles that the persons interviewed have played in the adoption process and has adapted the interviews accordingly, see section 3.5.6 below.

3.2 Act on Access to Information

On 12 April 2024, the Storting passed a separate Act on Access to Information etc. for the Investigation Committee, which entered into force on the same day. The purpose of the Act is to ensure that the Committee has access to the information necessary to carry out its work in accordance with its mandate, and to provide the Committee with a basis for processing the information it collects, cf. Section 1 of the Act.

Pursuant to Section 2 of the Act, anyone may provide the committee with information necessary for its work, without being bound by any duty of confidentiality. However, the committee may not compel anyone to provide information.
Information received by the committee pursuant to Section 2 of the Act may not be used as evidence in any subsequent criminal or civil proceedings, cf. Section 5 of the Act.

The committee members, secretariat and others who have performed work or services for the committee are subject to confidentiality pursuant to Sections 13 to 13 f of the Public Administration Act, cf. Section 3, first paragraph, of the Act. To the extent that committee members or others who have performed work or services for the committee have received information subject to stricter confidentiality requirements than those set out in the Public Administration Act, the stricter confidentiality requirements shall apply.

The Act on Access to Information etc. also provides a legal basis for processing necessary personal data, cf. Section 4 of the Act.

3.3 Examination of international law, Norwegian legal rules and the legal rules of other countries

In its investigation, the committee must take into account international legal rules, Norwegian legal rules and legal rules in the various countries of origin. Furthermore, the committee must take into account the historical legal rules that were in force during the periods we are investigating.

Norway is bound by several international treaties, which in various ways provide guidance in the field of adoption. These are binding on the Norwegian state, but must be implemented in Norwegian law in order to have effect for Norwegian legal subjects. The Convention on the Rights of the Child currently has direct effect in Norwegian law through the Human Rights Act and takes precedence over other Norwegian laws. Other key treaties, such as the Hague Convention on Intercountry Adoption, have been implemented in Norway through amendments to Norwegian legislation. Regardless of its implementation in Norwegian law, international law may have an impact on the interpretation of Norwegian legal sources through the principle of presumption. ([8]) An overview of relevant international law is provided in Appendix 1.

[8] The principle that Norwegian law is presumed to be in accordance with international obligations.

The interpretation of Norwegian legal sources is carried out in accordance with recognised general legal methods. For a long time, Norwegian legislation on international adoptions was not very detailed, and much of the regulation was left to guidelines and practice, which can be difficult to find/investigate today.

The committee has limited opportunities to investigate other countries' adoption regulations during the various periods in question. This is due to the scope of the work and the number of countries involved, as well as the fact that the committee and the secretariat do not have expertise in the languages and legal systems of 12 different countries. The presentations will largely have to be based on available secondary sources, such as descriptions of regulations from other countries' reviews or descriptions found in the archives of Norwegian adoption authorities. For these reasons, certain errors in the presentation of foreign law cannot be ruled out.

In the sub-report's discussion of Ecuador and Colombia, we have attempted to present the main features of the adoption regulations in the relevant periods and some of the most important changes resulting from major reforms. The level of detail in the committee's descriptions of the regulations in the countries of origin will vary, depending on priorities and which circumstances and periods are being investigated.

3.4 Choice of methods

The choice of methods for investigating the facts was made on the basis of assessments of the mandate and available resources. Consideration was also given to the methods used in investigations and inquiries in other recipient countries and their available resources. Investigation reports and inquiries from the Netherlands, Switzerland, Belgium, Denmark and France were reviewed,[9] and an analysis of methods, material and conclusions was carried out.[10]

At an early stage, meetings were also held with the Swedish investigation commission, which explained its methodological choices. The committee also met with researchers who worked for the Dutch investigation commission.

The various methods used by other commissions of inquiry will be presented below. This will be followed by a presentation of the methods used by this committee.

3.4.1 Investigations and inquiries in other recipient countries

Among the investigations of intercountry adoptions conducted in other receiving countries to date, it is particularly the mandates and tasks of the Dutch and Swedish investigations that overlap with those of this committee. These will therefore be presented first. This will be followed by an account of investigations conducted in Switzerland, Belgium, Denmark and France.

[9] In addition, a brief account from 2022 on adoptions from Sri Lanka to Iceland was obtained, as well as a report from Finland (2022) that mainly summarises findings from investigations in other recipient countries.

[10] The committee's review of studies from other countries is based in part on an overview prepared by Bufdir that was sent to BFD at the start of the committee's work, and in part on the committee's own investigations. We reserve the right to acknowledge that there may be studies that the committee is not aware of. The review did not include independent research projects on international adoption.

3.4.1.1 The Netherlands

The Dutch review commission worked from May 2019 to February 2021. Partially exempt commission members and a secretariat received assistance from, among others, a research team at Utrecht University.

The investigations were conducted at the system level and were intended to provide answers regarding the extent of irregularities and how Dutch authorities acted in different situations and periods. Five countries were specified in the mandate.[11] In addition, the commission has noted irregularities[12] they have encountered in 18 other countries.[13]

The work consisted largely of document studies in relevant public and private archives, as well as approximately 160 qualitative interviews with various actors (adoptees, adoptive parents, government officials, various actors in different countries of origin, researchers and other stakeholders, etc.). The Commission did not examine individual cases with the intention of providing answers to individuals about their cases.

The Commission conducted country visits to Colombia and Sri Lanka. They conducted an extensive news search in historical news databases. They also prepared an overview of research in relevant fields and wrote a summary of 40 selected publications. Furthermore, CBS (*Centraal Bureau voor de Statistiek,* the Dutch Central Bureau of Statistics) was commissioned to conduct a survey among a random and representative sample of internationally adopted persons (N=3454), which dealt with illegalities and unethical practices related to the respondents' adoption, but also other life experiences related to the adoption, whether the respondents had searched/would search for their biological origins and any problems in this process.

The commission's work drew on principles of peer review and method triangulation, whereby archive material was cross-checked with material from other archives, and findings were contextualised with material from news articles and parliamentary documents. Qualitative interviews were used, among other things, to investigate how the system worked in practice. The questionnaire was used, among other things, to make recommendations on post-adoption services. They had no reference group, but sub-products were peer-reviewed and a draft of the report was reviewed by an external expert committee.

A key conclusion in the Dutch review report is that the Dutch authorities were aware of irregularities in connection with adoptions dating back to the 1960s and up to recent times, but did not intervene when, in the commission's opinion, there was reason to do so.

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[11] Sri Lanka, Colombia, Bangladesh, Brazil and Indonesia. All of these overlap with the priorities in this committee's mandate. See Report Commissie onderzoek interlandelijke adoptie (2021).

[12] The unofficial English translation of the report uses the term 'abuses'. In Dutch, the word 'misstanden', which can be translated as *injustice*, *wrongdoing* or *reprehensible conduct*. The Commission defines the term as follows: 'actions or omissions that contravene applicable national and international legislation, as well as actions or omissions that do not formally contravene applicable national and international legislation, but which are ethically irresponsible' (2021) p. 11.

[13] **Chile, Ethiopia, South Korea**, India, Guatemala, **China**, Peru, Romania, Thailand, South Africa, Poland, Haiti, Greece, Congo (DRC), Taiwan, Uganda, Hungary, USA. Countries marked in bold overlap with countries prioritised in the Norwegian review committee's mandate. It is unclear from the report what the basis is for the irregularities recorded in these 18 countries, as the source material is not clearly stated (e.g. whether the circumstances were recorded on the basis of news articles, archive findings, conversations with adoptees, investigations/proceedings in countries of origin, etc.).

The Commission further recommended abolishing an adoption system consisting of private elements/intermediaries.

The report has been criticised for not differentiating between general irregularities in countries of origin and irregularities specifically related to adoptions to the Netherlands. It has also been criticised for a lack of clarity regarding the source material for its conclusions on the extent of irregularities. [14]

Other findings from the Dutch investigation report will be discussed in relation to specific issues in relevant countries of origin.

3.4.1.2 Sweden

The Swedish investigation commission was established in October 2021 and is scheduled to deliver its report in June 2025. An investigator, law professor Anna Singer, supported by a secretariat of three full-time staff, has primary responsibility for the investigation. The investigation focuses on seven countries: Chile, Colombia, Ethiopia, China, Poland, Sri Lanka and South Korea. ([15])

The commission will clarify the occurrence of any irregularities in Sweden's international adoption activities. It will also examine how authorities, authorised associations, non-profit organisations and other private actors acted and responded to any irregularities based on their responsibilities and roles. The Commission shall propose how current regulations, organisation and processes can be changed and strengthened. The need for post-adoption measures shall also be investigated.

The Commission has conducted extensive document studies in public and private archives. A large number of historical news articles have been reviewed. The Commission has conducted a series of interviews with relevant actors (civil servants, adoptees, etc.) and visited Chile, Colombia, Poland and South Korea. Relevant research has been mapped. The investigation of post-adoption measures includes focus group interviews conducted by an external team.
Initially, the Commission did not have the opportunity to review individual cases, but the regulations were changed during the process to make this possible. The purpose of the individual case review is to examine the adoption system.

The investigation has an expert group composed of government representatives, representatives from adoption agencies and various professionals. In addition, it has a reference group with representatives from adoptee organisations.

3.4.1.3 Switzerland

In December 2020, a report was published on adoptions from Sri Lanka to Switzerland in the period 1973-1997. This included a historical investigation which was a

[14] See, for example, van Ijzendoorn, M. H. and Bakermans-Kranenburg, M. J. (2022) Intercountry Adoption is a Child Protection Measure. Some comments on "Investigating Historical Abuses" by Balks, Frerks and De Graaf, 2022. *Journal of Applied History* 2022 (1-10).
[15] Cf. Our work - Sou.gov.se

document analysis of various public archives, prepared by researchers at Zurich University of Applied Sciences (ZHAW), and concluded that there were several shortcomings at all stages of the adoption process. [16] The report showed that the Swiss authorities received information about the cases from their embassy, but that suspending adoptions was not considered. The historical work was carried out in dialogue with an advisory group consisting of representatives from the Swiss central authority, various stakeholders and other government representatives. The group ensured that the mandate was followed, that the work progressed and provided comments before final publication. After the report was published in 2020, an independent expert group was set up to analyse specific needs for measures and changes in legislation and practice.

In November 2023, researchers at ZHAW submitted a report on adoptions from ten countries from the 1970s to the 1990s,[17] based on document analyses in Swiss federal archives. This is described as an "inventory" (an overview and summary) of what is found in the archives, with the aim of facilitating other independent research projects on the subject.([18]) The material indicated that illegal practices and irregularities took place in all ten countries of origin, but to varying degrees. It was not possible to determine exactly how many people may be affected. The Swiss authorities were aware of the practices.

Furthermore, as part of a three-year pilot project (starting in 2022), the Swiss authorities have provided financial support to adoptees from Sri Lanka to help them search for their origins. In addition, an interdisciplinary working group has issued recommendations in a separate report on how adoptees can be better supported in their search for their origins.

In Switzerland, no major, comprehensive external investigation has been planned, but in the wake of the 2020 report on Sri Lanka, the authorities have initiated various activities, including legal investigations, the development of post-adoption services, and the facilitation of further research.
Other findings and relevant points from the Swiss investigations will be discussed in relation to specific countries of origin/issues.

3.4.1.4 Belgium

In July 2019, the Flemish government in Belgium appointed an independent, interdisciplinary panel of experts to investigate previous international adoptions.[19] The panel was tasked with providing a thorough analysis of the development of international adoption, focusing on what had gone wrong and inadequate practices, but also positive experiences. The aim was to provide policy recommendations for a new framework for international adoption, including the organisation of post-adoption, counselling, support and

[16] Among other things: inadequate assessment of adoption applicants, absence of consent from birth parents, superficial assessment of the child's documents and a profit-driven system in Sri Lanka linked to a network of lawyers and adoption agencies operating without adequate supervision. See Bitter, Bangerter & Ramsauer (2020) The adoption of children from Sri Lanka in Switzerland 1973–1997. On the practices of private agencies and the authorities.
[17] Chile, Colombia, South Korea, India, Bangladesh, Brazil, Guatemala, Peru, Romania and Lebanon. See Ramsauer, Bühler & Girschik (2023) Evidence of illegal adoptions of children from ten countries of origin in Switzerland, 1970s to 1990s. Inventory of documents in the Swiss Federal Archives.
[18] Since then, a research team affiliated with the University of St. Gallen and Bern University of Applied Sciences has conducted studies on adoptions to Switzerland from India between 1973 and 2002. Research Project Adoptions 1973-2002 ZH/TG
[19] See p. 6, Expert Panel on Intercountry Adoption, final report. Published on 14 August 2021.

At the same time, the Flemish central authority was instructed to investigate adoptions from Ethiopia, prompted by several news stories about problematic circumstances surrounding adoptions from that country.

The panel collaborated with three Flemish universities, where research teams delivered a total of four sub-reports analysing and discussing the legal, ethical, historical-social and psychological aspects of international adoption. The reports formed the basis for the discussions in the panel, which met approximately once a month.

In August 2021, the panel submitted its report with recommendations. This is mainly forward-looking and provides advice on restructuring and improving systems and practices. The report recommends a "passive" rather than an "active" approach to international adoption: Adoption agencies should not actively seek new partner countries/partners. Instead, adoptions should be initiated by the country of origin as needed. The report also recommends making adoption mediation the responsibility of the central authorities. In countries with a high risk of errors in the process, support for local child welfare services should be preferred over adoption cooperation.

3.4.1.5 Denmark

In Denmark, investigations of adoptions from other countries have so far been carried out by the Ankestyrelsen, which is the country's central authority. In April 2021, they published a report on adoptions from Chile to Denmark in the period 1978-1988. In January 2022, four reports were published on adoptions from Bangladesh (1975-1982), Colombia (before 1975 and 1985-1986), Sri Lanka (1980s) and Indonesia (1976-1981). In January 2024, a report was published on adoptions from South Korea (1970s and 1980s). In 2021, the Appeals Board considered conducting an investigation into adoptions from Guatemala, but after reviewing individual cases from 2002 to 2006, it found that there were no grounds for initiating a separate investigation.

The investigations consisted of, among other things, document studies in selected archives of the Danish authorities, material obtained from Danish adoption agencies, relevant secondary literature including information from other countries' central authorities and international organisations, and a review of individual cases.[20]

With regard to adoptions from Chile, Colombia and Bangladesh during the periods investigated, the Appeals Board cannot rule out that these have been associated with illegalities in the countries of origin. With regard to the investigation into Sri Lanka, the information indicates that illegalities have been part of the placement process to Denmark. With regard to Indonesia, the Appeals Board believes that the available information indicates unregulated, but not illegal, placement during the period they have investigated. With regard to South Korea, they believe that the placement was characterised by an unregulated placement system that made it possible to conceal the adoptee's background, and an unfortunate incentive structure with large money transfers between the Danish and South Korean organisations.

[20] 31 cases from Chile; 6 from Colombia, 28 from Bangladesh, 10 from Sri Lanka, 13 from Indonesia and 60 from South Korea.

Other findings and relevant points from the Danish reports will be discussed in relation to specific countries of origin.

3.4.1.6 France

In November 2022, an investigation into adoptions to France was launched, and in March 2024, the report was published. The investigations were conducted by four inspectors from various French supervisory bodies. The mandate was to identify illegal practices in the past in order to strengthen the system for the future. No specific time period or specific countries were determined. Methodologically, the investigations consisted of document studies of relevant guidelines and legislation and 179 interviews with various government officials, adoption agencies, adoptees, adoptive parents, researchers and professionals, as well as representatives in other receiving countries and diplomats in selected countries of origin. Furthermore, a questionnaire was distributed to various public agencies in several regions of France. Four country visits were made to Romania, Togo, Colombia and Sri Lanka. In each country, they observed the stages of the adoption process and met with key stakeholders.

The report clearly states that the inspectors have not attempted to uncover injustice or comment on the extent of any injustice; rather, it assumes that illegal practices[21] have been an undisputed reality[22] and appears to be forward-looking rather than retrospective. The focus is on finding improvements at the system level. The report concludes that France currently has a robust adoption system, although some weaknesses can still be identified. These are mainly related to countries of origin and the processes leading up to the release of the child for adoption.
Other findings and relevant points from the French studies will be discussed in relation to specific countries of origin and/or issues.

3.4.2 Methods used in this review

The review committee's mandate was operationalised in seven main questions/themes, with a number of sub-questions. Different methodological approaches to answering these were discussed at the second committee meeting (24 and 25 February 2024).

Below is a schematic summary of the methods that were selected and considered relevant to different parts of the mandate.

[21] In French, the report refers to 'pratiques illicites', which are defined as 'practices that lead to situations where a child has been adopted without its rights or the guarantees provided for in the [Hague] Convention being respected'.
[22] Here it is based, among other things, on findings in a historical study conducted in French government archives (Denéchère Y. and Macedo F. (2023) *Historical Study of Illicit Practices in International Adoption in France*. Université d'Angers - TEMOS. hal-04130830), investigations carried out in other countries, reports from The International Social Service and the Hague Conference on Private International Law, various news stories, and reported incidents from adoptive parents and adoptees who have investigated their own cases, etc. (pp. 39, *Mission Interministerial Commission on Illegal Practices in International Adoption in France. Final Report*. October 2023.

Table 1: Selected methods in relation to issues/topics in the mandate

Theme/issue	Archive	Interview	News search	Research/secondary literature	Individual cases	Country visits
Assess whether any illegal/unethical practices have occurred in connection with international adoptions to Norway.	x	x	x	x	x	x
Whether the adoption system has been sound.	x	x	x	x	x	x
Review regulations and practices for granting advance consent to adoptions	x	x	x	x	x	
Adoptions outside of organisations – rejections and approvals.	x	x		x	x	x
Adoptees' opportunity to obtain information about their biological origins. Including anonymous adoption.	x	x	x	x	x	x
How children and families have been cared for in Norway after adoption adoption.	x	x	x	x	x	
The need for forward-looking measures and advice on the system for the future.	x	x	x	x		x

In order to obtain the broadest possible knowledge base and ensure sufficient information on the subject, the committee decided to use several different, complementary methods. The following is a more detailed account of the progress of the investigation so far, and of the methods used in the investigation work, which will continue to be used in the work.

The committee also considered conducting a survey among adoptees, which could, among other things, provide representative perspectives on the need for and direction of post-adoption measures, as well as adoptees' opportunities and desire for knowledge about their biological origins. A survey based on a random and representative sample of internationally adopted persons is

outside the committee's resource framework. After consulting with Statistics Norway and other relevant actors, it became clear that it would also be difficult to conduct a questionnaire survey based on self-selection and open recruitment in a satisfactory manner without taking up too much of the committee's resources. After careful consideration, the committee decided that a questionnaire survey would therefore have to be deprioritised. It should be noted that anyone who wishes to do so may submit comments and enquiries to the committee (see sections 3.5.1 and 3.5.2).

3.5 The survey process

The main part of the committee's work so far has consisted of mapping the field of adoption and gathering information, as well as analysing and assessing the actual circumstances. The circumstances under investigation span many years, and the committee's investigations involve many different bodies, including in other countries. It therefore became clear early on that the factual basis would be considerable. The factual basis on which the committee's assessments are based consists partly of documents sent or obtained from the countries, bodies and agencies concerned, and partly of information obtained through interviews with individuals and organisations.

The initial stages of the investigation consisted of mapping, obtaining and analysing documents related to regulatory and practical changes in the field of international adoption. At the same time, meetings were held with various stakeholders (see Appendix 2). Written submissions to the committee's work from organisations and individuals were processed and systematised on an ongoing basis. An analysis of investigation reports and studies from other countries was carried out. At the same time, media searches were conducted in the National Library's newspaper database to identify any public knowledge of illegal/unethical practices related to international adoption to Norway. Recent cases registered in the Retriever news database were also obtained. Media searches are continuing in connection with investigations of individual countries.

3.5.1 Input, reference group and enquiries to the committee

Chapter 1 describes the committee's reference group and how it is used to provide input to the investigation. The committee has received input from the reference group on the importance of children's participation in the investigation. On this basis, a dialogue was initiated with the Ombudsman for Children, who has provided expert advice on how such participation can best be implemented. The committee has drawn up a plan for participation and will begin to seek participants in the first half of 2025. See also section 1.10.

In addition to the reference group, the committee continuously receives input from organisations, stakeholders and individuals. The input is systematised according to country of origin and/or topic. The input is provided in writing and, in several cases, also in the form of meetings with the secretariat and/or all or parts of the committee.

The input received by the committee is of great importance to its investigative work, and the committee wishes to acknowledge the work carried out on a voluntary basis by organisations and individuals to shed light on various aspects of international adoptions to Norway.

3.5.2 Website

The committee has its own website: www.utenlandsadopsjonsutvalget.no. The website is used to provide information about the committee's ongoing work. It also contains information about how to send enquiries, information and input to the committee. All input received by the committee is included in the committee's work and assessments. See also section 3.5.6.

3.5.3 Country studies

In March 2024, the secretariat began conducting structured archive searches at adoption agencies and public authorities. The Act on Access to Information for the Review Committee came into force on 12 April 2024. From this point onwards, work on reviewing individual cases could also begin. The archive searches have mainly been structured according to country of origin. During 2024, we have conducted document and archive reviews at Bufdir, the Ministry of Children and Families, the National Archives, the Ministry of Foreign Affairs, Adopsjonsforum and Verdens Barn, focusing on the following countries: Ecuador, Ethiopia, Colombia, Chile, South Korea and Sri Lanka.

A general template has been created for each specific country study. In short, each country study will initially consist of the following steps:

1. Obtain and review general information about the country and international adoptions from the relevant period. Reports from foreign investigations, Landinfo, ISS and independent NGOs will be relevant.
2. Collect and review all placement permits and applications. This typically provides information about partners and actors in the country, as well as regulations and practices. Risk factors and circumstances that have been in doubt may also be highlighted.
3. Media searches on adoptions from the country. (Relevant findings may be pursued further in archives.)
4. Search for relevant literature and research.
5. Review of general information about adoptions from the country in the archives of Bufdir, BFD, adoption agencies, the National Archives and, if necessary, the Ministry of Foreign Affairs.
6. Obtaining documents in individual cases from Bufdir/State Administrators.
7. Interviews with people who have worked with the country at adoption agencies, and possibly also employees of the authorities.
8. Interviews with individuals, primarily adoptees, adoptive parents and birth parents.
9. Possible new rounds of activities in 1-7.
10. Consider contacting sources in the country of origin, such as birth parents, NGOs, professionals or authorities.
11. Possible country visits.

The 12 priority countries in the mandate are very different in terms of general social conditions, the number of international adoptions, the periods during which the adoptions took place and the actors who arranged the adoptions. The amount of information that can be obtained through the various research methods also varies from country to country (for example, there will be fewer informants for adoptions that took place in the 1970s and 1980s than for more recent years). The country studies must therefore be adapted to the specific conditions in each country, and methodological choices and assessments must be adjusted according to what is uncovered and what is practically

possible to obtain answers. This is in line with the principles of qualitative research,[23] and is also specified in the mandate.[24]

In concrete terms, this means, for example, that information from an interview may influence the further course of the archive investigation, or vice versa. Furthermore, it has not been appropriate to review the same number of individual cases from each country, as individual cases from some countries have proven to provide a great deal of information that is relevant to the investigation, while individual cases from other countries provide far less relevant information. It may also happen that the investigation of individual cases provides indications that there may be some patterns in the adoption cases, which there is reason to investigate further by looking at more cases.

Resource issues have consequences for how deeply the investigations can go into individual countries. Limitations are imposed as the investigations progress, based on both resource considerations and assessments of the specific circumstances: What is the risk of illegal or unethical practices, how serious are the circumstances in question, and what opportunities are there to obtain sufficient information to make an assessment? Priorities and limitations will necessarily lead to differences in the resources allocated to each of the twelve priority countries and in the thoroughness of the report for each country.

Although the committee is basing its work on the 12 priority countries in its mandate, information about significant illegal/unethical practices linked to other countries of origin is also being recorded.

In parallel with the country studies, the committee is working to investigate overarching issues and how the systems in Norway have functioned. This means, for example, that interviews with adoptees and adoptive parents from individual countries are also used to gather perspectives on and experiences related to post-adoption and pre-approval of adoption applicants; or that the review of individual cases also helps to shed light on the child's opportunity to learn about their biological origins.

The following section provides a more detailed account of the empirical methods used in the investigation, which will continue to be used in the work, and discusses issues and limitations associated with these methods.

3.5.4 Archive searches

Archive and document searches have been central to investigations in other countries, and a significant part of this investigation has also consisted of reviewing the archives of public and private organisations that have worked in the field of adoption. This work is extensive, and many searches remain to be done. To date, we have conducted searches and retrieved documents from the archives of the Norwegian Directorate for Children, Youth and Family Affairs, the Ministry of Children and Family Affairs, several state administrators, the Ministry of Foreign Affairs, the National Archives,

[23] See, for example, Maxwell, J. A. (2013) *Qualitative research design: an interactive approach* (3rd edition., Vol. 41). Sage; Grønmo, S. *qualitative method* in *Store norske leksikon* at snl.no. Retrieved 31 October 2024 from https://snl.no/kvalitativ_metode

[24] "Different considerations must be taken into account for the different countries, and the selection is also expected to adapt to its own findings along the way."

The National Archives, the National Library, Adopsjonsforum and Verdens barn. We will continue our document searches throughout 2025, but it will not be possible to conduct exhaustive searches in all archives with relevant material.

During the archive searches, the secretariat goes through boxes containing large quantities of paper documents or digital files. The secretariat continuously makes discretionary assessments of which documents are relevant to the investigation and collects these for the committee's own digital archive.

The committee notes that there are variations in whether and how older material has been preserved. The archives are not always complete, and we see examples of documents and information that we expect to find not having been archived, or not archived in the right place.

3.5.4.1 Public authority archives

To date, government archives, mainly from the adoption authorities – Bufdir and its predecessors (BUFA, SUAK, SAK and RIA), as well as the responsible ministry (cf. section 4.5) – have been central to the searches. Given the many changes in which public bodies have been responsible for adoption, it has been important to identify which documents are located where. The archives relevant to the investigation are scattered across many locations (Bufdir, the National Archives, the State Administrators, etc.).

At the start of the investigation, Bufdir handed over a package of documents that the ministry had requested for the investigation. It contained placement applications and placement permits from 2000 to the present, an overview of the adoption authorities' travel activities from 1988 to the present, an overview of rejected placement applications since 2000 and a description of the background for the termination of national cooperation that ceased after 2004.

The committee has since sent batches of requests to the Bufdir archive, mainly by country. Here, physical archive boxes organised by agency, time period and/or country are reviewed. The committee has also been given access to Bufdir's electronic case management system, so that cases and correspondence from 2004 onwards can be searched directly. The types of documents reviewed include: Inspection reports, communication between adoption authorities and placement organisations, internal communication, communication with the responsible ministry, placement permits, applications for placement permits and approval of contact networks, general country information and enquiries to Norwegian adoption authorities from various actors and individuals.

We have requested an extract from the archives of the Ministry of Children and Family Affairs of all cases with "adoption" in the subject field from 1990 to 2016, and have then ordered relevant cases for closer examination. The archivist has also sent a number of cases related to placements from Ethiopia, Colombia and Ecuador that could be of interest to the committee.

Until 1990, responsibility for adoption lay with the Ministry of Justice and the Ministry of Social Affairs. The archive material from the period in question has been delivered to the National Archives, where the committee has so far reviewed parts of it. The document types in the ministries' archives largely correspond

with that described above regarding Bufdir's archives and covers both adoption work in general, individual countries and communication related to individual cases.

The Secretariat has also conducted searches in the archives of the Ministry of Foreign Affairs for some individual countries. In some cases, the archives at Norwegian foreign missions have been transferred to the National Archives. In Chile, the committee was able to conduct a search in the physical archives at the embassy.

The committee has also searched the main register in the Storting's digital archive of historical cases.

3.5.4.2 Adoption agencies' archives

All adoption agencies (Adopsjonsforum, Verdens Barn and InorAdopt) have made their physical and, in some cases, digital archives available to the committee. As the work is structured by country, archive reviews have so far only been carried out at Adopsjonsforum (for Colombia, Ethiopia, Chile, Ecuador and Sri Lanka) and Verdens Barn (South Korea).
Adopsjonsforum's physical archives reflect the fact that the association has been based in spacious premises for a long time. The organisation has a relatively large paper archive. However, the amount of material we have found on individual countries/periods varies. However, we have found many details here relating to the placement process (e.g. agreements with local actors) that we cannot find in the government archives.

We have not looked at recent electronic correspondence beyond what may have been printed out and placed in physical folders. From the Adoption Forum's digital shared areas, we have retrieved country folders (currently only for Chile, Colombia and Ethiopia).

Verdens Barn has a significantly smaller physical archive, as most of the old archive material has been discarded during various relocation processes. It does not appear that they have kept correspondence, project files and so on, as we have seen at Adopsjonsforum. We have retrieved country files for South Korea from Verdens Barn's digital shared areas.

The committee has experienced openness and goodwill from the adoption agencies in connection with the implementation of archive searches.

3.5.5 System level and individual cases

According to its mandate, the committee shall examine adoptions at the system level, and we shall also look into a selection of individual cases. It is important to emphasise that the purpose of looking at individual cases is to assess the adoption system, cf. section 1.7.4.

The review of individual cases initially consists of obtaining an overview of the documents in the cases, what information can be gleaned from them, and how this may change over time and in accordance with relevant regulatory changes in the country of origin. Documents/information that are not included in the cases but which one would expect to find are also noted. As mentioned, the information contained in the cases varies between countries and time periods. The information found by the committee is systematised, and an assessment is then made

how any further case review should proceed. The selection criteria for the selection of individual cases can therefore be described as strategic, rather than random.

Further information on the case reviews related to individual countries is provided in the respective country chapters.

3.5.6 Meetings, conversations and interviews

The committee has held a number of meetings and conversations. Several meetings have been held to get to know the actors in the field and to obtain input on the investigation. Among other things, we have had meetings with Bufdir, the three adoption agencies and several organisations representing adoptees from different countries and with different views on adoption. We have also held meetings with various groups of adoptive parents. Some of the meetings were attended by all or some of the committee members, and some by the secretariat. An overview of the stakeholders the committee has met with so far is provided in Appendix 2.

In addition to the meetings, we have conducted a number of interviews with individuals. These include people who have worked with adoption in the public or private sector, or who have been involved in an adoption as an adoptee, birth parent or adoptive parent. We have also spoken with researchers and people who have been involved in searches for their origins.

The selection of the persons we interviewed from the adoption agencies and authorities is based on information we have obtained about current and former employees and areas of responsibility at the adoption agencies and authorities. In addition, we have taken into account information found in archive searches. We have had to select interview subjects to cover different countries and periods, and have prioritised talking to those with the most experience and knowledge of matters of interest to the investigation. It is voluntary to talk to the selection committee, and some have stated that they cannot talk to us due to age, health or other circumstances.

After interviews with individuals who have worked with adoptions at government agencies or adoption agencies in Norway, they will receive the transcript for review, with the opportunity to comment. Although these individuals are not considered parties to the investigation, as the investigation focuses on the adoption systems, it is natural to conduct these interviews in a manner that ensures contradiction and notoriety. Sending the minutes for review may also be relevant for other key interviews.

Many adoptees have contacted the committee with a desire to contribute to the investigation with their stories. The committee has also encouraged this, including through various organisations and interest groups that have passed this on to their members/followers. Many have come forward, and unfortunately the committee does not have the resources to talk to everyone. The committee wishes to talk to a selection of adoptees from each of the priority countries, and where many have come forward, we have prioritised adoptees who have significant information about their adoptions beyond what is revealed in the adoption documents in Norway.

The committee has also held conversations with several adoptive parents, who have been selected in a similar manner to the adoptees. Furthermore, we have spoken with some birth parents.

Most of the interviews with birth parents have so far been conducted during the committee's trips abroad. This is because it has been easier for us to make contact with parents who wish to talk to the committee during these visits to the countries. In Colombia and Chile, the interviews were conducted with the help of local organisations, which provided support and follow-up for the parents in connection with the conversation. In many cases, it is also preferable that such conversations take place in physical meetings, both due to limitations in access to digital platforms and good internet connections among the informants, and to ensure a good and safe setting for the conversation.

The purpose of the interviews conducted by the committee is to gain knowledge about the interviewee's experiences. This follows from the fact that no one has a duty to explain themselves to the committee. Nor does the committee have any means of imposing sanctions if someone chooses to give deliberately false information. The material obtained through interviews is therefore regarded as the informant's version of their story. The interviews are descriptive in nature, with the answers sought being as specific as possible.
The procedures for conducting interviews are as follows:

- Participants receive an information letter informing them about the investigation, how the interviews will be conducted, rules for confidentiality and archiving, and principles for summarising and anonymising the interviews.
- It is emphasised that participation in the investigation is voluntary.
- The committee has prepared interview guides for various participants to assist with the conversation.

The committee is aware that conversations about one's own adoption history can in some cases be challenging. Unfortunately, the committee does not have the resources to offer follow-up to those we talk to. We encourage those who need it to ensure that they have a support person available afterwards. In connection with the interviews, we also provide information about Bufetat's free service, where adoptees can call in and book an appointment with a therapist who is bound by confidentiality. In dialogue with Bufetat-Øst, we have received confirmation that adoptees who have had conversations with the committee will receive an offer, regardless of whether they have already exceeded the recommended limit of six appointments with a therapist.

3.5.7 Media searches

Historical news searches have been used by most investigations in other countries to find/capture known cases of illegal/unethical practices related to international adoptions.
The committee has searched Norwegian archives (the National Library's newspaper and periodical archive, as well as the Retriever news database) to identify relevant cases.[25] These then provide direction for the archive research and, where relevant, also interviews. The media searches also provide contextual information about the public debate on international adoption and how it has developed from the 1950s to the present day.

With regard to international news stories, the selection is based on overviews and searches carried out by other investigations (the Netherlands, France), as well as our own searches related to individual countries (see section 3.5.3), and

[25] Searches are systematised by date and country. In total, over 100 news stories have been registered. Furthermore, more targeted searches are carried out in connection with investigations of individual countries.

cases referred to in reports from relevant bodies/actors on individual countries and research literature.

3.5.8 Country visits

At the reference group meeting on 18 March 2024, concern was expressed among adoptee organisations and adoption intermediaries as to whether the committee would have the opportunity to conduct sufficient investigations in the countries of origin (cf. section 1.6). Based on these comments, and following advice from the Swedish review commission and the Dutch review, the committee decided to prioritise four country visits. Country visits are very resource-intensive, and additional visits would have had too great an impact on other activities necessary for the review.

To date, country visits have been conducted to Colombia (7–13 October 2024) and Chile (14–20 October 2024). In 2025, country visits are planned to Ethiopia (end of January/beginning of February 2025) and South Korea (March 2025).

3.5.8.1 Choice of countries

It was decided early on to prioritise country visits to Colombia and South Korea. Together, adoptees from these two countries account for approximately 52% of all adoptees (placed through adoption agencies) to Norway. Furthermore, there have been placements from both countries over long periods of time, there has been media attention on illegal/unethical practices related to adoptions from both countries, and the committee has also received several inquiries about this.

When considering which two other countries to visit, the following factors were taken into account:

a. Countries with many adoptions should be prioritised.
b. The visits should cover several continents.
c. The visits should cover all adoption agencies.
d. A secure safety situation.
e. Good opportunities for dialogue with relevant authorities in the country.
f. In countries from which Norway adopted children a long time ago, it can be difficult to obtain information or find someone to talk to who is relevant to Norwegian adoptions. (This applies to Bangladesh, Costa Rica, Indonesia and Ecuador.)
g. Ideally, some research should have been done on historical international adoptions in the countries we are going to visit, either by the authorities themselves or by private individuals/organisations, so that we have someone to meet/contact.
h. For budgetary reasons, one additional trip must be made in connection with the trip to Colombia. This presupposes that the trip will be to another country in South America.

The various aspects were discussed at the committee meeting on 6-7 June 2024, where it was decided to visit Chile and Ethiopia.

The main arguments for choosing these countries over other relevant countries were the number of adoptions from the countries and the proximity in time to adoptions to Norway. In the case of Ethiopia, it was also a factor that it is

the only country in Africa that is prioritised in the committee's mandate. In the case of Chile, it was crucial that there have been several public investigations into adoptions in the country, and that the conclusions of these investigations give reason to suspect that irregularities have occurred at the system level.

3.5.8.2 Input for country visits

In connection with travel planning, the committee seeks input from many different actors. The committee has drawn on experiences from the Swedish and Dutch investigations' country visits, requested input from the Norwegian embassies in the countries and from organisations for adoptees. We have reviewed Norwegian authorities' inspection reports, consulted researchers and conducted independent investigations into potentially relevant actors. In addition, information about the travel plans has been published on the committee's website so that anyone who wishes to do so can send the committee input in connection with the trips.

3.5.8.3 Meetings during country visits

An overview of the various actors the committee has met during country visits is provided in the country chapters.

3.5.9 Written presentation of facts to adoption agencies

Prior to publication, Adopsjonsforum (03.01.25) was presented with selected excerpts containing key facts presented in the interim report on adoptions from Ecuador and Colombia, and was given the opportunity to comment on these. The committee received Adopsjonsforum's comments on 10.01.25. The comments have been taken into account and are discussed where the committee considers it appropriate.

3.6 Limitations

As mentioned earlier in this chapter, there are some practical and legal limitations to the committee's investigations. Some archives are incomplete, some of the people involved are no longer available, and no one is obliged to provide information to the committee. In addition, it would be far beyond the committee's resources to investigate the legal systems of other countries. However, there is another limitation to the committee's investigation that must be clarified: it is beyond the committee's mandate and resources to investigate *the extent* of illegal and unethical practices. Where it is possible to give indications of the extent, however, the committee will endeavour to do so.

4 A historical overview

4.1. Introduction

4.1.1. Introduction to the chapter

International adoption is a social and legal phenomenon that is closely linked to cultural, political, religious and economic conditions, both in individual countries and at a global level. The committee is aware of the diversity of perspectives from which cross-border adoptions can be described and explained. At the same time, based on its mandate and resources, certain priorities and limitations must be made in the committee's report. The following account of historical developments mainly deals with national developments in Norway, and in particular the legal and institutional frameworks for adoption from other countries.([26]) Developments in the various countries of origin, and Norway's cooperation with them, will be described in more detail in the separate country chapters.

Overall, the development of international adoptions to Norway can be divided into four different phases. This division is not intended to represent sharp periodic distinctions, but can provide some general context for the adoption work and its framework in the decades in question.

The first phase of international adoptions began after the Second World War and lasted until the 1970s. In the post-war years, cross-border adoption gradually became a more relevant topic, also in Norway. At the same time, both regulations and the various public institutions were established and organised primarily with a view to what was still a relatively high volume of national adoptions. The organisation and implementation of international adoptions therefore had to be fitted into a system that was not particularly geared towards the specific issues involved in this form of adoption.

As the number of international adoptions increased and became the most common form of adoption, adoption work entered its second phase in the 1970s and 1980s. Several private placement organisations were established, and the number of partner countries and adoptions increased. Nationally, several legislative changes and restructuring of the adoption system were carried out during these decades to better adapt it to international cases and cooperation. Separate public bodies were established with specific responsibility for case processing and supervision of adoptions from other countries.

In the 1990s, developments entered their third phase, characterised by a gradually more unified international commitment linked to an increased focus on children's rights, adoption and adoption regulation. Key milestones in this work were the Convention on the Rights of the Child from 1989 and the Hague Convention from 1993. As these were ratified both in Norway – in 1991 and 1998, respectively – and in a number of countries of origin, clearer and more consistent structures and regulations for cross-border adoption cooperation were established. The Hague Convention must be considered

[26] Parts of the following presentation are based on an internal/unpublished report prepared by Knut R. Steenberg on behalf of Bufdir in 2010. This applies in particular to descriptions of institutional and regulatory developments.

as particularly important, as it established a clearer division of responsibilities between the country of origin and the receiving country in the adoption process. During this period, the number of adoptions continued to increase, and around 2000, more than 700 children were adopted from abroad to Norway each year.

The significant growth up until the turn of the millennium was gradually replaced by the fourth phase, which can be characterised as a phase of decline. Since 2005, and particularly since 2012, the number of international adoptions to Norway has fallen significantly. This decline follows the global trend and is primarily due to developments in the countries of origin, which have led to changes in the need for and/or desire for international adoptions.[27] As a result of fewer adoptions, the need for specialised adoption agencies has diminished, and the specialist agencies in the field of adoption from the 1970s, 80s and 90s have gradually been incorporated into larger units responsible for several areas of expertise through various reorganisation processes. Private adoption agencies have had to downsize considerably. In 2023, the three active organisations arranged a total of 37 adoptions, and in 2024, they arranged a total of 24 adoptions.

The following general historical account will focus on three main areas: developments in practice, legal developments and institutional developments. In addition, the political guidelines in this field will be commented on. Despite overlaps and interactions between these lines of development, each of them contains a number of changes and details that, for the sake of clarity, make it appropriate to describe them separately. Some key legal principles related to adoption work will be described in more detail in Chapter 5*, Key Legal Principles,* and in the final report, the committee will conduct a more comprehensive review of the content of the various legal rules related to adoption and adoption mediation.

Finally, section 4.6 will provide a brief overview of the current situation in the field of adoption and how this can be regarded as the start of a fifth phase in adoption work.

4.1.2. Introductory remarks on the adoption statistics in the report

Both in the general historical account and in the various country chapters, reference will be made to statistics on the number of children adopted per year and from different countries. The review committee has neither the expertise nor the resources to compile its own statistical overviews and has therefore had to rely on available sources. However, it has been challenging that different sources use different calculation methods and present different figures for the number of adoptions completed. A brief explanation is therefore provided here of the challenges associated with the statistics and how the committee has dealt with these in its work.

The committee has primarily obtained adoption statistics from three sources: the adoption agencies themselves, Bufdir and Statistics Norway's public reports.[28]

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[27] The HCCH keeps statistics for countries of origin and receiving countries, HCCH| Statistics - State responses. See also NOU 2014: 9 p. 201 and NOU 2009: 21 p. 33ff.

[28] In addition, the committee requested extracts from the adoption register by year and country, but the results of such extracts were not immediately suitable for statistical presentation.

In the adoption agencies' own overviews, the child's arrival in Norway is the cut-off point for the year in which the adoption is considered to have been completed. Depending on the adoption procedures in different countries, adoptions may therefore be included in the agencies' statistics for an earlier or later year than when the adoption was granted (in Norway or the country of origin).(29) This applies in particular to adoption processes that have been completed at the end of a calendar year.

Bufdir has also sent the committee the directorate's internal statistics on adoptions arranged through organisations between 1979 and 2022.[30] The overview is stated to be based on reports from the intermediaries and largely coincides with the intermediaries' public statistics.[31] However, particularly in the 1980s, there are some minor discrepancies in the figures from individual countries, without current Bufdir employees being aware of the reason for this. It should also be noted that Bufdir does not have statistical overviews of adoptions carried out outside of approved adoption agencies, known as *independent* adoptions (see section 4.2.2 for more details).

Statistics Norway's figures sometimes show significant deviations from the figures provided by the agencies and Bufdir.[32] The figures for some years are higher than the total number of adoptions facilitated by the organisation as reported by Bufdir/the agencies, while for other years they are lower. In 1980, for example, SSB reports that a total of 275 adoptions were completed, while Bufdir reports that 384 were completed through adoption agencies alone (any independent adoptions are then added to Bufdir's figures). In 2005, SSB reports that 704 international adoptions were completed, while Bufdir reports that 582 were arranged. (33) The discrepancies are probably due to several factors. Firstly, SSB's statistics do not distinguish between adoptions arranged through adoption agencies and independent adoptions. Secondly, SSB's statistics are not based on the year of arrival, but on when the adoption permit was granted abroad, or when the adoption was registered in Norway. (34) Thirdly, as far as the committee is aware, SSB primarily works with collective files from the adoption register that are sent to them by Bufdir.[35] According to the information provided to the committee, much of the information in the adoption register is entered as free text, and typing errors and duplicates are possible sources of error in a statistical context.[36]

In addition to these more comprehensive overviews, the committee has also come across a number of less comprehensive tables through source and archive searches, for example, where the number of

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29 In Colombia, for example, there were several cases where it took several years before confirmation that the adoption decision was legally binding was sent to Norway, see section 7.8.2.1.

30 They emphasise that this has not been quality assured and has therefore not been published.

31 Taken from the adoption agencies' website/sent to the committee by the agencies themselves.

32 SSB Table 04766: Adopted children by type of adoption, citizenship, year and statistical variable.

33 There cannot have been more than 100 independent adoptions in 2005, see section 4.2.2.

34 The extract varies from country to country.

35 The Adoption Register contains information on adoptions that have been completed/approved in Norway since 1917. Adoptions that have been completed entirely in and by other states, e.g. because the adoptive parents reside or are citizens there, are not entered in the Adoption Register even if they have subsequently been recognised by the Norwegian authorities. See section 4.2.2.

36 SSB provides information on procedures for checking possible discrepancies, but the committee has no basis for assessing how reliable these methods are. As SSB's statistics are based on the child's citizenship, it is unclear whether this includes children who obtained Norwegian citizenship before the adoption was granted, see note 8080.

adopted children from a few countries and/or a few years. These differ consistently from each other and from the overviews already mentioned. [37]

As mentioned, the committee has no basis for determining the correct number of adoptions completed from different countries. Although verified statistics would have been desirable, this is not considered strictly necessary for the purposes of the investigation. It should be noted that the challenges in obtaining historical data primarily reflect weaknesses in the Norwegian registration system with regard to statistics. These challenges have limited significance for the Committee's assessment of the authorities' case processing at the individual case level. Nevertheless, the committee believes that difficulties in obtaining verifiable statistics indicate a lack of overview on the part of the Norwegian authorities.

In its report, the committee has chosen to use the adoption agencies' own statistics as a basis for adoptions arranged through their organisations. This decision is based on the fact that the agencies have been closest to the individual adoption cases and have had the greatest need to clarify the number of adoptions per year, for example in connection with the calculation and distribution of adoption costs. Bufdir states that recent figures are based directly on information from the adoption agencies, but that there is some uncertainty as to what these figures were based on previously. Statistics Norway's register extracts also have the disadvantages mentioned above.

4.2. International adoptions in practice

4.2.1. The emergence of international adoptions and adoption agencies

International adoptions in Norway and other recipient countries have mainly grown through private initiatives. Although the Norwegian authorities have facilitated the practice and have at times been actively involved in various situations and collaborations, they have not taken responsibility for the more practical aspects of adoption work. When describing the development of international adoptions to Norway, it is therefore natural to start with the private actors and their practices.

Cross-border adoption became a reality in the decades following the Second World War. It was mainly private organisations and individuals from the USA who took the initiative to adopt children from the European countries hardest hit by the war. As European countries recovered and adoptions from these countries declined, actors from the United States continued with adoptions from other continents, particularly Asia.([38])

In Norway, too, interest in adopting foreign children increased in the second half of the 20th century. Economic and social developments during these decades meant that fewer and fewer Norwegian children were

[37] One example is the table reproduced in section 4.2.2, which RIA prepared at the request of the Swedish authorities in 1982. This does not correspond with the figures from SSB, Bufdir or the Norwegian Korea Association. In NOU 1976: 55 p. 10, there is also a table that largely corresponds to RIA's overview from 1982, but which nevertheless shows two fewer children in 1975. It should be noted that the working group itself points out several possible sources of error in these statistics, cf. pp. 10-11.

[38] Hognestad and Stenberg (2000) p. 56.

available for adoption. In addition, globalisation and media developments brought the plight of other countries closer to home, and for some, the adoption of orphaned children became an act of solidarity. In Norway, too, some European "war children" had been adopted, but beyond this, international adoptions were not widespread or organised. More systematic work on international adoptions was also developed in this country in connection with the start of adoptions from East Asian countries.

In 1953, ***the Norwegian Korea Association*** was founded as a friendship association for health personnel from the Norwegian field hospital NORMASH. The association carried out relief work in Korea during and after the Korean War.([39]) In the 1950s, the association was granted permission by the authorities to bring a few children to Norway for adoption.([40]) In addition, they facilitated contact and provided practical assistance to other adoption applicants who carried out adoptions on their own.

From 1953 to 1968, at least 170 Korean children were adopted by Norwegian parents. In 1969, the association obtained a general placement licence for Korea and established formal cooperation with the American-run organisation Holt, which was then a relatively well-established adoption agency in the country.[42] As the association assumed that the need for adoptions from the Korean side would decline, while capacity and demand in Norway would increase, they gradually looked for other relevant countries from which to adopt. In 1979, the adoption activities of the Norwegian Korea Association were separated into a newly established association for this purpose: ***Verdens Barn (Children of the World).*** ([43]) By 2024, the Norwegian Korea Association and Verdens Barn had placed a total of 9,273 children from nine different countries.

Table 2: Number of children arriving through the Norwegian Korea Association/Children of the World

Country	Number of children	Placement period
South Korea	6565	1969–2024
Thailand	431	1979-2024
India	498	1982-2016
Romania	144	1990
China	1276	1991–2017
Russia	66	1992–2004
Brazil	6	1996-2000
Bulgaria	1	1998
South Africa	286	2003-2024

Green marking indicates that the country is one of the 12 priority countries in the committee's mandate.

[39] Hognestad and Steenberg (2000) p. 79.
[40] Hognestad and Steenberg (2000) p. 68.
[41] Pedersen, L. U., (1991) *Norge i Korea*, Huitfeldt Forlag p. 171 writes 113 children between 1954 and 1967+ 57 children in 1968 = 170. Verdens Barn (2003), *Verdens Barn 50 år* p. 24 states 115 children between 1954 and 1967+ 57 children in 1968 = 172. None of these cite a source.
[42] Children of the World (2003) p. 26ff.
[43] In 1988, however, the two associations merged again and retained the name Children of the World, cf. Children of the World (2003) pp. 50-54.

Gradually, other adoption agencies also emerged. Two of these are still operational, *Adopsjonsforum* and *InorAdopt*, which are therefore discussed first.

Adops***jonsforum*** was founded in 1970 under the name *Adopsjonsopplysning (Adoption Information)*.[44] In the early years, it was a voluntary group consisting of adoptive parents who worked to disseminate information about international adoption, particularly with regard to new potential adoption countries.[45] With its gradually expanding network in Norway and abroad, the group assisted adoption applicants in navigating the regulations and contacting foreign adoption agencies. In 1975, the name was changed to Adopsjonsforum, and at the same time, the group applied for permission to arrange adoptions from Colombia and Bangladesh. Permission to arrange adoptions from these and several other countries was granted in 1978. By 1979, Adopsjonsforum had permission to arrange adoptions from 11 countries: Colombia, Bangladesh, Ecuador, Guatemala, India, Indonesia, Sri Lanka, Costa Rica, Iran, the Philippines and Nepal. They established a paid secretariat in 1982. In total, Adopsjonsforum has arranged **9,615** adoptions from 28- n countries from 1972* to 2024.(46)

Table 3: Number of children arriving through Adoption Information/Adoption Forum

Country	Number of children	Arrangement period
Brazil	28	1972*; 1996–2000
Colombia	4095	1972*-2024
Bangladesh	110	1973*-1981
Liberia	2	1974
Bolivia	110	1974–1978*; 1985–2012
India	595	1974*-2015
Costa Rica	101	1975*-1992
Guatemala	230	1975*-2003
Ecuador	185	1976*-2004
Iran	16	1977*-1978
Indonesia	155	1977*-1983
Nepal	52	1979–1980; 1998–2011
Sri Lanka	222	1979–2015
Philippines	775	1979-2023
Argentina	13	1983-1992
Mexico	10	1984; 1995–2000
Chile	313	1986–2016
Paraguay	4	1987-1992
Peru	140	1987-2023

[44] See, among other things, NOU 1976: 55 p. 26.

[45] Among other things, they initiated a collection of articles entitled *Adopsjon? (Adoption?)* Published by Gyldendal in 1972.

[46] This includes the number of adoptions that the organisation assisted with through its information work before it was granted a placement licence in 1978. These adoptions were formally *independent*, see section 4.2.2. From 1972 to 1977, 301 children were placed with such assistance. Such adoptions are indicated with an asterisk (*) in the table. NOU 1976:55 states that the activities of Adopsjonsforum were known and apparently accepted by the Norwegian authorities. In its final report, the committee aims to examine in more detail issues related to the boundary between information work and adoption mediation in the 1970s.

Madagascar	38	1988-1990; 2010-2023
Uruguay	6	1989–1999
Poland	30	1991; 1999–2005
Ethiopia	693	1991–2015
China	1454	1991-2017
Vietnam	91	1991-1999, 2016-2021
Russia	143	1993–2007
Latvia	10	1997-2002
Mali	1	2012

Green marking indicates that the country is one of the 12 priority countries in the committee's mandate. Dark green marking indicates that the country is covered in the sub-report.

InorAdopt was founded in 1981. The background was an internal conflict in Adopsjonsforum, which ended with key figures involved in adoption from Indonesia leaving the association and forming a new group. Initially, they wanted to take over adoption services from Indonesia (the name originally referred to Indonesia and Norway), but Adopsjonsforum retained this licence until all adoptions from the country were suspended in 1982. Until 1989, InorAdopt was therefore primarily involved in aid work. In 1989, they were approved for a few trial adoptions from Brazil, and in 1990 they hired paid staff. As of 2024, InorAdopt has arranged **1,240** adoptions from eight countries.

Table 4: Number of children arriving through InorAdopt

Country	**Number of children**	**Arrangement period**
Brazil	439	1990
Argentina	3	1991-1992
Hungary	381	1992-2024
China	301	1999–2017
Bulgaria	52	2003-2021
Kenya	20	2013–2015
Taiwan	41	2014–2023
Burkina Faso	3	2019

Green marking indicates that the country is one of the 12 priority countries in the committee's mandate

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In addition to these three adoption agencies, children have also been placed with Norwegian parents through other initiatives. In connection with the civil war in Greece shortly after the Second World War (1946-1949), the Norwegian Red Cross, among others, assisted for a short period with adoptions from there. The Korea Mission is also said to have assisted in arranging a few adoptions from South Korea, but ceased its activities after the Ministry of Social Affairs required them to apply for a licence.[47]

[47] NOU 1976: 55 p. 27.

The most controversial aspect of its work at the time was the rescue of 77 children from Vietnam in 1968. As in South Korea, war was a central backdrop, and many children suffered in very poor conditions in overcrowded and understaffed orphanages. In 1967, ***the Committee for Southeast Asia*** applied to bring 60 children to Norway for adoption. The Ministry of Social Affairs granted permission for this as a one-off event, subject to specific conditions. When the committee returned from Vietnam with the children, it became clear that the conditions had not been met; they had brought more children than the permit allowed, the requirements for the children's health had not been met, and the documentation related to the release of the children for adoption was very incomplete. Nor were there complete lists of which adoptive applicants were to be assigned which children. ([48]) This required a lengthy clean-up process before the adoptions could be completed.

When the organisation later applied for permission to arrange more adoptions from Vietnam, this was refused. An application from the newly established ***Norwegian-Vietnamese Association*** was also refused, as its leader was the same person as the chairman of the Committee for Southeast Asia. Despite the lack of permission, ten new children were brought to Norway without visas in 1971, resulting in the leader of the North Vietnamese Association being fined. The ten children were initially taken into care by child welfare and health authorities before they were finally adopted.

In 1973, ***the Parents' Association for Children from Vietnam*** received permission from the Ministry of Social Affairs to arrange 50 adoptions from Vietnam. In addition to arranging for "new" children, they assisted in the implementation of adoptions that the Committee for Southeast Asia and the Norwegian-Vietnamese Association had initiated. When adoptions from Vietnam were halted after the change of power in 1975, the association changed its name to ***the Parents' Association for Children from Other Countries,*** and in 1978 they were granted authorisation to arrange adoptions from India and Pakistan. The Parents' Association for Children from Other Countries is the fourth of a total of four Norwegian organisations that have had general placement permits. However, their period of operation was relatively short, and the last adoptions arranged through the association came to Norway in 1986. A total of **242 adoptions** were arranged through the association from three countries.

Table 5: Number of children arriving through the Parents' Association for Children from Vietnam/Parents' Association for Children from Other Countries

Country	Number of children	Placement period
Vietnam	50	1973-1975
India	186	1979–1986
Pakistan	6	1979

Green marking indicates that the country is one of the 12 priority countries in the committee's mandate.

If we include the 87 Vietnamese children brought by the Committee for Southeast Asia and (the leader of) the Norwegian-Vietnamese Association, a total of **20,442 children** were adopted from abroad to Norway through adoption agencies between 1968 and 2024.

[48] NOU 1976: 55 p. 27.

With regard to the overall development in the number of international adoptions to Norway through intermediaries, it can be seen that between 1980 and 2011, more than 300 children arrived each year. 2002 was the year with the highest number of adoptions to Norway, with the three adoption agencies placing a total of 747 children from 21 different countries. In the decades that followed, the number of both adopted children and partner countries gradually declined. By comparison, in 2012, 239 children from 16 different countries were adopted, and in 2022, 45 children from nine countries.

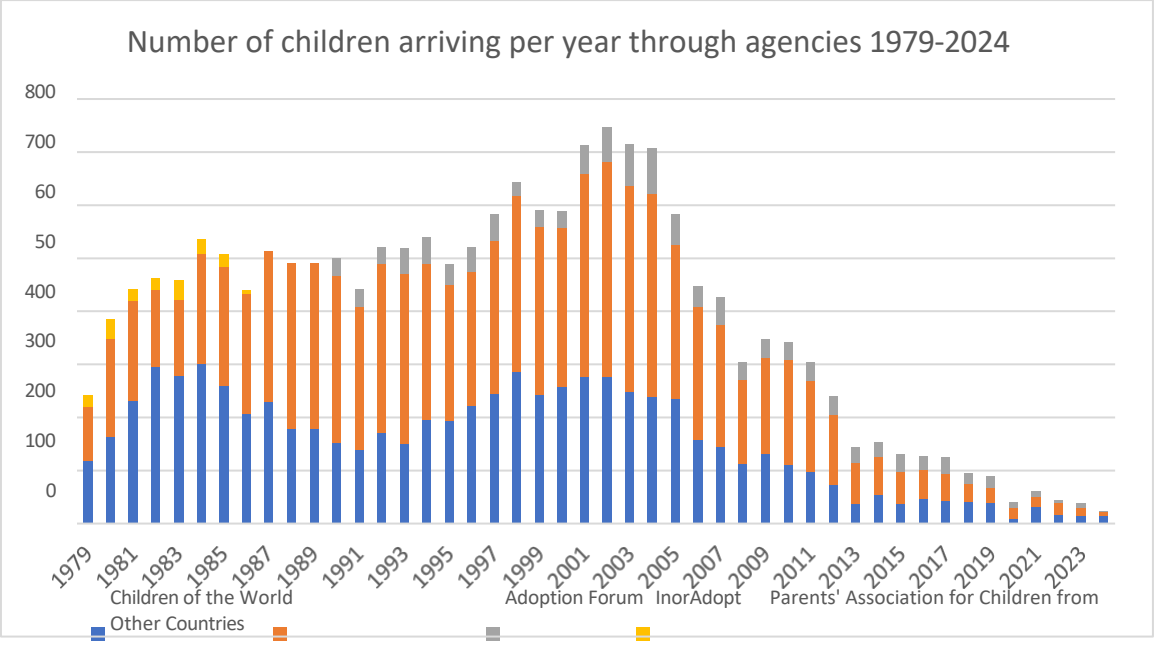

Figure 1: Adoptions through intermediaries 1979-2024

Through the various adoption agencies, children from a total of 38 countries have arrived in Norway. In terms of the number of partner countries, 1999 was the year when children arrived from the most countries; 28 countries distributed among the three organisations.([49]) Comparing the development in the number of partner countries with the number of adoptions, there is a clear trend that early in the period, on average, far more children arrived per partner country.([50])

[49] Note that this is an overview of the countries from which children have arrived, not how many valid placement permits the organisations have had.

[50] For example, in 1985, an average of 46.1 children arrived from each of the partner countries (11 countries); in 2000, 24.5 children arrived per country (24 countries); and in 2015, 7.3 children arrived per country (18 countries).

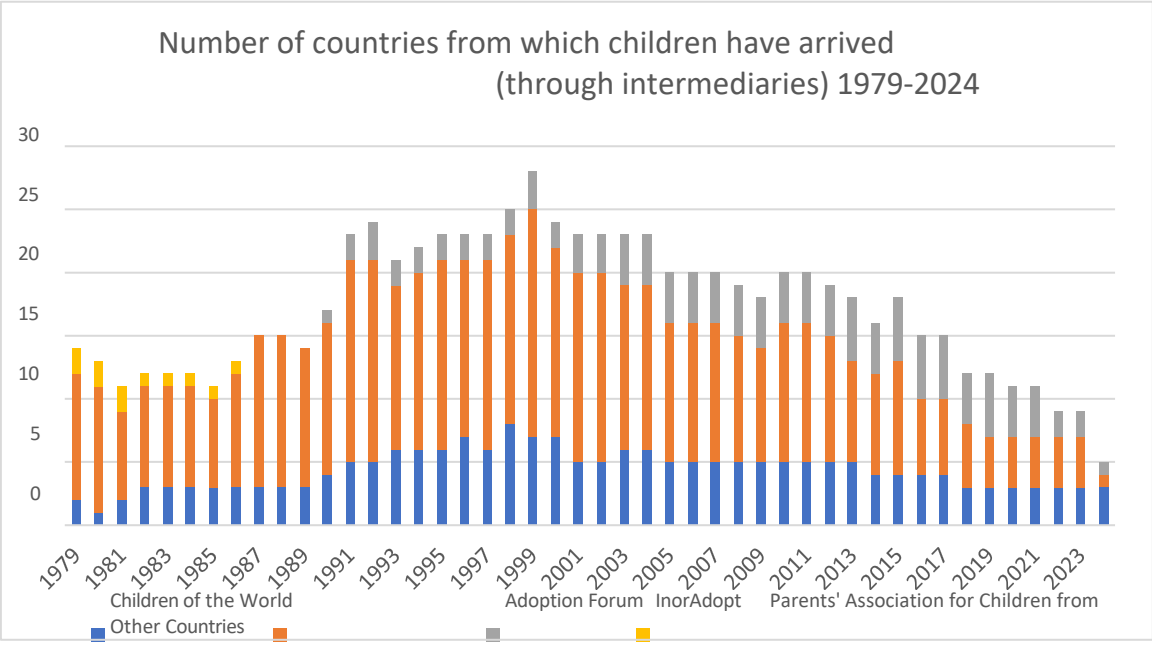

Figure 2: Number of partner countries 1979-2024

The total number of adoptions per country (through intermediaries) at the end of 2024 is shown in the table below. [51]

Table 6: Number of children arriving (through intermediaries) by country, intermediary and placement period

No	Country	Placement periods	Number 1979 2024	Distribution organisation	Percentage
1	South Korea	1969 – 2024	6565	VB	32.08
2	Colombia	1972* – 2024	4095	AF	20.01
3	China	1991–2017	3031	VB; IA; AF	14.81
4	India	1974* – 2016	1279	VB; FBAL; AF	6.25
5	Philippines	1979	775	AF	3.79
6	Ethiopia	1991–2015	693	AF	3.39
7	Brazil	(1972*)1990 – 2013	473	IA; AF; VB	2.31
8	Thailand	1979 – 2024	431	VB	2.11
9	Hungary	1992 – 2024	381	IA	1.86
10	Chile	1986–2016	313	AF	1.53
11	South Africa	2003 – 2024	286	VB	1.40
12	Russia	1992–2007	209	AF; VB	1.02
13	Guatemala	1975*–2003	230	AF	1.12
14	Vietnam***	1968-75;1991-99;2016-21	228	SK/VF; AF; FBAL;	1.11
15	Sri Lanka	1979–2015	222	AF	1.08

[51] See note 46 regarding adoptions through Adopsjonsopplysning/Adopsjonsforum until 1978. These years are marked with an asterisk (*).

16	Ecuador	1976* – 2004	185	AF	0.90
17	Indonesia	1977* – 1983	155	AF	0.76
18	Romania	1990–2000	144	VB	0.70
19	Peru	1987–2023	140	AF	0.68
20	Bangladesh	1973* – 1981	110	AF	0.54
21	Bolivia	(1974–78*) 1985–2012	110	AF	0.54
22	Costa Rica	1975* – 1992	101	AF	0.49
23	Bulgaria	1998; 2003–2021	53	IA; VB	0.26
24	Nepal	1979–80; 1998–2011	52	AF	0.25
25	Taiwan	2014–2023	41	IA	0.20
26	Madagascar	1988–90; 2010–23	38	AF	0.19
27	Poland	1991; 1999–2005	30	AF	0.15
28	Kenya	2013-2015	20	IA	0.10
29	Iran	1977–1978	16	AF	0.08
30	Argentina	83; 87; 90-92	16	AF;IA	0.08
31	Mexico	84; 95-2000	10	AF	0.05
32	Latvia	1997–2002	10	AF	0.05
33	Uruguay	89-99	6	AF	0.03
34	Pakistan	79-81	6	FBAL	0.03
35	Paraguay	87-92	4	AF	0.02
36	Burkina Faso	2019	3	IA	0.01
37	Liberia*	1974	2	AF	0.01
38	Mali	2012	1	AF	0.00
	Total		**20464**		**100**
	12 Priority	1969–2023	16171	All	79.02

Green marking indicates that the country is one of the 12 priority countries in the committee's mandate. Dark green marking indicates that the country is covered in the sub-report.

4.2.2. Special note on private and independent adoptions

In addition to cases that have gone through approved adoption agencies, international adoptions also include children who have come to the country through *private* and *independent* adoptions. In this context, *private* adoption refers to adoption applicants who have independently completed the adoption process with the authorities in the child's country of origin, without being approved for adoption by the Norwegian authorities. *Independent* adoption refers to cases where the adoptive parents have been approved by the Norwegian authorities, but complete the adoption with the authorities in the child's country of origin without the assistance of an approved adoption agency. ([52])

[52] Definitions taken from Hognestad and Steenberg (2000) p. 59. It should be noted that this terminology is not used consistently in the source material, and what the committee characterises as 'independent' adoptions are often referred to as 'private' adoptions.

As will be explained in more detail in section 4.4, the Adoption Act of 1917 was interpreted to mean that Norwegian citizens could not adopt foreign nationals without prior consent from the Norwegian authorities. *Private* adoption of foreign nationals has therefore never been permitted under Norwegian law, and sources from the 1970s assume that such adoptions had no legal effect in Norway.[53] Private adoptions across national borders are currently in violation of the 1993 Hague Convention, Article 5(a) of which stipulates that adoption can only take place if the authorities in the receiving country have found that the adoption applicants meet the necessary conditions and are suitable to adopt.

Despite the fact that private adoptions have been considered illegal, the Norwegian authorities have nevertheless had the opportunity to recognise such adoptions retrospectively. This has been relevant in cases where Norwegian citizens have adopted a child while living abroad for a long period of time. In 1980, it was also enshrined in law that adoptions carried out in another country where the adoptive parents were *resident* or *citizens* should be valid in Norway.[54] The rationale for this was that the country of residence was best placed to assess the circumstances of the adoptive parents, and that a person's civil status should be accepted in other countries to the greatest extent possible.[55] If the country in question accepted what we refer to here as *private* adoptions, these would also be recognised in Norway under Section 31.

As regards *independent* adoptions – i.e. adoptions without an approved intermediary, but with prior approval from the Norwegian authorities – these have occurred from the 1950s until today. Due to challenges with the available statistics (see section 4.1.2 for more details), the committee has not been able to find reliable figures on the total number of independent adoptions that have been carried out in Norway. However, it is clear that a large proportion of adoptions up until the end of the 1970s were carried out without the assistance of approved adoption agencies. An overview prepared by the Council for International Adoptions (RIA) at the request of the Swedish Ministry of Social Affairs in 1982 shows the following:([56])

Table 7: Number of international adoptions 1970-1980, overview from RIA 1982

Year	International adoptions Total	Through organisation	Independent
1970	115	62	53
1971	157	145	12
1972	213	184	29
1973	294	277	17

[53]Jakhelln, H. (1976), Adoption of children from other countries, TFR *1976 pp.* 542-573, point 9. See also NOU 1976: 55 pp. 28-29, which states that the requirement for prior consent prevents private adoptions in Norway, unlike in Sweden.
[54] The Ministry could also recognise foreign adoptions that were not covered by the first paragraph, cf. the Adoption Act 1917, section 31, second paragraph. In 2010, the provision was amended so that foreign nationals residing in Norway had to be pre-approved by the Norwegian authorities, see point 4.4.
[55] Ot.prp.nr. 36 (1979-1980) p. 15. A person who takes up residence in a foreign country in order to complete an adoption will, from a legal point of view, still be considered a "resident" of Norway, cf. the proposition p. 10.
[56] Letter dated 16 March 1982. It should be noted that this table does not correspond with the figures provided by Bufdir, the adoption agencies or Statistics Norway, see section 4.1.2.

1974	397	386	11
1975	296	214	82
1976	290[57]	236	54
1977	412	299	113
1978	356	266	90
1979	262	241	21
1980	272	267	5
Total	3064	2577	487

As the overview shows, independent adoptions accounted for a relatively large proportion of the total number of international adoptions in individual years. Looking at the 1970s as a whole (1970-1979), independent adoptions accounted for around 17%. From 1979 onwards, the number of independent adoptions fell sharply. According to various sources, the proportion of independent adoptions to Norway has been relatively modest overall compared to several other recipient countries. (58) The reason for this is presumably that the authorities controlled and monitored adoption applicants from an early stage through the requirement for prior consent. Although many independent adoptions were carried out in the first decades, the authorities also gradually established a practice whereby prior approval for independent adoptions was only granted in exceptional cases if there was an established intermediary in the country concerned.(59)

In practice, it became easier to adopt through an intermediary, especially after a number of new intermediary licences were granted in 1978/1979 to the organisations Norsk Koreaforening, Foreldre-foreningen for barn fra andre land and Adopsjonsforum.[60] Although certain exceptions have been made since then, including cases where the adoptive parents had a special connection to the child and/or its country of origin, only a small proportion of international adoptions to Norway since the 1980s have taken place outside of an approved intermediary. [61]

In 1999, the previously unwritten practice was codified in a new provision in Section 16 f) of the Adoption Act of 1986. It was stipulated that the adoption of children residing in a foreign country should take place through an approved intermediary, and that the Ministry could only consent to exceptions to this in "special cases". At the same time, the Ministry stated that it would take a great deal for an adoption agency to refuse to provide adoption assistance to approved applicants. (62) In the Adoption Act 2017

[57] The original list states 390 children, which appears to be a typographical error.
[58] See, for example, St.prp. 77 (1995-96) p. 5.
[59] See, among other things, Ot.prp. no. 63 (1997-1998) pp. 33-35. In its circular of 25 September 1978 (I 9/78), the Ministry of Social Affairs advises adoption applicants against contacting foreign countries on their own initiative, although this is not prohibited.
[60] However, even though the adoption process through adoption agencies became more streamlined, it is clear that the costs and a somewhat uncertain prioritisation process in the Placement Committee meant that some people still wanted to bypass the agencies.
[61] See Ot. prp. no. 63. (1997-1998) p. 34. Among other things, it states that the State Adoption Office estimated that prior consent was given to 10-20 independent adoptions each year. As shown in Figure 1: Adoptions through intermediaries 1979-2024, by comparison, around 500 adoptions were carried out through intermediaries. (62) See Ot.prp. no. 63 (1997-1998) p. 35.

the rule in 16 f) was essentially continued, but the previous wording "special cases" was replaced in §§ 20 and 21 with more specific legal terms. [63]

4.3. Adoption policy

The committee has not conducted any in-depth study of political guidelines in the field of adoption over the past 70 years. However, it is clear that, through legislation and the organisation/establishment of various adoption agencies, there has been a political will to facilitate international adoptions. The Committee's general impression of the material reviewed so far is that there has been relatively broad political consensus on maintaining and improving opportunities for international adoptions. ([64]) In some cases, international adoption has also been encouraged.

The committee has searched the main register in the Storting's historical archives and has, among other things, reviewed the results from the Storting's question time dating back to the 1970s. On the occasions when adoption has been discussed, the focus seems to have been on how to make the process easier and faster for adoptive parents. This includes, for example, extending the age limits for adoption,([65]) facilitating adoption by disabled and single people,([66]) measures taken by the Minister(s) to facilitate adoption from specific countries,([67]) better financial arrangements in connection with adoption,[68] and the desire to simplify the adoption process.[69] The questions are put forward by representatives from both the right and the left.

Party manifestos from recent decades also show that there has been cross-party agreement that international adoptions are desirable and that they should preferably be faster and more accessible to Norwegian adoptive parents. The Labour Party and the Liberal Party in particular have emphasised their support for international adoptions. The Comparative Manifestos Project dataset collects party manifestos from all Norwegian parliamentary elections in the period 2005-2017, and the following positions are taken from there:[70] In 2005, the Labour Party, the Centre Party and the Liberal Party wanted to increase the one-off support for adoptions, and the Labour Party wanted equal adoption rights for same-sex couples. In 2009

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[63] Prop. 88 L (2016-2017) p. 227.

[64] Certain extreme political parties have indeed advocated stopping the adoption of children of other ethnicities, but such initiatives have received limited support and met with considerable opposition. In Rt. 1997 p. 1821, for example, the leader of the White Electoral Alliance party was sentenced to 60 days' suspended imprisonment and a fine of NOK 20,000 for violating the racism penalty provision in Strl. 1902 § 135a. The background to this was that the party programme contained offensive statements of a racist nature. Among other things, it proposed that dark-skinned adoptees should be sterilised.

[65] E.g. questions in the Norwegian Parliament's question time from Hans Hammond Rossbach (V) on 3 June 1970.

[66] E.g. questions in Parliamentary Question Time from Åge Ramberg (Krf) on 26 November 1980, from Magnar Sortåsløkken (SV) on 26 January 1994, and from Karita Bekkemellem Orheim (Ap) on 22 April 1998.

[67] E.g. questions in the Storting's question time from Bergfrid Fjose (Krf) on 20 November 1974 (regarding Vietnam), from Annelise Høeg (H) on 8 December 1982 (regarding Indonesia) and from Eleonore Bjartveit (Krf) on 2 January 1993 (Yugoslavia).

[68] For example, questions in the Storting's question time from Solveig Sollie (Krf) on 7 December 1988.

[69] E.g. Question in the Storting's question time from Gunnar Kvassheim (V) on 8 March 2000.

[70] Lehmann, Pola / Franzmann, Simon / Al-Gaddooa, Denise / Burst, Tobias / Ivanusch, Christoph / Lewandowski, Jirka / Regel, Sven / Riethmüller, Felicia / Zehnter, Lisa (2024): Manifesto Corpus. Version: 2024-1. Berlin: WZB Berlin Social Science Centre/Göttingen: Institute for Democracy Research (IfDem).

The Labour Party, the Liberal Party, the Christian Democratic Party and the Centre Party wanted to increase one-off support. The Labour Party wanted to "review the adoption process to ensure that it is not unnecessarily long and bureaucratic" and "work to open up adoption from more countries". Similarly, the Liberal Party wanted to "facilitate a less bureaucratic and more predictable adoption process", "ensure that the process of becoming an approved adoptive parent takes a maximum of nine months", and "that Norway should seek to enter into cooperation agreements on adoption with more countries". The Centre Party also wanted to "simplify the adoption process through, among other things, simpler regulations and shorter processing times."

In 2013, the Labour Party wanted to "facilitate shorter waiting times in the adoption process by assisting and encouraging adoption associations to cooperate with more countries" and to "influence partner countries to accept homosexual adoptive parents." The Liberal Party also wanted equal treatment for same-sex couples, faster processes and cooperation with more countries. The Christian People's Party's programme stated that "the procedures for adoption from abroad must be improved and take less time, and conditions should be created for more adoptions than today". This year, the Conservative Party also supported an increase in the one-off grant.

The Labour Party and the Liberal Party had similar positions in their 2017 manifestos. At that time, the Liberal Party also advocated strengthening post-adoption work. In 2017, the Conservative Party also advocated "working towards adoption agreements with more countries and facilitating adoption in Norway" and "simplifying adoptions both domestically and abroad".

The party programmes from 2021 may indicate a certain change in the party political landscape surrounding international adoption. Adoption is not mentioned in the parliamentary programmes of the Labour Party and the Centre Party. The Liberal Party wanted higher adoption support, but no longer had any wording about faster adoptions or more partner countries.[71] The Christian Democratic Party, on the other hand, wanted to "facilitate increased adoption and improve and streamline adoption procedures", and the Conservative Party wanted to "work for simpler adoption rules both in Norway and abroad".[72] Furthermore, the Socialist Left Party had included in its programme to "work internationally to ensure that more countries allow adoption by queer people",[73] and the Red Party wanted to "work for adoption legislation with international adoption arrangements that enable adoption regardless of gender, gender identity or sexual orientation".[74] The Green Party, which does not appear to have taken a position on international adoption in the 2005-17 dataset, wanted to increase the one-off adoption grant, but did not specify whether this applied to international adoption.[75]The Progress Party, which also does not appear to have taken a position on international adoption in the 2005-2017 dataset, had in 2021 included in its programme to "work to make it possible to voluntarily adopt a limited number of minors and orphaned refugees residing in refugee camps".[76]

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[71] Venstres_Parliamentary_Election_Programme_2021-2025.pdf
(72) Conservative Party parliamentary election programme 2021–25.pdf
[73] work_programme-21-25-interactive.pdf
[74] Rødt does not appear to have a position on adoption in the CMP dataset. arbeidsprogram_bokmål_skjerm (1).pdf.
[75] Work programme_2021-2025_bokmal.pdf
[76] Party programme-2021-2025.pdf

4.4. Legal regulation of international adoptions

The following is an overview of the regulations governing international adoptions to Norway and some key developments in this area. The various conditions for organising and implementing adoptions will be examined in more detail in the final report. Some key principles are discussed in Chapter 5 of the interim report.

When foreign children began to be brought to Norway for adoption after the Second World War, this was regulated by section 29 of *the Adoption Act* of 1917. This provision stated that:

> "Foreign nationals may not adopt or be adopted in this kingdom unless the adoption is also valid in the foreign state concerned.
>
> Norwegian citizens may not adopt or be adopted in a foreign state, unless the King has decided that this may take place."

The provision deals with both the adoption of Norwegian children abroad and the adoption of foreign children to Norway. The former occurred in some cases, and particularly in connection with the Second World War, several Norwegian children were adopted abroad, including to Germany (through the the "Lebensborn" programme) and the USA. In this presentation, however, it is the regulation of adoptions of foreign children *to* Norway that is of interest.

In Norway, adoption has always been handled administratively, and not by a court of law. [77] According to Section 29 of the Adoption Act, it was assumed that the adoption of foreign children could be carried out in two ways. Firstly, the adoption itself could take place in the child's country of origin, cf. the second paragraph. For this adoption to be valid under Norwegian law, the adoptive parents had to have the approval of the King, delegated to the Ministry of Justice in 1924 (see section 4.5 for more details). In practice, this became a requirement that adoptive parents had to be pre-approved by the Norwegian authorities before starting the adoption process abroad. ([78])Alternatively, the child could be brought to Norway, for example as a foster child, and be formally adopted under Norwegian law, cf. the first paragraph. For such an adoption to be legal, it also had to be valid in the child's country of origin. In practice, these adoptions also had to be pre-approved, with the Ministry of Justice in each individual case

[77] This is similar to Denmark and Iceland, but differs from Sweden and Finland, among others. In the majority of the countries of origin that the committee has examined so far, the adoption is carried out or confirmed by a court decision.
[78] See, inter alia, the Ministry of Social Affairs' circular of 25 September 1978 (I-9/78), p. 8. Jakhelln (1976), point 9, assumes that adoption without such approval will have no legal effect in Norway. However, he assumes that it will be possible to give subsequent consent, which is also referred to in the Child Welfare Act of 1953 regarding investigations and approval of foster homes. See also point 4.2.2.

assessed whether adoption could take place in accordance with foreign law.[79] In practice, the model to be used was determined by the adoption regulations of the country of origin ing.[80]

Although the 1917 Act established a legal framework for international adoptions, the system was primarily designed with national adoptions in mind. Many issues relating to the adoption of foreign children were therefore unresolved. Among other things, Norwegian law did not regulate which countries' authorities were to make the various decisions in the adoption process, nor did it regulate the legal effects of foreign adoptions i n Norway. It was therefore recommended to
"readopt" the children after they had arrived in Norway in order to ensure the effects under family law. When Section 29 referred to "citizens", this was also problematic because Norwegian family law was otherwise based on the "domicile principle", which means that place of residence/domicile and not citizenship is the decisive connecting factor for the choice of jurisdiction (which country's rules should be applied). Several questions concerning jurisdiction and legal effects in cases of adoption by foreign nationals residing in Norway and adoption by Norwegian nationals residing in other countries were first regulated in an amendment act of 13 June 1980, see below for further details.

A key step in the development of the law – which was initially implemented with a view to national adoptions – was the transition from so-called 'weak' to 'strong' adoption. Adoption under the 1917 Act did not originally entail a complete break with the original family, nor did it grant equal rights to the adoptee in the adoptive family. Among other things, the child retained some family rights – such as inheritance rights – from the original parents, and only received limited inheritance rights from the adoptive parents. The effects under private law were thus limited, and this has later been referred to as ‘weak’ adoption. In 1935, adoptions were also opened up where the adoption involved a much greater break with biological origins and a ‘grafting’ into the adoptive parents’ family.[81] What was originally intended as an exception and supplement to 'weak' adoptions nevertheless became completely dominant in practice, and in 1956 – i.e. before international adoptions really took off – such 'strong' adoptions became the only permitted form of adoption.[82] However there was still no complete equality between adopted and biological children at this time, and with legislative changes in 1948 and 1956, the right of adoptive parents to request the annulment of the adoption was also extended.

In 1953, a law was passed that would have a major impact on the field of adoption, namely the Child Welfare Act. This Act contained provisions regulating the placement of children for adoption. [83] The main rule, according to Section 26 b), was that such placement was illegal for both private individuals and organisations, but

[79] See NOU 1976: 55 p. 19. However, the Ministry of Social Affairs' circular of 4 November 1968 states that in practice, children were brought to Norway as foster children without this being cleared with the Norwegian authorities in advance, because not everyone was familiar with the regulations in this area. The circular therefore clarifies and specifies the correct procedure.

[80] If the country of origin did not have adoption regulations, which was the case for India for a long time, the adoptive parents were appointed as foster parents/guardians in the child's country of adoption. They then first obtained Norwegian citizenship before the adoption was carried out in Norway as a national adoption/under Norwegian law.

[81] Act of 24 May 1935 No. 2.

[82] Act of 21 December 1956 No. 7.

[83] A somewhat similar rule can be found in the Act on the Supervision of Foster Children of 29 April 1905 No. 2. Section 11 states that anyone who charges a fee for acting as an intermediary in the placement of foster children must have the approval of the police. The Act is referred to in the preparatory work for the Adoption Act.

Organisations could obtain permission from the Ministry of Social Affairs for such activities. The term "mediation" was not defined in detail, however, and the boundary between information work and mediation was relatively fluid in practice. [84]

In addition, Sections 30 and 31 of the Child Welfare Act contained rules on the approval of foster homes, which also indirectly led to guidelines for the assessment of adoption applicants. In practice, in order to adopt children from abroad, applicants were first required to apply to the Child Welfare Board to be approved as a foster home for the foreign child.[85]

In 1972, Norway ratified the 1967 Council of Europe Convention on Adoption. This was a so-called legal harmonisation convention, which contained common rules on conditions and minimum requirements for adoption, case processing, legal effects, and requirements for thorough social investigations of adoption applicants. However, Norwegian legislation was considered to be in line with the conventions, so that no legislative changes were necessary in connection with ratification. Nevertheless, a circular from January 1973 clarifies some issues related to the interpretation and implementation of the provisions of the convention. ([86] A key point that was highlighted was that the birth mother's consent to adoption was not valid if it was given less than six weeks after the birth.

In the 1970s, several processes were initiated in relation to the legal regulation and organisation of adoptions. In March 1973, a consultation paper was sent out on changes to Norwegian adoption legislation. The proposals focused in particular on greater equality between adopted children and biological children. For various reasons – including discussions between the Ministry of Justice and the Ministry of Social Affairs regarding a merger of the adoption field ‑ further work in this area was postponed until this had been clarified.

In 1975, the Ministry of Social Affairs established a working group whose mandate was to assess the scope of adoptions, the organisation of adoption services, issues related to the approval of adoptive parents and the coordination of the administration of adoption law and adoption services. [The] report, which was submitted on 11 August 1976, led, among other things, to the establishment of two new bodies in 1978: the Council for International Adoptions (RIA) and the Placement Committee (PU), which will be discussed in more detail in section 4.5.([88]

In 1980, the Adoption Act was revised, particularly with regard to international adoptions; changes were made to the interlegal rules, and several new provisions relating to international adoptions were added to the Act. In the preparatory work for the amendment, Ot.prp. no. 36 (1979-1980), the main features of the proposed amendment were summarised as follows:

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[84] See, for example, the discussion of Adopsjonsforum in NOU 1976: 55 p. 20, which at that time only provided *information on adoption*.
[85] NOU 1976: 55 p. 24.
[86] Ministry of Justice circular of 26 January 1973 (G-34/73).
[87] Information taken from Steenberg's report.
[88] NOU 1976: 55

"... rules on when an adoption case can be processed in Norway, which law should be used when deciding on an application, and on the validity of foreign adoptions in Norway, including the legal effects of such adoptions here. It is also proposed to regulate the conditions under which persons residing in Norway may adopt abroad." (89)

In 1985, the Ministry of Social Affairs took over responsibility for adoption procedures, and the entire field of adoption was thus brought under the same ministry; see section 4.5 for further details.

The Adoption Act of 1917 was replaced by the Adoption Act of 1986 on 1 January 1987. The Ministry of Justice emphasised that the Act did not represent a comprehensive review of the principles of adoption, and that the proposal was drafted as a new Act for technical legal reasons.[90] The changes primarily concerned the subsequent circumstances of adoption, such as equality between adopted children and biological children, and the adopted child's right to information about their biological origins. The new provisions on international relations from 1980 were continued almost verbatim in Chapter 4 of the Act, *Interlegal Issues*. The 1986 Act also stipulated that parents could only consent to adoption two months after the birth (Section 7, second paragraph). It should also be noted that the regulation of remuneration for adoption was removed from the Act. (91)

Around 1990, adoption was the subject of several international conventions. In 1991, Norway ratified the 1989 Convention on the Rights of the Child. Article 21 of the Convention, which deals with adoption, expressly establishes the principle of subsidiarity, among other things. (92)Another important document in international adoption regulation was the 1993 Hague Convention, ratified by Norway in 1998. The purpose of the Convention is, among other things, to safeguard the rights of children and to establish a system of cooperation between contracting states.(93) The Convention establishes a number of basic conditions for international adoptions and a division of responsibilities between the country of origin and the receiving country.

The Adoption Act of 1986 was revised several times. The amendment in 1999 was particularly significant for international adoptions. A new chapter was added to the Act, in which adoption services and the approval of adoptive homes were regulated in more detail as part of the Adoption Act rather than the Child Welfare Act.[94] The issue of adoptions outside of mediation organisations was also addressed, and it was stipulated in the Act that international adoptions should, in principle, take place through an approved mediator. In the same year, it was also stipulated by law that the adoption of children under the age of 12 would automatically grant the child citizenship, something that previously had to be applied for separately. [95]

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89 Ot. Prp. No. 36 (1979-1980) p. 3.
90 Ot. Prp. No. 40 (1984-85) p. 3.
91 See section 5.4 for further details.
(92) See point **Error! Reference source not found**.
93 See Article 1 of the Convention.
94By Act of 11 June 1999 No. 32. Rules on mediation were discussed in a consultation paper from 1983 and in connection with the 1986 Act, but in the end no such provisions were proposed, cf. Ot. prp. no. 40 (1984-1985) p. 6.
95Act of 21 May 1999 No. 32. The conditions were that at least one of the adoptive parents was Norwegian, that the adoption permit was granted in Norway, or abroad with the prior consent of the Norwegian authorities. The acquisition of citizenship was extended by Act of 10 June 2005 No. 51.

In 2010, a revision of the Adoption Act was carried out, which had particular significance for independent adoptions. As mentioned in section 4.2.2, a provision was introduced in 1980 stating that if the adoptive parents were citizens or residents of the country where the adoption took place, the adoption was automatically considered valid in Norway. One of the consequences of this rule was that foreign nationals residing in Norway could adopt children in their home country and bring them to Norway without being checked and approved by the Norwegian authorities. In 2010, the citizenship option was removed, thereby tightening the rule to apply only to persons residing in another country.([96])

In 2014, the Adoption Law Committee submitted its report NOU 2014: 9, which resulted in the current Adoption Act. The purpose of the revision was to create a more comprehensive and systematic set of rules that was more easily accessible to the various parties involved. In this respect, the 2017 Adoption Act represents a far more thorough review of the field of adoption than the 1986 Act did.

[96] As before, the Norwegian authorities could nevertheless recognise adoptions after a specific assessment, cf. Section 19, third paragraph.

4.5. About the various bodies involved

As mentioned above, there have been several reorganisations in the field of adoption. The following is an overview of the public authorities and actors involved. The table below is intended to provide a general chronological overview of the various bodies responsible for international adoptions. [97]

Key legislative changes	Responsible ministry	Public body Adoption responsibility			Professional committee	Social services
		Case processing Individual cases	Supervision	Communication -permits		
1917: Adoption Act	(The King) **1924:** Ministry of Justice	**1933:** County Governor/ JD				
1953: Child Welfare Act	**1953:** SD/ JD		**1978**: RIA	**1953:** SD	**1978**: PU	**1953**: Local Child welfare
1986: New Adoption Act	**1985:** SD	**1987**: SAK			**1987:** FU	
1991 *Convention on the Rights of the Child*	**1990:** FFD **1991:** BFD			**1990:** FFD **1991:** BFD		
1998 *The Hague Convention*		**1998/1999**: SUAK[98]			**1999:** FUA	
	2006: BLD	**2002:** BUFA/NK **2004**: Bufetat (Bufdir)				
2017: New Adoption Act					**2018:** FRU	**2015**: Bufetat (region-office)
	2019: BFD					

Figure 3: Public bodies responsible for adoption

As shown, the authority to grant adoption permits initially lay with the King. For *national* adoptions, this authority was delegated to the Ministry of Justice in 1918, and then to the county governors in 1933. However, when open adoptions were introduced in 1935, the authority to grant permits for these was assigned to the Ministry of Justice. In 1945, the county governors regained authority in all adoption cases.

[97] JD: Ministry of Justice, SD: Ministry of Social Affairs, FFD: Ministry of Family and Consumer Affairs. BFD: Ministry of Children and Family Affairs, BLD from 2006: Ministry of Children and Equality; from 2010: Ministry of Children, Equality and Inclusion; from 2016: Ministry of Children and Equality. SAK: State Adoption Office, SUAK State Youth and Adoption Office, BUFA: Child, Youth and Family Administration, NK: National Office for State Child Welfare and Family Welfare, RIA: Council for International Adoptions, PU: Placement Committee, FU: Professional Committee, FUA Professional Committee for Adoption Cases, FRU: Professional Advisory Committee.

[98] SUAK took over responsibility for processing placement applications in regulations dated 30 November 1999.

With regard to international adoptions, the licensing authority was delegated to the Ministry of Justice in 1924 and remained with the ministry until 1986.[99] In practice, however, international adoptions were also primarily processed by the county governors. The approval process varied somewhat depending on whether the child was to be formally adopted abroad or in Norway. For the adoption of children abroad, applicants first had to obtain prior consent from the Norwegian authorities for adoption from a specific country. The application was then first processed by the county governor before being forwarded to the Ministry of Justice for a final decision. Once the adoption had been legally completed in the child's country of origin and the Ministry's consent had been obtained, the adoption was considered valid in Norway. Due to the unclear rules on the legal effects of foreign adoptions, it was recommended that a "readoption" be carried out in Norway once the child had arrived in Norway. In these cases, it was the county governor who issued the authorisation.([100])

International adoptions that were to be carried out in Norway also began with an assessment by the county governor and the Ministry of Justice. In addition to approving the applicants, one of the questions that had to be clarified was whether adoption in Norway would be valid under the law of the country of origin. Once prior consent had been given, the process of being assigned a specific child could begin. After the necessary processes abroad had been completed and the child had been brought to Norway, the case had to go through another round with the Norwegian authorities for the adoption to be legally finalised. The entire case, now including foreign documents, was again reviewed by the county governor before being forwarded to the Ministry of Justice for review and a final decision on the adoption permit. ([101])

The 1917 Act stated that adoption could only be granted if there was reason to believe that the adoption was "in the best interests of the child". Beyond this, there were no regulations on how the approval of adoptive homes should be carried out, and the assessment was mainly legal rather than social. The parents were thus primarily assessed according to objective criteria rather than personal suitability. As mentioned, legal rules relating to closer examination of social conditions were first established with the Child Welfare Act of 1953, and then only indirectly, through the regulation of foster homes. ([102]) In Sections 30 and 31, the approval of foster homes was assigned to the child welfare board in the applicant's home municipality. The Act contains few specific assessment criteria for what was required for approval, but the provision was later supplemented by a circular from the Ministry of Social Affairs.([103]) In addition, section 26 stipulated that the Ministry could grant permission to organisations wishing to operate adoption services.

From 1953, responsibility for adoption cases was divided between two ministries; the Ministry of Social Affairs was responsible for adoption mediation and social assessment of adoption applicants (through the child welfare committees), while the Ministry of Justice assessed the legal aspects of each individual adoption.

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[99] Transferred to the King to the Ministry of Justice by Royal Resolution of 7 November 1924, by Regulation No. 661 of 15 March 1985, the administration was transferred to the Ministry of Social Affairs, and by Royal Resolution of 5 December 1986, the approval authority to grant adoption permits under Section 17 was transferred to the State Adoption Office. Resolution of 5 December 1986, the approval authority to grant adoption permits under Section 17 was transferred to the State Adoption Office.

[100] However, there was no requirement for re-adoption, see NOU 1976: 55 p. 20

[101] NOU 1976: 55 pp. 19-20

[102] Act of 17 July 1953 No. 14.

[103] See, inter alia, the Ministry of Social Affairs' circular of 20 May 1954 No. 3 and circular of 13 July 1954 No. 5.

As mentioned at the beginning of this chapter, there was an increase in the number of adoptions in the early 1970s, which led to a need for better oversight and coordination of the adoption field. Based on NOU 1976: 55, the Council for International Adoptions (RIA) and the associated Placement Committee (PU) were established as separate adoption agencies in 1978.([104] The reason for their establishment was a desire for better control and oversight of adoption practices. According to the working group's proposal for RIA's mandate, RIA was to help ensure that the adoption of foreign children took place in "the most reassuring manner possible in relation to the individual child's needs and the child's home country".[105] Among other things, RIA was to monitor international developments, draw up guidelines for mediation activities, and approve the agreements and contacts of mediation organisations abroad. In addition, RIA acted as an advisory body for other public authorities and, through the adoption agencies, for adoption applicants, adoptive parents and adopted children. The Council was administratively subordinate to the Ministry of Social Affairs, but was essentially independent in its professional capacity. The Council consisted of members appointed by the Ministry of Social Affairs, the Ministry of Justice, the Ministry of Foreign Affairs and the Norwegian Association of Local and Regional Authorities. In addition, the approved adoption associations were represented. The Council also had a staffed secretariat.

RIA had no decision-making authority in individual cases. This was assigned to the Placement Committee (PU). The PU was responsible for the placement of all foreign children in Norway, either by selecting adoptive homes for children who were assigned to Norway for adoption, or – if the matching was to take place in the country of origin – by selecting suitable adoption applicants whose documents were sent abroad. The PU had three permanent members, one of whom was also a member of the RIA. The RIA was responsible for drawing up the general guidelines for allocation, but could not instruct the PU in individual cases. Since it was the PU that was responsible for the actual prioritisation of applicants, it was now they who had the 'final say' in adoption cases. It could happen that applicants who had been pre-approved for adoption were never assigned a child, for example due to age, health conditions or other reasons. The PU's decision not to prioritise applicants could not be appealed.

Once a child had been assigned, the applicant had to apply for the actual adoption licence. As mentioned, this could take place as an adoption case in Norway or abroad. In the latter case, until 1980 it was recommended to go through a "re-adoption" in Norway. Normally, therefore, the entire case, now including documents from abroad, had to be resubmitted to the county governor for processing there and, if necessary, forwarded to the Ministry of Justice.

Following discussions between the leadership of the Ministry of Justice and the Ministry of Social Affairs, a working group was established in 1982 to look into the possibility of bringing the adoption field under the umbrella of a single ministry.[106] On the basis of this work, on 1 April 1985 the Ministry of Social Affairs took over overall responsibility for adoption, and the Ministry of Justice was thus no longer involved in the actual

[104] Based on St.prp. no. 210 (1976-1977) and Innst.S. no. 430 1976-77, which was unanimously adopted on 4 June, cf. S.tid. 1976-77 Proceedings in the Storting pp. 4291-4296.
[105] NOU 1976: 55 p. 43.
[106] Ot.prp 40 (84-85) p. 4.

adoption process. [107] Since then, responsibility for adoptions has been concentrated in one ministry through various reorganisation processes. [108]

On 1 January 1987, the Adoption Act of 1986 came into force. The new Act significantly changed the organisation of the adoption process, including through the establishment of the Norwegian Adoption Authority (SAK).

With regard to international adoptions, the tasks that had previously been assigned to the county governors and RIA were consolidated and transferred to SAK. The Ministry's authority to grant approval for international adoptions was also delegated to SAK.([109] Beyond the municipal child welfare services, adoption applicants thus only had to deal with one public agency, which both simplified and streamlined the process. In addition to processing applications for pre-approval, SAK offered advice and guidance to adoptive children and parents, supervised relevant placement organisations, and monitored international developments related to international adoption. SAK also prepared the processing of applications for placement permits, but the decision-making authority lay with the Ministry.

When SAK was established, the placement committee was dissolved and a *professional committee* (FU) was created instead. While the PU had assessed the allocation in *all* cases, the FU was initially to be involved by SAK as an advisory body in cases where there were special circumstances relating to *the adoption applicants (*e.g. age, health or social circumstances). Furthermore, adoption agencies were required to submit "special allocations" – i.e. cases where *the children* had special care needs – to SAK, and FU was often involved in these cases. However, the lack of regulations made these cases complicated to handle in practice.([110]

Following a reorganisation on 1 January 1998, the State Adoption Office was closed down and the tasks related to adoption were incorporated into the newly established State Youth and Adoption Office (SUAK).[111] At the same time SUAK was designated as the Norwegian central authority for adoption under the Hague Convention, which entered into force on the same date. The new office was divided into three sections, including the Children and Adoption Section. Section 2 of the Regulations of 30 November 1999 stipulated that SUAK would also take over responsibility for assessing applications for placement permits, which until then had been the responsibility of the Ministry.

On 1 December 1999, *the Professional Committee for Adoption Cases* (FUA) was also established as an independent administrative body.[112] Unlike the previous Professional Committee, the FUA had independent decision-making authority in cases involving foreign children.

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[107] Regulation of 15 March 1985 No. 661.

[108] In 1990, adoption was transferred to the newly established Ministry of Family and Consumer Affairs. This has since been reorganised and renamed several times: From 1991: Ministry of Children and Family Affairs; from 2006: Ministry of Children and Equality; from 2010: Ministry of Children, Equality and Inclusion; from 2016: Ministry of Children and Equality; and from 2019: Ministry of Children and Families.

[109] See reproduction of instructions in the Ministry of Social Affairs' circular of 26 June 1987 (I-20/87)

[110] Information from former employee.

[111] Regulation of 30 November 1999 No. 1192.

[112] Mandate for the expert committee on adoption cases – established by the Ministry of Children and Family Affairs on 30 November 1999. The mandate is included as an appendix in Hognestad and Steenberg (2000) p. 453.

with special care needs. When it was established, the Ministry laid down guidelines for which cases were to be dealt with by the committee, thereby reducing previous uncertainty. [113]

SUAK was gradually assigned more tasks, and on 1 June 2002, it changed its name to the Child, Youth and Family Administration (BUFA). The name change did not lead to any major restructuring of the adoption process.

On 1 January 2004, the state also took over responsibility for the former county child welfare services, and the National Office for State Child Welfare and Family Services (NK) was established. At the same time, five regional offices were established. For about six months, BUFA and NK existed as two parallel central agencies, before they were merged on 1 July to form the Directorate for Children, Youth and Family Affairs, which we will return to shortly.

During the NK's period of operation, some restructuring took place in the field of adoption. Among other things, because the ministry was not wanted as the appeal body for prior consent in specific adoption cases, the processing of (most, see below for details) adoption applications was transferred to the newly established regional offices. BUFA then became the appeal body.

With the reorganisation in 2004, the directorate became today's Bufdir, and the collective name for the agency became Bufetat. The reorganisation had few practical consequences for the field of adoption. Bufetat's regional offices were to process most of the prior consents in the first instance. The exception was the adoption of foreign children outside an approved adoption agency – the "independent" adoptions – where Bufdir remained the first instance until 2009.[114] Bufdir was also responsible for processing applications for recognition of foreign adoptions in accordance with the then Section 19 of the Adoption Act, and for granting authorisation where the adoption was to take place in Norway. Like its predecessors SUAK and BUFA, Bufdir was also responsible for assessing placement permits and supervising adoption agencies.

In 2015, responsibility for social investigations when approving adoptive parents was transferred from the Child Welfare Services to the regional offices of the Norwegian Directorate for Children, Youth and Family Affairs (Bufetat).[115] The adoption of the new Adoption Act in 2017 also led to certain restructuring. FUA, which had been an independent body with decision-making authority since 1999, was once again converted into an advisory body for Bufdir, under the name Professional Advisory Committee (FRU).

4.6. Brief overview of recent developments in the field of adoption

As indicated at the outset, the number of children adopted from abroad, both to Norway and globally, has fallen sharply in recent decades. Several countries of origin still express a need for international adoptions, but increasingly for older children who often have special care needs. Such children place greater demands on prospective adoptive parents, and an increasing proportion of adoptions

[113] Letter from the Ministry of Children and Family Affairs dated 7 December 1999 (ref. 99/03676) cf. Hognestad and Steenberg (2000) p. 268.
[114] In a letter dated 3 June 2009, it was decided that Bufetat Region East would take over as the first instance in these cases.
[115] Act amending the Adoption Act etc. 25 April 2014 (partially in force from 1 February 2015) cf. Regulation 11 September 2014 1992.

assessed by the Professional Advisory Committee to ensure that the adoptive parents can meet these care needs. When the children are older, special questions may also arise as to whether international adoption is in the best interests of these children. Adoption processes generally take longer, and infant adoptions are rare. ([116])

At the same time as the countries of origin's need and desire for international adoption has diminished, a more critical movement has also emerged in recent years in the field of international adoption in the recipient countries. Both nationally and internationally, adult adoptees have organised themselves and raised critical questions about the appropriateness and legality of their own adoption processes, adoption practices in general, and the recipient countries' follow-up after the adoptions. The media has also given greater coverage to problematic individual stories and practices in the field of adoption.

In 2022, the UN recommended that member states should consider initiating independent reviews of intercountry adoption.[117] In recent years, such reviews have been initiated in several countries of origin and receiving countries; see section 3.4.1 for more details. In addition to setting up an investigation committee, Norway has also implemented other control measures. Since 2023, Bufdir has, among other things, conducted its own detailed investigations of ongoing adoption cooperation. This work led to the withdrawal or non-renewal of placement permits for several adoption countries when the permits expired.[118] In January 2024, Bufdir recommended a temporary halt to all international adoption work until the review committee presented its report.[119] However, the recommendation was not followed by the Ministry of Children and Families.[120]

Developments in recent years have led the field of adoption, both globally and in Norway, into what can be characterised as a fifth phase. This phase is characterised by critical scrutiny of both current and previous systems, and a relatively polarised debate between different groups in the field.

[116] From 2022 to 2024, four out of 106 children who arrived were under one year of age, all from South Africa, according to figures provided by the adoption agencies.
[117] United Nations Human Rights Treaty Bodies, Joint statement on illegal intercountry adoptions, 2022.
[118] See section 1.11 for further details. Under specific conditions, permission has nevertheless been granted to complete processes that have already been initiated, which is why children from countries without active placement permits arrived in 2024.
[119] Letter from Bufdir to BFD dated 10 January 2024 and revised recommendation published on Bufdir's website on 17 April 2024.
[120] Letter from BFD to Bufdir dated 16 January 2024.

5 Some key legal principles

5.1. Introduction

In this chapter, the committee will review some key rules and principles for adoption work, both in Norwegian law and international regulations. These rules have developed over time.

The most important principle in adoption law is the best interests of the child. The principle that adoption should be in the best interests of the child has been enshrined in Norwegian law since 1917. Article 21 of the Convention on the Rights of the Child stipulates that the best interests of the child shall be the "primary consideration" in adoption. The best interests of the child are both an independent condition and provide guidance on how other regulations should be interpreted.

In its final report, the committee will conduct a more detailed examination of the principle of the best interests of the child in the context of adoption. This chapter reviews the following principles:

- *Requirements for consent from the birth parents:* What material and formal requirements have been imposed on the birth parents' prior consent to adoption.
- *The principle of subsidiarity:* The development of the principle that suitable care alternatives in the child's country of origin should take precedence over international adoption.
- *Prohibition of unlawful gain:* Developments related to financial compensation in the adoption process, and how such compensation has become more strictly regulated over time.

The Norwegian regulations apply to adoptions carried out in Norway and therefore do not apply directly to adoptions abroad. [121] Nevertheless, the rules and principles provide a framework and basis for assessing the organisation and implementation of adoption work in practice.

In its final report, the committee also aims to describe certain other key legally regulated matters.

5.2. Requirement for consent from biological parents

5.2.1. Introduction

Informed consent from the birth parents is a condition for adoption under both Norwegian and international law, as well as in the countries of origin we have looked at. However, this condition is not absolute. In some cases, consent may be given by someone other than the parents, for example a guardian if the parents are missing. In cases where the parents have been deprived of parental responsibility and the child is in the care of the state/child welfare services, the authorities may have the power to consent to adoption.

[121] The committee will return to this limitation and its practical significance in the final report. A large proportion of international adoptions to Norway have been carried out in the child's country of origin, including all adoptions from Ecuador and Colombia.

5.2.2. Consent rules in international conventions

The first international regulations in the field of adoption law are the 1967 Council of Europe Convention. [122] Article 5 of the Convention regulates consent and stipulates, among other things, that the child's parents – or the person or authority entitled to exercise parental rights in their place – must consent to the adoption. Of particular importance for the understanding of Norwegian law was paragraph 4 of the article, which stipulated that the mother could give her consent to adoption no earlier than six weeks after the birth.([123])

The UN Convention on the Rights of the Child of 1989 regulates consent to adoption in Article 21, letter a 1:

> "Parties that recognise and/or permit adoption shall ensure that the best interests of the child are the paramount consideration, and they shall ensure that (...) the persons concerned, if necessary, have given their consent to the adoption after having been fully informed and having received the necessary counselling."

The Convention on the Rights of the Child does not set out explicit requirements as to who must give consent to an adoption, and leaves it to the states themselves to assess when and from whom consent must be obtained, cf. the wording "if necessary". [124] What the Convention requires is that those who are to give consent must receive full information and the necessary advice.

The Hague Convention regulates consent in Article 4(c), which states that adoption may only take place when the authorities "have satisfied themselves that:

1. the persons, institutions and authorities whose consent to the adoption is required have received the necessary counselling and have been duly informed of the effects of their consent, in particular whether the adoption will result in the termination of the legal relationship between the child and his or her original family;

2. they have voluntarily given their consent in the manner prescribed by law and that this has been expressed or witnessed in writing,

3. the consents are not prompted by payment or remuneration of any kind and that they are not revoked, and

4. that the mother's consent, where required, has only been given after the birth of the child [...].

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[122] See further details on implementation in the Ministry of Justice circular of 26 January 1983 (G 34/73).
[123] See section 5.2.3 for further details.
[124] Kvalø, K. K. Karnov legal commentary: Human Rights Act – mrl. 1999, note 1 to Art. 21, Lovdata.no (retrieved 14 January 2025). In light of Article 8 of the ECHR on the right to private and family life, it must nevertheless be assumed that this will initially include the child's parents, see, inter alia, NOU 2009: 21 p. 77.

Here too, it is left to the states themselves to decide from *whom* consent must be obtained. [125]

With regard to the timing of the consent of the biological parents, the mother's consent can only be given after the child's birth. Beyond this, the Convention does not contain any time limits for when consent may be given. The reason for not proposing any further time limit was that this was considered impractical; when mothers were forced to give up a child due to hardship or poverty, this often happened immediately after or shortly after the birth.[126] In many cases, the mother would then disappear, and it would not be practically possible for the country's authorities to contact her again to obtain new consent. [127]

In 2008, the 1967 Council of Europe Convention was revised. The former Article 5 on consent was essentially retained, but with some additions and amendments. The most important amendment is in paragraph 2, which reads as follows:

> "The persons who must give their consent to an adoption must have received the necessary advice and be duly informed of the effects of their consent, in particular whether an adoption will result in the termination of the legal relationship between the child and its original family. Consent must be given freely and in the manner prescribed by law, and must be given or witnessed in writing."

The consent requirement cannot be waived by the adoption authorities, except where there are special reasons laid down by law.[128] Article 5(4) allows that if the mother or father does not have parental responsibility or the right to consent to adoption, national legislation may stipulate that such consent is not necessary for the adoption to take place. Article 5(5) regulates the mother's consent to the adoption of a newborn child. The consent of a mother to the adoption of her child shall not be recognised unless it is given after the expiry of a statutory period of not less than six weeks, or, if no such period is specified, at such a time that, in the opinion of the competent authority, the mother has had sufficient time to recover from the birth.

5.2.3. Consent rules in Norwegian law

When international adoption became a real issue after the Second World War, adoptions were regulated by the Adoption Act 1917. Consent from the original parents was regulated in Section 6:

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[125] The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention Guide No.1: Guide to Good Practice 2008 (Guide to good practice (2008)). pp. 34-35 mentions "legal custodian or guardian of the child" and provides further guidance on obtaining consent.

[126] However, the Guide to good practice (2008), p. 35, states that the mother's consent should first be obtained "some time after the birth of her child".

[127] Hognestad and Steenberg (2000) p. 199 cf. St.prp. no. 77 (1995-96) p. 9.

[128] However, consent from children who, due to disability, are unable to give valid consent may be disregarded, cf. Article 5(3).

> "A person under the age of twenty-one cannot be adopted without the consent of their parents. If one of the parents is deceased or missing, mentally ill or without parental authority, the consent of the other parent is sufficient. If both parents are in any of the aforementioned situations, the consent of a guardian or curator is required.
>
> However, the father or mother who does not have parental authority shall, as far as possible, be given the opportunity to express their opinion before a decision is made. If someone other than the father or mother has been appointed as guardian or curator for the person to be adopted, the guardian or curator shall also be given the opportunity to express their opinion.

The main rule was therefore that the original parents had to consent to the adoption. At the same time, several exceptions to this rule were laid down in law. One such exception was cases where the parents did not have parental responsibility. This applied both to cases where only one of the parents had parental responsibility, for example because the parents were unmarried, and to cases where the parents had been deprived of parental responsibility as a child welfare measure. In these cases, the parents should nevertheless – as far as possible – be given the opportunity to express their opinion before the decision was made.

Neither the law itself nor its explanatory notes contained any further guidance on how consent (or statements) should be obtained in practice, what information the parents should be given, or when such consent could be given.

In 1964, a circular was issued stating that the mother could not give valid consent to adoption *before* the child was born, and that she should also be given guidance and the opportunity to carefully consider the matter in the period after the birth. Consent could also be withdrawn until the adoption order was issued. Special forms were also drawn up for the original parents to fill in and sign, and the signatures had to be confirmed by witnesses.(129) For national adoptions, there were thus, in practice, formal requirements in place from 1964 onwards to ensure informed and documented consent.

In 1972, Norway acceded to the 1967 Council of Europe Convention. Norwegian law was considered to be in accordance with the Convention, and ratification therefore did not lead to any legislative changes. Nevertheless, the Ministry of Justice and the Police prepared a circular with comments on the various provisions of the Convention, with some clarifications on how the Norwegian provisions should be interpreted in light of it.[130] Of particular importance for the understanding of Norwegian law was Article 5(4) of the Convention, which stipulated that the mother could give her consent to adoption no earlier than six weeks after the birth. In the circular, the Ministry pointed out that under the Norwegian system, consent to adoption was only accepted after the mother had had the opportunity to carefully consider the matter, and that it would therefore take more than six weeks in most cases. In light of the Convention, however, it was necessary to ensure that the deadline was met. At the same time, they pointed out that six weeks was a minimum requirement and stated that "consent should generally not be obtained until at least 2-3 months after the birth of the child".(131)

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[129] Circular from the Ministry of Social Affairs dated 1 November 1964, pp. 11–15. The consent form is attached as Appendix 8.
[130] Ministry of Justice circular dated 26 January 1983 (G 34/73).
[131] Ministry of Justice circular of 26 January 1983 (G 34/73), p. 2.

In 1986, a new adoption law was passed. In the preparatory work for this law, it was discussed whether it should be made clearer in the law that in certain cases the parents' lack of consent could be disregarded, for example where the parents had been deprived of parental responsibility.[132] Among other things, it was argued that in such cases, access to full judicial review should also be made available in a manner that was simple for the parents, which would increase their legal certainty. Opinions were divided on the need for and appropriateness of this during the consultation round, and it was ultimately decided to retain the wording from 1917, but with some linguistic modernisation. However, on the basis of the 1967 Council of Europe Convention, a new second paragraph was added, stating that
"parental consent cannot be given until two months after the child is born."[133]

During the consultation round, several consultation bodies – including the Council for International Adoptions and the adoption agencies Adopsjonsforum and Verdens barn – pointed out that the two-month requirement would be impossible to control for international adoptions. Despite this, the Ministry of Justice chose to maintain the proposal and wrote in the bill:

> "In principle, this requirement will also apply to international adoptions. This is also the case under current practice (...) and under the European Convention. The fact that it may be difficult in practice to reliably monitor compliance with the requirement for international adoptions must be accepted." (134)

In its 2009 report on adoption, the Hove Committee stated that the current rules on consent largely took into account the important and necessary considerations in adoption cases. However, it pointed out that certain tightening up should be done and that some more detailed formal requirements should be included in the Act itself. [135]

In 2017, the current Adoption Act was adopted. In the preparatory work for the Act, the consent rules were reassessed. The Law Committee largely followed up on the 2009 report from the Hove Committee and proposed to codify the formal requirements for consent, which until then had only been set out in circulars, practice and forms. The current Adoption Act now states that "before consent is given, parents and any guardians shall be informed of what consent entails. Consent shall be given in writing and voluntarily without consideration. Only a public official or a solicitor may receive or confirm consent", cf. Section 10, second paragraph.

A further change was the restriction of the right to refrain from obtaining consent from parents with reduced cognitive function, or statements from parents without parental responsibility. In the former case, the term "mental illness" has been abandoned, and according to Section 10, first paragraph, consent may now only be waived from parents "who are clearly unable to understand what consent entails". And where previously statements from parents without parental responsibility were only to be obtained "as far as possible", this right was formulated in the fourth paragraph as "a father or

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[132] Ot.prp. no. 40 (1984-1985) p. 12ff.
[133] Adoption Act 1986, section 7, second paragraph.
[134] Ot.prp. no. 40 (1984-85) p. 15.
[135] NOU 2009: 21 p. 78.

A mother who does not have parental responsibility must be notified and given the opportunity to express her opinion before the adoption application is decided, cf. Section 16 of the Public Administration Act.

The Adoption Act 2017 also enshrined a choice of law rule for parental consent to adoption: In the case of adoption of children under the age of 18 who are habitually resident in another country, the question of consent from parents or guardians shall be assessed in accordance with the law of the other country, cf. Section 44(2) of the Adoption Act. This choice of law rule was proposed by the Adoption Act Committee([136]) and was followed up in the Ministry's bill.([137])

5.3. The principle of subsidiarity

5.3.1. Introduction

A key principle in the regulation of international adoption is that children should only be adopted across national borders if they cannot grow up with their original family and no other suitable care arrangements have been found in the child's home country. This principle is known as *the principle of subsidiarity.* The principle emerged mainly through international cooperation in the post-war period and existed in various guidelines and declarations before it was enshrined in the UN Convention on the Rights of the Child and the Hague Convention. The development of the principle is described in more detail below.

5.3.2. International law

From the 1950s onwards, several international organisations and associations became involved in ensuring that cross-border adoptions were conducted in an orderly manner and that the interests of the children were safeguarded, including the World Health Organisation (WHO), the International Union for Child Welfare (IUCW) and the International Social Service (ISS).[138] ISS brought the issue to the attention of the UN, which followed up by setting up a group of experts in 1957. [139]

At a European seminar in 1960, organised by the UN in collaboration with the IUCW and ISS, a recommendation was drawn up with 12 principles for international adoptions, the first six of which dealt with subsidiarity. The second principle read as follows:

> "That sufficient consideration should be given to possible alternative plans for the child within his own country before inter-country adoption is decided upon, since there are various hazards inherent in transplanting a child from one culture to another." [(140)]

[136] See NOU 2014: 9 p. 359.
[137] See Prop. 88 L (2016-2017) p. 203.
[138] Denéchère, Y. (2014) Regulating a particular form of migration at the European level: the Council of Europe and intercountry adoptions (1950-1967). *Peoples and borders: movement of persons in Europe, to Europe, from Europe (1945-2015)*, Padua, Italy, pp. 5 and 8.
[139] NOU 1976: 55 p. 13.
[140] Fundamental principles in inter-country adoption (as amended at the seminar) 1960, appendix to NOU 1976: 55.

In the 1970s, several initiatives were taken in the UN with a view to discussing and coordinating work on international adoptions.[141] In 1978, a group of experts was appointed to develop social and legal principles on adoption and foster care, which resulted in a declaration on the protection of children that was endorsed by the UN General Assembly in 1986.[142] Here, it was again emphasised that the child should primarily be cared for in their own country, and secondarily through international adoption.

The principle that national adoption should be given priority over international adoption was incorporated into Article 21(b) of the UN Convention on the Rights of the Child:

> "Parties that recognise and/or permit adoption shall ensure that the best interests of the child shall be the paramount consideration, and they shall:
> (…)
> (b) Recognise that intercountry adoption may be considered as an alternative form of care for a child if the child cannot be placed in foster care or adopted, or if it is not possible to provide suitable care for the child in his or her country of origin."

As an extension of the work on the Convention on the Rights of the Child, the Hague Conference on Private International Law established a special commission to work on a convention on the protection of children and cooperation in international adoption. At its first meeting in June 1990, the Special Commission already established that the interests of the child would generally be best served if the child were to grow up in his or her own family of origin or, alternatively, in another family in his or her own country. In the meetings in the following years, it was discussed whether the principle of subsidiarity should be understood to mean that temporary solutions – such as placement in foster homes or institutions – should be preferred to international adoptions.[143] However, it was concluded that permanent solutions would be beneficial for the child, and the preamble to the Convention emphasises that "international adoption can provide a child with the benefit of a permanent family when there is no suitable family for it in its country of origin". In the text of the Convention itself, the principle of subsidiarity is formulated as follows in Article 4(b):

> "Within the framework of this Convention, an adoption shall only take place if the authorities in the country of origin
> (…)
> b) after carefully examining the possibilities of placing the child in the State of origin, find that the child's best interests are served by international adoption"

[141] NOU 1976: 55 p. 13.
[142] Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption, Nationally and Internationally: revised draft resolution / Netherlands, UN, 20 Nov. 1986.
[143] Dambach M. (2019). *Principle of subsidiarity*, International Social Service, p. 11.

The Hague Convention has been interpreted to mean that international adoption on a general basis should be preferred to institutional placement or temporary placements in the child's home country.[144] Some parties have raised the question of whether the Hague Convention's prioritisation of permanent solutions conflicts with the Convention on the Rights of the Child, which can be interpreted to a greater extent as meaning that international adoption should be a "last resort". Various actors, including ISS, emphasise that the application of the principle of subsidiarity in practice will depend on specific assessments of what is in the best interests of the individual child. ([145])

In 2008, the Hague Conference published "The Implementation and Operation of the 1993 Intercountry Adoption Convention: Guide to Good Practice", in which the principle of subsidiarity is discussed in sections 46-52. The Hague Conference Guide has not been adopted by the States Parties to the Convention and is therefore not binding. Nevertheless, in practice, they will be important for the interpretation and application of the Convention and are therefore referred to here.

The 2008 Guide emphasises, among other things, that "efforts should be made" to enable the child to remain with or be returned to their original family. Furthermore, the authorities should consider other national placements before proceeding with intercountry adoption.[146] The guide states that intercountry adoption should be an integral part of a comprehensive child welfare system. Nevertheless, the importance of permanent solutions is again emphasised, and if intercountry adoption is the way to achieve this, the child's country of origin should not formulate policies that prevent this. The authorities should also avoid unnecessary delays in the process. It is specified that in practice it is not possible to require that all possibilities for national placement be exhausted, both because the investigation would place a burden on the authorities and because it would lead to significant delays in the process of finding a permanent home for the child abroad where this is necessary. It is specified that the principle of subsidiarity must be interpreted in light of what is in the best interests of the child, and section 51 lists examples of how these assessments can be weighed against each other:

- It is true that maintaining a child in his or her family of origin is important, but it is not more important than protecting a child from harm or abuse.
- Permanent care by an extended family member may be preferable, but not if the carers are wrongly motivated, unsuitable, or unable to meet the needs (including the medical needs) of the particular child.
- National adoption or other permanent family care is generally preferable, but if there is a lack of suitable national adoptive families or carers, it is, as a general rule, not preferable to keep children waiting in institutions when the possibility exists of a suitable permanent family placement abroad.

144 Hognestad and Steenberg (2000), p. 96. Section 51 of the Guide to Good Practice (2008) states, among other things, that "National adoption or other permanent family care" would be preferable to international adoption. "Other permanent family care" would presumably also apply to longer-term placements, such as equivalents to "childcare placements" in Norway.

145 Dambach (2019) p. 12.

146 Guide to Good Practice (2008), Section 48.

- Finding a home for a child in the country of origin is a positive step, but a temporary home in the country of origin in most cases is not preferable to a permanent home elsewhere.
- Institutionalisation as an option for permanent care, while appropriate in special circumstances, is not as a general rule in the best interests of the child.

5.3.3. Norwegian law

For Norway, subsidiarity was highlighted as a key principle in NOU 1976: 55. In this report, the working group proposed guidelines for adoption services, including consideration of the best interests of the child and the Norwegian authorities' responsibility to ensure sound processes. The Storting endorsed these principles in 1977.([147]) On subsidiarity, it states:

> "Primarily, the child should be helped in his or her own country. The adoption of children from abroad should not take place unless there is reason to believe that the child cannot be provided with satisfactory conditions for growing up in his or her own country."([148])

Norway has acceded to the UN Convention on the Rights of the Child and the Hague Convention, and is therefore legally bound by the rules on subsidiarity in these conventions. From 1 October 2003, the Convention on the Rights of the Child and the subsidiarity provision therein apply as Norwegian law with precedence over other legislation, cf. the Human Rights Act § 2 no. 4, cf. § 3.

In the Adoption Act 2017, the principle of subsidiarity is enshrined in law for adoptions of children with whom the applicant has a connection. Section 21(d) states that prior consent to adopt a child who is habitually resident abroad may only be given if the child lacks security and permanent carers. The principle of subsidiarity means that the country of origin must have investigated the possibilities of raising the child in the country where the child is habitually resident. If the child has secure care conditions in the country where the child has its habitual residence (its home country), the child shall remain in its home country and not be moved by adoption. It is not sufficient that the material conditions for the child will improve by moving to Norway. ([149])

5.4. Prohibition against unlawful gain

5.4.1. Introduction

The prohibition against financial gain is currently a key principle in the regulation of international adoptions, and is intended to protect against considerations other than the best interests of the child being taken into account in the adoption process.

The following is an overview of the development of this principle in international conventions and Norwegian law.

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147 Based on St.prp. no. 210 (1976-1977). The principles are further set out in Innst. S. no. 430 1976-77, which was unanimously adopted on 4 June, cf. S.tid. 1976-77 *Proceedings in the Storting pp*. 4291-4296.

148 Innst. S. no. 430 1976-77 p. 2.

149 Prop. 88 L (2016-2017) p. 228.

5.4.2. International law

Preventing the buying and selling of human beings has been the subject of a number of international cooperation agreements and conventions since the late 1800s.[150] The main themes of many of these have been sexual exploitation and slavery, but provisions on the right to freedom and the right to family life can also be interpreted as a general prohibition on the buying and selling of both adults and children.

It was not until the 1960s that specific rules relating to remuneration for adoption were introduced. Article 15 of the 1967 Council of Europe Convention states that "Provisions shall be introduced to prevent anyone from deriving undue financial advantage from the adoption of children". When implementing this provision in Norway, the Ministry of Justice noted that it was assumed that the provisions of Section 9 of the Adoption Act and Section 26(b) of the Child Welfare Act provided sufficient protection against the circumstances referred to in Article 15.[151]

Similar wording was also later included in Article 21(d) of the UN Convention on the Rights of the Child, which specifically prohibits improper financial gain from cross-border adoptions. The provision stipulates that States shall "take all appropriate measures to ensure that intercountry adoption does not result in improper financial gain for those involved in the adoption process."

In the Optional Protocol on the sale of children, child prostitution and child pornography from 2000 (ratified on 2 October 2001), Article 3(a)(ii) states that "intermediating in an improper manner to obtain consent for the adoption of a child in contravention of applicable international legal instruments on adoption" shall be considered as the sale of children within the meaning of the Convention.[152]

The Hague Convention also contains rules on remuneration. According to Article 4(c)(2), adoption shall only be permitted if the State of origin has ensured that the consent of persons, institutions and authorities 'has not been obtained by payment or remuneration of any kind and that it is irrevocable'. Similarly, the child's consent – where required – must not be "induced by payment or remuneration of any kind", cf. Article 4(d)(4).

Based on developments in the field of adoption, the Council of Europe Convention was revised in 2008 (ratified by Norway in 2011). Article 17 of the revised version states that "No one shall derive any financial or other improper advantage from activities relating to the adoption of children".

In addition to the aforementioned conventions, the Hague Conference has published two *Guides to Good Practice* in the field of adoption. Both of these contain a number of statements regarding what should be considered legitimate expenses and remuneration in the context of adoption.

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150 See review of various international work in Rao, S.S. (2013), *Trafficking of Children for Sexual Exploitation Public International Law 1864-1950*, Oxford.

151 See the Ministry of Justice circular of 26 January 1983 (G 34/73). See also section 5.4.3.

152 See also NOU 2014: 9 pp. 94-95.

The Hague Conference is working on follow-up to the Adoption Convention. In recent years, the conference has focused particularly on the financial aspects of intercountry adoption.
In 2014, the Conference published *Note on the financial aspects of international adoption*. In 2023, the Conference published *Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption*. This is a review with practical advice to the States Parties to avoid illegal practices and violations of the Convention and to ensure that the best interests of the child are safeguarded. The Conference currently has a working group with representatives from both sending and receiving States, which is working to update the 2014 note on the financial aspects of intercountry adoption.

5.4.3. Norwegian law

Although various legislative efforts have attempted to create a system where financial gain does not motivate adoptions, there was originally no total ban on remuneration for adoptions in Norwegian law. The explicit ban on unlawful remuneration for adoptions was introduced into Norwegian law through international conventions and was first incorporated into the Adoption Act in 2017.

Until 1986, remuneration in connection with adoption was regulated in Section 9 of the Adoption Act 1917:

> "Before a grant is given, information shall be sought as to whether any remuneration has been paid or is to be paid by either party, and if so, how much.
>
> If remuneration has been paid or is to be paid to the adopter, the granting of authorisation may be made conditional on the remuneration being used, in whole or in part, for the benefit of the adopted child."

The provision did not prohibit the payment of remuneration in connection with the adoption process, either to the adoptive parents or from the adoptive parents to the birth parents.[153] The preparatory work shows that in practice, remuneration was rarely given as consideration for the child, but rather as compensation to the adoptive parents for the expenses incurred in raising the child. The rule in the second paragraph was intended to ensure that any payment from the birth parents would benefit the child – and not just the adoptive parents – through the possibility of imposing certain conditions in connection with the adoption authorisation. Payment to the original parents was considered to be a minor issue in practice. Nevertheless, the legislature chose to maintain this option. As Section 9 required transparency regarding any remuneration, the legislature believed that the authorities would be given cause to conduct thorough investigations if transactions resembling the purchase and sale of children occurred.

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[153] See draft law on adoption: submitted by the Norwegian delegates to the Scandinavian family law committee, p. 24. Firstly, the committee found it reasonable that compensation could be paid by the original parents, "*partly because it may be easier for the father or mother to pay a lump sum than to take over the upbringing of the child, and partly because the father or mother wishes to settle the relationship with the child once and for all through adoption, so that they would not be responsible for the child's care at any time*". Secondly, in other cases, "it *may be reasonable for the real parents to receive a sum in compensation for the loss of a child who is given up to adoptive parents who will fill the void left by their own child".*

The Adoption Act of 1917 did not regulate the ability of intermediaries and child brokers to receive remuneration. However, the Act on the Supervision of Foster Children of 29 April 1905 stated that private individuals acting as intermediaries for the placement of children in return for payment had to be approved by the police. ([154])Section 26 b)of the Child Welfare Act of 1953 prohibited private individuals from "place children with or without a view to adoption", but maintained the possibility for organisations to apply for a licence to do so. The question of remuneration in connection with such activities was not addressed.

During the drafting of the 1986 Adoption Act, there was discussion about whether there should be an explicit ban on remuneration. The Council for International Adoptions recommended such a ban in its consultation response, in order to ensure that adoptions did not take on the character of "business and 'child trafficking'".[155] The Ministry agreed that the provisions were outdated and needed to be amended. However, it considered that a total ban could create some demarcation problems in practice, for example when it came to covering expenses in connection with adoption and donations to children's homes. They assumed that "an assessment of any agreements on remuneration must be included in the overall assessment of whether adoption authorisation should be granted, and that any conditions regarding the use of the remuneration must be set without specific legal authority".[156] The provision on remuneration was therefore removed, but no explicit prohibition was introduced.

An explicit prohibition on remuneration in connection with adoptions was first included in the Adoption Act in 2017. The law committee pointed out that since the legislative work in the 1980s, Norway had acceded to several conventions that, with varying formulations, prohibited such remuneration. ([157])Among other things, the Human Rights Act of 2003 had resulted in Article 21 of the Convention on the Rights of the Child becoming part of Norwegian law. Two provisions were proposed: one aimed at directly involved parties (children, parents, guardians) and one aimed at external actors and adoption agencies. The provisions were adopted as Sections 11 and 33, respectively, with the following wording:

> Section 11. *Prohibition against remuneration*
> "It is not permitted to give or promise remuneration or any other benefit in order to influence a person who is to consent to an adoption or express an opinion on an application for adoption or on prior consent to adopt."
>
> Section 33. *Prohibition against giving remuneration to influence the mediation of adoption*
> "It is not permitted to give remuneration or any other benefit to organisations, persons in organisations or others who arrange an adoption when the purpose is to influence an adoption process or the outcome of an adoption case.

5.4.4. Specifically regarding human trafficking and adoption

The penal provision on human trafficking was incorporated into the Norwegian Penal Code in 2003. The penal provision was introduced to comply with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons

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154 The Adoption Law Committee referred to this law in its recommendation, *Draft law on adoption: report by the Norwegian delegates to the Scandinavian family law working group*, p. 24.
155 Ot.prp. no. 40 (1984-1985) p. 24.
156 Ot.prp. no. 40 (1984-1985) p. 25.
157 NOU 2014:9 p. 233.

with human beings, especially women and children, the so-called Palermo Protocol. The Norwegian human trafficking provision is based on the Palermo Protocol and covers exploitation for specific purposes – such as prostitution, forced labour or illegal organ trafficking. Paying remuneration for children for the purpose of adoption is not mentioned as a form of exploitation in the Norwegian human trafficking provision, nor is it mentioned in the international criminal law definition of human trafficking as defined in the Palermo Protocol and in the 2005 Council of Europe Convention on Action against Trafficking in Human Beings. The Committee therefore finds that illegal adoptions are not, in principle, covered by the Norwegian criminal provision on human trafficking.

In 2024, the European Council and the European Parliament reached an agreement to include illegal adoptions in the EU Anti-Trafficking Directive as a form of exploitation to be covered by EU anti-trafficking law. However, the directive does not apply to Norway, and consequently the buying and selling of children for the purpose of adoption is not criminalised as human trafficking in Norway.

6 Ecuador

6.1. Introduction

A total of 185 children from Ecuador were adopted to Norway through Adopsjonsforum between 1976 and 2004.[158] In addition, some children may have been adopted to Norway from Ecuador outside of the agency system.[159]

The committee has chosen to focus its investigation of adoptions from Ecuador on the so-called Moncayo case, which received a lot of attention in the Norwegian press in 1989 and has also been mentioned in several newspaper articles in 2023 and 2024. The case concerned the lawyer Jorge Roberto Moncayo, who was one of Adopsjonsforum's contact persons in Ecuador and who played a central role in their mediation of adoptions from there in the 1980s. He was arrested by the Ecuadorian police in January 1989 and charged with several illegal adoptions, including to Norway. The committee has investigated Adoption Forum's establishment of cooperation with Moncayo, and Adoption Forum's and the Norwegian authorities' follow-up of cases related to Moncayo after the scandal was uncovered.

Investigations into other matters have had to be limited for reasons of priority, partly because the number of adoptions from Ecuador accounts for less than one per cent of the total number of international adoptions.

6.2. General information and history

Ecuador is located in north-western South America. The country has around 18 million inhabitants, of whom around 72 per cent are of mixed indigenous and European descent. Spanish is the official language, and around 68 per cent of the population belongs to the Roman Catholic Church.

Ecuador is a unitary republic where the president is the head of state and head of government.[161] The country has a civil law system, which is based mainly on binding, written laws, while precedents from court decisions are of lesser importance. Ecuador's constitution dates from 2008. Prior to this, the constitution of 1998 applied, which succeeded the constitution of 1979.

The court system in Ecuador consists of the Supreme Court (Corte Nacional de Justicia), provincial courts and various tribunals and subordinate courts. [162] Several courts are specialised, including separate courts for children. [163]

[158] See overview of adoptions per year in section 6.5.
[159] We have not received figures for adoptions outside of adoption agencies, see section 4.1.2
[160] The UN Association's website on Ecuador, https://fn.no/land/ecuador.
[161] https://snl.no/Ecuadors_politiske_system.
[162] https://globalaccesstojustice.com/global-overview-ecuador/.
[163] See section 6.4 for more details.

Ecuador was incorporated into the Spanish colonial empire in the mid-1500s and gained its independence in 1830. [164] In the wake of its secession from Spain, a long-standing conflict arose with Peru over land areas in the Amazon, which was finally resolved by a peace agreement in 1998. The last century has been marked by political instability, with several military coups and economic crises. Ecuador has had civilian rule since 1979, but has been politically unstable with frequent changes of power. It was not until the change of power in 2007 that the unrest subsided and the country entered a more stable period. In recent years, there has been unrest linked to conflicts with criminal gangs, among other things. As a result of conflicts with organised drug gangs, a state of emergency is currently in force in several provinces.([165])

Ecuador is currently considered a middle-income country, but large international debt and heavy dependence on oil prices continue to create economic challenges and uncertainty. Despite social measures in recent decades, more than a fifth of the population still lives below the poverty line, and lack of access to clean water poses a major health risk for many. In 1986, 34% of children in Ecuador were malnourished, compared to 14% in 2005.([166])

Based on international surveys, there is a certain degree of corruption in Ecuador. Ecuador was included in Transparency International's Corruption Perceptions Index for the first time in 1998. At that time, the country was ranked 77th out of the 85 countries in the index, with a score of 2.3 out of 10. By comparison, Norway was ranked 8th with a score of 9.0. In 2004, which was the last year of adoptions from Ecuador to Norway, the country was ranked 112th out of 146 countries in the index, with a score of 2.4. In 2024, the country was ranked 115th out of 180 states, with a score of 34 out of 100 (Norway's score was 84).

In the World Justice Project's index for the rule of law, Ecuador was ranked 97th out of 142 countries in 2024, with a score of 0.46 on a scale from 0 to 1.[167] The first year the index included results from Ecuador was in 2015, when the country ranked 78th out of 102 countries with a score of 0.47. The index has eight sub-criteria. In 2015, Ecuador scored 0.46 for absence of corruption, 0.53 for fundamental rights and 0.44 for civil rights (access to the judicial system, etc.).

Ecuador has not had a Norwegian embassy, but at various times the country has fallen under the responsibility of embassies of other countries, such as Chile, Colombia and Venezuela.

6.3. The emergence of international adoptions

The first international adoptions from Ecuador took place in 1969.[168] The background for this was, among other things, increased migration to the cities, which was related to large landowners having less control over the poor indigenous population. This made poverty among children more visible in

[164] The information in this section is mainly taken from the UN Association's website on Ecuador, https://fn.no/land/ecuador.
[165] Travel information about Ecuador from the Ministry of Foreign Affairs.
[166] Press release dated 23 May 2005 concerning the Committee on the Rights of the Child's examination of reports from Ecuador.
[167] https://worldjusticeproject.org/rule-of-law-index/global/2024/Ecuador/. In 2024, Norway ranked second on the index with a score of 0.89.
[168] Leifsen, Esben (2009), Adoption and the Governing of Child Welfare in 20th Century Quito, *Journal of Latin American and Caribbean Anthropology* 14(1).

society, while in the Western world there was an increase in the number of people wishing to adopt. Adoption figures rose throughout the 1970s and 1980s, to 21 in 1973 and 166 in 1988. [169]

Some researchers have described a development in which adoptions were influenced by market mechanisms. Leifsen (2009) describes the situation as follows:

> Transnational adoption in the 1970s and 1980s was a transformed economy of care; children continued to be circulated from orphanages, facilitated by adoption mediators and formally legalised through specific public institutions. But mediators now tended to be lawyers who operated in direct cooperation with foreign adoption agencies, and without established bilateral government agreements.
> Furthermore, the priceless value of the circulated child came into focus because it could generate a price and a surplus. Solicitors received compensation for their services in the form of honoraria, donations, and coverage of costs, and these compensations were increasingly difficult to completely detach from the logic of the
> market and from concrete market transactions.

As in several other countries, rules and attitudes towards abortion may have had an impact on the number of children adopted. Abortion has been illegal in Ecuador for over a hundred years, long regardless of whether the pregnancy was the result of rape. Only in 2021 did abortion become legal in such cases. However, the criminal provision has been enforced to varying degrees. ([171])

6.4. Adoption procedures

The account of developments in Ecuador's regulations governing adoptions outside the country is based on accounts of regulations found during archive searches at Adopsjonsforum and Norwegian authorities, as well as articles by Leifsen (2009), Fieweger (1991)[172] and Simon (2004).[173] The committee has not aimed to produce a comprehensive account of the rules during the placement period, but describes major changes. A more complete account has not been necessary for the assessments we have made.

Ecuador has had legislation on adoption since at least around 1950. The adoption institution did not involve full adoption from the outset, as not all ties to the original family were severed.[174] This was first introduced in 1992.

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[169] Fieweger, Mary Ellen (1991) Stolen Children and International Adoptions, *Child Welfare*, Vol. 70, No. 2

[170]https://www.bbc.com/news/world-latin-america-56913947 (The adoption system in Norway).
[171] Cf. Le Monde diplomatique, online article 15 May 2019 Ecuador's crackdown on abortion is putting women in jail, by Zoë Carpenter (Le Monde diplomatique - English edition, May 2019).
[172] Fieweger, M. E. (1991). 2
[173]Farith Simon (2004) Analysis of Ecuador's Code on Children and Adolescents, *Legal Journal*, Faculty of Law, Catholic University of Guayaquil.
[174] Leifsen (2009).

- In 1975, separate rules were issued on adoptions outside the country. The rules included requirements for documentation on the adoptive parents and requirements for reporting on the child after the adoption.
- A new Children's Code (Código de menores) was issued in 1976, with some changes to the rules on adoption.
- New rules on adoption were issued by presidential decree in 1981. In particular, the requirements for follow-up of adoptive parents after adoption were tightened.
- In the period following the Moncayo case in 1989 (described below), several changes were made:
    - In 1990, the UN Convention on the Rights of the Child was ratified.
    - A presidential decree in 1990 provided more detailed guidelines on adoption both within the country and abroad. Among other things, it regulated the requirements for parental consent and the conditions for considering a child abandoned, as well as the requirements for regular reporting on the adoptive child's condition. From 1990 onwards, all adoption applications were to be processed by a central authority, the newly established UTA (Unidad Tecnica de Adopciones).
- In 1992, the Children's Act (Código de menores) was amended to bring it into line with the Convention on the Rights of the Child. The rules on adoption were improved and full adoption was introduced.
- Ecuador was the sixth country to ratify the Hague Convention i n 1993, on 7 September 1995.
- Since 2003, adoption has been regulated by a new law on children and young people (Código de la Niñez y Adolescencia).

In 1980, the Adoption Forum described the adoption process as follows in an application for approval of contacts in Ecuador:[176]

> When a young child is eligible for adoption to Norway, the manager of the children's home/social worker at the birth home selects the family they think is best suited for the child in question. The institution keeps a complete file with copies of the applicants' documents.
>
> Adoption organisations are made aware that all children over the age of 3, all sick and/or disabled children and all siblings must be matched by RIA's Placement Committee.
>
> The adoption organisations ensure that the child is registered in the National Population Register and obtain formal permission for the Norwegian couple to adopt the child by means of a letter addressed to the President of the Juvenile Court, after the child has been advertised in the press with a view to finding relatives or possible Ecuadorian adoptive parents.
>
> The adoption organisations also ensure that the child undergoes a thorough medical examination. One of the organisation's lawyers then presents all the case documents together with a

[175] Leifsen (2009).
[176] Letter to the Council for International Adoptions, 10 March 1980.

application for adoption to the Juvenile Court. The court issues its ruling and authorises the child's departure from Ecuador. Finally, the adoption organisation arranges for an identity card and passport and applies for an exit permit from the emigration authorities.

In Ecuador, throughout the entire placement period, there have been special courts for children that have been responsible for the final decision on adoption. Until 1998, however, the children's courts were part of the executive branch and not the ordinary court system.[177]

Until the amendments to the Children's Act in 1992, the juvenile court system consisted of 31 interdisciplinary courts for minors, with three courts of appeal and a national juvenile court, which is said to have been an administrative body without decision-making authority.[178] International adoptions were dealt with by the court of appeal in Quito.[179]

However, it is clear that, at least from the early 1980s, other public actors besides the juvenile court were also involved in adoption cases. Documents relating to the few individual cases of adoption to Norway that were dealt with in the first half of the 1980s show that these adoptions were first assessed by the children's court, then dealt with by the Ministry of Social Affairs, before the children's court finally made the final decision.[180] Translations of documents from individual cases in 1987 and 1988 show that the adoptions were recommended by the "Child Welfare Board".[181]

We have also received information that the Children's Court had social workers who reviewed the application documents and made a recommendation regarding the suitability of the adoptive family in question. It may be that these were part of the "Child Welfare Board" referred to in the section above. [182]

The individual cases we have reviewed from the late 1980s also show that the adoption procedure varied depending on whether the child had known or unknown parents. If the child had been abandoned, there was a separate process for releasing the child for adoption, which was decided in the juvenile court. In such cases, it was a requirement to search for relatives in the press before the court decided on the release.([183])

In cases where the parents were known, the process appears to have been somewhat simpler and faster. However, consent was required, and the adoption had to be assessed by the child welfare board before the court made a decision.[184]

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[177] Farith Simon (2011) La nueva administración de justicia en el código de la niñez y adolescencia, *Iuris Dictio no. 14*. Here, Simon criticises the children's courts' links to the administration and their lack of independence.
[178] Simon (2011).
[179] The Committee's interview with Professor of Law Farith Simon, December 2024.
[180] Report of 18 August 1983 from the Adoption Forum's trip to Quito on 6-8 August 1983.
[181] Translations vary; in some cases, the terms ‘child welfare committee’ or ‘child welfare council’ are used.
[182] Interview with Farith Simon.
[183] Letter from the Adoption Forum to the Council for International Adoptions, 10 March 1980.
[184] Interview with Farith Simon.

6.5. Adoptions to Norway

Between 1976 and 2004, 185 adoptions from Ecuador to Norway were arranged through Adopsjonsforum. Adopsjonsforum had permission from the Norwegian authorities to arrange adoptions from Ecuador from 1978 to 2005. Twelve of these adoptions are registered as having been arranged in 1976 and 1977, i.e. before Adopsjonsforum was granted authorisation to arrange adoptions. The Norwegian authorities were aware of the "arrangements" made by the organisation in the 1970s through its information activities, and apparently tolerated the practice. ([185])

Ecuador ranks 16th on the list of countries with the most adoptions to Norway, accounting for approximately 0.9% of international adoptions to Norway. In certain periods, however, Ecuador has been a key adoption country. In the years with the highest number of adoptions (1992 and 1993), Ecuador was the country with the third highest number of adoptions through Adopsjonsforum, and Norway was one of the countries that adopted the most children from Ecuador. ([186])

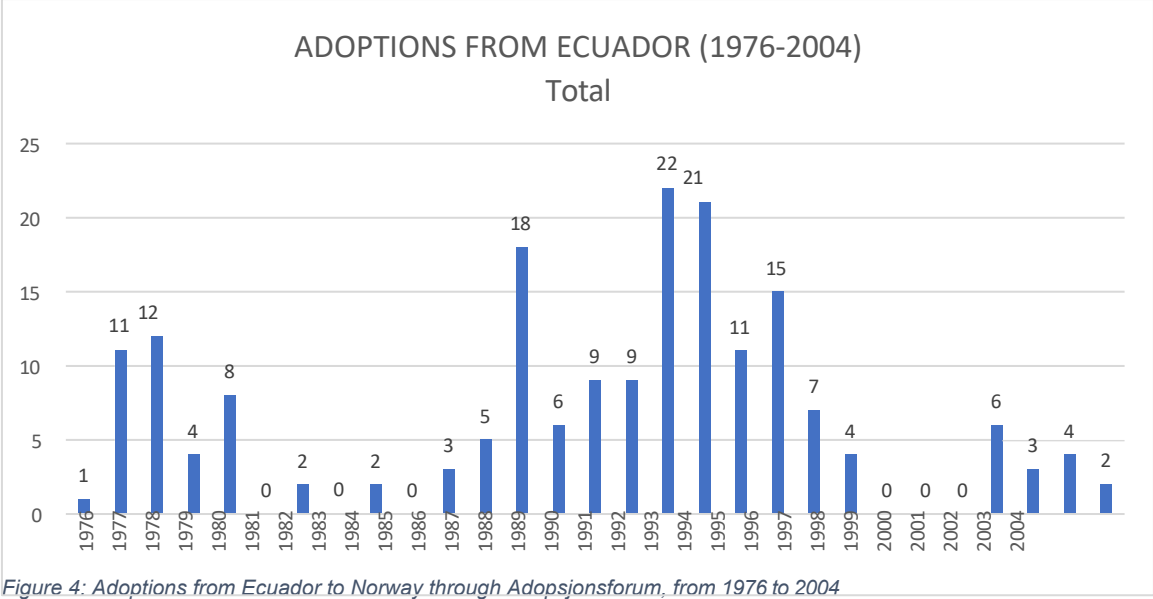

Figure 4: Adoptions from Ecuador to Norway through Adopsjonsforum, from 1976 to 2004

Ecuador was covered by the first placement licence granted to Adopsjonsforum on 19 May 1978. The licence did not specify a duration, and there was no perceived need for renewal. ([187])However, the licence stipulated that Adopsjonsforum's foreign contacts (its partners in the countries concerned) had to be approved by the Council for International Adoptions within one year.

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185 See section 4.2.1 and note 46.

186 Adoption Forum's application for approval of its network of contacts, 4 May 1994.

187 In 1997, Adopsjonsforum applied to the Ministry for re-approval of its placement licence, but received a reply from the National Adoption Office stating that the 1978 licence was still valid and that it was sufficient to re-approve the contact network in the country. It was only after the introduction of a new Chapter 3a in the Adoption Act of 1986, which came into force on 1 December 1999, that a requirement was introduced to renew the original placement licence.

The Council's approvals of foreign contacts were given a limited duration and had to be renewed at regular intervals. In practice, this meant that the assessments of the soundness of the country cooperation after the first placement permit from the Ministry were carried out by the body that approved the foreign contacts and cooperation partners. Initially, this was the Council for International Adoptions (RIA), which was later taken over by the State Adoption Office (SAK) when it was established in January 1987.

In the first twelve years after the placement permit was granted, there were several changes of contact persons and cooperation partners. From autumn 1989 until 2005, however, Adopsjonsforum had the same contact person, but the orphanages and institutions with which she cooperated varied. The contact persons and cooperation partners were approved by the Norwegian authorities.

Some of the key institutions Norway collaborated with are:

- The Amparo y Hogar orphanage in Quito, which only worked with children who were to be adopted, from 1980 to 1986. The director of this orphanage was one of Adopsjonsforum's contacts in Ecuador in the first half of the 1980s.
- The San Vincente de Paul orphanage in Quito.
- The FANN children's home in the city of Guyanquil

Norwegian adoption authorities have made several trips and inspection visits to Ecuador. We have found information about the following trips in the 1980s:

- May 1982 - RIA[188]
- March 1983 - RIA[189]
- 1988 – SAK[190]

The last two adoptions from Ecuador through Adopsjonsforum were registered in 2004. An application to extend the placement permit beyond 2005 was rejected by Bufdir, partly because there were few placements, only two in the two-year period covered by the last placement permit.[191] The rejection stated, among other things, that with so few adoptions, there was a long and uncertain waiting period for applicants, which was often unsuccessful, and that it was costly to maintain a local network in relation to the number of adoptions. The rejection was probably largely influenced by information sent by Adopsjonsforum to Bufdir after the application, which indicated that the prospects for new allocations from Ecuador were poor. ([192])

6.6. Suspension of adoptions after media reports

In Ecuador, cases involving international adoption have repeatedly led to extensive media coverage in the national press. Three of these cases had a significant impact on adoption services to Norway, including

188 Travel report from RIA, 1 August 1982.
189 Travel report sent from the Council for International Adoptions to the Ministry of Foreign Affairs as an attachment to a letter 8 June 1983.
190 Travel report from the National Adoption Office, 22 November 1988.
191 Cf. Bufdir's letter dated 3 January 2006.
192 Adoption Forum's letter of 6 December 2005.

through temporary stays in adoptions to Norway. Two of the cases involved adoptions to Norway.

The first case dates back to 1981 and concerned an Italian couple who had abused an adopted child.[193] This initially led to a halt in adoptions, before new guidelines for international adoptions were issued. Although the formal suspension did not last long, it became difficult to carry out international adoptions in the years that followed, and in the period up to 1986, no new children were assigned to Norwegian adoptive parents. The work to complete the adoptions of five children assigned to Norwegian parents before the temporary suspension was not completed until 1986. Parts of this process are described in more detail below.

The second case is the aforementioned Moncayo case, which is central to the committee's investigations and is discussed below. In 1989, the Adoption Forum's lawyer and contact person in Ecuador, Roberto Moncayo, was arrested and charged with illegal adoptions, and the case received considerable media attention in both Norway and Ecuador. The scandal led to several changes in Ecuador's adoption regulations and a few months' halt in adoptions to Norway. However, Norway spent considerable resources over several years following up on an adoption linked to this scandal.

The third case concerns two television programmes about adoptions to Norway, which were broadcast on Ecuadorian television in May 1996 and January 1997. In Adopsjonsforum's report on the programmes to SAK, it is stated that in the first programme, several unfounded allegations were made about adoptions to Norway, linked to a foster family with three children who were alleged to be an illegal home for children. ([194])According to Adopsjonsforum, the allegations were confirmed to be unfounded by the police investigation. The second programme is said to have combined excerpts from the first programme with accusations that children adopted to Norway were used as
"spare parts in connection with organ transplants".

An internal memo from the Ministry of Children and Family Affairs states that Adopsjonsforum did not, on its own initiative, inform the Norwegian authorities about the first TV programme, which the Ministry described as reprehensible.[195] In the Ministry's letter to Adopsjonsforum dated 15 February 1997, the Ministry stipulated that Adopsjonsforum should not send new applications to Ecuador until the Norwegian authorities gave the go-ahead, and at the same time pointed out "the necessity for the association to quickly inform the adoption authorities if there are changes that may affect the implementation of adoptions in countries from which the association places children". After 1997, no adoptions to Norway were registered until 2001. ([196])

[193] The case is mentioned, among other places, in an internal undated memo from RIA in case 21/86.
[194] Letter dated 15 January 1997.
[195] Internal memo from the Ministry of Children and Family Affairs dated 4 February 1997.
[196] A new adoption agreement between the Ecuadorian authorities and Adopsjonsforum was signed on 18 September 1999, cf. Adopsjonsforum's application for a placement licence dated 23 November 1999.

6.7. Investigations in other countries

The Committee is not aware of any investigations of adoptions from Ecuador carried out by other recipient countries. Nor are we aware of Ecuador itself having carried out any investigations of adoptions from the country, beyond the reports/investigations mentioned in section 6.6.

6.8. Overview of the Committee's investigations

The investigation of adoptions from Ecuador has consisted of archive searches, interviews, media searches and the collection of research literature. The intensity and periods of the individual investigations have been adapted to the number of adoptions from the country to Norway and the periods when there has been the greatest risk and known cases of errors or illegalities.

Material of interest has been found in the archives of the Norwegian Directorate for Children, Youth and Family Affairs, the Ministry of Children and Family Affairs, the Ministry of Foreign Affairs, several state administrators and the National Archives. In this material, the committee has reviewed both general documents on adoptions from Ecuador and a selection of individual cases. The review of individual cases has been limited to the period from 1982 to 1989, but the committee has also looked at a few individual cases from the period from 1989 to 1995. ([197] The time limit was set because this was the period during which lawyer Roberto Moncayo worked for Adopsjonsforum, arranging for children to be placed in Norway.

In total, we have reviewed 31 individual cases from the period. We have only looked at the documents in the case concerning the registration of the adoption with the then State Adoption Office or with the State Administrator (cases registered before 1986). The purpose of the document review was to gain insight into how the cases were handled in Ecuador and Norway, and to assess what knowledge the individual case processing could provide the National Adoption Office about adoptions from Ecuador.

The committee has conducted five interviews specifically focused on adoptions from Ecuador, but has also addressed issues related to cases from Ecuador in other interviews. In addition, the committee has held a meeting with Esben Leifsen about his research on adoptions from Ecuador.

Furthermore, the committee has conducted media searches in the National Library's database and has reviewed a large number of newspaper articles. Most of the articles concern the Moncayo case from 1989, which is probably the case complex related to international adoptions that has received the most attention in the Norwegian press. [198]

[197] This concerns adoptions of some of the adoptive siblings of those who were adopted between 1982 and 1988.
[198] We have found 129 newspaper articles about the Moncayo case from 1989 in Norwegian newspapers.

6.9. Find

6.9.1. Cooperation with the Amparo y Hogar orphanage

6.9.1.1. Explanation of the collaboration

In March 1980, the Amparo y Hogar children's home was approved by RIA as a partner for Adopsjonsforum.[199] The application for approval states that the children's home is approved by the Ecuadorian authorities and that it has its own licence to operate as an adoption agency. [200] The manager of the home and its lawyer were approved as contact person and lawyer for Adopsjonsforum, respectively.

From 1981, adoption work in Ecuador became very difficult as a result of the case mentioned in section 6.6, in which an adopted child from Ecuador was allegedly abused by his adoptive parents in Italy. Although the formal suspension that was introduced did not last long, it became difficult to carry out international adoptions in the years that followed, and in the period up to 1986, no new children were assigned to Norwegian adoptive parents. Scepticism towards adoptions during this period contributed to the fact that it took a very long time to complete the adoptions of several children assigned to Norwegian applicants before the temporary suspension. Some of these children came from Amparo y Hogar. Some of the adoptions that had been halted were not completed until 1984, while the last ones were not completed until 1986.

Adopsjonsforum devoted considerable resources to completing these adoptions. Among other things, several trips were made to Ecuador where the cases were taken up, mainly by Adopsjonsforum employees, but also by representatives of RIA and the Ministry of Justice. [201]

At times, Adopsjonsforum was extremely frustrated by the lack of progress and uncertainty surrounding the status of the cases. On several occasions, contacts in Ecuador indicated that the situation would soon be resolved, and during a trip in March 1983, Adopsjonsforum hoped to bring some of the children home with them. However, it would be a very long time before the adoptions were finalised.

Internal documents from Adopsjonsforum show that they gradually became very dissatisfied with the efforts of the Amparo y Hogar orphanage. This is evident from, among other things, an internal memo from RIA from 1986 and in minutes from Adopsjonsforum's country managers' telephone conversations with a partner in Ecuador. ([202])The internal minutes show that Adopsjonsforum believed that the director of the orphanage and the orphanage's former lawyer had directly opposed the adoptions. This may have contributed to the five children remaining in the children's home for years after the allocation, without their long-term care situation being clarified.

In a conversation between the director of Amparo y Hogar and Adoption Forum's country manager in 1984 about matters relating to one of the children, the director of the children's home is reported by the country manager to have said

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[199] See RIA's letter of 19 November 1987.
[200] Adoption Forum's letter to RIA dated 10 March 1980.
[201] See travel overview in section 6.5.
[202] Undated case submission in case 21/86 related to the approval of Moncayo as a contact person, which was followed up in RIA's letter to AF on 3 June 1986. Among other things, minutes from conversations on 29 May and 8 September 1985.

proposed sending another child to Norway in the name of the person who was in the adoption process. [203] The further conversation is described as follows:

> "The Norwegian authorities do not accept this, and Adopsjonsforum does not do this, I said. She insisted, and I insisted firmly but politely in return. She seemed to accept what I had said."

In the spring of 1985, Adopsjonsforum received information that the head of the children's court believed that Amparo y Hogar had a poor reputation at the court. [204] Furthermore, there was much to criticise about those responsible for Amparo y Hogar's work in providing the necessary documents in connection with adoptions. Among other things, it was reported that children who had been adopted to Canada still lacked adoption documents four years after they had travelled there.

Two articles in Bergens Tidende on 3 and 4 March 1989 mention Amparo y Hogar. The articles state that the orphanage's lawyer (not the same one who was approved by RIA in 1980) had been arrested on suspicion of child trafficking. A woman who did not receive the promised payment from the lawyer for declaring a child as her own had reported him. According to the newspaper, both she and the lawyer were arrested, and the orphanage was emptied of children. Both the chair of the orphanage and the manager were wanted by the police. The committee has not found any information about the outcome of the case or whether anyone from Amparo y Hogar was punished.

The Committee has also received information about Amparo y Hogar from its interview with Professor Farith Simon. When he was a law student in the 1980s, he reviewed a number of adoption cases and wrote a report on suspicious circumstances that recurred in some of the cases, involving the same individuals and institutions.([205]) This report was one of the bases for the investigation and arrests in the Moncayo case, which is described below. According to Simon, Amparo y Hogar was one of two institutions that recurred in the suspicious cases he found. Leifsen also mentions Amparo y Hogar as an actor with several employees who were involved in the illegalities investigated in the Moncayo case. ([206])

The Committee has found no evidence of cooperation between Adopsjonsforum and Amparo y Hogar after all the adoptions granted in 1980 and 1981 were completed in 1986.

6.9.1.2. Assessment of the cooperation with Amparo y Hogar

Based on the general information the committee has found regarding the orphanage's conduct, we believe there is a risk that there may be errors in adoptions to Norway from Amparo y Hogar in the 1980s. The information that gives rise to suspicion of irregularities originates from

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[203] Adoption Forum's minutes from a telephone conversation on 7 February 1984.
[204] Adoption Forum's report from telephone conversations on 28 April and 29 May 1985.
[205] He stated, among other things, that these cases often involved children aged 3-5 who were registered at birth by their alleged mothers shortly before they consented to adoption, and that it took only a short time before the adoption was completed.
[206] Leifsen 2008, Child Trafficking and Formalisation: The Case of International Adoption from Ecuador, Children & Society Volume 22.

However, this was from the mid-1980s until 1989, and was not available when the cooperation with the orphanage was entered into by Adopsjonsforum and approved by the Council for International Adoptions in 1980.

6.9.2. The Moncayo case

6.9.2.1. Introduction

The Moncayo case is a well-known adoption scandal involving Roberto Moncayo, the lawyer and contact person for Adopsjonsforum in Ecuador, who was arrested in Ecuador in 1989. The case has been widely reported in the Norwegian media, both when it first became known in 1989 and in 2023, around the time when it was decided to appoint an investigation committee.

The committee has assessed several aspects of the case. In the following, the assessments are divided into the establishment of the collaboration with Moncayo (6.9.2.2 – 6.9.2.3) and the follow-up of the case after the arrest in 1989 (6.9.2.4. – 6.9.2.7).

6.9.2.2. Adopsjonsforum's cooperation with lawyer Roberto Moncayo until 1989

Moncayo was first proposed as a lawyer for Adopsjonsforum in November 1982 by their contact person in Ecuador, the director of the Amparo y Hogar children's home.[207] The reason for the suggestion was that the lawyer Adoption Forum was working with at the time had not managed to finalise the adoptions of children who had been assigned to Norwegian parents in 1980 and 1981. Adopsjonsforum naturally wanted the cases to proceed, and the Norwegian consul stated that he had the impression that Moncayo was an "efficient and aggressive lawyer".([208] The lawyer was assigned the case around the turn of the year 1982-1983.([209]

The managing director of the Adoption Forum and an employee from RIA met Moncayo when they were travelling to Ecuador in March 1983. In the report from the visit, the managing director writes that they had heard that he was pushy and efficient, but that during the meeting he was very pleasant and soft-spoken. During the meeting, it was agreed that Moncayo would receive USD 800 per case for his work in finalising the adoptions. ([210]

Adoption Forum's country manager also later received good references for Moncayo from an Ecuadorian woman who was married to a Norwegian man and who assisted them in Ecuador. In a letter dated 5 December 1983, she writes that Moncayo "thanks to his honesty and competence, has a very good reputation as a lawyer. He does not take unnecessary risks, regardless of the nature of the case".

Despite Moncayo's initial optimism, it took several years before all the delayed allocations were completed, much to the frustration of Adopsjonsforum and the applicants. Based on

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[207] Letter from the contact person dated 17 November 1982 and Adoption Forum memo dated 6 December 1982.
[208] Adoption Forum's minutes of 13 December 1982 from a telephone conversation with the consul.
[209] The committee has not found any agreement, but it appears from the Adoption Forum's travel report of 7 April 1983 that Moncayo was already "assigned to the case" when the Adoption Forum was travelling in Ecuador from 6 to 12 March 1983.
[210] Adoption Forum's travel report of 7 April 1983.

Documents from Adopsjonsforum suggest that the very long processing time was caused partly by the authorities' reluctance to allow international adoptions following the adoption case in 1981, in which an adopted child was abused by Italian adoptive parents, and partly by individuals opposing the adoptions. [211]

It was not until 1986 that the last of the children assigned in 1980 and 1981 arrived in Norway. While the last of these cases was being finalised in Ecuador, Adopsjonsforum received an offer to place several more children through Moncayo. The offer came via the woman Adopsjonsforum was working with, who had previously given Moncayo good references. Moncayo wanted to be Adopsjonsforum's lawyer and had six children available who were ready for adoption. One of these children was reported to be a two-month-old boy who lived with him, while the other five were between 3 and 8 years old and lived with nuns. If Norway did not want them, they would be adopted in the United States. ([212])

On 14 April 1986, the Adoption Forum contacted RIA to discuss Moncayo's offer. A week later, RIA gave verbal approval for 4-5 trial cases in Ecuador.([213]) The matter was then discussed by Adopsjonsforum's executive board on 12 May, and in a letter to Moncayo dated 16 May 1986, Adopsjonsforum wrote that they wished to continue working with him.

According to the terms of the agreement that Adopsjonsforum offered Moncayo in the letter of 16 May, he was to act as Adopsjonsforum's "agent and lawyer". The financial terms offered were USD 800 per adoption, plus coverage of the costs of health care, board and lodging, travel documents, etc. Adopsjonsforum expressed the following expectations of him, among other things:

> "Adoption Forum will have to receive concrete offers from you. As a minimum, we need certain basic information:
> - The children's age and sex.
> - An outline of their medical and physical condition The children must, of course, be ready for adoption."

Furthermore, the letter states that most applicants from Norway want small children, preferably as young as possible.

After completing the test cases, AF received permission from SAK in November 1987 to continue the placement process with Moncayo as the contact person and lawyer. [214] In AF's application for further approval of Moncayo, it is stated that they regarded him as a person of good reputation whom they could trust 100%. Furthermore, it is pointed out that he has a CV with responsible positions, including as State Secretary. They stated that the children would either come from various orphanages in Ecuador or were in foster homes with Moncayo as their appointed guardian. Moncayo was responsible for the contact.

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[211] Adoption Forum's letter of 19 November 1987 and undated case submission in case 21/86 related to the approval of Moncayo as a contact person, which was followed up in RIA's letter to AF on 3 June 1986.
[212] Adoption Forum's report from telephone conversation on 12 April 1986.
[213] Statement from Adoption Forum's country manager on 23 May 1986.
[214] Letter from the State Adoption Office dated 24 November 1987.

with institutions/foster homes, so that in addition to conducting cases in court, he would also be responsible for the typical
"foreign contact functions". His fee was USD 2,000 per adoption. [215]

In autumn 1988, SAK travelled to Ecuador together with Adopsjonsforum. They had meetings with the court, Moncayo and another lawyer Adopsjonsforum collaborated with (whose wife later took over as contact person). Nothing is stated about Moncayo other than that he made a good impression and appeared to be committed to the cases.[216]

Moncayo arranged for a total of 13 children to be placed in Norway during the period from when he became Adopsjonsforum's contact person until he was arrested in January 1989: three children (to two families) in 1987, eight children (to seven families) in 1988 and two children (to two families) in 1989.

6.9.2.3. The Committee's assessment of the cooperation with Moncayo until January 1989

The assessment of the cooperation with Moncayo concerns the period when he served as Adoption Forum's contact person, from 1986 to January 1989. The Committee has found no basis for commenting on the preceding period when he was engaged in finalising previous placements.

The question here is particularly whether Adoption Forum conducted sufficient investigations before entering into cooperation with Moncayo as a contact person. Furthermore, the question is whether the authorities[217]conducted sufficient investigations before approving his role as a contact person. When assessing the requirements for case investigation prior to the approval of a contact person during the period in question, reference must be made to the RIA's guidelines on the information that must accompany applications for the approval of contact persons.([218])

The requirements for the authorities' investigation of individual cases were at that time (and still are today) regulated by Section 17, first paragraph, of the Public Administration Act, which states that the administration shall "ensure that the case is as well informed as possible before a decision is made". In practice, the duty to investigate is relative and will vary depending on the nature of the case and what is necessary to decide it. ([219])

In assessing the case investigation, the committee has taken into account that the cooperation with Moncayo had lasted for several years when he was approved as a foreign contact, that both Adopsjonsforum and RIA had met him and that there was at least one good verbal reference. This provided a certain basis for assessment, but several factors indicate that this was not sufficient.

Adopsjonsforum had information about various types of problematic circumstances in the adoption work in Ecuador, which in the committee's opinion indicated that great caution should be exercised when assessing who they

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[215] Letter to the State Adoption Office with "application for continued placement rights" 19 November 1987
[216] The State Adoption Office's travel report, 22 November 1988.
[217] RIA and SAK
[218] RIA's guidelines for approval of the associations' foreign contacts, 16 October 1979.
[219] See the Supreme Court's statement on the legal situation in HR-2017-2376-A, paragraphs 33-35.

to cooperate with in the country. Among other things, they had experience of cases being held up for several years in the bureaucracy for inexplicable reasons.

Furthermore, Adopsjonsforum had information about reprehensible conditions at two of their former contacts – the director of the Amparo y Hogar children's home and the children's home's solicitor.
In one case, the head of the children's home suggested changing the identity of a child by sending another child to Norway instead of, and in the name of, one of the children who was in the process in Ecuador and had been assigned to a Norwegian applicant. [220]Adopsjonsforum clearly rejected the proposal.

As mentioned above, Adopsjonsforum was also aware of the criticism of Amparo y Hogar from the head of the children's court, which concerned serious shortcomings in the work of providing the necessary documents for adoptions. The committee is not aware of whether the information about Amparo y Hogar was passed on to RIA.

Although the circumstances pointed out in the sections above do not directly concern Moncayo, they indicated that there was a significant risk of irregularities in adoptions in Ecuador at the time, which were also linked to Adopsjonsforum's previous country contacts. This suggested that Adopsjonsforum should conduct more thorough investigations before selecting partners.

The content of the verbal offer to continue the collaboration with Moncayo in 1986 should also have given rise to greater caution, as the offer meant that Moncayo would have a different role than before. He would not only perform legal work related to the implementation of adoptions, but would also find children who were offered for adoption himself. It also emerged that he had an infant who was to be adopted living with him at his home.

According to RIA's guidelines for the approval of foreign contacts, the associations were required, among other things, to obtain information about how the contact would proceed in order to find suitable children. Adopsjonsforum did not follow up on this, as they did not provide any information about how Moncayo would find suitable children. Nor was any information about this requested by RIA or SAK. The authorities should have asked for a more detailed explanation of this, and of why Moncayo in 1986 had a two-month-old baby living with him who was ready for adoption.

Based on the documentation found by the committee, it seems clear that neither RIA's processing of the application for approval in 1986 nor SAK's processing of the continuation of the approval met the requirements for case investigation under Section 17 of the Public Administration Act. Although Adopsjonsforum is not directly covered by the Public Administration Act, it is clear that they should have investigated more closely, on an independent basis, how Moncayo was to find adoptable children. It is reprehensible that no more thorough investigation was carried out in this regard.

[220] Adoption Forum's minutes of 14 March 1984 from a telephone conversation on 7 February 1984.

6.9.2.4. The prosecution of Moncayo

Moncayo's arrest in Ecuador in January 1989 was widely reported in both the Norwegian and Ecuadorian media. He was arrested along with several others, charged with abducting children for the purpose of adoption. In connection with the arrest, the Ecuadorian authorities decided to suspend all adoption work pending a review.

The investigation of the case in Ecuador took a long time. As far as the committee has been informed, Moncayo was charged, but we do not have clear information about the outcome of the case. In the interview with Farith Simon, we were informed that there were several court proceedings and that Moncayo ended up moving out of the country and only returned when the case was time-barred. This information is consistent with an article on VG's website, which states that Moncayo was acquitted in the first instance, but that the case was appealed before he moved to the United States after the prosecution appealed the verdict.[221] However, VG's methodology report on the case to the SKUP conference states that Moncayo was convicted in the first instance before he appealed and left the country. [222] A memo from the embassy in Chile dated 5 January 2000 states that Moncayo was convicted and served a sentence in Ecuador before moving to the United States. The Committee has requested information from the Ecuadorian judicial authorities about the outcome of the case, but has not received a reply.

The scandal led to several reforms in Ecuador's adoption system. In 1990, the UN Convention on the Rights of the Child was ratified, and a presidential decree issued the same year provided new guidelines on, among other things, consent requirements and conditions for considering a child abandoned. Placement outside of approved adoption agencies was prohibited, and a new central authority for adoptions was established.

6.9.2.5. Adoption Forum and Norwegian authorities' general follow-up of the Moncayo case from January 1989

Both the Adoption Forum and the Norwegian authorities devoted considerable resources to following up the case when it became known that Moncayo had been arrested. At the request of Adopsjonsforum, the Norwegian authorities sent two representatives to Ecuador. ([223])One of these was Norway's then ambassador to Chile (hereinafter referred to as the ambassador), who would prove to be a key player in Norway's and Adopsjonsforum's follow-up of the case in the years that followed.[224] The other was a regional advisor in the Foreign Service.

The mission assigned to the diplomats was, among other things, to clarify the relevant circumstances as far as possible in order to prevent the Ecuadorian authorities from making decisions that would harm Norwegian interests. [225]They were also asked to assure the Ecuadorian authorities that the case was being taken very seriously by Norway.

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[221]https://www.vg.no/spesial/2023/adopsjon/ecuador-barna/

[222]https://www.skup.no/rapporter/skup-2023/de-ulovlige-adopsjonene

[223] The request is described in the minutes of the Adoption Forum's board meeting on 21 January 1989.

[224] In the book Nilsen, F. (1993) *På post i Latin-Amerika*. Gyldendal, it is stated that the ambassador was accredited as ambassador to Ecuador in 1989. However, this is not apparent from an e-mail from the Ministry of Foreign Affairs dated 21 January 2025 with an overview of the ambassador's accreditations.

[225] Cf. telegram from the Ministry of Foreign Affairs to the Embassy in Santiago dated 15 January 1989.

The envoys held meetings with key government officials in the country, including the Minister of Foreign Affairs, the President's wife, the Director General of Child Welfare, the Deputy President of the Children's Court, a Deputy Minister in the Ministry of Social Affairs, and the head of the investigation into the Moncayo case.[226] Both the Norwegian Minister of Social Affairs, Tove Strand Gerhardsen, and the Minister of Foreign Affairs, Thorvald Stoltenberg, eventually sent letters to the Minister of Social Affairs in Ecuador.[227] In the letter from the Minister of Social Affairs, thanks were expressed for the handling of the difficult situation and it was pointed out that it would be appropriate to have a more detailed agreement on future adoptions.

Adoption Forum hired an Ecuadorian lawyer to assist. His assignment is described as having been to "safeguard Adoption Forum's interests (name and reputation) in the case".[228] The managing director and others from Adoption Forum made several trips to Ecuador. The managing director sent regular reports on the case to the adoptive parents and authorities concerned. In one of the first reports to the families who had adopted through Moncayo, dated 10 February 1989, he emphasises that the situation is uncertain, but offers the following "educated guesses" about the case:

- "There is still a clear possibility that none of the 13 children who have come home to Norway have been kidnapped."
- If, however, there were to be "strong indications" of kidnapping(s), he was inclined to believe that (1) it was not certain that the biological parents would be found and (2) that there would not necessarily be an absolute requirement for repatriation even if they were found.
- It is likely that the proceedings against Moncayo and the woman would be protracted.
- "It seems clear that 'time is on our side' – with each passing week, the chances of us ever discovering the full chain of events that must lie behind an absolute demand for the return of a child, and the acceptance of that demand by a Norwegian court, are diminishing."

Norwegian newspaper reports on the Moncayo case became fewer and fewer throughout 1989, as the case dragged on and no new information emerged. Norway actively tried to negotiate an adoption agreement at the government level. This was unsuccessful, but Ecuador reopened adoptions to Norway in the summer of 1989, and the Norwegian Adoption Authority approved work on new adoptions in a letter to Adopsjonsforum on 12 October 1989.[229] A cooperation agreement on adoptions was eventually concluded between Adopsjonsforum and the Ministry of Social Affairs in Ecuador.

In Adopsjonsforum's daily manager's status report of 21 December 1989, he states that Adopsjonsforum is confident that all children adopted to Norway will be allowed to remain in the country:

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[226] Ambassador's memo of 29 March 1989 and fax from the regional advisor to the Ministry of Foreign Affairs dated 2 February 1989.
[227] Letters dated 16 and 17 March 1989
[228] Cf. note from the Ministry of Foreign Affairs dated 25 January 1989
[229] See also letter from the Norwegian Adoption Authority to the Ministry of Foreign Affairs dated 14 August 1989 concerning the decision by the Ecuadorian authorities.

‘It is still difficult to know what the realities of this case are. Not everyone in Ecuador is convinced that the trial [criminal case against Moncayo] – when (or if) it takes place – will reveal what really happened.

Regardless, it is clear that time has worked in favour of the families who have brought children home through Dr Moncayo, whether they live in Norway, England or Italy. The chances of an extradition request being made, which in turn would be granted by the authorities in the respective recipient countries, are now very slim. Those of us who have worked on the case at Adopsjonsforum now feel completely confident that all the children who were adopted by Norwegian families through Moncayo will remain in Norway.

In that sense, the case will have a "happy ending" for the 11 married couples and 13 children involved. Nevertheless, we know that this case has had tragic consequences for everyone who feared they might be affected by the allegations of stolen children. We know that the uncertainty has been difficult for all of you to live with...."

6.9.2.6. Negotiations regarding the request to annul one of the adoptions

One of the adoptions through Moncayo in particular received a lot of attention in Norway. The adoption was completed in the juvenile court in Ecuador in October 1988, and the child arrived in Norway in November of the same year.

Dagbladet reported on the adoption in several articles at the end of February 1989.[230] A child was allegedly kidnapped on 23 March 1988 and adopted in Norway in the autumn of the same year. The birth mother had taken legal action to have the adoption annulled, with the assistance of lawyer Julio Prado, who was also her employer and head of the Latin American human rights organisation ALDHU.

The mother told Dagbladet: "Even if I am poor, she is my child. It is not fair that I should not get my child back." Lawyer Prado told the newspaper that the mother loved her daughter very much and that they had to get her back to Ecuador as soon as possible.

In August 1989, the case was heard in court in Ecuador. The ambassador was present and submitted a report on the proceedings to the Ministry of Foreign Affairs on 15 September 1989. The court hearing was reportedly held without lawyer Julio Prado being present. The Ecuadorian lawyer Adoption Forum had engaged to assist with the Moncayo scandal, referred to as
However, the ‘defence lawyer’ mentioned in the ambassador’s report did make a statement during the court proceedings. Among other things, he emphasised that the court had to take the child’s interests into account. The ambassador writes in his report that he believes there is a ‘possibility’ that the adoption will not be annulled. This was also the ambassador's goal. This is evident from the fact that he stated that he had requested the Secretary General o f the Latin American human rights organisation ALDHU to

[230] Articles in Dagbladet on 23 and 27 February 1989.

persuade Prado to withdraw his demand for annulment of the adoption because "this would be in the best interests of the child".

The ambassador's report of 15 September 1989 also states that ALDHU and the Ministry of Social Affairs in Ecuador had asked Norway for financial support for an aid project.

Adopsjonsforum was positive about supporting such an aid project, and in a letter to the Ministry of Foreign Affairs dated 23 November 1989, they stated that they would be willing to cover between USD 2,000 and 4,000. The Norwegian Ministry of Social Affairs was also positive about the Norwegian authorities supporting the project, describing such support as a 'natural follow-up' to the work the ambassador had done with the Ecuadorian authorities. However, the Ministry considered that a prerequisite for providing support was that it "could be presented in a way that ruled out any perception that the assistance was being provided in order for Norway to receive benefits in the form of priority when it came to children for adoption".(231)

In May 1990, the Ministry of Foreign Affairs pledged to support the aid project run by ALDHU and the Ecuadorian Ministry of Social Affairs with NOK 150,000.[232] Adopsjonsforum also supported the project with USD 4,000. The project aimed to improve the situation of abandoned children.(233) The funds from the Ministry of Foreign Affairs appear to have been paid to ALDHU in November 1990.(234)

It took a long time before any conclusions were reached in the court proceedings in Ecuador regarding the termination of the disputed adoption. It was not until a report from the embassy in Santiago in June 1990 that it emerged that a judgement had been handed down in the case.[235] The report states that the judgement "will be in Norway's favour". The background to the outcome was, among other things, that the request for annulment originated from a child welfare inspector who did not have the authority to make such a request. Furthermore, it is stated that the judgement had not yet been made public. The reason for this is described as follows:

> "The reason is that the judgement will automatically be reviewed by the next instance, the 'Corte de menores' [the national children's court[236]], where Dr Julio Prado is said to have launched an extensive lobbying campaign to have the adoption annulled.
>
> The aim was therefore to neutralise Prado's lobbying activities and then publish the judgment at an opportune moment.
>
> It is therefore unlikely that the judgment will be published before Christmas.

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231 Letter from the Ministry of Social Affairs to the Ministry of Foreign Affairs, 14th November 1989.

232 Telegram dated 3 May 1990.

233 The ambassador's letter of 23 July 1990 states that the funds were to be used to upgrade three regional juvenile courts and to hold a series of seminars to raise awareness among juvenile court officials and heads of child welfare institutions of the importance of reducing the processing time in child welfare and adoption cases.

234 Letter from the Ministry of Foreign Affairs to the Norwegian Adoption Authority dated 20 November 1990.

235 Memorandum dated 5 June 1990.

236 This does not correspond with the information that the national children's court did not have decision-making authority in individual cases, see section 6.4. Nevertheless, it is clear that they played a role in this case.

In August 1990, the president of the National Children's Court and a "supervisor general" from the same court visited Norway as guests of the Adoption Forum. [237]During their visit, they met with the adoptive family and the adopted child, among others, and had a meeting with the State Adoption Office. During the meeting with SAK, it emerged that the case for annulment was on the president's desk and was causing him some headaches. The SAK's minutes from the meeting show that alternative solutions were aired by the guests, which involved entering into negotiations with the mother. According to the minutes, everything from inviting the mother to Norway to see how well the child was doing, to covering the siblings' education or giving the mother a sum of money, was suggested.

Following the judges' visit to Norway, the Secretary General of ALDHU sent a proposal for a solution to the case to the ambassador. [238] The proposal was said to have been drafted after informal contact with the president of the national juvenile court. It appears that the president of the children's court, after visiting the child in Norway, believed that it would be in the child's best interests to remain in Norway. The mother's lawyer (Prado) was also open to negotiating a solution, which could consist of providing educational grants to the child's siblings. This support could be channelled through ALDHU.

The proposal was discussed in a briefing by the Adoption Forum's managing director to the association's executive board on 23 November 1990. It appears that the managing director had discussed the issue of compensation for the mother in a meeting in Ecuador with lawyer Prado and the president of the children's court. The Ecuadorian participants in the meeting considered it absolutely clear that 1) the child had been stolen and 2) adopted by the family in Norway. The head of the Adoption Forum writes to the board that there is a "clear probability" that both parts were correct, but that neither part can be "considered proven".

The briefing states that none of the participants at the meeting in Ecuador believed that the situation was the fault of Adopsjonsforum, but they pointed out that Adopsjonsforum's lawyer was aware of the facts and that Adopsjonsforum "must indirectly feel responsible for what may have happened". The meeting in Ecuador ended with the head of Adopsjonsforum promising to propose compensation of around USD 15,000, on condition that the case for annulment of the adoption in Ecuador was withdrawn.

In his briefing to the board, the managing director recommended granting such compensation, partly because this would mean a final solution for the adoptive family. Furthermore, it was pointed out that the case had been a burden for the foreign contact, and that there was a risk that she would resign, as well as that Norway had established itself as a highly regarded recipient country among the adoption authorities in Ecuador and that it would be a shame if they had to terminate the adoption cooperation or see their adoption opportunities significantly reduced.

The Ministry of Foreign Affairs presented ALDHU's proposed solution regarding educational grants to the State Adoption Office, which on 3 December 1990 issued a clear recommendation to the Ministry of Children and Family Affairs. [239] The recommendation states that Adopsjonsforum was asked to

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([237]) Undated minutes from the meeting with the visitors on 8 August 1990.

[238] Fax dated 26 October 1990 from the Secretary General of ALDHU to the Ambassador.

[239] Fax from the Ministry of Foreign Affairs dated 19 November 1990.

cover between USD 15,000 and USD 25,000, and that they were willing to do so if the authorities agreed. SAK's recommendation was that neither the Norwegian authorities nor adoption agencies should be involved in such a solution, because neither the Norwegian authorities nor adoption agencies "should be involved in anything that could be perceived as the buying and selling of children". The Ministry agreed with this recommendation in a letter dated 17 January 1991 and asked SAK to instruct Adopsjonsforum not to pay the proposed sum of money. Adopsjonsforum replied that no compensation had been given and no agreements had been entered into. ([240]) Furthermore they were satisfied with the "clear and unambiguous guidelines" they had received, which they would "naturally" comply with.

At a meeting at the Ministry of Children and Family Affairs on 10 June 1991, which was also attended by SAK and the ambassador, the issue of financial support for the family in Ecuador was discussed again. SAK's internal minutes/memo from the meeting state that the ambassador believed that a "legalistic" solution would probably lead to an extradition case with media coverage and so on, and he proposed instead a "Latin American solution".([241]) The ambassador believed that an arrangement could be reached by establishing a fund managed by ALDHU, and that funds from this fund could be given to the child's family in Ecuador – "without the Norwegian authorities or, for that matter, the Adoption Forum being informed of this". During the meeting, reference was made to the previous position of the Ministry of Children and Family Affairs and SAK, but it was also stated that the Ministry would have to examine the proposal more closely in consultation with SAK. After the meeting with the ambassador, the head of the Ministry's department who was present outlined a solution "for further consideration" which is described as follows in SAK's memorandum from the meeting:

> "The Ministry writes a letter to SAK and emphasises that the principle must still be to maintain clear lines when it comes to the purchase and sale of children, but that the Ministry, for its part, has no objections to [the ambassador] creating a "package solution" to bring this matter to a close – a solution that in no way involves the Norwegian authorities .....[sic.]"

This is followed up in the Ministry's letter to SAK dated 17 June 1991. First, it is reiterated that neither the Norwegian authorities nor adoption agencies should be involved in the buying and selling of children. However, it is further stated that the Ministry "would view it as very positive if the ambassador [...] continues his work with the Ecuadorian authorities so that a solution to the matter can be reached through diplomatic channels".

The content of the meeting at the BFD seems to have aroused scepticism at the MFA, as evidenced by the MFA's internal documents.[242] However, the assessments conclude with the MFA giving the ambassador instructions to continue his work to find a solution to the case, but at the same time stating that "the Ministry must emphasise that any solution must not involve the buying and selling of children".[243]

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[240] Letter from the Adoption Forum to the Norwegian Adoption Authority dated 22 January 1991.
[241] Internal memo from the National Adoption Office dated 10 June 1991.
[242] Cf. handwritten note dated 9 July 1990 on the letter from the Ministry of Children and Family Affairs dated 17 June 1990.
[243] Telegram dated 23 July 1991.

With this mandate, the ambassador continued his efforts to find a solution. In December 1991, he spoke with Julio Prado in Santiago, and a few days later he received a fax from Prado with a proposal for a project under the auspices of ALDHU, which he hoped the Norwegian authorities would support.[244] At the turn of the year 1991/1992, the ambassador retired, and the MFA states that after this he had no role as a representative of the Norwegian authorities abroad. [245] However, he continued his work of negotiating with Prado, and will continue to be referred to as
"the ambassador".

A letter to the Ministry of Foreign Affairs dated 10 March 1992 states that Adopsjonsforum had decided to support the project with USD 15,000 and requested that the Ministry cover a corresponding amount. According to the letter, the project was intended to help a group of disadvantaged children in a specific province and aimed to help children from poor families receive schooling. The project cost USD 30,000 for three years and involved 25 children between the ages of 5 and 18. The Ministry of Foreign Affairs approved the application in its entirety on 10 April 1992.([246)]

A cooperation agreement was then entered into between Adopsjonsforum and ALDHU on 14 April 1992, signed by Julio Prado, the ambassador and Adopsjonsforum's representative in Ecuador. In correspondence between the ambassador and Prado in May 1992, they discussed how to proceed with withdrawing the case for annulment of the adoption.[247] When the withdrawal was confirmed by fax from Prado on 22 June 1992, the ambassador replied by fax on 24 June, thanking him for the news and informing him that USD 15,000 had been transferred that same day.

In September 1992, Prado sent a fax to the ambassador in which he wrote that he thought the mother in Ecuador should be given a house. [248] He enclosed a drawing of the house and stated that construction had already begun.

In the daily manager's update to the national board of Adopsjonsforum on the "Moncayo case" on 12 March 1993, he stated that at some point (not specified) the ambassador negotiated an agreement whereby the Norwegian Ministry of Foreign Affairs and Adopsjonsforum would support a project run by "Prado's human rights organisation" in exchange for the child remaining in Norway. In the briefing, the managing director addressed Prado's request for a house for the mother. The managing director referred to this as "continued blackmail", but nevertheless stated that he had agreed with the ambassador that they could "consider accepting certain informal 'reprioritisations' within the project support that has already been given".

In Adoption Forum's letter to the Ministry of Foreign Affairs in the summer of 1994, which included a report on the work done on the project so far, the house construction is not mentioned explicitly, but it is stated that "the amount granted has largely been used to acquire premises that are suitable for carrying out the project". This seems like a veiled way of referring to the construction of the house for the child's family. It also appears that

[244] Cf. Julio Prado's fax to the ambassador on 23 December 1991.
[245] The Ministry of Foreign Affairs' reply of 21 January 2025 to questions from the committee regarding the ambassador's accreditations and roles. It does not appear that he had any assignments for the Norwegian authorities after retirement age beyond a role as public relations coordinator from 1998 to 1998.
[246] Letter from the Ministry of Foreign Affairs dated 10 April 1992.
[247] Julio Prado's faxes dated 20 and 25 May 1992.
[248] Fax dated 21 September 1992.

Part of the funds had been used for other purposes, including a series of courses aimed at enabling families to pay for schooling themselves. In accordance with the project agreement, the last half of the allocated project funds of USD 30,000 was transferred from Adopsjonsforum in December 1994. [249]

Correspondence between Adopsjonsforum and BFD in 2001, and in a conversation report from the same period, confirms that a house was built for the child's family, which was to have been completed in November 1993.[250]

In 1996, Julio Prado and his wife travelled to Oslo from Geneva, and AF covered NOK 54,000 of the costs of the visit to Norway.[251]The Committee is not aware of the reasons why Adopsjonsforum covered the travel expenses, but we know that they eventually came to regard Prado as an important source of support for them in Ecuador.[252]

In 1998/99, the Norwegian adoptive family contacted Adopsjonsforum and eventually also the Norwegian Adoption Authority and the Ministry of Children and Family Affairs.[253] They wanted to find out what had happened and they wanted to establish contact with the mother in Ecuador. After discussions with Adopsjonsforum, the Ministry and Julio Prado, the families in Norway and Ecuador had various costs covered to ensure that the child and the birth mother could meet and establish contact. Support was provided over a number of years, and several trips were made during the period until the child turned 18. During this contact, a DNA test was carried out which confirmed the biological relationship. After the child turned 18, no further support was provided.

The adoptive parents have informed the committee that they received limited information after January 1989 and while the adoption negotiations were ongoing, and that the information they received was largely verbal. After the reunion, the adoptive parents and the adoptee have found it stressful that the adoptee's original family in Ecuador has suspected that the adoptive parents themselves paid compensation for the adoption. They are therefore unsure whether the family in Ecuador has been given clear enough information that it was the Norwegian authorities and Adopsjonsforum that covered the compensation that was given.

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[249] Fax from Julio Prado to Adopsjonsforum, 30 December 1994.

[250] Adoption Forum memo dated 24 January 2001, minutes from a telephone conversation between the managing director of Adoption Forum and the Ministry of Children and Family Affairs, and an email from the managing director to the Ministry on the same date. According to these documents, Adoption Forum stated at the time that the project was mainly financed by the Ministry of Foreign Affairs, but that AF contributed USD 4,000. However, an overview prepared by the Adoption Forum, which is included in the same correspondence, also shows that AF contributed NOK 26,000 to an aid project organised by the Human Rights Commission in 1994, which was drawn from their risk fund. This information does not appear to be entirely accurate, as it is well documented that the house was financed through an aid project in which Adopsjonsforum and the Ministry of Foreign Affairs each contributed USD 15,000.

[251] Adoption Forum's memorandum to the Ministry of Children and Family Affairs, 24 January 2001.

[252] See, among other things, the summary in the Ministry of Children and Family Affairs' meeting minutes of 26 November 1999.

[253] See, inter alia, the Ministry of Children and Family Affairs' memorandum of 22 December 1999 with appendices.

6.9.2.7. The Committee's assessment of the authorities' and the Adoption Forum's follow-up of the Moncayo case after January 1989

General comments on the focus of the Norwegian authorities' efforts

When Moncayo's arrest became known, both the Adoption Forum and the Norwegian authorities devoted considerable resources to the case. The committee questions how these resources were used, both initially and subsequently.

The committee's primary focus appears to have been to limit the damage to the reputation of Norway and the Adoption Forum, and subsequently to ensure that the adoption cooperation could continue. Furthermore, it seems that a clear objective was quickly established that the children who had been adopted to Norway should be able to remain in the country.

Several documents show that the Norwegian authorities and Adopsjonsforum considered the best interests of the child to be a key argument in the assessment of these cases. We have not found any documents where this is discussed in detail, but it appears that it was assumed that it was in the best interests of the children to remain in Norway, regardless of whether they had come here as a result of kidnapping. We have found no trace of discussions relating to the legal rights of the biological parents.

The Committee believes that if a child is kidnapped or taken away from its parents, the starting point must be that it should be reunited with its parents. Today, such an obligation could follow from Article 8(2) of the Convention on the Rights of the Child, which reads: "If a child is unlawfully deprived of some or all of his or her identity, the parties shall provide appropriate assistance and protection with a view to the early restoration of his or her identity."[254] However, an assessment of the child's best interests may lead to a different outcome than reunification if a long time has passed and the children have settled with their adoptive parents.

In the Committee's view, the Norwegian authorities should have been much more concerned with clarifying whether there were any criminal acts that could give grounds for reversing the adoptions, and with speeding up the assessment of this in Ecuador. It had been only a short time since several of the adoptions had been completed when the Moncayo case came to light in January 1989. There is no evidence that the authorities or Adopsjonsforum itself actively considered whether they had a duty to arrange for the children to be returned. The assessments that were made focused rather on the risk that the Ecuadorian authorities and courts might reach such a conclusion, and the fact that the Moncayo case was dragging on was seen as positive by Adopsjonsforum – "time is on our side", wrote the managing director in his briefing letter of 10 February 1989.

Assessment of the negotiations on the demand for annulment of one of the adoptions

When a case was brought in Ecuador in February 1989 to revoke one of the adoptions through Moncayo, it had only been four months since this adoption had been heard by the juvenile court in Ecuador. In the interests of the child, it was important to quickly clarify whether the allegations of kidnapping were true and had any bearing on the adoption. Adoption Forum and

[254] The Convention on the Rights of the Child was adopted in 1989 and ratified by Norway in 1991.

However, the Norwegian authorities took a defensive position and awaited the lengthy proceedings in Ecuador.

When the court hearing was held in August 1989, Adoption Forum's lawyer made a statement arguing against the annulment of the adoption. The Norwegian authorities' representative, the ambassador, also made efforts to convince the mother's lawyer to withdraw the case.

During the further follow-up of the case, considerable resources were spent on maintaining good relations with the parties involved in Ecuador. Among other things, as mentioned above, Adopsjonsforum invited the president of the court responsible for hearing the appeal in the case concerning the annulment of the adoption to Norway, and paid for his travel and accommodation. During the visit, they also met with Norwegian authorities. The coverage of the trip seems questionable in light of current Norwegian impartiality requirements, although Adopsjonsforum may have believed that the court could benefit from seeing how the child was doing in Norway.

The support provided by the Ministry of Foreign Affairs (NOK 150,000) and Adopsjonsforum (USD 4,000) to the human rights organisation ALDHU in 1990 appears to have been largely intended to ensure the goodwill of the Ecuadorian authorities. We have not found any information indicating that it was agreed that these funds would have any bearing on the adoption that was sought to be revoked. Nevertheless, it should be noted that the support was given to a project run by the human rights organisation of which the mother's lawyer was president, and that the organisation's request for support first arose during the same period as the court proceedings for annulment were taking place, in the autumn of 1989.

With regard to the USD 30,000 in support provided by the Ministry of Foreign Affairs and Adopsjonsforum to the second project run by ALDHU, which was agreed in the summer of 1992, it is clear that this was compensation for the withdrawal of the demand for the adoption to be annulled. Given the dialogue that Adopsjonsforum had had with the authorities about possible compensation for the mother in Ecuador since autumn 1990, and that the ambassador was central to the negotiations, the committee assumes that the Ministry of Foreign Affairs must have been aware of the content of the agreement and what the support was for. The extent to which the Ministry of Children and Family Affairs and the Norwegian Adoption Authority were aware of the payments and what they were used for is more uncertain, but they must in any case be considered to have opened up for such a solution through the discussions at the meeting on 10 June 1991 and the subsequent instructions that were given. The way the minutes of this meeting are worded, it also appears that the intention may have been to avoid informing the Ministry and the National Adoption Office in order to prevent them from being held responsible for the payment of the money.

The solution that was ultimately reached in the controversial adoption case was, in reality, more or less the same as the one that SAK and the Ministry stated around the turn of the year 1990/91 that Adopsjonsforum should not get involved in because it could be perceived as buying and selling children.

When assessing the authorities' actions, it is important to note that they appear to have been motivated by a desire to prevent the adoption from being revoked and to avoid further media coverage and scandals. Despite the fact that during the negotiations it must have seemed highly probable that the child had been

kidnapped, something that the Adoption Forum's managing director himself stated in his board briefing on 23 November 1990, the documents reviewed by the committee do not indicate that any assessment was made as to whether it might be more appropriate to arrange for the child's return.

Kidnapping constitutes a clear violation of the fundamental human rights of the child and the parents, such as the right to family life, cf. Article 8 of the European Convention on Human Rights and Article 16 of the International Covenant on Civil and Political Rights. Furthermore, an adoption made possible through the abduction of the child would likely be considered to have no legal effect in Norway, cf. the provision on public policy in the Adoption Act (Section 20 of the Adoption Act of 1986, which was in force at the time). This provision means that foreign adoptions are not valid in Norway if they would clearly be offensive to Norwegian law. The assessment must be made on a case-by-case basis and will depend, among other things, on the time that has elapsed.

The fact that the Norwegian authorities accepted a proposed solution that involved paying money to avoid a demand to return a kidnapped child is reprehensible for several reasons. Firstly, it is and has always been a fundamental principle in international adoption that the best interests of the child shall be the primary consideration and that no party shall make any improper financial gain from the adoption, as later expressed in Article 21 of the Convention on the Rights of the Child.[255] Decisions on adoption should not be influenced by remuneration, as this could provide a basis for the sale of children.

The Convention on the Rights of the Child was ratified by Norway on 8 January 1991 and was thus part of Norway's obligations under international law when the agreement on compensation was entered into. According to Article 35 of the Convention on the Rights of the Child, the parties shall "take all appropriate national, bilateral and multilateral measures to prevent the abduction, sale or trafficking of children for any purpose or in any form". The Convention provision on adoption in Article 21 requires States to take "all appropriate measures to ensure that intercountry adoption does not lead to improper financial gain for those involved in the adoption process".

In the Committee's view, the agreement to pay project support in exchange for the withdrawal of the request for annulment was contrary to the fundamental principles that adoptions should be decided in the best interests of the child and that no one should make any undue financial gain. The breach of these principles is serious.

However, the committee has found no reason to criticise the support given to the families in Norway and Ecuador by Adopsjonsforum and the Ministry of Children and Family Affairs around the year 2000, as it was not related to the outcome of the adoption case. The purpose was to compensate for the damage that had already been done and to ensure that the mother and daughter had an opportunity to re-establish a relationship.

[255] Before the Convention on the Rights of the Child, such a principle was followed by, among others, Article 15 of the Council of Europe Convention on Adoption of 1967. Today, Section 11 of the Adoption Act prohibits giving or promising remuneration or any other benefit to influence a person who is to consent to an adoption.

6.9.2.8. Errors and illegalities in the cases communicated by Moncayo

The committee's mandate describes one of its main tasks as uncovering whether any illegalities have occurred in adoptions to Norway.

The committee believes that it is more likely than not that the one adoption that was requested to be revoked was the result of a kidnapping. This follows from the mother's statement in Ecuador, which has been consistent over many years, and is supported, among other things, by information that a person has admitted to having carried out the kidnapping in a police interview. In a memo to the organisation's board, the managing director of Adopsjonsforum has described it as probable that the child was kidnapped, even though they have publicly argued that it is uncertain what happened.

It has not been possible to ascertain whether the other 12 adoptions to Norway in the Moncayo case were part of the criminal investigation in Ecuador. However, the Committee has received information from interviews with adoptees that several of these adoptions also contain very serious errors.[256] These include the use of fake mothers to consent to adoption and the use of threats against the original parents. In the report that Farith Simon wrote prior to the investigation, Moncayo was also a name that recurred in adoptions that appeared suspicious. In an interview with the committee, he confirmed that Moncayo was a key figure in the illegal cases. The fact that Moncayo may have facilitated the adoption of a child who had been kidnapped, without this being detected in the processing of the adoption case in Ecuador or Norway, means that there is a risk that similar circumstances may have existed in some of the other cases.

However, the Committee cannot conclude with certainty what happened in each of the other 12 cases communicated through Moncayo, partly because it is outside our mandate to investigate individual cases.

6.9.3. Donations to the FANN children's home

The issue of donations to private orphanages, which is discussed in particular in the chapter on adoptions from Colombia, also applied to an orphanage in Ecuador from which Norway has adopted children, FANN in the city of Guayaquil.

This orphanage was an approved partner/foreign contact for Adopsjonsforum from 1980 to 1994, but seven children from there had been placed before this, probably through other contacts. [257]In 1992 and 1993, five and six children respectively were adopted to Norway from FANN.

In its application for renewal of its land contracts in Ecuador in 1994,[258] Adopsjonsforum states that FANN is broadly run in the same way as the Colombian "casas" (see section 7.5.2), with fixed donations per child assigned as the main source of funding for the children's home. When FANN announced in autumn 1993 that it expected donations to increase from USD 1,500 to USD 5,000, and that in addition to

[256] Some errors are also described in VG's articles on the "Ecuador children" published online on 29 January 2023.
[257] Adoption Forum's application for approval of foreign contacts, 10 March 1980.
[258] Letter dated 4 May 1994.

This incurred legal costs of USD 2,000 per adoption, and Adopsjonsforum decided to terminate its cooperation with them until further notice.

In the application, they gave the following detailed reasons for terminating the cooperation:

> "When we refuse to pay a donation of the aforementioned amount, it is not solely for financial reasons. We believe that the amount is so high that it is not reasonably commensurate with the orphanage's standard and the institution's expenses for each individual child. Although we accept that a fixed donation to a children's home also covers expenses for children who cannot be adopted, for any other social programmes that are run, as well as general operating expenses, there is a limit to how far we think it is morally right to go. We would like to emphasise that we do not suspect that money is being used for unrelated purposes. FANN wishes to start orphanages in both Quito and Cuenca, and we expect that a significant amount of funds are being raised for this purpose.
>
> We know that there is widespread scepticism about FANN in public child welfare circles, and a member of the National Assembly has publicly levelled accusations against the institution. There is open and critical discussion about the high donations. Although there may be an element of "envy" in this, we have concluded that it would be best for our good cooperation with public adoption authorities and with Christian and state-run children's homes to end our cooperation with FANN. Under other circumstances, it may be possible to resume the cooperation, but we see no immediate possibilities for this."

The committee notes that Adopsjonsforum itself took the initiative to terminate the cooperation. It is unclear to the committee whether the donations to FANN, or the scepticism described towards this institution in Ecuador, had been discussed with SAK previously. It is possible that this was discussed when the approvals were renewed in 1992, but we have not yet found any correspondence relating to this in our archive searches.

Although the motive for terminating the cooperation is partly described as being out of consideration for the relationship with other institutions and public adoption authorities in Ecuador, it is positive that Adopsjonsforum itself took the initiative to terminate a cooperation as a result of increased donations.

6.10. Summary

The committee's investigations have focused on the Moncayo case, but we have also looked at certain other matters from the 1980s and the first half of the 1990s.

The main findings are:

- There is a risk that there may be errors in adoptions to Norway from Amparo y Hogar in the 1980s.

- When lawyer Moncayo was approved as Adopsjonsforum's contact person in Ecuador in 1986, the authorities and Adopsjonsforum should have requested a more detailed explanation of how he would find children who could be adopted. The fact that this was not done was a breach of the adoption authorities' duty of investigation under the Public Administration Act.
- After Moncayo was arrested, the Norwegian authorities should have been much more concerned with clarifying whether there were any criminal acts that could give grounds for reversing some of the adoptions, and with speeding up the assessment of this in Ecuador.
- It is reprehensible that the Norwegian authorities accepted a proposed solution that involved paying money to avoid a demand to return a kidnapped child. This is contrary to the fundamental principles that adoptions should be decided in the best interests of the child and that no one should make any undue financial gain. The breach of these principles is serious.

The assessments must be regarded as provisional and may be subject to adjustments in the committee's final report.

7 Colombia

7.1. Summary

This chapter deals with adoptions from Colombia to Norway through the organisation Adopsjonsforum, from the early 1970s to the present day. The main focus is on the period 1990–2006 and on adoptions from private institutions in Colombia.

The chapter describes the development of adoption services from Colombia to Norway and highlights weaknesses at the system level in different periods. Among other things, the chapter shows how Adopsjonsforum entered into a number of financial agreements with private institutions in Colombia and points out the risks associated with these. The committee is critical of the fact that Adopsjonsforum did not practise full transparency regarding these agreements with the Norwegian adoption authorities. The committee is also critical of how the Norwegian adoption authorities in several cases failed to respond to information they received that should have given rise to further investigation.

Colombia is one of two countries from which it is still permitted to adopt children. The committee's work is mainly retrospective, and it is not the committee's task to investigate whether current adoptions from Colombia should continue. However, the mandate stipulates that the committee must report to the Ministry and Bufdir if we encounter serious errors that indicate that adoptions from a country should be suspended. The committee's work has not revealed anything that would give cause for such a report to the Ministry. Some challenges with the current system in Colombia are highlighted.

7.2. Introduction

A total of 4,095 children were placed for adoption through organisations from Colombia to Norway in the period 1972 to 2024. In Norway, only the organisation Adopsjonsforum has had a placement permit for Colombia. Adopsjonsforum received the permit from the Ministry of Social Affairs on 19 May 1978, but states that it placed 153 children from Colombia between 1972 and 1978.[259]
The dissemination of information carried out by the organisation through its educational activities in the 1970s was a well-known and apparently tolerated practice on the part of the Norwegian authorities. [260]

[259] Member magazine Adopsjonsforum no. 3/1995.
[260] See section 4.2 and note 46.

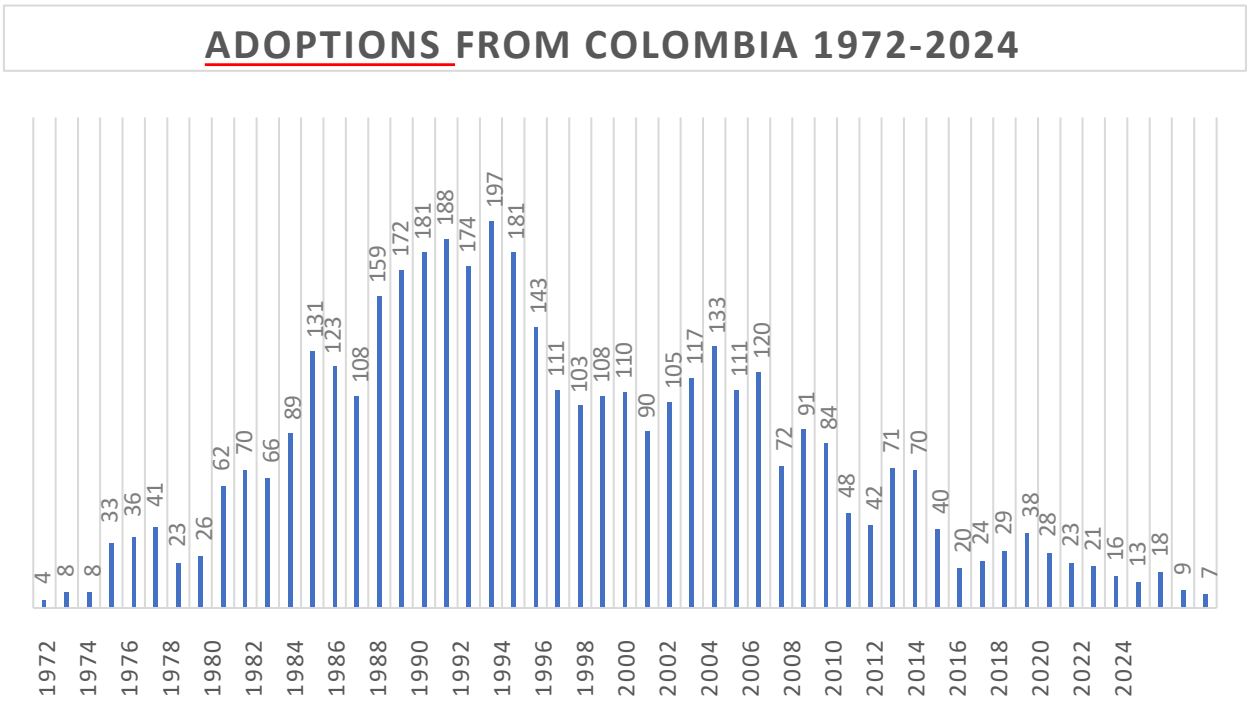

Figure 5: Adoptions from Colombia to Norway through Adopsjonsforum, from 1972 to 2024

The adoption system in Colombia has historically been (and still is) divided between adoptions that go through the state child and family welfare service, *Instituto Colombiano de Bienestar Familiar* (ICBF), and adoptions through private institutions with special authorisation from the Colombian authorities to carry out adoptions.[261] There have been no adoptions to Norway from any of the private institutions since 2006 (see section 7.8.4).

7.3. Delimitation

This country chapter will address adoptions from Colombia to Norway from the early 1970s to the present day. The main focus will be on the period from 1990 to 2006. The committee's work is mainly retrospective, and it is not the committee's task to investigate whether current adoptions from Colombia should continue. ([262]) Most of the committee's investigations have focused on the period up to 2006, with more limited investigations of the current system, including in connection with the committee's country visit, cf. section 7.7. The chapter deals with adoptions through both the ICBF and private institutions, but the main focus is on the latter, due to special circumstances relating to mediation through private institutions. The chapter is limited to adoptions through adoption agencies.

The following section will first present general, relevant information about the country. This will be followed by an overview of the current Colombian legal system and the adoption procedure, both historically and

[261] Today, they are collectively referred to as *Instituciones Autorizadas para adelantar el programa de adopciones* (IAPAS), which can be translated as 'Institutions authorised to implement/develop the adoption programme'. Adoption forums and Norwegian adoption authorities sometimes refer to them simply as 'casas'.

[262] In Bufdir's decision of 24 June 2004 on the reassessment of the placement permit for Colombia, the permit was upheld, cf. section 1.11.

today. This is followed by an account of the development of Norwegian placement from the country, with a particular focus on placement through private institutions. The Committee's assessment of specific circumstances is included in the account (under sections 7.8.1.2, 7.8.2.2, 7.8.3.5, 7.8.4.4, and 7.8.4.6). Finally, there is a summary and overall assessment of the findings (sections 7.9 and 7.10).

7.4. General information

Colombia is one of Latin America's most populous countries, with approximately 52 million inhabitants (2023).[263] Approximately 92 per cent belong to the Catholic Church and the official language is Spanish. The country is a democratic republic, divided into 32 administrative departments and the capital district.[264]

Colombia has been severely affected by internal conflicts and fifty years of civil war (1966–2016) between the authorities, paramilitary groups and rebel groups critical of the government. At times, the country has had the highest rate of violence in the world, and for long periods human rights have been poorly protected.[265]

According to the World Bank, 39.3% of the population lives below the poverty line. Colombia is also one of the countries with the highest scores in terms of unequal distribution of land and economic resources. [266] In 2021, Colombia had approximately 8 million internally displaced persons.[267] Colombia also has a significant population of refugees from Venezuela (2.9 million in October 2022).[268] In addition to structural poverty, armed conflict and internal displacement, the country is prone to natural disasters such as hurricanes, floods, landslides, earthquakes and volcanic eruptions.

In 2023, Transparency International's Corruption Perceptions Index ranked Colombia 87th out of a total of 180 countries, with a score of 40 out of 100 (where 0 indicates 'highly corrupt').[269] By comparison, Norway ranks 4th with a score of 84. In 1995, the first year the index was created, Colombia's score was 3.44 (out of 10).([270]) In 2000, it was 3.2([271]) and in 2012, the country's score was 36

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[263] World Population Prospects - Population Division - United Nations

[264] García-Godos, Jemima; Store norske leksikon (2005-2007): *Colombia* in *Store norske leksikon* at snl.no. Retrieved 7 March 2024 from https://snl.no/Colombia.

[265] García-Godos, Jemima: *Colombia's contemporary history* in *Store norske leksikon (Great Norwegian Encyclopaedia)* at snl.no. Retrieved 16 December 2024 from https://snl.no/Colombias_samtidshistorie; United Nations High Commissioner for Human Rights & the Office of the High Commissioner and the Secretary-General (2024): *Situation of human rights in Colombia.*

[266] World Bank 2023: Poverty & Equity Brief Colombia: https://databankfiles.worldbank.org/public/ddpext_download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/current/Global_POVEQ_COL.pdf

[267] Landinfo 2021: 'The conflict that never ended'. Plan Angels report (2022, Report about irregular intercountry adoptions of Colombian children linked to the armed conflict, pp. 8-9) points in particular to internal (forced) displacement as being associated with the deterioration of a number of conditions that may affect the field of adoption: an increase in sexual violence and early pregnancy; an increase in orphaned children; family disintegration and weakening of family ties; increased poverty and marginalisation.

[268] Rossiasco P. & de Narváez, P. (2023) Adapting public policies in response to an unprecedented influx of refugees and migrants: Colombia case study of migration from Venezuela (Background paper to the World Development Report 2023: Migrants, Refugees, and Societies) https://thedocs.worldbank.org/en/doc/7277e925bdaa64d6355c42c897721299-0050062023/original/WDR-Colombia-Case-Study-FORMATTED.pdf

[269] Colombia - Transparency.org

[270] On a scale of 0-10, where 10 is best. 1995 - CPI - Transparency.org

[271] On a scale of 0-10, where 10 is the best. Transparency International Releases the Year 2000... - Transparency.org

(out of 100). Transparency International highlights the need for greater transparency in the country's political system, more independence in supervisory bodies and the judicial system, and protection for whistleblowers. ([272])An overview from the World Justice Project points to a particular problem with public officials in the legislative branch who use their position for private gain. ([273])

The birth rate in Colombia in 2022 was 1.7 births per woman. In 1972, it was 4.9 and has since declined steadily. ([274]) Before 2006, there was a total ban on abortion in the country and any attempt to terminate a pregnancy was punishable by up to three years in prison for the mother and doctor.[275] In 2006, the total ban was deemed unconstitutional,[276] and abortion was permitted under specific circumstances. In 2022, abortion up to 24 weeks of pregnancy was permitted without specific grounds.[277]

Norway is represented in Colombia by its embassy in Bogotá, and diplomatic relations with the country date back to 1935.[278] From 1912 to 1960, Norway was represented by a consul. In 1961, the station was converted into an embassy.([279]) From 1968 to 2000, Norway's diplomatic presence was maintained through other embassies in the region, such as in Caracas, and through a Royal Consulate General in Bogotá. In 2001, a Norwegian embassy was re-established in the country, which has been in operation ever since, with the exception of about one year around 2011. In 2012, it was reopened when Norwegian diplomacy took a central role in the peace process between the Colombian government and the FARC, which led to the peace agreement signed in 2016.([280])

7.5. Adoptions from Colombia – an overview

Colombia has been one of the largest countries of origin for international adoption worldwide. From 1980 to 1989, it was the third largest country of origin globally. From 1980 to 1989, an average of 1,484 international adoptions were carried out from the country annually. In addition, in 1989 Colombia was the country with the third highest level of international adoptions measured against the number of births. In 1998, it was the country with the seventh highest level.([281]) During parts of the 1990s and in the period 2003-2019, it was the fifth largest country of origin. From 2010 to 2015, there was a marked decline in international adoptions from the country, from 1,815 to 522.([282]) In the last ten years, there have been more domestic adoptions than international adoptions from Colombia.([283])

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[272] CPI 2022 For the Americas: CPI 2022 for the Americas: Fertile ground for… - Transparency.org; radiografia___corrupcion_22_en.pdf (monitorciudadano.co)
[273] WJP Rule of Law Index| Colombia Insights (worldjusticeproject.org)
[274] It stood at 3.9 in 1980; 3.1 in 1990; 2.6 in 2000; and 2 in 2010. Fertility rate, total (births per woman) – Colombia: Fertility rate, total (births per woman) - Colombia| Data (worldbank.org)
[275] NRK, 22 February 2022, 'Colombia legalises abortion'.
[276] Judgment of the Constitutional Court, C-355/2006.
[277] Judgment of the Constitutional Court, C-055/2022.
[278] Cf. Norway's establishment of diplomatic relations with foreign states: diplomatiske_forbindelser.pdf (regjeringen.no).
[279] stasjoner_b.pdf (regjeringen.no).
[280] Verbal information from the embassy in Bogotá, subject to some inaccuracies regarding exact dates.
[281] Selman, P. (2002) Intercountry adoption in the new millennium: the "quiet migration" revisited. *Population Research and Policy Review* 21, 205-225, pp. 216, 218.
[282] Selman, P. (2023) The rise and fall of intercountry adoption 1995-2019, in Lowe, N. & Fenton-Glunn, C. *Research handbook on adoption law*. Edward Elgar Publishing. p. 326.
[283] ICBF, Estadisticias_adopciones_2024

7.5.1. The background to intercountry adoptions from Colombia

After the Second World War, the country experienced population growth that led to extensive migration to the cities and a growing poor, urban population. In 1965, half of the population lived in cities and over 30% of the population was under the age of 25.[284] Researchers in the field have pointed out how increasing poverty, lack of urban infrastructure, illegal abortions, "illegitimate" children, abandoned children and street children were considered major social problems .[285] They describe how the state's solutions included better population control, including through publicly funded contraception programmes. However, the Catholic Church believed that family planning and the maintenance of social and moral order were the responsibility of the Church, not the state. The Church became involved in the issue by emphasising the moral significance of parental responsibility. This discourse was taken up by the state, and in combination with global changes in attitudes towards children, childhood and children's right to protection, this formed the basis for state distinctions between "responsible" and "irresponsible parents".[286] It was in this political and cultural context that *the Instituto Colombiano de Bienestar Familiar* (ICBF), with functions roughly equivalent to those of the Norwegian Child Welfare Services, was established in 1968.[287]

According to several of these researchers[288], international adoptions from Colombia increased in a social, religious and political landscape where adoption was seen as a desirable alternative to practices such as (illegal) abortions and contraceptive use, as well as a solution to social problems (such as abandoned children, street children and children who were victims of 'irresponsible' parents).

7.5.2. Private adoption agencies

A characteristic of Colombian adoption regulations is that the system has been divided into two parts. Adoptions have been administered both through the ICBF, with functions roughly equivalent to those of the Norwegian Child Welfare Services, and through private institutions authorised by the Colombian authorities to administer adoptions.

Eight private institutions have received such approval: *Fundación Centro para el Reintegro y Atención del Niño (CRAN), Fundación para la Asistencia de la Niñez Abandonada (FANA), Los Pisingos, Casa de la Madre y el Niño,* and *Ayúdame (*all in Bogotá), *Chiquitines (*in Cali), and *Casita de Nicolás* and *Casa de Maria y el Niño (*in Medellín). Children have been adopted to Norway from all of these private institutions, with the possible exception of Ayúdame.[289]

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[284] Colombia Urban Population 1960-2024 | MacroTrends; Population of Colombia 1965 - PopulationPyramid.net; other sources estimate that over half of the population was under 21 years of age (cf. p. 18 in Maestranzi, M. J. (2013) *Politics of Colombian Adoption: Church authority, population control, and "the best interests of the child"*. Master's thesis, Columbia University).

[285] Branco, S. F. (2021) The Colombian Adoption House: A Case Study. *Adoption Quarterly*, 24(1), 25–47. Brzezinski, S. (1976) Church versus State: Family Planning in Colombia, 1966–1972. A *Journal of Church and State, 18(*3), 491–502. Hoelgaard, S. (1998) Cultural determinants of adoption policy: a Colombian case study. *International Journal of Law, Policy, and the Family,* 12(2), 202–241. Maestranzi, M. J. (2013).

[286] Ibid.

[287] Law No. 75 of 1968 established ICBF as a state entity, whose responsibilities included matters related to the adoption process.

[288] See note 285.

[289] Based on the documents in individual cases in Norwegian adoption archives, it is not always possible to say with certainty whether the child comes from one of the private children's homes or not. This is particularly true in cases from the first decades of mediation.

Some of these institutions are older than the ICBF,[290] and, according to information received by the committee, were established and run by individuals from influential families in Colombia.[291] Several were established as maternity homes, i.e. support facilities for pregnant women, where the women could live and receive medical and other assistance if they were considering adoption.

The children's homes run by private institutions have been known for their high standards and good staffing. [292] The management of the institutions approved adoption applicants themselves and also assigned children. The institutions have generally charged high fees (called donations, but in principle they have been mandatory) for each adoption. Norway stopped mediation from private institutions in 2006.

Formally, the operation of private institutions is to be controlled by the ICBF, in recent years through, among other things, an ICBF representative sitting on the board. The ICBF currently issues two-year licences and conducts inspections before renewing them. However, there are indications that it has been a somewhat complicated process for the Colombian authorities to gain adequate control over these institutions and to supervise them, including the financial aspects related to adoption services. ([293])

The private institutions coordinated the size of the donations they demanded (see Table 8). In the late 1990s, they also entered into a more formal cooperation to protect their interests. ([294])In its internal travel reports, Adopsjonsforum described several examples of the institutions exerting influence on the work on adoption legislation in the country.[295] In an interview with the committee, a former employee of Adopsjonsforum described how the head of the adoption department at ICBF was pushed out and given another position when he turned a critical spotlight on the private institutions.

We lack reliable figures for placements in Norway through private institutions prior to 1990. In the period 1990-2006, adoptions to Norway from private institutions accounted for 756 of a total of 2,154, i.e. approximately 35% of adoptions from Colombia to Norway during this 16-year period.

([290])Casa de la Madre y el Niño is the oldest, established in 1942 with the aim of promoting adoptions. In 1978, they also established a maternity home. Of the other institutions in Bogotá with which Adopsjonsforum has collaborated, Los Pisingos was established in 1968, FANA in 1972, and CRAN in 1979 (according to the institutions' respective websites).

[291] This is mentioned, among other things, in the Norwegian adoption authorities' travel reports (2001, 2004), in Adoption Forum's internal travel reports, and was also mentioned in interviews with ICBF employees conducted by the committee in Colombia.

[292] This is also the impression of the Norwegian adoption authorities during several of their inspection visits.

[293] This is described, among other things, in connection with Norwegian adoption authorities' trips to the country. It is also described by Adopsjonsforum, according to an e-mail from Bufdir to MIA dated 30 June 2006 (see section 7.8.4.5). It is also mentioned by Hoelgaard (1998), pp. 215-216. Furthermore, it emerged from interviews conducted by the committee with various actors in Colombia. It can also be said to have been exemplified by a well-known case of financial misconduct linked to one of the institutions, which was uncovered in 2013, see section 7.9.2.

[294] See section 7.8.3.

[295] See sections 7.8.3.3, 7.8.3.5 and 7.8.4.3.

7.6. Overview of the adoption procedure

7.6.1. The legal system in Colombia

Colombia's legal system is based on civil law traditions and European legal principles. The system is organised into three branches of government: the legislative, the executive and the judiciary, which are independent of each other.

The Colombian Constitution of 1991 marks a turning point in the country's legal history by strengthening human rights, protecting the autonomy of indigenous peoples and recognising environmental rights. The Constitution also introduced *acciones de tutela*, which give individuals the opportunity to claim their constitutional rights directly in court. In addition to general courts, Colombia has specialised courts, including family courts (*Juzgados de Familia)*.([296])

Family courts are specialised bodies within the civil justice system and were created to handle cases that require expertise in family dynamics and child welfare. They play a central role in family law cases, such as divorce, parental rights, child support, protection of children's rights and adoption. The family courts are responsible for approving adoptions, in accordance with Colombian law and international conventions.

In adoption cases, the family courts work in collaboration with the ICBF. The process includes:

- Assessment of the child's status: The court checks that there is documentation proving that the child is legally available for adoption, i.e. that the child's original parents are unknown, that they have relinquished parental responsibility or have had parental responsibility withdrawn.
- Approval of adoptive parents: The court checks that the adoptive parents meet the legal and ethical requirements set out in Colombia.
- Legal approval: Once all requirements have been met, the family court gives final approval of the adoption, and the child is granted legal status as the child of the adoptive parents.

7.6.2. The adoption process in the Colombian legal system[297]

Today, the adoption process in Colombia is divided into an administrative and a legal part. For international adoptions, the administrative part includes assessing the suitability of the adoptive parents, releasing the child for adoption and matching children with adoptive parents. The legal part includes submitting the adoption application to the court and the court's decision.

Adoptions are currently regulated by *the Código de la Infancia y la Adolescencia* (Child and Adolescent Code) of 2006 (Law No. 1098).

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[296] BOE-A-1981-15086 Royal Decree 1322/1981, of 3 July, creating the Family Courts.

[297] The following account is based on information obtained by the Committee during meetings with ICBF staff during its visit to Colombia, written information provided by Adopsjonsforum to the Norwegian authorities since the 1970s, reports from Norwegian adoption authorities following visits to Colombia, relevant secondary literature and available legal sources. The Committee's ability to investigate the Colombian legal system and its legal rules is limited, and reservations must be made regarding errors or inaccuracies.

Prior to this, adoptions were regulated by *the Código del Menor* (Law on the Rights of Minors) of 1989 (Decree No. 2737).

Colombia signed the Hague Convention on 1 September 1993 and ratified it in national legislation on 13 July 1998. It entered into force on 1 November 1998**.** The ICBF is the central authority. [298]

Colombia ratified the UN Convention on the Rights of the Child on 28 January 1991.[299]

7.6.2.1. The adoption process before 1989

Prior to 1975, the adoption system in Colombia was described as unregulated.[300] Adoptions could be carried out without the involvement of the courts, but only by a notary, who registered the child under a new name, and none of the parties needed the assistance of a solicitor. There was no supervision of the placement process, and adoptions were not registered centrally. Documentation for adoptions was only kept at notary offices around the country. The Dutch investigation report believes that the system created a risk of falsification of the child's papers. Only the notary assessed the child's papers and verified the child's identity.

From 1975, adoptions were subject to state control. The Dutch investigation report states that from then on, children could only be given up for adoption through the ICBF (which ensured documentation in the form of the parents' ID cards, registration at the registry office, a court decision and the consent/release statement of the original parents) and only the courts had the authority to make decisions on adoption.[302] According to Adopsjonsopplysning (later Adopsjonsforum)[(303)] ,however, the process in 1975 at the publicly approved private institutions was that the adoption applicants' documents were presented directly to the private institutions, which, in consultation with their own lawyer, doctor and social worker, assigned a child to the applicants. After the applicants had given their consent, the case went to court. Neither other countries' investigations nor documents found by the committee clarify whether the cases of the private institutions also went through the ICBF.

In 1981, the regulations were tightened. [304]ICBF applications could previously go directly to the regional offices, but now had to go through the ICBF centrally. The applications were then sent to the ICBF's local offices for allocation and completion of the adoption in the local family court. Applications to private institutions were still sent directly to the approved private institutions. Regional ICBF and the court could grant permission for the child to leave the country before the final court decision on adoption. Original parents could nevertheless appeal

[298] COUNTRY PROFILE
[299] UNTC
[300]Based on information in the Report of the Commission of Inquiry into Intercountry Adoption (2021), pp. 70–80, and the Appeals Board's report (2022) Colombia: Memorandum on adoption mediation to Denmark before 1975 and in 1985–1986 (Armero), pp. 6–9.
[301] Act No. 5 of 1975.
[302] Appeals Board (2022) pp. 6-9; Report by the Commission for the Investigation of Intercountry Adoption (2021) pp. 70-80.
[303] 21 May 1975: 'Application for placement rights for the adoption of children from Bangladesh and Colombia'.
[304] The description is based on "Report to the Council for International Adoptions from a trip to Latin America, 3 May-29 May 1982."

court ruling. In order for the appeal to be upheld, they had to prove, for example, that the consent was not informed. They also had to prove that they could support the child and had the capacity to care for it.

7.6.2.2. The adoption process 1989–2006[305]

The Children's Act (*Código del Menor*), No. 2737 of 27 November 1989, provides for protective measures for minors in irregular situations. Section 5 of the Act, Articles 88-128, deals with adoption. Adoption is defined here as a protective measure. Adoption took place by court order following an administrative process (Art. 96). Colombian applicants were to be given preference over foreign applicants (Art. 107).

Under this Act, neither the ICBF nor private institutions were allowed to demand direct or indirect compensation from adoption applicants (Article 125). The same provision stipulates that parents cannot be compensated for giving up their children for adoption, nor should they be pressured to consent to such a transfer.

When authorising private institutions, it was assumed that they were not motivated by financial gain and were subject to government control. The ICBF could demand full access to their accounts, archives and documents (Art. 127) and was to have a representative on the board of the institutions (Art. 120).

A release statement or consent form had to accompany the adoption application to the court (Art. 105). Children under the age of 18 had to be declared abandoned, or their parents or *defensor de familia*[306] had to give their consent to the adoption (Art. 92). Any consent to adoption from those who had parental responsibility had to be given in person to the family defender, who had to explain the effects of adoption (Art. 94). After one month, the consent was irrevocable (Art. 94, para. 1). Consent to adoption for unborn children would not have been valid (Art. 95).

When an authorised private institution had obtained consent from the parents, the consent, medical certificate, the institution's licence and a statement that it accepted approval and allocation were submitted to the court. In a meeting with a judge at a juvenile court, Norwegian adoption authorities([307])were informed that in cases where children were given up by their birth mothers, as in the case of private institutions, the ICBF's defensor de familia would nevertheless ensure that the child was released on the right grounds (Art. 108).

The ICBF's regional offices were responsible for the administrative release process in child welfare cases. The ICBF submitted a social report explaining why the child could not live with its parents and an assessment of suitable care measures, as well as a birth certificate.

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[305] The description of the legislation is mainly based on information from SUAK's information and inspection trip in 2001.
[306] Lawyer responsible for the adoption process, see also section 7.6.2.3.
[307] SUAK, information and inspection trip 2001.

During their visit to the country, Norwegian adoption authorities[308] were informed that if the original parents or other caregivers were unknown, the ICBF would advertise for them in major newspapers. If no one came forward within six months, a decision could be made to release the child for adoption. This was presented to the court and would be announced after a specified period of time if the administrative proceedings were deemed to meet the requirements of the law. The ICBF could then begin the process of finding new parents for the child.

The report from the Norwegian adoption authorities' inspection visit in 2001 states that the court issued a "declaration of abandonment". However, the text of the law (Art. 41) states that the defensor de familia made the decision. The release took place before the child was assigned to adoptive parents.

With regard to the allocation of children, new guidelines were issued on 5 July 1994 (*Resolution* No. 1267 of 1994).[309] These led to the centralisation of application approval and a centralised overview of released children, while the allocation of children was to continue to take place at regional level. The reason for the changes was reportedly a desire to streamline case processing and prevent corruption lower down in the system.([310]) At the private institutions, there was still one and the same committee that both processed the applications and allocated children.

The Adoption Forum decided[311] whether Norwegian applications should be sent to the ICBF or to a private institution.

In accordance with Articles 105 and 106 of the Children Act, the court required the following documents in order to approve the adoption:

- Consent to the adoption, if necessary
- Birth certificates
- Release statement or approval of adoption
- Positive statement from the defensor de familia based on an interview with the applicants and examination of the documents with authorised recommendation
- Certificate of suitability from the ICBF
- Certificate from the institution regarding the child's suitability for the applicants
- ICBF certificate with operating licence for the institution where the child lives
- Certificate from an organisation or authority confirming follow-up until the child obtains citizenship in the receiving country
- Personally worded application for adoption
- Police certificate and marriage certificate for the adoptive parents and prior consent from the Norwegian authorities

All documents had to be notarised in accordance with Colombian requirements. In a meeting between the Norwegian adoption authorities and a family court judge in 2001, it was stated that the judges did not examine the applicants' suitability in depth.

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[308] SUAK, information and inspection trip 2001.
[309] In English: 'Orientation Guidelines for the Adoption of Colombian Minors'.
[310] SAK working trip 1994.
[311] This was certainly the case in 1998 and 2001.

Following a ruling by the Supreme Court (T-510 of July 2003), the requirements for consent were tightened. According to this ruling, consent cannot be given until at least 20 days after the birth, and a further 30 days must pass before it becomes final. Furthermore, consent would not be valid unless the extended family, including the father, was aware of the situation. Specially appointed family advocates would receive the consent. ([312])

7.6.2.3. The adoption process 2006 – today

In 2006, adoption legislation was tightened with the introduction of the Children and Youth Act, which is still in force. From 2006, it was no longer possible for adoptive parents to donate to the orphanages from which they adopted. Both representatives of the Adoption Forum and the ICBF whom the committee met in Colombia described the changes brought about by the 2006 Act as a watershed. However, the committee has not been able to ascertain what the most significant changes were, but it is clear that Article 74 of the Act tightens the prohibition on remuneration through an absolute ban on donations from individuals or foreign institutions to Colombian institutions in return for giving up children or young people for adoption.

Defensorías de Familia are units under the ICBF, responsible for guaranteeing and restoring the rights of children and young people. The offices of Defensorías de Familia must have interdisciplinary teams consisting of at least one psychologist, one social worker, one nutritionist and one lawyer. To become a *defensor de familia*([313]) one must be a lawyer with a valid licence, have a clean criminal record and documented, relevant further education.

If a child or young person is in a situation where their rights are threatened or violated, the authorities must be notified. The Defensor de familia then decides whether to initiate a PARD process. PARD stands for *Proceso Administrativo de Restablecimiento de Derechos* and is an administrative process for restoring the rights of children and young people if these have been violated or threatened.

In the PARD process, the defensor de familia has up to six months to decide whether the child should be reintegrated into their family. This period can be extended twice, so that the deadline can be up to 18 months in total. If it is not possible to reintegrate the child into their family, the child is released for adoption. The use of foster homes is only considered a temporary solution.

It is the defensor de familia who implements and signs the decision on *adoptability*, i.e. that the child is eligible for adoption in accordance with the law (Article 82 of Law 1098/2006). When a decision on adoptability is made, all legal ties to the original parents are severed.

In other words, the release of a child for adoption is primarily an administrative process that is not tried in court, except in special circumstances, such as when the original parents

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[312] Report from Bufdir's inspection visit in 2004.

[313] Directly translated, this means 'family advocate'. This is the term used by the Norwegian authorities, for example in reports from information and inspection visits. Previously, similar functions were assigned to *the defensor de menores* ('defender of minors'). According to lawyers at the ICBF with whom the committee spoke, the functions of a "family defender" have remained largely unchanged over time, even though the name has changed.

opposes the release. A real possibility for the parents to have the release tried in court presupposes that the ICBF manages to contact the original parents so that they become aware of the family advocate's decision to release the child for adoption. For abandoned children, it thus becomes a question of what measures the ICBF takes to contact the parents. In addition to newspaper advertisements, informants from an ICBF regional office report that information is currently being provided on radio programmes. If the ICBF knows in which area the family lives, it will attempt to locate them. The psychosocial team is out in the field looking for the family by talking to neighbours and others in the local community. If this is unsuccessful, posters can be put up on poles and appeals can be made on police and military radio. Other strategies, such as talking to the archbishop in the area, may also be used. The Committee is not aware of whether all these measures are implemented in all regions and how long this has been practised.

After release, ICBF searches regionally for Colombian families who can adopt. If this is unsuccessful, ICBF headquarters will investigate. The next step is to find foreign adoptive parents. The central authority will send proposals for two to three families to the regional office, which will decide which family will be offered the opportunity to adopt the child. In the case of international adoption, Colombians living abroad will be given priority over foreign families.

A 2011 ruling was understood to require the ICBF to search for relatives of children in the PARD process up to the sixth degree of kinship. [314] This requirement led to a significant decrease in the number of children declared adoptable.[315] This led to a change in 2015[316] whereby the requirement was henceforth to search for
"placement in a family environment".[317]

From 2013 foreign applicants must be open to children with special care needs, children older than 6 years and 11 months, or sibling groups of more than two where the oldest is at least 6 years old.[318]

7.7. Overview of the committee's country studies

The Investigation Committee's investigations into adoption mediation from Colombia have followed the template for country investigations, as outlined in section 3.5.8. General country information from various sources has been obtained. Investigations from other recipient countries and information from ISS have been reviewed, and literature and media searches relating to adoptions from the country have been carried out. Placement permits and applications for placement from the country have been reviewed, as well as documentation related to these. Archive searches have been conducted at Bufdir, the Ministry of Children and Family Affairs, the National Archives and the Ministry of Foreign Affairs. The Committee has also been given access to Adopsjonsforum's physical archives and digital common areas.

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[314] T-844 of 2011.

[315] Ortiz & Estrada (2018) El defensor de familia en el proceso de adopción en Colombia. *Revista CES Derecho,* Vol 9, No 2, 2018, 267-286.

[316] Article 56 of Act 1098 of 2006 was amended by Article 217 of Act 1753 of 2015. Article 56 was subsequently amended again by Law 1878 of 9 January 2018. This sets deadlines for the process of searching for relatives and for responding to requests for information from the defensor de familias.

[317] In Spanish: 'ubicación en medio familiar'.

[318] Art. 1, paragraph 3, of Resolution 4274 of 2013.

A particular challenge with the investigations is that there is considerable variation in the amount of written material found in the archives. The committee found far less material from the first two decades of dissemination (1970-1990) than from later periods.

In its investigations, the committee has held several meetings and interviews concerning adoptions from Colombia. Adopsjonsforum has reported on the country cooperation at a committee meeting, and the organisations Adopsjon i Endring, UTAD and RACO have also presented their input at committee meetings. In addition, several meetings have been held with Adopsjon i Endring, UTAD and RACO where Colombia has been a topic of discussion. Several meetings have also been held with the Swedish review commission, among other things to exchange experiences and information about adoptions from Colombia. Interviews have been conducted with adoptees from Colombia to Norway (4)([319]) and adoptive parents who have adopted from Colombia (2),([320]) as well as former employees of Adopsjonsforum who have worked with the country (2). With regard to the latter group, it is a challenge that several of the former employees of Adopsjonsforum who have worked with Colombia are no longer alive or, for various reasons, have not been available for interviews with the committee.

The committee has received a number of written enquiries and information from organisations (RACO, Adopsjon i Endring, UTAD, Positiv Adopsjon and Adopsjon Norge) and individuals (8) who wished to contribute to the investigation into Colombia (adoptees, adoptive parents and former employees of Adopsjonsforum). All enquiries have been systematised and several have led to interviews and/or meetings. In addition, the committee has requested input from various actors on relevant interview subjects in Norway and Colombia.

From 7 to 13 October 2024, a delegation [321]from the committee and secretariat visited Colombia to hold meetings with various stakeholders:

- The organisations Plan Angel, ASFADDES and Armando Armero.
- The Royal Norwegian Embassy in Bogotá.
- Colombian adoption authorities:
    - ICBF Bogotá: head of the adoption committee, as well as social worker, psychologist, coordinator and defensor de familia from the adoption committee.
    - ICBF Santander: head of the adoption committee.
    - ICBF's central adoption department: deputy head of the adoption department and three psychologists.
- Adoption Forum employees in Bogotá: legal representative, solicitor, accountant and advisor.
- Three former employees or former contractors for the Adoption Forum in Colombia.[322]

[319] These are in addition to adoptees from Colombia who have met with the committee and secretariat through various organisations in which they are active, so the total number of adoptees from Colombia with whom the committee has spoken is much higher.

[320] Here too the total number of adoptive parents with children from Colombia whom the committee has spoken to is higher, including in connection with meetings with adoption agencies and their employees, and other organisations.

[321] From the committee: Camilla Bernt and Ketil Eide. From the secretariat: Jostein Løvoll and Vilde F. Thorbjørnsen.

[322] Several of Adopsjonsforum's former and current employees also had experience from working for ICBF.

- One of the private institutions and a children's home were visited, including meetings with management.
- Three former employees from one of the private institutions, including a former manager of one of the maternity homes, were interviewed.
- Interviews were conducted with seven biological parents whose children had been adopted abroad.
- A research group within jurisprudence and a group of six adoptees from Colombia to many different countries.

A total of 75 individual cases from the period 1983–2020 were reviewed. Forty-three of the cases are from the period before Colombia ratified the Hague Convention in 1998, and 26 are from the period after. A particular challenge is that individual cases prior to 1988 are resource-intensive to investigate, as they are not archived at Bufdir, but must be retrieved from the various state administrators. The selection of individual cases has been strategic and flexible, cf. section 3.5.5. See also section 7.10.4 for more information about the review of individual cases and related assessments.

Adoption arrangements from Colombia are described in investigative reports from the Netherlands, Denmark, Switzerland and France. The forthcoming report from the Swedish Commission of Inquiry will also discuss adoptions from that country. The report from the Netherlands examines conditions in the period 1973-2018. The Swiss report looks at conditions between the 1970s and the 1990s. The report from the Danish Appeals Board examines the period before 1975 and the years 1985-1986.

Findings and circumstances from these reports that are relevant to adoptions from Colombia to Norway will be discussed in the following description where relevant.

7.8. Adoption mediation from Colombia to Norway

The following is a chronological account of developments in adoption from Colombia from the 1970s to 2006, with a particular focus on matters relating to private institutions. The Norwegian adoption authorities' control and supervision activities will also be described, including permits and country visits. The committee's assessments of the findings are presented continuously and marked with separate subheadings.

7.8.1. 1970–1980 The beginning of organised adoption placement

Around 1971, several documents in various government archives show that there was growing interest among Norwegian couples in adopting children from Colombia. The Royal Consulate General in Bogotá reported "many requests"([323] and during a conference in September 1971, the Ministry of Social Affairs reported a general increase in interest and mentioned that Colombia was a country that Adopsjonsopplysning (the name of Adopsjonsforum until 1975) was now working with. Among other things, they had a test case underway there which, if successful, would probably lead to more

[323] Letter from the Bogotá Consulate to the Embassy in Caracas, 04.11.71.

adoptions from the country. [324] The Ministry of Social Affairs expressed doubts about how to deal with the cases in the future and whether it was justifiable. They had approached the Foreign Service and the Norwegian Red Cross for assistance.

The Norwegian Red Cross quickly made it clear that they did not wish to take on any form of adoption mediation and believed that children should be helped where they were, but through their contact with the International Social Service (ISS), they could assist in assessing the safety of the conditions. In July 1972, the ISS responded that the ICBF did not have any specific children available for international adoption, and generally believed that the legal framework in the country was not good enough.([325])

The Consulate General in Bogotá asked a Colombian lawyer (employed by an insurance company headed by the Norwegian Consul General) to draw up some general guidelines on how adoption applicants should proceed, and informed them that the lawyer was willing to provide formal assistance in adoption cases. The Consulate General also said it was willing to find people who could bring the children to Norway.([326])

In a letter dated December 1971 to the Consulate General in Bogotá, the lawyer writes that he charged a fee of 5,000 pesos (approx. USD 245) per case, not including "recording of the judgment, issuance of documents granting the adoptive parents rights to the child, passport and air ticket". Furthermore, he believed that two of the "leading" institutions with the right to adopt children were *La Casa de la Madre y el Niño,* a private institution, and *Beneficiencia de Cundinamarca,* which was under the ICBF.([327])

In 1975, Adopsjonsopplysning applied for mediation rights for the adoption of children from Colombia among other countries.[328] They cited high demand from couples wishing to adopt as the primary reason for the application. They believed that a mediation permit would simplify the process for applicants and strengthen the position of foreign contacts in the countries of origin. They described the procedure for adoptions from Colombia. It is mentioned here that Adopsjonsopplysning's foreign contact would approach either the ICBF or one of the private orphanages.([329]) For adoptions through the ICBF, the case would take approximately four months, but Adopsjonsopplysning writes that the authorities in Colombia "allow and desire" earlier departure. For private institutions, the child remained in the orphanage until the adoption case was completed. ([330]) In Norway, the families were to be followed up by the country contact.

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[324] 29-30 September 1971, "Speech at a conference at Sätra Bruk: Adoption of foreign children".

[325] "From what we know of the adoption situation in Colombia, we do not think we can enter into this case on legal grounds. Any adoption would be by proxy, and this is inconsistent with the principles laid down at Leysin. Therefore, because the Instituto [ICBF] is not seeking a home for a particular child, and as there is inadequate legal protection in any case, in such an arrangement, we do not think we can go further in the matter." Letter from ISS Geneva to the Norwegian Red Cross, dated 12 July 1972, forwarded to the Royal Ministry of Social Affairs on 3 August 1972.

[326] Letter from the Bogotá Consulate to the Embassy in Caracas, 4 November 1971.

[327] Letter to the Royal Consulate General in Bogotá, 28 December 1971.

[328] Letter dated 21 May 1975: 'Application for mediation rights for the adoption of children from Bangladesh and Colombia', from Adopsjonsopplysning to the Royal Ministry of Social Affairs.

[329] Adopsjonsopplysning refers to them as "municipal children's homes".

[330] In practice, we see that this was not always the case, for example with regard to six adoptions carried out in 1981 and 1982 from the private children's home CRAN. This is evident from a letter from CRAN to the Norwegian adoption authorities dated 30 January 1984.

regarding both practical and medical matters. The families were asked to submit a report to Adopsjonsopplysning (Adoption Information) on the child's health, adaptation, adoption expenses, etc.

The application from Adopsjonsopplysning was put on hold while adoption services were under review by the Ministry of Social Affairs.

In an overview from Adoptionsforum dated May 1976, they stated that they now had contact persons in Cali, Cúcuta, Manizales and Bogotá. In the latter city, they stated that they used ICBF's lawyers to handle adoption cases, in addition to advice from the lawyer recommended by the Consulate General in 1971.

In December 1977, Adopsjonsforum reapplied for permission to operate as an adoption agency, ([332] and on 19 May 1978, the Ministry of Social Affairs granted Adopsjonsforum an indefinite licence to arrange adoptions from Colombia, among other countries, on condition that its foreign contacts were approved by the Council for International Adoptions (RIA).[333] As mentioned in section 6.5, the Council's approvals of foreign contacts were granted for a limited period and had to be renewed at regular intervals. In practice, assessments of the soundness of the country cooperation after the initial placement permit from the Ministry were carried out by the body that approved the foreign contacts and cooperation partners. Initially, this was the Council for International Adoptions (RIA), but from January 1987, the State Adoption Office (SAK) took over.

In Adoption Forum's (hereinafter: AF) application for approval of contacts in Colombia dated 26 April 1979, they wrote that all adoptions went through ICBF. Regarding the procedure, they wrote that the ICBF processed the application in an adoption committee, which also selected the child, and that the adoptive parents had to be present in court for the adoption decision. They also wrote that the adoption had to be finalised before the child left the country.

For adoptions from Bogotá, AF stated that they collaborated with the same Colombian lawyer as before. AF further wrote that until 1975, children in Bogotá were released either from orphanages under the ICBF or from private orphanages, but that from 1975 onwards, it was only possible to adopt children through private institutions. The reason for this is not mentioned. The children from private orphanages in Bogotá came "predominantly from the private orphanage 'Casa de la Madre y el Niño'". However, AF wrote that the conditions at these institutions should have been
"so uncertain and, in some cases, so suspicious" that AF chose to terminate its activities in the city. In 1978, the local lawyer considered that conditions at Casa de la Madre y el Niño were once again acceptable. AF left it up to him to decide which children's homes in the city they should cooperate with:
"Adoption Forum wishes to have contact with those orphanages in Bogotá that [the solicitor] finds it safe to work with at any given time."[334]

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331 Letter dated 16 September 1975 from the 1st social services office to Adopsjonsopplysning.
332 The committee has not found this letter, but it is said to be dated 29 December 1977.
333 "Permission to arrange adoptions is limited to the following countries: Bolivia, Colombia, Ecuador, Guatemala, Bangladesh, India, Indonesia and Sri Lanka, and on condition that current foreign contacts are approved by the Council for International Adoptions within one year. Any new foreign contact must be approved by the Council before children are placed for adoption."
334 AF application for approval of contacts in Colombia, 26 April 1979.

In AF's application from 1979 for approval of contacts, they describe mediation from Cali, Popayán and Manizales since 1974, from Cúcuta and Norte de Santander since 1975, and from Pereira since 1976.

In 1979, the Council for International Adoptions (RIA) undertook a trip to Colombia, among other places.[335] Adopsjonsforum's country contact participated in the entire trip. They met with the Director General of ICBF and the Deputy Director who headed the adoption department. They "willingly admitted that they were currently dependent on the many private orphanages [...] but had little control over their activities".([336] The ICBF expressed a desire for all adoptions to go through the ICBF and be free of charge, but that they currently lacked the resources to do so. It is described that in the case of international adoptions, the children travelled abroad with passports, exit permits and parental appointments, while the final judgement, including the issuance of adoption documents, was sent later.

Norwegian adoption authorities also visited Los Pisingos, FANA, Casa de la Madre y el Niño[337] and CRAN. The travel report mentions that Norwegian adoption applicants had been able to adopt directly from Los Pisingos without going through Adopsjonsforum, and that "many" children had been adopted from FANA to Norway. Regarding Casa de la Madre y el Niño, the travel report briefly mentions the "unclear" financial circumstances that led Adopsjonsforum to break off contact, but that things became more orderly after the daughter of the previous director took over. CRAN is described as a new institution, established a year ago by the daughter of a former Colombian president. The daughter was originally one of FANA's founders. Both FANA and Los Pisingos wanted to carry out the matching themselves.

Norwegian adoption authorities also travelled to Cali, where the private orphanage Chiquitines is located. Here, Chiquitines' lawyers were outraged that ICBF, in a meeting with Norwegian adoption authorities, had expressed a desire for all adoption applications to be sent to ICBF, which would then distribute them among the lawyers. The Norwegian adoption authorities suggested to AF that they should continue to send their applications directly to the lawyer they were working with, but also notify the ICBF of the cases that had been sent.

During this journey, the adoption procedures appear to be significantly different from those described in AF's application for approval of a contact network dated 26 April 1979: the children did not travel abroad with a final court decision on adoption, not all adoptions went through the ICBF, and the matching was also carried out directly by some of the private institutions.

On 5 May 1980, AF again applied for approval of representatives and institutions in the country. They applied for approval for CRAN, Los Pisingos, and ICBF in Medellín. At CRAN, they stated that the adoption costs were USD 1,350 and included "lawyer, legalisation, passport, etc.". CRAN used a lawyer "associated with" ICBF. The costs of adoptions from Los Pisingos were
"approximately the same" as at CRAN. AF also stated that the orphanage itself selected suitable

[335] RIA, 'Trip to Latin America 14 September – 8 October 1979'.
[336] RIA, 'Trip to Latin America 14 September – 8 October 1979', p. 8.
[337] In the report, it is referred to as "casa materna", but the description suggests that it is "Casa de la Madre y el Niño" that is being referred to.

applicants. Here they used the orphanage's own solicitor. Adoptions through ICBF Medellin were free of charge, and only solicitor's fees of USD 400 were payable.

In the same application, AF expressed interest in approval for FANA and Casa de la Madre y el Niño. Regarding FANA, they write that the institution was founded in 1972. It collaborated with countries such as Sweden, the Netherlands and the USA. Legal fees amounted to USD 800. In addition, there was a "fixed donation" of USD 1,800-2,000. However, they stated that some of AF's members had been asked for a donation of up to USD 5,000. AF described the costs of the institution as "very high".

Casa de la Madre y el Niño was described as the oldest institution with placement rights in Colombia. It was said to have high standards and arranged approximately 400 adoptions annually to various countries. It had a network of foster mothers affiliated with the institution. AF did not know the exact donation requirements, but "expects that they will be similar to those of 'FANA'". AF stated that during an adoption conference organised by ICBF in 1979, the institution received "strong reactions from several parties" because it refused to include the child's birth certificate in the case documents in the event of an adoption, as it was committed to keeping the mother's identity unknown to the adoptive parents. They also had their own maternity ward. The discussion during the conference focused on whether mothers felt pressured to give up their children. According to AF, the ICBF stated that they did not have sufficient control over the institution, which was older than the ICBF.

In its 1980 application, AF pointed out that there had been, and still were, many
"private" [probably meaning independent[338]] adoptions from these two institutions, including among AF members. It may appear that AF suggested that, despite the objections they were open about (high donations and potential pressure on mothers), it would be better if AF took over the placement to Norway from the institutions than for it to take place in an unregulated manner. It is unclear to the review committee how any pressure on the mothers could have been reduced by mediation through AF.

The Norwegian adoption authorities (RIA) write in a memorandum dated 6 June 1980 that, with reference to the 1979 travel report, they propose to approve CRAN, Los Pisingos and ICBF Medellin as contact networks, and to give limited approval to FANA and Casa de la Madre y el Niño for up to five trial cases from each. ([339])

7.8.1.1. Information about an adoption scandal in Bogotá

On 31 July 1981, the Norwegian adoption authorities (RIA) registered an inquiry that had probably been forwarded to them from one of the Norwegian adoption agencies. This was originally an inquiry from the Swedish Adoptionscentrum and concerned what was described as an adoption scandal in Colombia. The case concerned a former ICBF employee who had also worked for two of the authorised children's homes in Colombia (but who had eventually stopped using him because he handled his cases in an inadequate manner). Through his previous work, the man had gained access to the names and address lists of adoption applicants from among

338 Cf. section 4.2.2.

339 The committee has not found the actual approval.

Sweden and contacted them directly to arrange private adoptions. Adoptionscentrum wrote that the Swedish Embassy in Colombia reported that the business had been operating for four years, and that the lawyer who was arrested had admitted to arranging for 300-500 children to be sent to the USA, Sweden, France and Spain, for a payment of between USD 7,500 and 15,000 per child. He is said to have collaborated with a couple of clinics in a poor, southern part of Bogotá, where mothers were told that their children were stillborn. Through partners at a notary's office in Bogotá and in the court system, the lawyer is said to have arranged for false birth certificates and other necessary documentation. One of the solicitor's secretaries was also arrested for complicity. The solicitor was also charged with one count of attempted kidnapping.

According to Adoptionscentrum, the lawyer had worked for ICBF for a couple of years in the mid-1970s. In 1979, ICBF became aware of some cases of child trafficking involving the lawyer, and they reportedly contacted the security police and asked them to investigate his activities. According to the Swedish Embassy, the ICBF believed that there were strong suspicions of similar activities involving at least five other lawyers. Adoptionscentrum wrote that they themselves had spoken to the director of the ICBF, who confirmed the incident and said that the lawyer had admitted to the allegations. Adoptionscentrum believed that the complex was limited to independent adoptions (adoptions outside of intermediary organisations).

The Swiss investigation report from 2023 also describes this case. [340]Here historians found a report in the federal justice archives from September 1981. The report was based on news articles describing the modus operandi in the case, but the report pointed out that the articles could contain contradictory information. It described how children were allegedly taken from their mothers at two clinics in poor, southern neighbourhoods. A woman posing as someone else registered the child in public records. The same notaries and the same solicitor appeared in all the registrations. The solicitor had agents in the USA, France, Spain and Sweden who found adoption applicants, whereupon the false mother, now registered as the child's biological mother, signed the release form. The notary certified the document. In addition, three of the five juvenile courts in Bogotá were allegedly involved. The Swiss judicial authorities asked the Swiss ambassador to report if the investigation revealed that any of these children had come to Switzerland.([341])

Other and later news reports link the lawyer to the private children's homes Casa de la Madre y el Niño and FANA,[342] but it is unclear whether the connection refers to assignments he had at the children's homes before the circumstances for which he was arrested began.

In the 1980s, the case was also reported in the Norwegian media, and the Norwegian adoption authorities (RIA) issued a statement. They said that they were unfamiliar with the lawyer and that it was "almost impossible".

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[340] Cf. Hinweise auf illegal Adoptionen von Kindern aus zehn Herkunfts-ländern in der Schweiz, 1970er-bis 1990er-Jahre (2023) p. 83.

[341] Ibid. From the report: "If the ongoing investigations reveal that such children have also been sold into our country [...] we ask you to inform us of this."

[342]Vice, 16 October 2016: 'Morir sin saber un origen: la realidad de miles de adoptados colombianos' (Dying without knowing their origins: the reality of thousands of Colombian adoptees).

that children adopted from Colombia to Norway "are stolen from their mothers and sold on the 'black market'".[343] They pointed out that all contacts involved in adoptions from Colombia had to be approved by the Norwegian authorities (cf. section 7.8.1), [344] and that the Norwegian adoption authorities made annual trips to the country of origin to supervise the activities. The Norwegian adoption authorities also stated that "adoption from Colombia is only permitted through the association 'Adopsjonsforum'". The Norwegian adoption authorities did not mention that independent adoptions had been accepted until 1 January 1981.

This statement contrasts with what AF itself had explained to the Norwegian authorities about "suspicious" placements from Bogotá in the late 1970s, including a significant number of independent adoptions.

In February 1982, the Norwegian adoption authorities (RIA) received a request from the Swedish Ministry of Social Affairs, which, in the wake of the scandal, was investigating the need for further regulation of international adoptions to the country. At that time, Sweden had far more independent adoptions than we see in Norway. In their response to Sweden, the Norwegian adoption authorities provided an overview of the total number of international adoptions in the period 1970-1981 and how many had been outside the organisation. For the years 1976-1979, the proportion of independent international adoptions to Norway from all countries of origin was approximately 14%, 27%, 25% and 8% respectively.[346] This period partly predates AF's placement licence, so that all adoptions from Colombia were by definition independent before 19 May 1978. It is not possible to determine from the figures how many children have come to Norway outside the Adopsjonsforum/Adopsjonsopplysning contact network, and this does not provide a basis for confirming or refuting whether any adoptions to Norway may be part of the aforementioned case complex. ([347])

[343]Arbeiderbladet, 24 July 1981: "Stjålne barn på svartebørs" (Stolen children on the black market). https://urn.nb.no/URN:NBN:no-nb_digavis_arbeiderbladetoslo_null_null_19810724_98_168_1

[344] The approval process usually consisted of a written statement from Adopsjonsforum about the foreign contacts, in many cases with references and CVs. In some cases, the Norwegian adoption authorities also met with the foreign contacts, either when they came to Norway or when the Norwegian adoption authorities were on inspection visits.
The approval of private institutions was similar, with a written statement from the intermediary organisations and visits by Norwegian adoption authorities during their trips.

[345] From this date, the applicants' approval documents were to bear the following endorsement: "It is a prerequisite that the adoption is arranged through an approved Norwegian adoption association".

[346] 1976: a total of 390 adoptions, of which 54 were independent; 1977: 412 adoptions, of which 113 were independent; 1978: 356 adoptions, of which 90 are independent; 1979: 262 adoptions, of which 21 are independent.

[347] A news article in El Tiempo on 27 November 1986 describes how the lawyer, his secretary and his two sons were implicated in the case, in addition to three notaries and a court clerk (*secretario del juzgado segundo civil de menores*). According to the newspaper report, the first four were charged with forgery of public documents, while the notaries and the court clerk were acquitted. However, the case was brought before the Supreme Court, which concluded that the first four should only have been charged with forgery, and not with forgery of **public** documents. This led to the entire case being annulled due to misjudgement of the evidence. The case was dismissed for the first four, as the maximum penalty was two years and the case had already been going on for a long time. The case continued for the notaries and the court clerk. The Investigation Committee has attempted to gain access to the court decisions in the case, but our requests have been unsuccessful.

7.8.1.2. Assessment of the Norwegian authorities' response

The Committee considers that the only way Norwegian adoption authorities could have ensured that the case did not involve children adopted to Norway would have been to establish direct contact with the ICBF and/or the investigation in Colombia and, if necessary, also review all individual cases outside the organisation from 1975 to 1980. This would have been done in order to investigate whether any of the names of the persons involved could be found in independent adoptions to Norway. The Committee has assessed the information available to us. The committee's review of the archives does not indicate that the Norwegian authorities took such initiatives,[348] and the committee assumes that this was not done. In the committee's view, the Norwegian authorities should have done more. It is also important to note that Adopsjonsforum had expressed concerns about the mediation from Bogotá during this period.[349]

7.8.2. 1980–1990 More adoptions and increased donations

In May 1982, representatives from the Norwegian adoption authorities travelled to Colombia again.[350] The reason for this was that the country had introduced new guidelines for international adoptions (see section 7.6.2.1). Only adoption applications submitted through approved organisations would now be accepted; applications through private lawyers would not be accepted. It is reasonable to interpret this as a tightening of procedures as a result of the case mentioned above.

Norwegian adoption authorities visited the private orphanages Ayúdame and CRAN, as well as two orphanages under the ICBF. The Norwegian adoption authorities' impression after the trip was that returning children to their original parents was the primary goal of both private institutions and the ICBF, followed by domestic adoption and, finally, international adoption. Consequently, the children who were placed for international adoption were increasingly older children, groups of siblings, or children with special care needs.

In an application for re-approval of the contact network dated 26 October 1984, AF wrote that most children adopted to Norway came via the ICBF. They had received children from as many as 16 different regions. AF also applied for re-approval for adoptions through CRAN, FANA and Los Pisingos, with CRAN having been responsible for most adoptions from private institutions over the past two years. AF further wrote that for all three institutions there was now a "fixed fee" of USD 2,500, which also included legal fees. AF emphasised that the private institutions "have the permission of the Colombian authorities [...] are under the control of the authorities, and adoption cases go through the courts in the usual way".

In a memo dated 5 November 1984, the Norwegian adoption authorities (RIA) proposed approving the contact network: "RIA has previously been somewhat sceptical of the private organisations in Bogota", they believed the fee was high, but that "the costs of adoption through these organisations are now more transparent". Reapproval was granted for two years.

348 RIA archives, National Archives, Ministry of Foreign Affairs archives.
349 See application for approval of contacts, 26 April 1979.
350 "Report to the Council for International Adoptions from trip to Latin America 3 May – 29 May 1982".

In 1984, Norwegian adoption authorities went on a new information and inspection trip to Colombia.[351] The head of the Adoption Forum's secretariat also took part in the trip. One of the purposes of the trip was to investigate the possibilities and interest in adoption agreements with the country. The Ministry of Social Affairs had expressed a desire for the placement to be regulated by written agreements with the authorities in the respective countries of origin. The ICBF expressed interest in an agreement. They also said that a case in which two children adopted to the USA were returned after two years had led to public and political reluctance towards adoptions, and that there were several people who wanted to see a halt to all international adoptions. The ICBF therefore wanted more reports on how the children were doing and their rights situation in the recipient countries. The Norwegian adoption authorities, for their part, raised the issue of six cases where children had travelled to Norway but whose cases had still not been finalised in the Colombian courts after two years.

In 1986, AF also applied for cooperation with a private children's home in Medellín,[352] and was granted approval for this.[353]

In an application for approval of a contact network dated 23 June 1987, AF stated that the private institutions had increased their fee to USD 3,500. They also applied for approval of a separate foreign contact to work exclusively with the private institutions and received approval for this.[354]

In 1988, the Norwegian Adoption Authority (SAK, which had taken over the functions of RIA, see section 4.5) travelled to Colombia to monitor the adoption agencies and obtain information from the country's authorities. The programme was organised by the Consulate General, and meetings were held with the ICBF, as well as visits to the CRAN, FANA and Los Pisingos children's homes.

During the trip, the ICBF stated that there had been no changes to the adoption process over the past seven years, but that a new law was in the pipeline. The purpose of the law was to simplify the paperwork, but to strengthen the authorities' control, among other things by requiring that court decisions on adoption be made within 30 days([355]) and that no children be allowed to leave the country without a final court decision. The visits to the children's homes took place on a public holiday and were limited to viewing the premises. It is mentioned that "many" children were adopted to Norway from CRAN, "a number" from Los Pisingos, and somewhat fewer from FANA.([356])

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351 "Report to the Council for International Adoptions from an information and inspection trip to Latin America 24.4. – 11 May 1984."

352 Application dated 28 August 1986. We have not found this, but it is referred to in the application for approval of foreign contact, 23 June 1987.

353 The committee has not found the actual approval, but it is referred to in the approval of foreign contact dated 31 July 1987.

354 CASE to AF, 31 July 1987.

355 Probably from an application for adoption submitted to the court.

356 CASE, 22 November 1988: "Report from trip 8 October – 30 October 1988 in Latin America"

7.8.2.1. Cases without a final court decision on adoption

During the 1980s and early 1990s, Norwegian adoption authorities faced the problem that it could take a long time for final court decisions on adoption to be sent from Colombia, and that Norwegian authorities were not sure whether the adoption documents they received were legally binding. In several cases, it took many years before the court decision was received and the adoption could be registered in Norway.[357] In internal documents[(358)] ,the Ministry of Justice expressed some frustration that various county governors were submitting requests for readoption[359] in Norway on the basis of transfer and departure documents, rather than adoption documents. In a letter from CRAN dated 30 January 1984, they stated that some of the cases involved certain juvenile court judges in Bogotá delaying the cases.

The problem of the lack of legally binding court decisions from Colombia was raised during the Norwegian adoption authorities' visit to the country in 1988. They asked the ICBF "how the Colombian authorities would respond to Colombian children in Norway being adopted under Norwegian law when the adoption documents from Colombia did not arrive within a reasonable time". The ICBF considered this impossible, but was unaware of the problem of missing court decisions and requested a list of children who, after two years in Norway, had not received final court decisions on adoption.

In the archives of the Norwegian adoption authorities, we have found some later correspondence on this issue. After the trip in 1988, the Norwegian adoption authorities wrote to the ICBF:[360]

> "During our visit, we also raised the question of when a Colombian adoption ruling becomes legally binding. Some of the rulings we receive for registration in our adoption register contain a declaration of legal validity, while others lack such a declaration. In the latter case, the lack of a declaration of legal force has been remedied by a printout from the birth register showing that the adoptive parents are listed as the child's parents. For us, this is satisfactory documentation that the judgment is legally binding. However, sometimes this printout from the birth register is also missing. […] During our discussions about this problem, we understood that the judgment document was not printed until the judgment was legally binding. In other words, the very act of sending the judgment document to the adoptive parents would in itself mean that the judgment is legally binding. A written confirmation from the Colombian authorities regarding this will enable us to register a number of cases that are pending here awaiting documentation that the judgment is final.

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[357] In a letter from Adopsjonsforum dated 31 January 1984, they request RIA's assistance in clarifying six specific adoption cases. In a draft letter to the ICBF from SAK dated February 1989, they state that they will send a list of cases (unknown number). A letter to the ICBF from 1991 describes three specific cases. In the committee's review of individual cases, we see that in five of nineteen cases from the years 1985-1987, the adoptive parents were granted an exit permit for the child before a final court decision from Colombia was available. In several of these cases, it took more than a year before the court decision was sent to Norway.

[358] Comment on draft letter to the County Governor of Nord-Trøndelag, dated 11 January 1984, concerning an application for readoption of a Colombian child.

[359] Until 1980, it was recommended that children already adopted abroad be re-adopted in Norway. See section 4.4.

[360]Letter from SAK to ICBF, 1 December 1988.

In a new letter to ICBF in February 1989, the Norwegian adoption authorities wrote that AF had compiled a list of cases with missing judgements and sent it to ICBF. They still requested clarification of when a judgment was legally binding and described the different types of stamps, as well as asking for written confirmation that sending a court decision to the parents meant that it was legally binding.

In 1991, AF wrote that the problem of delays in the final adoption documents had been resolved with the introduction of new guidelines, which meant that families now travelled to Colombia when the adoption case was initiated and stayed there for between four and eight weeks until the process was completed. [362]

7.8.2.2. Assessment of the practice of departure without a legally binding court decision

The Committee considers it unfortunate that the Norwegian authorities accepted a practice that resulted in an unclear legal situation for children who came to Norway. For some, this situation became protracted, and there are examples of cases where it lasted for two or three years. This could have created complications in situations where the question of who has parental responsibility is important. The practice was justified by the Colombian authorities on the grounds that it was considered in the best interests of the child to be reunited with their future adoptive parents as soon as possible. At the same time, the practice entailed a risk of situations that were not in the best interests of the child (for example, the adoption being contested in Colombia and a demand for return after several years in Norway), which does not appear to have been adequately assessed by the Norwegian adoption authorities.

This practice could entail a risk that adoptions could be carried out in Norway without sufficient confirmation of a final Colombian court decision, but the committee has not found any examples of this. Norwegian adoption authorities give the impression of having been careful in this area. The committee also considers it an example of good practice that the Norwegian adoption authorities raised the issue with the ICBF. When they received a clear refusal to carry out/register the adoption in Norway without a final Colombian court decision, it appears that the Norwegian authorities respected this.

7.8.2.3. The Armero disaster in 1985

The Armero disaster was a massive landslide following a volcanic eruption on 13 November 1985, which resulted in the deaths of more than 23,000 people in the town of Armero.

Based on information in the Dutch investigation report, the Danish central authority (Ankestyrelsen) has conducted an investigation into adoptions from Colombia to Denmark, including in connection with the Armero disaster.

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[361] In connection with the topic of legally binding court decisions, it may also be mentioned that in a news article in Harstad Tidende (23 December 1989: 'From Colombia to Breivoll') about a specific adoption from Colombia, the adoptive parents stated that
"bribes in the form of gifts are necessary to get the formalities sorted out", but it is unclear whether this referred to obtaining a passport for the child or the court decision on the adoption itself.

[362] "Application for re-approval of contacts in Colombia", from AF to SAK, 5 March 1991.

The Appeals Board writes that there are strong indications that more than 400 children were separated from their parents and subsequently adopted both domestically and abroad. The children were moved to reception centres around the country and adopted through both legal and potentially illegal channels. As the registry offices' records had been lost in the disaster, a person who appeared at the registry office with three witnesses could register a child as their own.

Biological mothers and other members of the original families have later said that they saw video footage of the disaster on the news, in which their own children were rescued from the earthquake zone, but that the children subsequently disappeared.

Since 2012, the Armando Armero Foundation[363]has been working to reunite families who were separated after the disaster, including through DNA testing. Armando Armero believes that the authorities and the ICBF may have removed relevant documentation in the cases. According to the Appeals Board, it was established in 2022 that more than 60 children were adopted abroad while their parents were still alive.

The Appeals Board points out that intermediary organisations in Denmark were aware of the disaster and donated large sums of money to the ICBF headquarters earmarked for surviving children. The children were placed in two ICBF children's homes in Medellín and Bogotá with which intermediaries in Denmark collaborated directly (which are not specified). It was suggested that adoption cases would be delayed due to other more urgent tasks. Nevertheless, far more children were adopted to Denmark in 1986 than in 1985 (65 vs. 26). The Appeals Board notes that several cases from the mid-1980s are missing essential documents, which may indicate irregularities. They have decided to continue their investigation of cases from this period.

[The] disaster received a great deal of international attention. In a 1985 article in VG in the wake of the Armero disaster, the ICBF stated that it would *not* relax its procedures or speed up the release or approval processes for international adoptions.

In contrast to Denmark, the number of adoptions from Colombia to Norway declined in 1985 and 1986, but rose significantly from 1987 onwards, remaining at a high level until 1993, when it began to decline. We do not see the same immediate increase in adoption figures as in Denmark, but it is unclear what caused the increase in 1987.

In the committee's review of individual cases, we have assessed whether it is possible to say anything about whether the children who were adopted to Norway may have come from Armero. The first 15 cases from 1987 were requested from the Bufdir archives for the purpose of investigating this, but 12 of the cases we received for that year turned out to contain only pre-approvals of adoption applicants. However, we have reviewed two cases from 1988, one case from 1987 and 11 from 1986. These court decisions on adoption usually state where and when the child was born, but there is generally little information about the child's background. For example, it may state that the child was found "on the street"

[363]www.armandoarmero.org
[364] VG, 20 November 1985, "Ingen barn i julegave" (No children for Christmas), https://urn.nb.no/URN:NBN:no-nb_digavis_verdensgang_null_null_19851120_41_270_1

and that the parents were sought in various media (an adoption from 1986), it may state that the child was "included in the adoption programme due to the mother's irresponsibility" (an adoption from 1988), or that the mother has surrendered the child, for example to one of the private institutions (an adoption from 1986). Section 7.10.4 describes in more detail the committee's investigations into the possibility of knowledge about the origins of adoptees from Colombia.

According to Armando Armero, it was mainly to Bogotá and Ibaqué that children were taken after the disaster, before they could be adopted from there. The committee has not had the resources to examine more individual cases from these regions during the period in question in order to investigate whether cases involving Norway may be included, and it is in any case doubtful whether the documents alone will be able to provide an answer or an indication of this.

It should also be mentioned that, in a meeting with one of the private institutions in Colombia, the committee was informed that, following the Armero disaster, all private institutions were prohibited from accepting children from other regions.

7.8.3. 1990–1999 Increased waiting times and agreements on advance payment of adoption donations

In 1991 (05.03.91 and 03.09.91), AF applied for approval of foreign contacts and contact networks. Two foreign contacts were to work with the ICBF. They still had their own coordinator for adoptions from private institutions. AF stated that the foreign contacts received a basic salary of USD 500 with "certain supplements". Most adoptions were still through ICBF (in 1990, 142 out of a total of 188 children).[365] Of the private institutions, AF now collaborated with Los Pisingos, CRAN and FANA in Bogotá, as well as with Casa de Maria y el Niño and Casita de Nicolas in Medellin. They mention that CRAN's manager had visited Norway a few years ago and that the collaboration with Los Pisingos had resumed (there were said to have been "many" adoptions from there to Norway in the late 1970s, but quite few in the early 1980s). The managers of Los Pisingos and FANA have also visited Norway since the previous application, and all of them are said to have met with Norwegian adoption authorities. The mandatory donations were still USD 3,500 for all private institutions, with the exception of Casita de Nicolas, which did not want donations. Legal fees ranged from USD 500 to USD 900 per case.

The Norwegian adoption authorities (SAK) approved (11 March 1991) new foreign contacts and contact networks. They wrote that "included in the approval is an acceptance of the donation of US$ 3,500 [...] The donation corresponds to the average cost of a child's stay at the institution. We ask the association to ensure that such donations do not increase beyond any increased cost level in the country, so that there can be no question of buying and selling children". They also asked the association to "monitor" the fees for legal assistance.

[365] Since 1990, AF has compiled statistics on the number of adoptions from the ICBF and private orphanages, respectively. See Table 9.

The report mentions that the association has a large number of children and that the situation is difficult.

In 1993 (23 December 1993), AF applied for re-approval of its contact network. With regard to private institutions, AF wrote that it had discussed donations with other Northern European agencies at a meeting and ensured that the amounts they pay are at the same level. However, they noted that donations from North American and Southern European adoption applicants are probably higher. Donations have increased for several of the private institutions since the previous application (see Table 8).

In AF's report from a working trip to the country in the summer of 1993, they wrote that there was "no doubt that the intention behind the change [the restructuring of the ICBF] was to enable more adoptions per year". They also wrote that representatives from Chiquitines and FANA would visit Norway during the autumn.

The travel report also contains a note intended only for the general manager, for "internal use and discussion". It states that "with regard to the private adoption agencies, it will soon be absolutely necessary to increase the donation in some places – if we are to continue the cooperation". According to the note, this applied to CRAN, FANA and Los Pisingos. It is mentioned that after AF paid a donation of USD 4,200 to CRAN, they had received several allocations. The employee went on to write: "if one wishes to continue the work with casas (?) then one should perhaps consider a new special arrangement again????[sic.]". No other documents have been found that can shed light on what "special arrangement" refers to. Furthermore, it is proposed that AF should contribute to FANA's new building.

Table 8: Donation trends at private institutions 1980-2006

Institution	1980	1984	1987	1993	1995	1997	1998	2001	2005	2006
CRAN	1350 USD	2500 USD	350 USD	4500 USD	4500 USD	5500 USD	5500 USD	6000 USD	6500 USD	900 USD
Los Pisingos	1350 USD	2500 USD	3500 USD	4000 USD	4500 USD	5500 USD	5500 USD	6000 USD	6500 USD	900 USD
FANA	1800 - 2000 USD	250 USD	350 USD	4000 USD	4650 USD	5700 USD	5750 USD	6000 USD		6500 USD
Chiquitines				3500 USD	4500 USD	5000 USD	5250 USD	6000 USD	6500 USD	
Casita de Nicolas				70 USD	4000 USD	4400 USD	4400 USD	6000 USD		
House of Mary and the Niño				350 USD	4050 USD	5050 USD	5100 USD	6000 USD		

Table: Overview of donations reported by Adopsjonsforum per adoption to private institutions. Note that it varied between institutions and years whether the donation included legal fees or whether these were additional.

Please also note that these were not donations paid by each individual adoption applicant, but what Adopsjonsforum paid. From an early stage, everyone who adopted through Adopsjonsforum paid the same amount per adoption, regardless of where they adopted from.

In the spring of 1994, representatives from Los Pisingos came to Norway, and in the autumn of 1994, representatives from CRAN came.

In autumn 1994, the Norwegian Adoption Authority travelled to Colombia on an inspection and information trip. The programme was organised in collaboration with the Adoption Forum coordinator in Bogota. Two representatives from AF Norway also took part in the trip. At a meeting, the ICBF stated that it receives a total of 3,500 adoption applications annually. Of the 2,600 children available for adoption, 30% were adopted abroad, and they placed increasing emphasis on national adoptions. It was emphasised that adoptions were a child welfare measure. The ICBF expressed scepticism about private institutions and large donations, but believed that the Colombian authorities would find it difficult to deal with them. One such institution was reportedly under investigation, but it was not one of those with which Adoption Forum collaborated. The private institutions' licences were renewed every five years. They did not receive public support, but the ICBF could place children there. Most of the children who came under the ICBF's protection at this time were reported to be abandoned children between the ages of six and eight with physical or mental challenges. FANA was also visited. This is described as the largest private adoption agency in Colombia. They had 150 employees and housed 150-160 children aged 0-12. FANA was established in 1972 and had been running a maternity home for pregnant women since 1979, which could accommodate between 40 and 50 pregnant women. It was mentioned that in some cases, placements from private institutions were made verbally between the institutions and AF. The Norwegian adoption authorities believed that they should be made in writing.

AF's report from the trip states: "We would like to mention in particular that she [the new head of ICBF] expressed interest in 'keeping an eye on' donations to private orphanages. It was stated that one location was under investigation." It is also mentioned that AF was concerned about the Colombian tax authorities. AF was in the process of formalising its office in Bogotá, but this took time as it required, among other things, a change in the articles of association at AF headquarters.

In January 1995, a representative of AF Norway travelled to Colombia, primarily to attend the inauguration of FANA's new centre. This was marked by a programme lasting several days which, like the centre itself, was described as very lavish. AF's representative wrote that "no expense has been spared here" and suggested that the resources "could have been used in a way that would benefit more children". AF's internal travel report also describes a separate meeting with the foreign adoption agencies, where FANA announced that they would now "need more support". They now had 200 employees, and their turnover in 1994 was more than USD 2 million. In 1995, they would probably need more than USD 3 million "to keep the wheels turning". AF assumed that some of this would probably be covered by the sale of the land on which the original centre was located.

In May (19 May 1995), AF informed the Norwegian adoption authorities that they had had their Bogotá office approved and registered with the Colombian authorities and were thus a "legal

person" in Colombia. Everything relating to the office and its staff would be regulated by Colombian law, including specific requirements for accounting, etc.

7.8.3.1. Adopted to Sweden after abduction

In June 1995, the Norwegian adoption authorities[366]received an enquiry from the Swedish adoption authority (NIA) concerning a case in which a Colombian grandmother wanted to get back a grandchild who had been adopted to Sweden. The daughter and grandchild were reported to have been abducted and disappeared. The grandchild was later found on the street and taken into care by the ICBF. Relatives were sought in the daily press, but no one came forward and the child was adopted. The grandmother then came forward and sued the ICBF for abduction. The NIA wanted to know whether there had been similar cases involving adoptions to Norway.

The Norwegian adoption authorities replied (26 June 1995) that they were not aware of any similar cases between Colombia and Norway. They had a general impression that adoption work in the country was conducted "very seriously and professionally", that the ICBF had "control and oversight of each individual adoption case, and monitors the state-run – and to some extent the private – children's homes". The Norwegian adoption authorities believed that the system and procedures in Colombia "have become better, safer and increasingly reassuring over the years, and the country is now one of our most 'problem-free' partner countries". They admitted that they could not "guarantee" that there had never been any irregularities in adoption cases from Colombia to Norway, or that mistakes had not been made in the processing of cases, but emphasised the security of adoptions to Norway in that adoption outside of an approved agency was practically not permitted, and that the adoption itself was carried out by a court ruling in Colombia before the child was allowed to leave the country.

The case was also reported in the Norwegian media, including in a report on Dagsrevyen.[367] Adopsjonsforum responded to the case in a letter to NRK with a copy to the Norwegian adoption authorities (07.07.95). They believed that the report on Dagsrevyen was biased and one-sided. AF was more concerned that children could lose the opportunity to have a family because the ICBF took too long to complete the process.

In Norway, there is a case where the ICBF was accused of something similar in connection with an adoption from around 1990, which received some media coverage in 2006.[368] When the case became known, a Colombian mother claimed that she had handed her one-year-old son over to the ICBF for relief due to her difficult financial situation, that she visited him regularly, but that one day she suddenly learned that her son had been adopted. According to AF, the mother had "won an administrative appeal against the ICBF. She was awarded compensation, but this ruling was later overturned by a higher court".([369]) The adoptive parents for their part, claim that they were informed that the birth mother had changed her mind about the adoption several times during the process. The Committee has not examined the case documents in detail.

366 Letter to SAK from NIA, 15 June 1995.
367 Dagsrevyen, 26 June 1995 – NRK TV. Dagsrevyen – NRK TV
368 Dagbladet, 5 April 2006: 'NRK claimed that our son was stolen'.
369 Ibid.

The Committee is also aware of other similar cases related to adoptions to Norway, for example an adoption from the 1980s where the birth mother, when meeting her adult child, said that she thought she was placing the child in temporary care at a children's home while she looked for work.[370] The case documents contain a signed consent to adoption. The mother has stated that she did not understand what she was signing.

As far as the committee can ascertain, in 1995 the Norwegian adoption authorities had not yet received information about such criticism of the ICBF. The information they provided to Sweden was therefore correct based on the knowledge they had at the time. See section 7.9.1 for a more detailed discussion of risk factors related to the consent of the original parents, and section 7.10.3, which deals with risk factors related to the release process.

7.8.3.2. Conflicts between the ICBF and private institutions

In November 1995, two employees from AF Norway travelled to Colombia. The purpose was to meet with ICBF to discuss the low number of adoptions that year. ICBF stated that they had 3,000 approved applicants from various countries and that the waiting time had become very long. The travel report states that it was "essential that both our coordinators [at the Bogotá office] make their presence felt at DVA [the adoption department at ICBF headquarters] in relation to our ICBF cases and exert pressure". It was mentioned that AF's applicant pool consisted "almost exclusively" of families approved for the adoption of one child aged 0-2 years, and that this made the situation "pressured" as they were then "in an unusually long queue" of applicants from other countries, as well as Colombian families who also wanted to adopt young children. With regard to private institutions, it was mentioned that "the head of ICBF nationally has more or less openly gone to war against private placement agencies". This year, AF had received few allocations from FANA, which the representative linked to "the donation issue". The representative wrote that "our situation with regard to this institution must be discussed".

In December 1995, AF applied for re-approval of its network of contacts for adoptions from Colombia.[372] AF explained in its application that the decline in adoption figures from the country was due to centralisation in the ICBF, which had met with resistance from regional offices and led to the regions not reporting as many released children to the ICBF centrally as they could, as well as a lack of resources in the ICBF's adoption department. Furthermore, the ICBF had been instructed that all private adoption applications should be considered on an equal footing with applications submitted through approved intermediaries. This had led to extra work for the ICBF, as they received many hundreds of private applications from countries such as Spain. AF had the impression that there were "more people involved with the children" and that, in general, it seemed that the ICBF gave greater priority to the southern European countries.

AF wrote that while the number of children from ICBF to Norwegian applicants had halved since 1993, the number from private institutions had remained more stable. At the same time, the average age of children coming to Norway had steadily decreased. There were 36 children aged 0-1 in 1993, and 53 children

370 Information provided to the committee by an adoptee from Colombia, given in June 2024.
371 AF internal travel report, 4-26 November 1995.
372 Application dated 29 December 1995.
373 AF's application, 29 December 1995.

at this age in 1995. AF believed this could be explained by a decline in sibling adoptions. AF explained both the trend towards younger children and fewer sibling adoptions by an increase in the proportion of adoptions from private institutions. This increase, AF believed, was in turn a result of stricter practices introduced by the Norwegian adoption authorities with regard to the approval of parents for the adoption of siblings and older children.

AF also mentioned that the then head of the ICBF was "particularly negative" towards private institutions, and that seven of the institutions had entered into a partnership to protect their interests. AF emphasised that the ICBF supervised the operation of private institutions. "Adoption Forum therefore considers these adoptions to be as safe as adoptions through the public child welfare services."

AF wrote that the private institutions "charge fixed, relatively high adoption fees or donations" and that the level was now higher than "anywhere else Adopsjonsforum places children from", but believed that this should be seen in light of the institutions' high standards and lack of public support.

Norwegian adoption authorities re-approved the contact network, but asked about that fee /donation development at private institutions should be closely monitored and that major changes should be reported.[374]

In March 1996, an employee of AF Norway travelled to Colombia. At the turn of the year, ICBF had appointed a new director. The travel report explained that the previous director "was responsible for a number of changes that were not always well received – including in relation to private adoption agencies". AF now had the impression that a new "focus area" for ICBF was to clarify the legal status of children after they had come under the authority of child welfare services. FANA, CRAN and Los Pisingos were visited. AF's representative wrote that they were characterised by uncertainty about what ICBF's policy towards private institutions would be, as well as a proposal for parts of a new child welfare law that was before Congress. AF writes that the bill was perceived as a "threat" to the private institutions' "existence as future adoption agencies" and that all private institutions "lobbied strongly to have the bill postponed".

In September 1996, the head of the AF secretariat travelled to Colombia. FANA was visited. The travel report noted that although the new leader was perceived as more sympathetic, "a great deal revolves around money at FANA". AF wrote that they had indicated that there was "nothing more to be gained in Norway" and assumed that this was a contributing factor to the reduction in the number of children transferred from FANA to AF from 1994 (10 children) to 1996 (3 children). AF wrote that "For more than a year, there have also been rumours that FANA is under investigation on the basis of allegations that they are 'selling children'." AF linked this to the new centre, which "sends a far too clear signal that there have been significant sums of money circulating there". AF considered the accusations to be unfair and wrote that they had no doubt that the donations had gone towards building up the institutions, but that they nevertheless chose to "keep a low profile" in their future cooperation. FANA had now had to reduce its staff to 95 employees.

[374] Letter from SAK to AF dated 10 January 1996.

In this travel report, AF also mentions the private institutions' lobbying against the ICBF's desire to deprive the institutions of the opportunity to conduct their own adoption services, "which would be an economic disaster for them, since adoption donations are the backbone of their economy". AF described the institutional managers' network of contacts as "formidable" and stated that "the danger has now been averted". In AF's meeting with the ICBF, the agency's resource problems were mentioned again. Among other things, the ICBF was subject to a hiring freeze. The case from Sweden (see section 7.8.3.1) was said to have led to them now spending "some more time on the release process for abandoned children". AF also received statistics from the ICBF showing that the percentage of adoptions going to Colombian married couples fell from 1994 to 1995. The private children's homes in Bogota were visited, and the travel report states that CRAN had received USD 2,000 as a gift from AF (for the purchase of a minibus for wheelchair users). CRAN is also said to have mentioned financial problems due to a general decline in the number of "abandoned" children. Only three women now lived in their maternity home. In summary, AF wrote that the situation in Colombia was "worrying".

7.8.3.3. Advance payment to CRAN and request for advance payment from Los Pisingos

In the summer of 1997, the head of the secretariat and two employees from AF Norway travelled to Colombia, partly on the basis of an initiative together with the Dutch adoption agency NICWO. They were to collaborate on a financial "rescue operation" for CRAN. The reason for the financial problems was said to be falling income due to fewer adoptions (compared to a normal 110-120 per year, they had 66 adoptions in 1996). In addition, there were an unusually high number of cases of women living in maternity homes who changed their minds about adoption.

According to the travel report, the agreement between NICWO and AF with CRAN is described in a separate memo that was sent to AF's national board. [375]It is also outlined in the travel report: "The idea is that NICWO and we pay donations in advance for expected children. From the outset, each agency pays USD 50,000, which is settled by paying USD 3,000 instead of the normal USD 5,000 donation for each of the first 15 allocations during the first year of the agreement. The advance payment is gradually reduced over a three-year period."([376])

In AF's meeting with ICBF, ICBF again mentioned capacity problems, both centrally and regionally. In AF's meeting with Los Pisingos, it became clear that they wanted a similar agreement to CRAN, not because of financial problems, but because the Colombian authorities reacted to donations being made in connection with individual adoptions. It is outlined that Los Pisingos will twice a year request a larger donation amount from each of its partners, which will be "based on estimates of the number of allocations in the coming six months". Furthermore, it states that "in addition to the regular accounts that they [Los Pisingos] are to present to the authorities, there shall be internal – or rather 'bilateral' – accounts with each of the foreign partners". AF told Los Pisingos that they "do not expect this to be problematic for us". NICWO, on the other hand, was "more negative" about this arrangement, and AF's manager wondered whether

[375] The committee has not found this memo.
[376] The travel report describes that the agreement was put in writing and signed. The committee has not found the final agreement.

this could give AF an advantage. The conclusion after the trip was that "there will probably be new records for CRAN and Los Pisingos".

In August 1997, two employees from AF Norway travelled to Colombia. According to the travel report, FANA was still struggling financially. Los Pisingos announced that it would change its "financial concept for donations" from the autumn onwards, cf. previous trip.

7.8.3.4. Norwegian adoption authorities request an explanation of the finances

In September 1997, the Norwegian adoption authorities sent a request to AF asking them to provide an account of various financial aspects of their operations, including donations and the purpose of these.[377] In its reply (13 October 1997), AF explained that the donations covered costs related to the individual adopted child, and in some cases there was also a "general subsidy for the institution's activities". As AF only cooperated with "public and approved private institutions run on an idealistic and non-profit basis", they were confident that the donations were used as intended.

The Norwegian adoption authorities also asked AF to explain how and to whom the donations were paid. AF explained that they were mostly channelled through foreign contacts. In the case of Colombia, cheques were issued in Norway and "handed over as and when allocations were made". The advance payment to CRAN was not mentioned.

AF's response included a form providing an overview of expenses abroad. Here, AF wrote that donations to private institutions were "accepted" by the Colombian authorities: "We consider a donation to be accepted when the authorities have access to the accounts and have not made any critical comments". AF did not mention that they were aware that Los Pisingos was planning to keep
"bilateral" accounts that would not be presented to the Colombian authorities. In response to questions from the Norwegian adoption authorities about the remuneration of foreign contacts, AF wrote that "some of our foreign contacts receive money in addition to their monthly salary. This may be payment for translation/interpretation, or for assistance to applicants beyond what is a natural – and agreed – part of the foreign contact's work". AF did not mention the bonus scheme they had with foreign contacts of USD 100 per adoption over 30 per year (see below).

In September 1997, AF applied for a renewed placement permit for Colombia.[378] Here, they explained the understaffing at ICBF, as well as the scepticism in the regions towards the matching being done centrally. With regard to the private institutions, AF stated that they had "scaled back their cooperation with FANA somewhat and prioritised the two other children's homes in Bogota". They also mentioned that the new management at ICBF, in contrast to the previous one, considered the private institutions to be a "positive supplement" to the public sector. AF described how donations had increased, but did not mention advance payments or the agreement they had entered into with CRAN. Regarding salary conditions, they stated that

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[377] Letter from SAK to AF, 10 September 1997.

[378] Application dated 26 September 1997. This was despite the fact that Adoption Forum's placement licence in Colombia was not time-limited, as SAK points out in its reply dated 18 December 1997, which is formulated as a "re-approval of the contact network".

The office manager's monthly salary was USD 2,120, the case worker received USD 1,320, and three other employees received between USD 410 and USD 780 per month. Contact persons/interpreters in various regions received USD 150 per family they assisted.

Case documents related to the Norwegian adoption authorities' assessment of the application express concern about the cost development at the private institutions: "In no other country where the association is approved are the expenses so high."[379] However, it is also noted that, according to the Swedish adoption authorities, the equivalent amount was paid in Sweden. The Norwegian adoption authorities approved the contact network (18 December 1997) and asked AF to "continue to monitor cost developments closely and report any major changes during the period of validity".[380]

In February 1998, the Norwegian adoption authorities contacted AF and requested, among other things, an explanation for the long waiting time in Colombia and for "whether there is a consistent difference in age between children placed through ICBF and children from private orphanages, and if so, why".[381] AF replied (11 March 1998) that, with regard to private institutions, "children placed from casas [private institutions] are largely born to young, single women who have stayed in maternity homes during their pregnancy" and who choose adoption as a solution to a difficult situation. They stated that the birth mothers had a 30-day cooling-off period after signing a declaration that they wished to give their child up for adoption, after which the child could be adopted. The children who came via the ICBF were mainly abandoned children or children who had been referred to child welfare services due to neglect or similar reasons. In such cases, the release process took longer. AF also stated that it was now AF that decided whether an application should be sent to the ICBF or to a private institution.

In May 1998, two employees from AF Norway travelled to Colombia, mainly to hire a new coordinator for the private institutions. Another coordinator was now responsible for all ICBF adoptions.

In September 1998, the head of the AF Norway secretariat travelled to Colombia. According to the travel report, he gave Los Pisingos a cheque for USD 3,000 as a gift in connection with the institution's 30th anniversary. CRAN received the same gift on the occasion of their 20th anniversary. It is mentioned that Los Pisingos was now the private children's home in Colombia that placed the most children. FANA still had financial problems and expressed hope that AF could increase its donations. AF's secretariat leader also learned that "ICBF's new national director is married to a niece of Rosa [one of the founders] at Los Pisingos", and he hoped this meant that there would be "no new onslaught against the casas [private institutions]".

A memo to the Adoption Forum's National Board from 1998 (undated) concerning the office in Bogotá stated that since the 1980s, AF's coordinators in Bogotá had received a bonus of USD 100 for each

[379] Memo from SAK's office manager to senior consultant at SAK, 19 December 1997.
[380] After this approval was sent to the BFD for information, the BFD sent a request to SAK (3 June 1998) asking them for a more detailed assessment of, among other things, cost developments and salary levels among foreign contacts and employees in Colombia.
[381] Letter from SAK to AF, 27 February 1998.

adoptions they were responsible for beyond the number of 30 per year, in addition to their basic salary. The coordinators in Bogotá had also received USD 150 per family they helped, the same amount that local assistants had received elsewhere in Colombia. Both bonus schemes had now been proposed for removal by the National Board. As far as the committee can ascertain, these schemes have never been reported to the Norwegian adoption authorities. Some of the employees had also received additional income from translating adoption documents. The memo states that even without the translation income, the schemes had led to one of the employees at the Bogotá office at one point being "clearly the highest paid of all employees at Adopsjonsforum". The memo describes various measures AF had initiated to control the cost level at the Bogotá office.

In July 1999, two employees from AF Norway travelled to Colombia. Chiquitines, the private institution AF collaborated with in Cali, had now established a maternity home, with permission from ICBF. According to the travel report, the private institution AF had collaborated with in Medellin, Casita de Nicolas, had asked AF for help, and AF offered to "help them in the same way we have done with some other Colombian organisations". AF offered a loan of USD 15,000 to be repaid over two years, in exchange for a promise to be allocated seven children during that period. The board of Casita de Nicolas declined this offer. AF visited the maternity home of Casa de Maria y el Niño, which at that time housed 15 pregnant women. In a meeting with CRAN, they went through "our allocation list to see how many [allocations/children] we were missing". CRAN said that the board had decided to renew the agreement with AF. In a meeting with FANA, it emerged that the manager had visited Norway and expressed his gratitude for the stay. The representative wrote in the travel report that "I have to be honest, I pressured [the director] to allocate a child to our oldest family at Fana, and it worked".

7.8.3.5. Assessment of the advance payment scheme for donations

In summary, adoption in the 1990s was characterised by an increase in the proportion of adoptions that took place through private institutions. There were several reasons for this shift: internal restructuring at the ICBF led to fewer adoptions to all countries, and the ICBF gave priority to applicants from countries other than Norway. The Norwegian authorities' stricter practices when it came to approving adoptive parents for sibling adoptions, older children and children with special care needs also appear to have played a role.

As private institutions became more important for placements in Norway and accounted for an increasing proportion of adoptions from the country, AF entered into several agreements which, in the opinion of the committee, may have led to a risk that considerations were taken into account in the allocation and operation of private children's homes that ran counter to the primary consideration in adoptions – the best interests of the child. This may, for example, have resulted in increased pressure on mothers in vulnerable situations to give up their children and a challenge to the principle of subsidiarity in that foreign families were given priority over national applicants.

The material shows that the relationship between AF and CRAN from 1997 is affected by a debt dynamic in which CRAN "owes" AF children, and which AF appears to "prod" in meetings with the institution.

to "nag" about.[382] Given that these agreements were entered into with institutions that also ran maternity homes for pregnant women in vulnerable situations, this could create a risk of pressure that challenged the requirements for informed consent.[383] See also section 7.9.1.

The Committee considers it positive that in 1997 and 1998, the Norwegian adoption authorities asked questions about the agencies' finances and other matters related to the placement of children from Colombia. Nevertheless, the Committee notes that AF chose to share only limited information with the Norwegian authorities about the agreements they had entered into. The Norwegian adoption authorities had explicitly instructed AF to report any major changes in connection with the donations (in the re-approval of the contact network, 10 January 1996), and the advance payments can hardly be understood as anything other than a major change. The Norwegian authorities had also asked specific questions about the financial circumstances surrounding the operation (10 September 1997). Nevertheless, AF chose not to disclose the agreements on advance payments in its response (13 October 1997) or in its application for approval of its network of contacts in Colombia (26 September 1997), nor did it disclose the bonus schemes for employees linked to the number of adoptions.[384] They provided incomplete information when they wrote that the Colombian authorities had 'accepted' the donations and had
'access to the accounts',[385] as AF at that time had information that Los Pisingos was planning a payment structure that they did not want the Colombian authorities to know about.

The Committee believes it is likely that AF was aware that the Norwegian authorities would react to the advance payment arrangements and deliberately chose not to provide information about them. The Committee considers this to be reprehensible. After 1 December 1999, this also constitutes a breach of the terms of their placement licence.[386]

It is also clear that, despite AF's assurances to the Norwegian authorities that the donations were being used as intended, AF's representatives also had reservations about the private institutions' use of the money, as evidenced, for example, in connection with FANA's anniversary celebrations in 1995 (see section 7.8.3).

The Committee also notes that in several cases AF paid for trips to Norway for employees/managers at the private institutions, and that in some cases this appeared to put AF in a stronger negotiating position to obtain allocations for its applicants (cf. section 7.8.3.5, last paragraph). This

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[382] See AF's internal travel report from June 1999.

[383] Adopsjonsforum believes (10.01.25) that the long-standing cooperation with CRAN and the trust that had been built up must have been part of the basis for such an agreement.

[384] Adopsjonsforum had (01.01.25) no comments on the fact that this was not reported to the Norwegian adoption authorities, but points out that the bonus scheme must be regarded as compensation for the extra work involved in each additional adoption, and that the way in which remuneration for contact persons has been assessed has changed over time and since the Hague Convention came into force.

[385] Response from AF to SAK, 13 October 1997.

[386] Since 1 December 1999, there have been rules on the duty to provide information in the Regulations on Adoption Services (Regulations of 30 November 1999 No. 1195) Section 10. "Organisations authorised to arrange adoptions of children from foreign countries shall immediately report any changes in the organisation's activities in Norway or abroad that may be of significance to the authorisation to arrange adoptions. The organisation shall also immediately report any changes in political, legal or other circumstances abroad that may be expected to be of significance to the adoption activities. Notification shall be given to the Norwegian Directorate for Children, Youth and Family Affairs. If the organisation is considering starting placement activities in a new country, the Norwegian Directorate for Children, Youth and Family Affairs shall be informed." In the current regulations from 2018, a similar provision is given in Section 22.

could entail a risk that considerations other than the best interests of the child would be the guiding principle in allocations and work on subsidiarity. See also section 7.9.

Table 9: Overview from the Adoption Forum of adoptions from Colombia to Norway 1990-2012, broken down by region and institution

Place/year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total
ICBF																								
Bogotá	14	17	13	15	12	9	8	12	11	5	10	19	30	25	22	16	32	28	26	15	10	11	12	**402**
Cali	2	4	8	7	17	10	9	12	14	7	12	7	17	18	21	5	11	16	12	6	25	16	4	**260**
Medellin	19	9	27	10	16	9	3	6	4	3	5	10	5	11	27	8	11	3	2	5	8	3	1	**205**
Pasto	17	23	17	16	5	7	8	1	4		1		3	1	2	5	1	6		1	7	5	2	**132**
Bucaramanga	7	5	10	7	4		3	1	2	1	1	7	8	5	15	6	8	9	3	4	5	1	2	**114**
Ibagué	12	9	6	11	4	6	1	3	1	1				2		1	1	2	1	1		3	1	**66**
Manizales	6	5	4	10	4	2	2	6	3	3	2	2	3	1	1	2	1	1		1	1		1	**61**
Villavicencio	12	8	9	9		4	3				2			2	2		4	1		2	1	3	1	**63**
Armenia	7	10	3	8	1	1	1	1	4		4	1	5	1		3	1	4		1		2		**58**
Pereira	7	13	1	1	3	3	1	2	2			1	4	1	7	1	4					1	2	**55**
Cundinamarca	9	2	4	7	11	3	2			1	1	1	1	1	1	3	4	8	3		3	15	6	**86**
Popayán	6	4	9	3	2	2	4	1	1	1	1			2	2	2	1				2	1		**44**
Tunja	3	3	5	8	1	2				2				3	3		2	2	1					**35**
Cúcuta	9	4	5	1	2		1	1	2				2				3			2	1	2		**35**
Barranquilla	4		7	3	3		1	1	3		1			1		3	2	1						**30**
Florencia	3		4	5		1			1							2	2	1			1	1		**21**
Neiva	1	6	2	2	1		3	1			1							1					1	**19**
Cartagena	3			2		1		2		2	2	1	2							1			1	**17**
Choco							2	1			3	3		2							1	1		**13**
Valledupar			1					1	1			1		1	3					1		1	1	**11**
Sincelejo				3	2		1		1									1		1	2	1		**12**
Putumayo				1		2				1	1										2	1		**8**
St. Marta								2		1				1		1								**5**
Amazon				1	2	1																		**4**
Yopal								1	1		1						1							**4**
Arauca							1				1					2							1	**5**
Boyaca									2									1			1			**4**
Monteria										2										1	1		3	**7**
Puerto Asís															2									**2**
Cesar	1																						1	**2**
Leticia										1														**1**
Riohacha								1																**1**
San José de G.								1																**1**
Total ICBF	142	122	135	130	90	63	54	57	57	31	49	53	80	78	108	60	89	85	48	42	71	68	40	**1783**
Casas																								
Los Pisingos	16	25	23	16	20	18	24	26	27	25	26	26	23	14	9	3								**321**
CRAN	7	8	6	8	13	12	12	14	14	17	13	21	13	9		5	2							**174**
FANA	13	10	11	12	10	8	5	4	6	9	13	10	9	6	1	1								**128**
Chiquitines			14	9	6	5	3	4	3	3	3	5	8	4	2	3								**72**
Casa de Maria	8	8	4	3	2	3	1	1	2	3	1	2												**38**
Cta. de Nicolas	2	1	4	3	2	2	4	2	1	2														**23**
Total casas	46	52	62	51	53	48	49	51	53	59	56	64	53	33	12	12	2							**756**
Total	188	174	197	181	143	111	103	108	110	90	105	117	133	111	120	72	91	85	48	42	71	68	40	**2539**

7.8.4. 1999–2006 The Hague Convention is ratified in both countries and private institutions cease to act as intermediaries

On 1 November 1998, the Hague Convention entered into force in Colombia, and in July 1999, the Norwegian adoption authorities received a letter from the ICBF informing them that the ICBF's Adoption Department had been designated as the central authority. [387] The ICBF confirmed the names of the eight institutions

[387] Letter dated 7 July 1999 from the ICBF to the State Youth and Adoption Office (SUAK), which had taken over the functions of the State Adoption Office (SAK), cf. section 4.5.

that were approved to work with adoptions, and wrote that "the public authorities guarantee the seriousness and sense of responsibility of the private organisations in their work with the selection and preparation of adoption applicants and with the follow-up of the child and its parents after the adoption". The Norwegian adoption authorities confirmed (27 August 1999) that AF was authorised to arrange adoptions from Colombia and that "the association operates on a non-profit basis and is staffed by persons who, by virtue of their ethical standards and their education or experience, are qualified to work with international adoptions".

On 16 September 1999, AF applied for a renewed placement licence for Colombia. The application stated that the Ministry of Children and Family Affairs (in a letter dated 16 October 1999) had issued guidelines on how applications should now be formulated. With regard to private institutions, it was again mentioned that the authorities exercised strict control over them and that AF had every reason to believe that the donations were being used as intended. AF wrote that the trend of declining adoptions via ICBF continued, while the number of adoptions from private institutions remained stable. Fifty-five per cent of the children were under one year of age when they arrived in Norway in 1998. AF explained that it was the children from private institutions that contributed to the high proportion of infants. They noted that at the beginning of the 1990s, 10 per cent of the children who came to Norway were over 5 years old, but in 1998, none were over 5 years old.

In connection with this application, the Norwegian adoption authorities contacted the Norwegian Embassy in Venezuela and requested an assessment of the situation in Colombia.[388] They referred to several news reports in the Norwegian media describing chaotic conditions in the country, with high levels of violence, economic crisis, corruption and loss of government control in large parts of the country. They wanted the Foreign Service's assessment of whether it was justifiable to continue with adoption mediation from the country. According to correspondence between the Norwegian Youth and Adoption Agency (SUAK) and the Ministry of Children and Family Affairs (15 October 1999), SUAK received reactions from AF to this inquiry to the Ministry of Foreign Affairs. AF considered it an ‘overreaction’ to involve the embassy.

The embassy in Caracas replied (06.12.99) that the situation was very difficult: more and more civilians were being displaced from their homes and the country was said to have approximately 1.5 million internally displaced persons, corruption was widespread, including within the judicial system, and freedom from prosecution was a major problem. The embassy wrote that "most" of those they had been in contact with perceived the private institutions as "very serious organisations", but that more thorough investigations might be necessary. According to the embassy, the ICBF was considered to be free of corruption. The embassy saw no reason to recommend that adoptions from Colombia be suspended. The Norwegian adoption authorities approved AF's application (12 January 2000).

The Committee considers it positive that the Norwegian adoption authorities took the initiative to conduct independent investigations into the conditions in the country.

On 5 December 1999, AF applied to use one of the secretariat's employees, a non-authorised translator, to translate court documents from the country, but the Norwegian adoption authorities refused.

[388] Letter from SUAK, 23 September 1999

this [389] as they believed that, in principle, this should be done by an authorised translator. They wrote that they could make exceptions, but believed that persons translating legal documents should have a certain level of legal expertise.

7.8.4.1. Advance payment to Los Pisingos

In July 2000, an employee from AF Norway travelled to Colombia. According to the travel report, AF learned in a meeting with Los Pisingos that the foundation had decided that adoption agencies working with them should pay donations in advance. They agreed that from 1 January 2001, AF would transfer donations to Los Pisingos twice a year. They would base this on the previous year's allocations. If there were fewer allocations than expected, the amount would be transferred to the next period. CRAN signed a renewal of the cooperation agreement for a new period. It is stated that both Los Pisingos and FANA now had many children. AF linked this to the poor situation in which the country generally found itself.

On 14 January 2001, AF sent an overview of foreign costs in 19 countries for the year 2000 to the Norwegian adoption authorities. This included information about the transfer of NOK 2,750,000 in donations to children's homes in Colombia. ([390]) The donations amounted to USD 6,000 per adoption, which were the highest donations in connection with adoption cooperation among all Norwegian agencies.

7.8.4.2. Norwegian adoption authorities' information and inspection trip in 2001

In March 2001, Norwegian adoption authorities (SUAK) went on an information and supervision trip to Colombia. An employee of the Ministry of Children and Family Affairs also participated as an observer. The purpose of the trip was to gather more information about the cooperation with private institutions and their work with mothers who were considering giving their children up for adoption. SUAK explained in its travel report that it now prioritised work on foreign costs in general, and donations in particular. The reason for this was "growing awareness through, among other things, the Hague Convention". The Norwegian adoption authorities received assistance from the Honorary Consulate in Bogotá in planning the trip. They met with the central authority, a family court judge, three private institutions and one public institution. This time, a conscious decision was made to hold the meetings with the central authority without AF present. ([391])

According to the Norwegian adoption authorities' travel report, the central authority in Colombia expressed a desire for adoptions to only go through the state and that "[the private] institutions' strong position and considerable influence characterise the cooperation with the supervisory authority". With regard to donations, the ICBF noted "Norwegian acceptance of the system and challenged us in relation to our role". At the same time, the ICBF emphasised that the private institutions performed "useful, preventive social tasks" and that "the use of funds appears reasonable". The report states that in a meeting with the ICBF, "it was stated that the donations are not subject to accounting requirements for the institutions".

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[389] Letter from SUAK to AF, 09.03.00

[390] We have not found this overview, but it is referred to in SUAK's report from the trip: "Information and inspection trip to South America 2001", part 3 on Colombia, p. 18.

[391] Cf. SUAK's travel report from 2001. However, AF writes in its internal travel report that the content of these meetings was reported to AF by ICBF employees afterwards.

The Norwegian adoption authorities noted in their travel report that, according to AF, Los Pisingos had an account abroad for receiving donations. The Norwegian adoption authorities also received confirmation from one of the private institutions that domestic adoption applicants paid less per adoption than foreign applicants.

The ICBF stated that they had 1,000 applicants waiting for the allocation of children under the age of six. There was no waiting time for children over the age of six, sibling groups or children with special care needs. A total of up to 1,500 children were adopted each year. Half of the children were adopted by foreign applicants.

During the trip, Norwegian adoption authorities spoke with the private institutions about the maternity homes they ran. They were told that women contacted the institutions directly when they were considering adoption. The final handover of the children could not take place until one month after birth. Mothers were to receive counselling and support from social workers, psychologists and doctors. The private institutions emphasised that the mothers were not subjected to pressure, but that they had to leave the institution if they chose to keep the child. CRAN stated that 20 to 30% of the women associated with the maternity homes chose to keep their children.

During a visit to CRAN, the Norwegian adoption authorities learned that the institution had received a "loan in the form of an advance" [392]from Adopsjonsforum during a "critical phase". At FANA, the Norwegian adoption authorities noted that the institution appeared to be "in good financial health", while at Los Pisingos they encountered "a less than welcoming attitude". In addition, the Norwegian adoption authorities considered it a cause for concern that the institution had the donations transferred directly to an account in a third country. At the same time, they pointed out that the institution had "ICBF's guarantee of reliability with approval under Article 12 of the Hague Convention on the necessary permission from the authorities".

The Norwegian adoption authorities wrote that their impression from the trip was that it was difficult for private institutions to operate satisfactorily on public subsidies alone, and that a culture of donations had therefore developed. At the same time, the country had established systems to prevent profiteering in connection with adoptions. Nevertheless, the Norwegian adoption authorities (SUAK) found that "there may be reason to consider somewhat stricter conditions for further cooperation with the private institutions".

7.8.4.3. The appeal case concerning mediation by private institutions

On 18 September 2001, AF applied for a renewed placement permit for Colombia. Internal documents related to the case[393] show that the Norwegian adoption authorities had held a separate meeting with AF[394] about the donations to private institutions. AF is said to have explained that the donations covered programmes also for children who were not adopted . Norwegian

[392] Report from SUAK information and inspection trip in 2001, Part 3 on Colombia, p. 22.
[393] Draft, dated 13 April 2002.
[394] Meeting between SUAK and AF on 16/11/2001 – minutes not found.

The adoption authorities had an internal discussion[395] on whether they should stop adoptions from private institutions or give AF the opportunity to provide more detailed information about the system first. At the same time, the Norwegian adoption authorities were working on a request to the ICBF, focusing on the system of compulsory donations.

On 3 May 2002, the Norwegian adoption authorities (SUAK) renewed the placement permit for adoptions through the state child welfare services until the end of 2004. At the same time, permission was granted to arrange adoptions from private institutions, but with a time limit until 31 December 2002. The reason given by the Norwegian adoption authorities was that financing the institutions' activities beyond adoption mediation through a mandatory donation conflicted with the provisions of the Hague Convention (Article 32). Furthermore, the intertwining of adoption costs per adoption with donations as a prerequisite conflicted with Norwegian rules on conditions for mediation. They referred to regulations of 30 November 1999, which stipulated requirements for annual accounts and annual reports that adoption mediation and other activities should be kept separate. The Norwegian adoption authorities asked AF to "find a solution for cooperation with the institutions in question that is not based on mandatory and unspecified donations linked to each individual adoption" and that the next application should specify the expenses for adoption mediation and other activities respectively. The Norwegian adoption authorities asked AF to clarify as soon as possible whether the private institutions could accept a different arrangement. If they could not, the Norwegian adoption authorities assumed that AF would not send new applications to them.

AF appealed the decision (27 May 2002) and sent a lengthy statement explaining the appeal (31 May 2002). The statement reads: Adopsjonsforum believed that the decision was a breach of the cooperation obligations arising from the fact that both countries have ratified the Hague Convention. The donation was linked to "an integrated, professionally high-quality programme for pregnant women and to the actual running of the children's home", and the increase in donations had been less than the increase in AF's total adoption expenses. The donations did not contravene the Hague Convention or Norwegian rules, even though the amount covered more than pure adoption expenses, since the mother programmes were "a unified programme". All private institutions "keep specific, audited accounts in accordance with the country's accounting legislation and present them to the authorities". They believed that it was not the task of the Norwegian adoption authorities to double-check approved institutions in another contracting state. Article 32, paragraph 2([396])of the Hague Convention should not be read "fundamentally", as this was not in accordance with the intention behind the article. AF believed that the intention was that "it should be possible to claim reimbursement of expenses 'in excess of the real costs of a specific adoption'".[397] The donations could be seen as an ethical obligation on the part of adoptive parents to support private institutions that perform child welfare functions in states with less developed welfare systems, as long as they are not "allowed to influence the release process and the practice of the principle of subsidiarity". Norwegian

[395] This is evident from SUAK's memorandum dated 19 December 2001 relating to the draft "Order to rectify conditions in adoption mediation through private institutions", as well as from internal correspondence in SUAK dated 13 April 2002 and 17 April 2002.

[396] "Only costs and expenses, including reasonable fees for professional assistance from persons involved in the adoptions, may be demanded or paid."

[397] AF further refers to the Explanatory Report on the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption" by Parra-Aranguren, sections 526-534.

If the adoption authorities' (SUAK) narrow interpretation were to become widespread, it would lead to the closure and downsizing of a number of good services in both the private and public sectors. AF concluded:

> "Adoption Forum is proud of its collaboration with some of the private children's homes in Colombia. We are pleased that our adoption fees contribute to these institutions being able to maintain comprehensive, high-quality programmes for mothers. We agree with the institutions that the main objective should be to enable women who receive protection to keep their children, and we think it is excellent that our payments also help to cover the costs for women who choose to keep their children."

Internal memos from the Norwegian adoption authorities[398] show that, according to the Ministry of Children and Family Affairs, attempts were made to politicise the issue among adoption applicants, and that the decision had "created quite a stir".

On 4 July 2002, the Norwegian adoption authorities granted AF an extension until 30 June 2003 for the placement permit from the private institutions. On 6 July 2002, the Norwegian adoption authorities sent a letter to the ICBF informing them of the situation and requesting clarification of the information they had received during their previous visit to the country, including that the donations were not recorded in the institutions' accounts in such a way that it was possible for the ICBF to obtain an overview of the amounts involved and what they were used for. They asked the ICBF to state its view on the donations.

On 23 September 2002, the ICBF sent a letter to Adopsjonsforum requesting information about its cooperation with private institutions, including details of the costs incurred by Norwegian applicants when adopting a child from private institutions, whether donations were made directly by the applicants or through Adopsjonsforum, and whether the donations were voluntary or whether a fixed amount per adoption had been established and, if so, how much it was and what procedure was followed when transferring the amount.

On 15 October 2002, a representative from AF Norway travelled to Colombia, bringing with him the response from Adopsjonsforum. The response was a six-page document that "will look at the historical lines and assess our cooperation with Colombian casas in relation to our cooperation with institutions in other countries", and in relation to the Hague Convention. AF presented the donations as "voluntary" but "agreed" and "standardised". They explained that in all the countries they worked in, they had a "long-standing practice" of making donations to private institutions, because "one cannot expect a private child welfare institution in a relatively poor country to be able to finance its operations with funds from public sources". AF acknowledged that the donations were at a high level, but that this had to be seen in relation to the quality of the services provided. Much space is devoted to praising the private institutions' "ardent commitment to the most vulnerable" and excellent mother and child welfare services. AF believed that it would be "tragic if the inquiry from the Norwegian authorities were to result in this important work being made more difficult or impossible". They further stated that

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[398] Notes from the Child, Youth and Family Administration (BUFA), 18 June 2002, which had now taken over the functions of SUAK, cf. section 4.5.

"For two of the institutions, funds are transferred periodically, while for the other two, they are transferred in line with the allocation." To emphasise the voluntary nature of the donations, AF wrote that they believed that if, for example, AF "were in a difficult financial situation and asked to pay a lower donation, or no donation at all, we actually believe that our partners would understand this".

However, AF's internal documents paint a different picture of the issue of donations, stating, for example, that it would be "absolutely imperative" to increase donations (AF's internal travel report 1993) and that "a great deal revolves around money" at some of the private institutions (AF internal travel report 1996). This also contrasts with what is suggested in AF's letter to ICBF in 2005 (see below).

During the trip in October 2002, AF met with CRAN, who said they were happy to provide an account of how the donations were used. CRAN wanted to continue the existing agreement they had had with AF in recent years. AF's travel report also mentions that the private institutions experienced problems with the new director of ICBF in Bogotá and a new policy whereby ICBF
"wants/requires all biological mothers to have the opportunity to keep their children and also breastfeed them before the final decision on adoption is made". In a meeting with ICBF, AF learned that ICBF was undergoing a period of reorganisation after the election and that they did not yet know the new director of ICBF's position on adoptions. At the meeting with ICBF Bogotá, they learned that the new consent rules also meant obtaining information about the biological father.

It took a long time for the ICBF to respond to the enquiry sent by the Norwegian adoption authorities in July 2002. The Norwegian adoption authorities therefore extended the authorisation (04.04.03) to mediate from the private institutions once again. At the same time, they informed AF that if the ICBF had not responded by the end of June 2003, they would consider the complaint. By September 2003, the ICBF had still not responded. In the meantime, the Norwegian adoption authorities had involved the Norwegian Embassy in Bogotá in order to expedite the matter. On 18 September 2003, AF's complaint regarding the decision on limited placement authorisation was forwarded from the subordinate body (BUFA) to the Ministry of Children and Family Affairs. In communications with both adoption applicants and adoption agencies, the Norwegian adoption authorities explained that the issue of unspecified donations was of fundamental importance and that they were pleased that they would now receive a clarification that would set a precedent. The Norwegian adoption authorities mentioned that they particularly wanted clarification on whether
"the system in Colombia is within or outside the scope of what is permitted under the Hague Convention and the regulations governing the activities of associations (particularly with regard to the requirement for transparency, the requirement for accounting, and the requirement that the relationship between direct adoption costs and other expenses (e.g. aid work) must be possible to account for and keep track of)".

In a letter to the Norwegian adoption authorities, AF wrote that they considered a possible rejection to be "a good case for legal review".[399] AF expressed that they also found it regrettable that ICBF had not responded to the Norwegian adoption authorities' inquiry, and that this was "a sign that this is a difficult nut to crack for ICBF and the Colombian state". AF was concerned that a

[399] Letter from AF to BUFA and BFD, 22 September 2003.

"unrealistic" attitude to adoption costs would sabotage "overarching objectives, so that: - more orphaned and abandoned children would be denied the opportunity to have a new family; - more poor and marginalised women would be forced to choose abortion; - child welfare services would be further weakened in countries that are already under severe pressure in this area." ([400])

AF subsequently sent the Ministry of Children and Family Affairs (11.11.03) a supplement to the complaint, explaining that according to information they had received, the silence from ICBF was due to the fact that they were now conducting a thorough evaluation of the private institutions. There were also rumours that a cooling-off period would be introduced for birth mothers. They further believed that the Norwegian adoption authorities' visit to the private institutions during their trip in 2001 had been interpreted by the new ICBF management as undue interference in their areas of responsibility. AF also reported that no decision had been made in The Hague prohibiting "expenses for assistance programmes" from being covered by adoption fees. At the Hague Special Commission meeting in 2000, four restrictions on such donations were reportedly proposed: that the amount must be fixed and notified in advance; that the intended use of the donation must be clear; that the transfer must be recordable and accountable; that the overview of such income and how it is used must be detailed in the accounts.([401])

AF wrote (05.12.03) to the Ministry of Children and Family Affairs that "extensive meetings are currently taking place between the institutions and ICBF" and they expected that this would result in specific rules for the institutions with regard to donations, as well as changes in their
"financial procedures and working methods".

On 3 December 2003, the ICBF finally replied to the Norwegian adoption authorities. In the letter, they wrote that the private institutions:

> "are organised as non-profit organisations and do not have the opportunity to request, determine or propose a mandatory donation or remuneration from those who intend to apply for adoption. Furthermore, any donations that the authorised institutions receive for the development of their adoption programmes must be based on the generosity of the donors, and the institutions cannot therefore demand or suggest a donation, as this would be contrary to the legal nature of the donation."

This letter was also forwarded to the Ministry of Children and Family Affairs,[402] which (on 16 December 2003) nevertheless upheld AF's complaint. Like the Child, Youth and Family Administration, the Ministry found cause for concern about the high donations, but had "concluded that, at this stage, it would be too extensive a measure to stop Adopsjonsforum's adoption services through the private institutions in Colombia in question". The Ministry believed that the difficult questions raised by the case "could best be resolved through active cooperation between the central authorities in accordance with

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[400] Letter from AF to BUFA and BFD, 22 September 2003.
[401] According to AF, the reference to this can be found in "Work Doc. No. 10", which was presented at a special commission meeting in The Hague in November/December 2000. The proposal was put to a vote, but as no consensus was reached, it was concluded that no recommendation was possible.
[402] The letter was written in Spanish. On 5 December 2003, AF sent a translation of the letter to the Ministry and its subordinate agency. The Norwegian adoption authorities subsequently had an external translation of the letter made, which is consistent with AF's translation.

The Hague Convention, and believed that the possibilities for cooperation had not been fully explored in the case. The Ministry also noted that both Swedish and Danish adoption agencies were still placing children from private institutions.

The Child, Youth and Family Administration reacted to the fact that the letter from ICBF, sent on 3 December 2003, was not mentioned in the Ministry of Children and Family Affairs' decision, and sent an email to the Ministry (17 December 2003) asking whether they had received it. Internal communications within the Child, Youth and Family Administration (5 January 2004) show that the Ministry confirmed that it was aware of the letter. The Ministry of Children and Family Affairs is said to have verbally informed the Norwegian Directorate for Children, Youth and Family Affairs that it now appeared that the ICBF was finally addressing the issue of donations and taking action.

On 7 January 2004, the Child, Youth and Family Administration renewed AF's placement licence through private institutions, but requested that AF monitor developments regarding donations. The Child, Youth and Family Administration referred to the ICBF's letter stating that private institutions were not allowed to request, set or suggest a mandatory donation, and wrote that it assumed that further cooperation with private institutions would take place in accordance with the framework outlined by the ICBF in its letter.

7.8.4.4. Assessment of the Ministry of Children and Family Affairs' decision

The Committee considers it a shortcoming that the Ministry did not comment on the ICBF's letter (03.12.03) in its decision (16.12.03) upholding the complaint concerning referrals from private institutions.

The Ministry of Children and Family Affairs emphasised that the private institutions were approved by the ICBF and that it must be the ICBF's responsibility to withdraw the licence if necessary. At first glance, this seems like an understandable position. At the same time, there was nothing in the ICBF's letter to suggest that they were now taking a more active approach to the issue. At this point, the ICBF's alleged increased control was only reported by AF, which may indicate that the Ministry of Children and Family Affairs relied too heavily on AF's information and assessments in the case. AF provided incomplete information when it claimed that the ICBF strictly supervised the private institutions, while at the same time having information that, for example, Los Pisingos had a donation system that they deliberately kept hidden from the Colombian authorities (cf. the "bilateral" accounts described in AF's internal travel report from 1997), and that AF's donations were deposited directly into accounts in third countries.

In light of what the ICBF had expressed to the Norwegian Directorate for Children, Youth and Family Affairs (that they wanted an opportunity to address the donations), the Ministry's decision can be understood as the Ministry putting a stop to an initiative that the ICBF had requested from the Norwegian adoption authorities. However, it is unclear to what extent the Norwegian Directorate for Children, Youth and Family Affairs communicated what appeared to be the ICBF's position on the matter clearly enough to the Ministry. At the same time, a representative from the Ministry itself participated in the information and inspection trip in 2001.

Those involved in the case at the Ministry of Children and Family Affairs whom the committee has spoken to do not remember the decision. It is clear from the written material that the case received a great deal of attention, both in the form of individual inquiries to the Ministry of Children and Family Affairs and the Child, Youth and Family Administration, and in the media. The committee has reviewed the Ministry of Children and Family Affairs' mail register for the period in question. After the appeal case was forwarded from the Norwegian Directorate for Children, Youth and Family Affairs to the Ministry, there were several individual inquiries about adoptions from private institutions in Colombia (11 inquiries in eight days from 1 October 2003). The case was also reported in the media. ([403])Following the Ministry's decision, Vårt Land (10 January 2004) published the following article: "Dåvøy says yes to adoption". It states that the Ministry of Children and Family Affairs had found no indications of the buying and selling of children, and that "the Minister [Laila Dåvøy] is pleased with the high adoption figures for last year, which were second only to the record year of 2002. Dåvøy praises the many Norwegians who choose to become adoptive parents to children who do not have a mother and father. She would have liked to see an increase in adoption support from the state."

The Minister's statement can be said to illustrate the general political attitude towards international adoption in Norway at that time. In its final report, the Committee will shed further light on the significance of political guidelines for this field (see section 4.3). See also section 7.9.4 for an overall assessment of the Norwegian authorities' control and supervision activities.

7.8.4.5. The end of cooperation with private institutions

On 14 September 2004, AF applied for a renewed placement licence for Colombia. So far in 2004, the number of adoptions from private institutions had fallen considerably, from 50-60 per year over the previous seven years to only 5 in 2004. In its communications with the Norwegian adoption authorities, AF had suggested that the private institutions were "punishing" Norway for the inquiry from the Norwegian adoption authorities.

In November 2004, the Norwegian adoption authorities (Bufdir)[404] went on an information and inspection trip to Colombia. The purpose of the trip was, among other things, to discuss the donations with ICBF and discuss possible solutions.

Bufdir visited Los Pisingos, CRAN and FANA. The director of Los Pisingos had been in this role for two years. [405] Los Pisingos stated that ICBF had strengthened its cooperation with private institutions. Institutions that now accepted that ICBF placed children with them also had to commit to following the guidelines for state children's homes. Los Pisingos presented the decline i n adoptions from private institutions as a general trend. ([406]) Some of

[403] E.g. in Vårt Land, 29 October 2003: 'Fear of selling children'; Romerike blad, 19 November 2003: 'Fighting against adoption refusals'.
[404] The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir), which had now taken over the functions of the Norwegian Directorate for Children, Youth and Family Affairs (BUFA).
[405] This director was the son of the former director and the man AF met in 1997, cf. section 7.8.3.4. In 2013, he was accused of embezzlement and other financial irregularities in connection with his work for the foundation. See, for example: Casa de adopción, en entredicho | EL ESPECTADOR El Espectador, 27 April 2013.
[406] In 2003, the distribution of ICBF adoptions vs. private institutions was 894 to 749. In 2004, the figure was 1064 through ICBF and 265 through private institutions.

The explanation was that new requirements had been introduced regarding when consent to adoption could be given.[407] Bufdir understood the institutions to want to influence the work on new legislation and guidelines, for example so that the Supreme Court ruling (T-510 of July 2003)[408] could be interpreted differently. The number of women at the Los Pisingos maternity home is said to have fallen from 435 in 2001 to 235 in 2004. They were told that 52% of the women who were admitted to the programme ended up giving their children up for adoption.

During their meeting with CRAN, Norwegian adoption authorities gained the impression that ICBF had not yet issued guidelines to institutions regarding donations. They also visited the maternity home, which reported that approximately 40% of mothers chose to keep their children. Poverty was cited as the main reason why women had to give up their children. FANA believed that the Supreme Court ruling placed more emphasis on the child's right to grow up in their own family than on women's right to self-determination, and still allowed women to remain anonymous, meaning that their names would not appear on the child's documents.

In its meeting with ICBF, Bufdir learned that ICBF was now exercising closer supervision of private institutions, partly as a result of the Supreme Court ruling mentioned above. The ICBF reiterated that the institutions could not charge for the adoption work they carried out, and that setting a fixed amount per adoption was not in accordance with the concept of a donation, which they considered to be a voluntary gift. The ICBF said that if the private institutions could clarify what expenses they had for each child, this would be an arrangement that the ICBF could also accept. All other donations had to be entirely voluntary.

In a meeting with a defensor de familia, Bufdir was informed that the maternity homes at the private institutions had to prepare three reports on the mothers: one during pregnancy, one at birth and one 20 days after birth. The reports had to describe the work the institutions had done to enable the mother to understand her own situation and become aware of what adoption entails. The family defender also believed that poverty was the most common motive for giving a child up for adoption.

On 14 January 2005, Bufdir granted AF renewed permission to arrange adoptions in cooperation with ICBF. With regard to private institutions, Bufdir considered that it could not take a position on AF's application (14 September 2004) for mediation from there until the issue of donations had been resolved. They referred to the dialogue with ICBF on the matter. In a meeting between Bufdir and AF in January 2005, Bufdir reportedly made it clear that if the total amount from AF and the adoption applicants were to amount to USD 6,000 per adoption, this would be considered a continuation of a donation system that neither Bufdir nor ICBF could accept. ([409])

AF then took the matter to its National Executive Committee, which discussed it at a meeting (04.03.05). The memorandum to the National Executive Committee (28.01.05) states that Los Pisingos had now "made a 'request'/demand".

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[407] Cf. description of the Supreme Court ruling of July 2003, T-510 in section 7.6.2.2. According to this, it became a condition that a birth mother could not consent to adoption until at least 20 days after giving birth. Thereafter, 30 days had to pass from the time consent was given until it became final.

[408] See section 7.6.2.2.

[409] Referred to in Bufdir's letter to ICBF dated 28 June 2006, see below.

a fixed monthly subsidy (regardless of the number of adoptions) of USD 1,500-2,000 from its foreign partners. AF wrote to the National Board that the Norwegian authorities could accept that AF covered actual fixed expenses per month per child based on the ICBF's official rates. "The excess of the 'voluntary donation' must then be covered by the family adopting the child." In other words, AF proposed that the USD 6,500 currently demanded by private institutions should still be paid, but that the adoption applicants themselves should cover most of this amount. AF asked the National Board if they could approve AF's departure from the principle of equal sharing of expenses.

AF informed (04.04.05) Bufdir of the National Board's approval of a "sharing model for donations". Bufdir then (04.07.05) renewed its authorisation for adoption from private institutions, on condition that "the fixed amount paid for each individual adoption does not exceed NOK 3,500 per month". They reminded AF that it was obliged to provide information about any changes that could affect the authorisation.

On 3 September 2005, the ICBF again contacted AF, asking AF to explain its cooperation with the private institutions, the donations and how they were transferred. AF's response this time (9 September 2005) contrasts with the response it gave to the ICBF in 2002. AF disclosed the size of the donations and that the donations to Los Pisingos and CRAN were transferred to bank accounts in American banks. They also explained the advance payment to Los Pisingos and CRAN. AF stated that CRAN had announced that the donations from 2006 onwards would amount to USD 9,000. AF was not sure whether the cooperation with the private institutions would continue, because Bufdir's condition was "that each family must take responsibility for paying directly for their adoption", and this meant that AF could not continue with the advance payments for the adoptions. ([410])

In March 2006, ICBF sent a new request to all legal representatives in Colombia for accredited organisations and international adoption agencies (27 March 2006), asking them to account for the donations, where and how they were transferred. AF replied that CRAN and Los Pisingos had increased the donations to USD 9,000, that AF only covered the child's living expenses directly, while the remainder was paid directly by the adoption applicants. ([411])

However, in June 2006 (22, 23 and 26), AF contacted Bufdir. They informed them that an official investigation of private institutions in Colombia was now underway, that the donations had been discussed in the Colombian National Assembly, and that Adopsjonsforum had been mentioned. AF believed that "the most appropriate course of action would be for Bufdir to request that cooperation between the casas and Norway be suspended until further notice, while an investigation into the finances etc. is ongoing".

[410] This is also evident from a letter AF sent to its applicants on 9 December 2005, in which they wrote that "the overall situation [is] such that it is still not appropriate to accept applicants to private children's homes in Colombia at this time".
[411] Adoption Forum also had a declaration drawn up for adoption applicants with an allocation from Los Pisingos to sign, in which the adoption applicants undertook to "pay the remaining amount of the donation" totalling USD 9,000, minus what AF could pay (NOK 3,500 per month for the actual maintenance of the child at the institution).

On 28 June 2006, Bufdir sent a letter to ICBF explaining the situation. They referred to meetings with ICBF in Colombia in 2004 and Norway in 2005, as well as discussions in The Hague in September 2005, and how Bufdir had had "similar concerns" to ICBF about AF's cooperation with private institutions. The Directorate described how the system of fixed donations appeared to have continued despite the fact that Bufdir, in consultation with ICBF, had informed AF that this was not permitted. Bufdir also expressed surprise that donations to two private institutions were transferred directly to accounts in third countries. At the same time, Bufdir defended AF, stating that their current transparency was "praiseworthy" and that Bufdir itself could have been clearer in its communication permit. Bufdir announced that it was suspending the cooperation until the investigation was completed and the outcome known, and emphasised that it hoped this would not affect AF's cooperation with ICBF.

In emails (29 and 30 June 2006) to other Nordic central authorities, Bufdir provided information about the developments. They described how AF "probably found it unpleasant to be among the organisations mentioned in the debate in the National Assembly" and that, according to AF, the private institutions "deny that the framework for adoption mediation has been as described by Adopsjonsforum in its reply to the ICBF". AF also reportedly told Bufdir that organisations in other countries had consulted with the private institutions before responding to the ICBF's enquiries and "agreed with them on how the response should be formulated". Bufdir said that there were now employees at AF who were sceptical about the system with private institutions and who believed it was natural for public authorities to take over responsibility for all international adoptions.

A former employee at AF's Bogotá office whom the committee has spoken to recalls that AF became very unpopular after their letter to ICBF was read out in Congress, and that the private institutions ‘did not want’ to cooperate with AF after this or assign more children to Norwegian families. The former employee believed that it was "fear" of the private institutions that had previously led to the restriction of information to the authorities about the cooperation, in addition to the fear of losing work. The person in question also believes that even though the donations should never have been made, the private institutions did good work and that AF's motives for making donations were not "wrong".

7.8.4.6. Assessment of the termination of cooperation with private institutions

In conversations with former employees of Adopsjonsforum, the committee has attempted to clarify the internal processes within AF that led to their response to the ICBF's inquiry in 2005 being so different from that in 2002. However, we have not received any clarification on this matter. In terms of timing, this coincides with a shift in Colombia towards closer cooperation between the ICBF and private institutions, as well as increased supervision of them. In an interview with the committee, the then head of AF (who took office in 2005) presented the ICBF's inquiry as something to which AF obviously had to respond honestly.

The fact that Adopsjonsforum informed the Norwegian adoption authorities about developments in Colombia with regard to private institutions is considered positive. However, when all available documentation is viewed in context, the overall impression is that Adopsjonsforum adapted the information it shared with the authorities (in both countries) to the situation at the time.

The committee considers it likely that AF understood that in 2005, Bufdir and ICBF would oppose an arrangement where the total amount paid to private institutions per adoption remained between USD 6,000 and USD 9,000, and the Committee is critical of the fact that Adopsjonsforum established a system where donations continued in practice without the knowledge of the Norwegian authorities.

7.9. Overall assessment of the placement of children by private institutions in Colombia

The committee believes that Adopsjonsforum's cooperation with private institutions was organised and developed in a way that contributed to making the institutions financially dependent on adopting children, and which created a risk that financial considerations would govern the operation of the children's home and thus could be at the expense of the best interests of the child. The financial incentives created a risk of breaches of, among other things, the requirements for informed consent, the principle of subsidiarity and the prohibition of unlawful financial gain from adoptions.

Although the committee points out the risks involved in cooperation with private institutions, it has no basis for making any definitive statements about the occurrence of errors or illegalities in individual adoptions from private institutions. The committee has no basis for estimating the proportion of adoptions from private institutions in which errors or illegalities may have occurred, or for determining the extent of the risk of errors in different periods.

7.9.1. Risk factors related to the consent of the original parents

The Committee has been made aware of several individual cases relating to stays at maternity homes at private institutions in Colombia, where mothers are said to have been unlawfully deprived of their children, who have since been adopted abroad, including to Norway. [412]These cases are difficult to verify. The Committee has seen several examples of biological parents signing consent forms for adoption, but subsequently explaining that they did not understand what they were consenting to, or that their consent was given under pressure. This applies not only to adoptions through private institutions, but also through the ICBF (cf. the descriptions of individual cases in section 7.8.2.3). There are many factors that can lead to consent not being informed and free. In some cases, the original parents may have signed a consent form, but this is not valid because they have not been informed about what they are consenting to, for example when parents believe they are consenting to their child being cared for by a child welfare institution and do not understand that this may involve adoption, or they have not been informed about what adoption is. Consent cannot be considered valid if it is based on incorrect information, for example that the child has a health condition that requires expensive treatment to preserve the child's life or health. In other cases, the voluntary nature of the consent may be questioned. This may be the case, for example, when biological parents in a vulnerable situation are subjected to persuasion, manipulation, social condemnation and isolation, or outright threats of financial or other consequences if they do not consent. In other cases, consent is not informed, for example when persons in a vulnerable position do not receive help in gaining an overview of their real options.

[412] See, for example, “Stjålet fra fødestuen” (Stolen from the delivery room), NRK, 5 October 2024; Stjålet fra fødestuen – Documentary

One concern has been that women in maternity homes were required to pay for their stay if they chose not to give their children up for adoption. This is mentioned in a research article by Hoelgaard,[413] as well as by some private actors the committee met in Colombia. A former employee of the Norwegian adoption authorities also raised this issue in an interview with the committee. It is the impression of this person that this was the case at all maternity homes, at all institutions back to the start of the cooperation, and that it constituted a coercive situation for the women. However, such an arrangement is not apparent from the written material following the information and supervision visits to the Norwegian adoption authorities.

As described (section 7.8.1), AF itself informed the Norwegian adoption authorities that, at the end of the 1970s, the ICBF suspected that pressure was being exerted on pregnant women at the Casa de la Madre y el Niños maternity home. The Dutch investigation report also states that in the mid-1970s, the contact person for the Dutch adoption agency warned against Casa de la Madre y el Niño, where children were allegedly released arbitrarily and irregularly.[414] A key figure at Adopsjonsforum in Norway, with whom the committee has spoken, also believes that it is "entirely plausible that various types of fraud have taken place" in connection with adoptions in Colombia,[415] such as
"Mothers have been shown dead children and told untrue stories." However, the person in question finds it difficult to comment on the extent of this and finds it unlikely that such things could have taken place systematically and over time without anyone noticing, especially in the 2000s, when the person in question's impression is that the ICBF had good control. Current and former employees at private institutions in Colombia with whom the committee has spoken believe that pressure and demands for payment did not occur.

ICBF employees interviewed by the Committee believe that there may be situations where mothers either have not come to terms with their life choices, or do not choose or are unable to tell the whole truth about the circumstances surrounding the adoption when they are reunited with their adult children, for example to spare the children. As far as the Committee is aware, no solid and comprehensive studies of these circumstances have been conducted in Colombia. Nor is it possible for the Committee to draw conclusions in such individual cases. Nevertheless, it is significant that there are a considerable number of descriptions of various forms of pressure on mothers to consent to adoption, as well as descriptions of mothers who were told that their children were stillborn.

According to the information provided to the committee, the mothers at the maternity homes were often young, single women, frequently from poor backgrounds and without family support. They may have found themselves in situations characterised by fear and shame, as well as financial and medical problems. The committee also met a mother who said that she was a minor when she lived at the maternity home and that her family consented to adoption against her will. It can be argued that people in vulnerable situations should be offered special measures to ensure free and informed consent.

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413 Hoelgaard, S. (1998) p. 216.
414 Cf. Report by the Commission for the Investigation of Intercountry Adoption (2021), no. 6.3.1.
415 This probably refers to adoptions in Colombia in general, and not specifically to Norway.

Furthermore, it is important to note that all of the people the committee spoke to in Colombia who have or have had a connection to the ICBF emphasised the obvious risks associated with the system of private institutions that run maternity homes and depend on high donations for each individual adoption to finance their operations. All those the committee spoke to in Colombia who have or have had a connection to the ICBF expressed the view that the system should never have existed. ICBF employees also stated that it was only with the change in the law in 2006 that the ICBF 'took ownership' of the regulation of private institutions.

Regardless of whether and to what extent pressure was exerted on the mothers, the committee considers that the system had inherent and significant risks of undue pressure on the mothers and that children could be adopted without the mothers' voluntary and informed consent.

7.9.2. Prohibition of remuneration/profit in adoptions

As described in section 7.8, donations to private institutions were a condition for allocations from these institutions as far back as 1980. As shown in Table 8, donations gradually increased throughout the 1980s and 1990s, and in 2006 the highest donation requirements were USD 9,000 per allocation.

The high donations were a topic of discussion between Norwegian and Colombian adoption authorities [416]and between Adopsjonsforum and Norwegian adoption authorities from the beginning of organised mediation from Colombia.As described, Norwegian adoption authorities expressed scepticism about the arrangement as early as 1984, and they requested Adopsjonsforum to monitor cost developments at private institutions in 1996 and 1997, as well as to "report any major changes". In 1998, the Ministry of Children and Family Affairs asked its subordinate agency to assess the situation in Colombia.

The size of the donations and the fact that it was not clear what they were used for were at the heart of the complaint about mediation by private institutions, described in section 7.8.4.3. As shown, AF claimed that the donations went towards building up the institutions, while a more nuanced impression emerges from AF's internal communications and its own travel reports.

The reason why the committee has looked more closely at the increasing donations and cash flow to the private institutions is the prohibition against unlawful gain from adoption. This prohibition is found, among other places, in Article 21(c) of the Convention on the Rights of the Child, which requires States to "ensure that intercountry adoption does not lead to improper financial gain for those involved in the adoption".([418])

Colombian legislation has also contained provisions prohibiting remuneration for adoptions. Under the Children's Act of 1989[419] neither the ICBF nor private institutions were permitted to

[416] See RIA's travel report 1979, section 7.8.1.
[417] See AF's application of 5 May 1980, described in section 7.8.1.
[418] See section 5.4.
[419] *Código del Menor*, No. 2737 of 27 November 1989, Article 125.

demand direct or indirect compensation for the allocation from the adoption applicants. The 2006 Act further tightened the prohibition. [420]

The Dutch investigation report[421] describes how the private institution Los Pisingos came under media scrutiny in 2013 due to a case of financial misconduct. The ICBF revoked the institution's licence, the orphanage had to close for six months, and the adoption programme was shut down. USD 2.3 million was found to have been transferred to bank accounts in Panama and the Cayman Islands, among other places. The Attorney General of Colombia found that several of the foundation's offices had operated without supervision, with fictitious invoicing and unpaid bills. The director is alleged to have transferred several thousand USD monthly to an account in London for seven years.([422])

The current head of the institution in question confirmed in a meeting with the committee that there had been a number of irregularities. Although it is not possible to generalise on the basis of this case, it illustrates the risk of undue gain associated with large donations.

The Committee believes that regardless of whether there was any improper gain associated with the large donations, the risk of this occurring was present. The Committee also believes that Adopsjonsforum should have clearly communicated to the Norwegian adoption authorities that the donations to two private institutions were transferred directly to accounts in a third country. After 1 December 1999, when the Regulations on requirements for organisations that arrange for the adoption of children from foreign countries([423]) came into force, such an omission must be considered a breach of Adopsjonsforum's duty to provide information to the Norwegian authorities under Section 10 of the Regulations. It is particularly reprehensible that AF provided inadequate information about advance payment of donations to the Norwegian authorities upon direct request, cf. section
7.8.3.6. See also section 7.9.4 for an assessment of the Norwegian adoption authorities' handling of the donations.

7.9.3. The principle of subsidiarity

As explained in section 5.3, the principle of subsidiarity means that international adoption should only be chosen when permanent care solutions for the child in their home country are not feasible. Primarily, children should grow up with their parents. If this is not possible, alternatives within the rest of the family should be sought. Next, the possibility of permanent placements with other families in the home country should be considered. International adoption should only be chosen if none of these alternatives are feasible.

The chapter describes several factors that may pose a risk that the principle of subsidiarity has not been upheld in all cases involving adoptions from private institutions. One significant factor is the link between maternity homes and private adoption agencies.[424] It stands to reason that

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[420] *Código de la Infancia y la Adolescencia* (Child and Adolescent Code), of 2006 (Law No. 1098), Article 74. See also section 7.6.2.
[421] Report Commissie onderzoek interlandelijke adoptie (2021), no. 6.4.
[422] The case is mentioned, among other places, in the Danish newspaper Politiken, 19 May 2013.
[423] Regulation of 30 November 1999, No. 1195
[424] Section 7.5.2 provides information on when the private institutions and maternity homes were established. The committee is not familiar with how the private institutions are organised today, and the assessments relate to the period up to 2006.

The institutions were dependent on adoption cooperation with other countries to finance their activities. This is also illustrated by AF's argument to the Norwegian authorities that donations had to be accepted in order to finance the important services provided by the institutions. The combination of maternity homes and private adoption agencies could provide incentives for adoption, rather than enabling mothers to keep their children. Foreign adoption applicants also apparently paid more than domestic applicants, for example in the form of large donations to the institutions by foreign adoption agencies.([425] This may also have provided incentives to prioritise foreign applicants.([426]

Another weakness is that when women were admitted to a maternity home, they were considered to be in the process of considering adoption. Maternity homes were *not* an option for women who had decided to keep their children but still needed a place to live, health care and assistance with childbirth. The committee has been informed of this in interviews with former employees at one of these institutions. The homes were for women who were unsure whether they could keep their children and were therefore considering adoption, and for women who had already decided to give their children up for adoption. On the one hand, this may indicate that the consent to adoption given by women at these maternity homes was indeed informed (cf. section 7.9.1). On the other hand, if a mother decided during her pregnancy not to give her child up for adoption, she had to move out. If she decided after giving birth that she did not want to give her child up for adoption, she and her child would no longer receive assistance from the maternity home. This does not seem to facilitate the principle of subsidiarity to any great extent.

7.9.4. Norwegian authorities' control and supervision activities

Donations to private institutions were questioned by Norwegian and Colombian authorities as early as the late 1970s. Nevertheless, it took several decades (cf. sections 7.8.4.2. and 7.8.4.3.) before Norwegian adoption authorities took active steps to bring about change. In the 1980s, they expressed concern, and in the 1990s, they requested AF to monitor developments and report on changes, but accepted that adoptions from private institutions required large, unspecified donations. After Norway ratified the Hague Convention, Norwegian adoption authorities took stronger initiatives to find a solution to the issue of donations. They carried out inspection visits (in 2001 and 2004) and entered into dialogue with the ICBF to find a solution that the central authorities of both countries could agree on (cf. the description in section 7.8.4). The committee considers this to be positive. However, the donations continued even after the ICBF wrote in 2003 that there was no reason to demand them, and until the cooperation with the private institutions was terminated in 2006. This was due to both the Ministry of Children and Family Affairs upholding AF's complaint (cf. 7.8.4.3) and AF not complying with the guidelines it received from the Norwegian adoption authorities (cf. 7.8.4.5).

[425]During the Norwegian adoption authorities' visit to the country in 2001, they learned that foreign applicants pay more than national applicants, cf. SUAK's report from its information and inspection visit in 2001.

[426] According to available statistics, international adoptions from Colombia accounted for 74% of the country's adoptions in the period 1989-1994. In the period 2005-2012, 61% of all adoptions went abroad. Source: Saligman (2024) Subsidiarity and the Best Interest of the Child. *Chicago Journal of International Law (*25)1, 259-300. pp. 281-283.

The Committee notes that the Norwegian adoption authorities received information that donations to private institutions were in some cases transferred directly to accounts outside Colombia as early as 2001, but do not appear to have acted on this knowledge. When they again became aware in 2006 that donations had been transferred directly to accounts in third countries, this was described as a surprise to them (cf. section 7.8.4.5). The Committee is critical of the fact that the Norwegian authorities did not investigate the information they received in 2001 that Adopsjonsforum was transferring donations to some of the private institutions directly to accounts in third countries.

The Committee also notes that, in its handling of the complaint (cf. 7.8.4.3), the Ministry of Children and Family Affairs considered it too intrusive to terminate the cooperation with the private institutions, despite the information that was available at the time about the donations to these institutions and despite the fact that AF had had over a year[427] to find another arrangement with the private institutions. The Committee believes that the information from the ICBF should have been discussed and assessed in the Ministry's decision of 16 December 2003. See also section 7.8.4.4 for the Committee's comments on this matter.

7.9.5. Risk factors associated with private organisations acting as adoption agencies

At a more general level, the review of the placement services provided by private institutions reveals several weaknesses in that the system is largely based on trust and that a private organisation with a public licence has a vested interest in ensuring that adoptions continue. As described in section 7.8.3.3 –7.8.3.5, the information AF chose to share with the Norwegian authorities was incomplete in important areas. The Investigation Committee considers it serious that the private organisation withholds information about financial matters that may increase the risk of considerations other than the child's best interests becoming the most important factor in adoptions. Despite the fact that the Norwegian adoption authorities asked Adopsjonsforum several relevant questions about financial circumstances and donations, as far as the Committee can see, they did not receive accurate and complete information about this. The Committee believes that the incomplete information provided by Adopsjonsforum in some cases constituted a breach of the duty of disclosure([428]) to the Norwegian authorities, which was a prerequisite for the organisation's placement licence (see sections 7.8.3.5 and 7.8.4.6.).

The review has also shown that a competitive situation could arise between private intermediaries from different recipient countries in order to obtain allocations (as described in section 7.8.3.3). In such situations, there is a risk that the boundaries of what is considered ethically acceptable will be shifted, as in the case of Adopsjonsforum's advance payment for allocations from CRAN and Los Pisingos.

A broader assessment of these issues will be provided in the committee's final report.

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[427] From 3 May 2002, when the decision on time limits was made, to September 2003, when the complaint was forwarded to the Ministry of Children and Family Affairs.

[428] Section 10 of Regulation No. 1195 of 11 November 1999.

7.9.6. On the possibility of knowledge about biological origin

Some sources indicate that adoptive parents received more and better information about the child's background from the private maternity homes, both about conditions during pregnancy, the child's health and the reasons why the child was given up for adoption. This is stated in some inquiries from private individuals sent to the Ministry of Children and Family Affairs in connection with the complaint case in 2003 (cf. section 7.8.4.3. The individual cases the committee has seen from the private institutions do not document that such information has been provided,([429]) but this does not rule out the possibility that information may have been provided to the adoptive parents in other ways.

As described (section 7.8.4.5), the practice at some of the private institutions was to keep the mother's identity hidden even after the introduction of legal provisions in 2003 requiring the child's family to be aware that the child was to be given up for adoption.

In the review of individual cases conducted by the committee, we see, for example, that there is more information available in an adoption case that went through the ICBF in the early 1980s (the documents include the name of the birth mother and a copy of the child's original birth registration) than in an adoption case that went through a private institution in the second half of the 1980s (the name of the birth mother is not included in the documents). See also section 7.10.4.

7.10. Adoptions through the ICBF

7.10.1. Introduction

Since 2006, all adoptions from Colombia to Norway have gone through the ICBF system. As of 2007, this amounts to a total of 598 adoptions. As described, the Committee's investigations of recent placements from Colombia are more limited than those concerning earlier periods. As explained in section 7.3, the Committee has concentrated on the period 1990-2006, with a focus on adoptions from private institutions.

The committee's work is mainly retrospective, and it is not the committee's task to investigate whether current adoptions from Colombia should continue. However, the mandate stipulates that the committee must report to the Ministry and Bufdir if we encounter serious circumstances that indicate that adoptions from a country should be suspended at present. The committee's work has not revealed anything that would give cause for such a report to the Ministry. In general, it appears that the risk of errors has gradually decreased as controls on adoptions in Colombia have been strengthened. The following section highlights some of the challenges facing the adoption system in Colombia today and in the past, as presented to the committee by sources in Colombia and Norway.

The child welfare system in Colombia differs from the Norwegian system. One obvious difference is the significant disparity in available resources in populous Colombia compared to Norway. This has implications for the measures that child welfare services have and have had at their disposal to help children and

[429] As mentioned (section 7.7), the committee has reviewed 75 individual cases from the period 1983-2020. Of these, there are 14 adoptions (carried out in the period 1986-2004) that we know for certain have gone through a private institution, but it is not always possible to determine this solely by looking at the documents in the registration case in Norway.

their parents. As shown in the review (section 7.8), the ICBF's lack of resources is a recurring theme that is discussed in several of Adopsjonsforum's internal travel reports and in applications for approval of contact networks. The child welfare system in Colombia is also organised very differently from that in Norway, with a different approach to the question of which care solutions should be chosen for the children, as well as the rights of the original parents.

7.10.2 The principle of subsidiarity

The child welfare process in Colombia is currently based on the principle that if a child is or has been subjected to a violation of their rights, the child welfare process shall contribute to restoring these rights. Through the so-called PARD process, fixed deadlines are applied to the work of the child welfare services and to the decisions that are to be made in this regard. This is described above in section 7.6.2, which states that after a maximum of 18 months, child welfare services must decide whether the child should be returned to its parents or declared adoptable – a decision on *adoptability*. During this period, the parents must be able to provide good care for their children. In interviews conducted by the committee in Colombia, all of the original parents who had had their children removed from their homes by the child welfare services (between 1991 and 2007) stated that they were not offered any assistance, but were instead faced with demands they had to meet, often demands for a better financial situation than the parents had.

It is also important to note that the Colombian system has always operated with adoption and repatriation as the two alternatives. While placement in a foster family is the most frequently used child welfare measure in Norway, in Colombia this is considered only a temporary measure. If the child cannot be returned to its original family and there are no adoptive parents for the child in Colombia, international adoption is chosen over permanent foster care placement in the country. A person who has had various roles in connection with facilitating collection trips and adoptions in Colombia explained to the committee that in several of the cases, the children were very attached to their foster parents – and vice versa – and that the children therefore felt very homesick during the initial period of the collection trip. An article on subsidiarity work in Colombia in the 1980s and 1990s claimed that foster parents were not given the opportunity to adopt the children, even though they wanted to and had a good relationship with them.[430] If these foster parents are suitable for providing permanent care for the children, the question may arise as to whether refusing to allow them to adopt the children and instead opting for international adoptions is contrary to the principle of subsidiarity.

It is doubtful whether adoptions from a country that does not have permanent foster care placements as part of its system of measures could be considered contrary to the principle of subsidiarity in the Hague Convention. Foster care arrangements are costly, and countries that need to adopt children abroad are characterised precisely by the fact that they do not have sufficient resources to offer this type of solution for children.

[430]Hoelgaard, S. (1998).

7.10.3 Risk factors associated with release for adoption

As described in section 7.6.2.3, there is currently no automatic review in court of whether a child can be adopted. The adoptability declaration is issued administratively by the defensor de familia. It is the biological parents who must request a judicial review. If the child has been abandoned, there is therefore no legal review of the question of adoptability. The same applies in cases of neglect, if the parents do not request a legal review. According to information provided to the committee by ICBF staff in Colombia, there is no offer of free legal aid to parents who wish to review the adoptability declaration. If there is no real possibility of legal review, even in cases where the child's parents are known and available, this must be considered a weakness in the system.

If the child has been abandoned, the actions taken by the child welfare services to search for the original family may be decisive for the legitimacy of the adoption. Several media reports in Norway about adoptions from Colombia have told stories of children being kidnapped within their own families. In some cases, the child was transported to another part of the country before being handed over to or found by the ICBF. Furthermore, the committee has been informed by people who have previously worked for the ICBF that, before modern information technology, it was "almost impossible" to find the families of children who had been separated from their families, even though the legal requirement to advertise for relatives in the media and elsewhere was followed. This may have led to a risk that children who had parents in Colombia who wanted to care for them were nevertheless adopted abroad. The Armero disaster is a well-known example of this.

As mentioned (section 7.4), Colombia has been, and still is, a country with a high number of internally displaced persons and a significant refugee population. Even today, questions have been raised as to whether the ICBF is doing enough to locate the original family. In meetings with the committee, the ICBF emphasised that the majority of adoption cases they handle are child welfare cases, where the child has been removed from the home due to neglect, not cases of abandoned children. However, Colombia has a significant population from Venezuela (see section 7.4). In a recent case, Bufdir stopped an adoption to Norway because it was considered that the Colombian authorities had not done enough to search for the child's original family in Venezuela[431].

ICBF employees whom the committee spoke with in Colombia explained that there could be significant differences in the workload of different defensores de familia. In densely populated regions, a defensor de familia may be responsible for several hundred cases at the same time, which may affect how thoroughly each individual case can be investigated during the 18 months the ICBF has available before a decision on return or adoption must be made. At the same time, it was emphasised that the process is rigorous, that there is no opportunity to 'skip' steps in the process, and that there are safeguards in place to ensure that the steps are followed.

[431] The case was mentioned by representatives from ICBF in the committee's interview with them during our country visit to Colombia.

7.10.4 Adoptees' access to information about their biological origins

One criticism of the adoption system in Colombia that has been raised in the media in recent years is that (especially in adoptions in the 1970s to 1990s) it can be difficult for adoptees to obtain information about their biological origins.[432] This has also been emphasised in interviews conducted by the Committee with people who were adopted in the 1970s and 1980s. Furthermore, an adoptive parent whom the committee has spoken to and who adopted during this period has also explained that he or she received very little information about the child's biological origins and the background to the adoption, and that this was normal at the time.

The review committee has also received several individual inquiries from adoptees from Colombia who report difficulties in obtaining information about their biological origins. The problems highlighted include a lack of information in the adoption documents, a lack of assistance from Norwegian adoption agencies (e.g. an overview of local orphanages with which ICBF has collaborated at various times), lack of response from ICBF when submitting a request for access to one's own case, long processing times, incomplete case files and documents that cannot be found. The Dutch investigation report also points out that adoption archives are generally difficult to access in Colombia, that archiving procedures have been inadequate, documents are missing, little has been digitised, cases may be located in different parts of the country, and ICBF's capacity to assist in searches is limited.([433])

The committee's review of individual cases reveals a marked development in the information contained in the documents sent to Norway. Of the 43 cases reviewed by the committee in the period up to 1999, most include a court decision from Colombia on adoption and a new birth registration in Colombia following the court decision. The court decisions are characterised by being very brief about the background to the adoption and only refer to supporting documents (such as previous abandonment/release declarations) that have not been sent to Norway. They are somewhat more detailed when it comes to the Norwegian parents. The names of the original parents are not given in either the court decisions or the new birth registrations. It is usually not possible to say whether the child comes through the ICBF or a private orphanage (in some cases, an orphanage is mentioned in the court decision). In general, there is little to say about the child's background, work with subsidiarity or informed consent based on the documents underlying the registration of the adoption in Norway. In all the cases we have looked at, there are more than twelve weeks between birth and adoption (with one exception, where it only takes five weeks). Some cases may have more information, such as a social report, medical assessments, or a decision on taking the child into care.

In the 26 cases seen since 1999 (after Colombia ratified the Hague Convention), there has been no major change in the wording of the court decision on adoption. It still contains little information about the background to the adoption, work on subsidiarity or the process leading up to the abandonment/adoptability declaration. However, there is far more information in the documents that have been sent to adoptive parents via Adopsjonsforum, and which have since been sent to Norwegian

[432] See, for example, Hoelgaard S. (1998) pp. 223, 229; Vice, 16.10.16: "Morir sin saber un origen: la realidad de miles de adoptados colombianos".
[433] Report by the Intercountry Adoption Investigation Commission (2021) p. 78.

Adoption authorities for archiving: social reports (which may include the names of the original parents and the reason for adoption) are often found here, and work on subsidiarity may be described. (e.g. that the ICBF has searched for relatives but not found them), the original birth certificate is often included in the case file (in all cases from 2003 onwards), and with few exceptions these include the name of the original mother. A declaration releasing the child for adoption is available in all cases from 2003 onwards.

From 1999 onwards, the name of the original mother is generally stated in the documents sent to Norway.[434]

When comparing cases from private institutions with cases from the ICBF in the period 1999 to 2005, there is generally more information about the child's background in the latter, but this is probably also due to the fact that these children are usually older and more often involve child welfare cases.

In cases from after 2009, it is more common for the child's entire case file from the ICBF to be sent to Adopsjonsforum, and this can amount to over 100 pages. Overall, it is therefore possible to glean much more information from the documents from 2009 onwards, but the information on which the Norwegian authorities base their registration of the adoption has not changed significantly during the entire period under review. Nevertheless, it is likely that the Norwegian authorities have seen more of this information prior to adoption in recent years, given that more recent cases are more often cases that must be approved by the Professional Advisory Committee.

In interviews conducted by the committee with adoptees from Colombia and people working with reunions in Colombia, it is emphasised that the process of obtaining information about biological origins can be difficult, both financially and psychologically. Adoptees who wish to find their birth parents may struggle with language and cultural barriers and end up paying large sums of money for assistance and services from private individuals in a seemingly unregulated market. This is a challenge that studies in other countries have also highlighted,([435]) and which the committee will return to in its final report.

7.10.4.1 The birth family's access to information about the children

According to the Dutch review report, the birth family has no legal right to information about the adoption case after the adoption has taken place, even if the circumstances surrounding the adoption were unclear.[436]

[434] When the new birth registration is available (from 1988/89, it appears to be included in most of the documents sent to Norway), some adoptees whom the committee has spoken to have succeeded in finding the original birth certificate in Colombia (where available), where they have also found the name of their birth mother. This is because the same serial number is included with the new registration. Finding this registration may require knowing the region from which one was adopted.

[435] See Report from Mission interministerielle relative aux pratiques illicites dans l'adoption internationale en France (2023); Final report from the Expert Panel on Intercountry Adoption (2021); Report Adoptions illegals d'enfants du Sri Lanka : étude historique, recherche des origins, perspectives (2020).

[436] Report by the Commissie onderzoek interlandelijke adoptie (2021) p. 78.

This was an issue raised by the birth parents the committee spoke to in Colombia. They said that the ICBF had not given them any information about where their children had ended up or how they were doing after being released for adoption. In several cases, they had not been told whether the children were in foster families, whether they had been adopted domestically or abroad, or whether siblings had been placed together or separately.

The Committee intends to return to this issue in its final NOU.

7.11 Summary

The Committee's mandate is to examine adoptions at the system level, including describing the system of control and supervision, how Norwegian authorities have handled reports of matters requiring follow-up, and what assessments and measures have been taken. Money transfers abroad are listed as a separate focus point in the Committee's mandate.

In line with these guidelines, the committee has focused its investigations on Colombia and the Adoption Forum's communication from private institutions, due to special circumstances associated with this, including high, mandatory donations linked to each individual adoption.

Summary of main findings and assessments:

- The committee believes that Adoption Forum's cooperation with private institutions was organised and developed in a way that contributed to making the institutions financially dependent on adopting children in order to receive donations. This created a risk that financial considerations could take precedence over the best interests of the child, and posed a risk of violating, among other things, the requirements for informed consent, the principle of subsidiarity and the prohibition against unlawful financial gain from adoptions.
- The committee is critical of the advance payment agreements that Adopsjonsforum entered into with some of the private institutions, which entailed a risk that considerations other than the best interests of the child could become decisive in each individual adoption.
- The committee is also critical of the fact that Adopsjonsforum was not entirely open about these agreements with the Norwegian adoption authorities for a long time.
- The Committee is also critical of how the Norwegian adoption authorities in several cases failed to respond to information they received, both about the possibility of errors in adoptions from Bogotá to Norway in the late 1970s (cf. section 7.8.1.2), and about donations to private institutions in the early 2000s in some cases being transferred directly to accounts in third countries (cf. section 7.9.4), which should have given rise to further investigation.

These assessments must be considered provisional and may be subject to adjustment in the final report.

8 The way forward after the interim report

The committee has provided an account of its adoption cooperation with two countries. Ten countries remain that are prioritised in the mandate. We have made considerable progress in our investigations of two of these countries, Ethiopia and Chile.

Furthermore, we are in the process of gathering information on South Korea, which we will visit in March. We have also obtained some information on other countries, but a great deal of work remains in terms of archive searches and interviews for 8-9 countries.

The committee has made considerable progress in its investigations into how the Norwegian system for international adoptions has functioned at different times, but here too there is still work to be done, and it will be difficult to complete the assessments before the country investigations are finished.

In addition, a great deal of work remains to be done in terms of looking at the need for forward-looking measures and making recommendations about the adoption system for the future.

In its further work, the committee will have to set priorities in order to fulfil its extensive mandate. A large part of the resources will have to be spent on what the mandate describes as the main issue for the committee: to investigate whether the Norwegian authorities have had sufficient control over international adoptions and to uncover any illegal or unethical practices in adoptions to Norway. A central part of this is the investigations of individual countries.

However, the investigation into the control of international adoptions and possible illegal adoptions from the twelve priority countries will have to be adapted to the resources available to us in order to ensure that the rest of the mandate can also be fulfilled. The investigation of adoptions from Colombia and Ecuador provides examples of different ways of limiting the committee's country investigations. It will not be possible or appropriate to investigate all 12 priority countries in equal depth. For some countries, the investigations will necessarily be less comprehensive than for Colombia and Ecuador. The scope of each country investigation will be assessed on the basis of, among other things, the number of adoptions, the placement period, indications of problematic circumstances and the possibilities for finding information (cf. section 3.5.3).

The mandate stipulates that the committee must submit its final report within two years of its inception. The first committee meeting was held on 18 December 2023, and the deadline is therefore 18 December 2025.

Appendix 1: Overview of key legal sources

The following is an overview of some key sources of law for international adoptions. The overview is not exhaustive.

International conventions

- Nordic Convention on Family Law 1931: Convention between Norway, Denmark, Finland, Iceland and Sweden containing provisions of private international law on marriage, adoption and guardianship. Ratified on 11 December 1931.
- The Hague Convention 1965: The Hague Convention on Jurisdiction, Applicable Law and Recognition of Decisions in Respect of Adoption. Signed but not ratified.
- Council of Europe Convention 1967: European Convention on the Adoption of Children. Ratified 13 January 1972.
- Convention on the Rights of the Child 1989: UN Convention on the Rights of the Child of 20 November 1989. Ratified on 8 January 1991.
- The Hague Convention 1993: Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. Ratified on 25 September 1997.
- Council of Europe Convention 2018: European Convention on the Adoption of Children (revised), ratified on 26 November 2010.

Laws[437]

- Adoption Act of 2 April 1917 No. 1.
    - Revision Act of 13 June 1980 No. 32 1980 (interlegal issues)
- Child Welfare Act of 17 June 1953 No. 14.
- Adoption Act (Adoption Act) 28 February 1986 No. 8.
    - Revision Act of 11 June 1999 (adoption mediation)
    - Revision Act of 4 June 2010 No. 18 (recognition of adoptions carried out in and by other states).
- Act on Adoption (Adoption Act) 16 June 2017 No. 48.

Regulations

- Regulations on the transfer of administration of the Adoption Act from the Ministry of Justice to the Ministry of Social Affairs, 15 March 1985 No. 661.
- Regulations concerning requirements for organisations that arrange for the placement of children from foreign countries for adoption, laid down by the Ministry of Children and Family Affairs pursuant to Section 16 d of the Adoption Act of 28 February 1986 No. 8, 30 November 1999 No. 1195.
- Regulations on the adoption of children from abroad, laid down by the Ministry of Children, Equality and Inclusion pursuant to the Act of 28 February 1986 No. 8 on adoption, Section 16e, fourth paragraph, 30 January 2015 No. 72.
- Regulations on adoption, laid down by the Ministry of Children and Equality pursuant to the Act of 16 June 2017 No. 48 on adoption (the Adoption Act) §3, § 5, §7, § 14, §17, §18, §31, §32 § 42 and § 53, 22 June 20018 No. 959.

[437]Only the most important amendments (revisions) are mentioned.

Circular

- Ministry of Social Affairs circular of 20 May 1954, Special protective measures – child welfare circular no. 3
- Ministry of Social Affairs circular dated 13 July 1954, On foster children and foster homes – Child Welfare Circular No. 5
- Ministry of Social Affairs circular dated 1 November 1964, Adoption services – Child Welfare Circular No. 36
- Ministry of Social Affairs circular of 4 November 1968 on the adoption of foreign children – Child Welfare Circular No. 47
- Ministry of Justice circular dated 26 January 1973 (G-34/73) on the European Convention of 26 January 1967 on the Adoption of Children 123
- Ministry of Social Affairs Circular of 24 May 1976 to child welfare boards on the adoption of foreign children
- Ministry of Social Affairs Circular of 25 September 1978 on the adoption of foreign children, Circular I–9/78
- Ministry of Justice circular of 17 June 1983 (G-133/83) on the adoption of stepchildren
- Ministry of Social Affairs circular of 26 June 1987 on the National Adoption Office, circular I-20/87
- Ministry of Social Affairs circular of 13 October 1989 on guidelines for processing adoption applications, circular I-15/89
- Ministry of Children and Family Affairs circular of 14 January 1994 (Q–6/94) Supplement to circular I-15/89 limiting the period of validity of prior consent to the adoption of foreign children
- Ministry of Children and Family Affairs circular of September 1998 (Q–0972) on international adoption with guidelines for the investigation and approval of adoptive homes, revised in March 2009
- Ministry of Children and Family Affairs circular December 2000 (Q-1013) with guidelines for the allocation of one-off support for the adoption of children from abroad
- Ministry of Children and Family Affairs circular of December 2002 (Q–1045) with guidelines for case processing of applications for domestic and international adoption, and in particular on the exercise of discretion in domestic adoption, revised in March 2009.
- Ministry of Children and Family Affairs guidelines, December 2002 (Q-1046) on preparing social reports for adoption applications, revised March 2009.
- Ministry of Children and Equality circular, published on 5 January 2006, on amendments to the Child Welfare Act § 4–20 and the Adoption Act § 1.
- Supplementary circular from the Ministry of Children and Equality dated 12 May 2006 with amendments to the guidelines in circular Q-1045 on stepchild adoption in registered partnerships.
- Circular from the Ministry of Children, Equality and Inclusion dated 24 September 2014 (Q-1225 B) Guidelines for amendments to the Adoption Act.
- Circular from the Ministry of Children, Equality and Inclusion dated 2 February 2015 (Q-2015-28) Regulations on the adoption of children from abroad – with comments.
- Circular from the Ministry of Children, Equality and Inclusion dated 3 March 2016 (Q-1045) Case processing for applications for domestic and international adoption
- Ministry of Children, Equality and Inclusion circular of 8 March 2016 (Q-1046) Guidance booklet on preparing a social report when applying for adoption.

- Circular from the Ministry of Children and Equality dated 29 June 2018 (Q1245) Guidelines issued by the Ministry of Children and Equality in June 2018 for the Adoption Act of 16 June 2017 No. 48 (in force from 1 July 2018) – Case processing for applications for domestic and international adoption
- Ministry of Children and Equality circular dated 16 June 2018 (Q1246) Guidance booklet on preparing a social report for adoption applications

Appendix 2: List of parties with whom the committee has held meetings

Adoption in Change Adoption
Norway Adoption Forum
Ombudsman for Children
Ministry of Children and Families Bufdir
Bufetat East
The Norwegian National Research Ethics Committee for Social Sciences and Humanities (NESH)
Esben Leifsen
Farith Simon
Research Group for Family, Children's, Inheritance and Personal Law, UiB
Research Group for Administrative Law, UiB
Research Group for Welfare Law,
University of Bergen InorAdopt
Interest Group for Adopted Persons from Bangladesh (IAB)
International Social Service (ISS)
China Association Landinfo
National Library Dutch
review
Norwegian Institute of Human Rights (NIM) Norwegian
Korean Rights Group (NKRG) Positive Adoption
Rights Group for Adoptees from Colombia (RACO) National Archives
Romanticised immigration
Swedish investigation Ministry
of Foreign Affairs UTAD
Children of the
World VG

Appendix 3: Summary of the Interim Report

On 20 June 2023, the Norwegian government established a committee to investigate international adoptions. The investigation was initiated following investigations into international adoption in other countries, information revealed by adult adoptees' searches for origins, and reports in the media about irregularities in international adoptions to Norway. The Committee began its work in the autumn of 2023.

The committee investigates whether Norwegian authorities have had sufficient control over international adoptions and whether there have been illegal or unethical practices in international adoptions to the United Kingdom. The full mandate (in English) can be found on the committee's webpage: www.utenlandsadopsjonsutvalget.no.

This interim report outlines the work conducted by the Investigation Committee on International Adoptions so far, focusing on adoptions from Ecuador and Colombia to the United Kingdom. The findings presented should be considered preliminary. The committee's general assessments of how the United Kingdom system for international adoptions has functioned, and of the authorities' work on adoptions, will be included in the final report expected in December 2025. The same applies to evaluations of adoptions from other countries of origin included in the investigation.

Chapter 1 of the report presents the Committee, its mandate, the allocated resources, and the organisational structure of the investigation.

Chapter 2 provides a summary of the report in Norwegian.

Chapter 3 describes the legal framework for the investigation, the committee's methods, and the progression of the investigations.

Chapter 4 provides a historical overview of the development of international adoptions to the United Kingdom, including relevant legal and institutional frameworks.

Chapter 5 discusses the development of key rules and principles governing international adoptions in both Irish English and international law.

Chapter 6 focuses on the investigation of adoptions from Ecuador. Between 1976 and 2004, a total of 185 children were adopted from Ecuador to Norway through the Norwegian adoption agency Adopsjonsforum. The committee has focused on Adopsjonsforum's collaboration with the lawyer Roberto Moncayo, one of their contacts in Ecuador during the 1980s. Moncayo was arrested in Ecuador in January 1989 and charged with crimes relating to illegal adoptions. The Norwegian authorities and Adopsjonsforum's handling of Moncayo's arrest and the adoptions he facilitated have been a central aspect of the investigation. Some other issues, such as Adopsjonsforum's collaboration with the orphanage Amparo y Hogar between 1980 and 1986, have also been assessed.

Key findings regarding adoptions from Ecuador:

- There is a risk that errors occurred in adoptions to the United Kingdom through the orphanage Amparo y Hogar in the 1980s.

- The Norwegian authorities and Adopsjonsforum failed to request detailed explanations of how Moncayo would find children for adoption when he was officially approved as a lawyer and contact person for Adopsjonsforum in 1986 and 1987. This was a breach of the adoption authorities' duty to investigate the case before giving approval.
- After Moncayo was arrested, the Norwegian authorities should have been significantly more concerned with obtaining clarity on whether there were criminal acts that could give reason to reverse any of the 13 adoptions he brokered, and in speeding up the assessment of this in Ecuador.
- In one case, the biological mother filed a lawsuit in Ecuador to annul the adoption, claiming her child had been kidnapped. The processing of the case took several years, and eventually the Norwegian authorities accepted a proposed solution that involved a payment to avoid the claim for the return of the kidnapped child to Ecuador. This violated fundamental principles of adoption. Adoptions should be decided based on the best interests of the child, and no one should have any undue financial profit from an adoption.
- Adopsjonsforum ended its collaboration with the orphanage FANN in 1994 due to an increase in expected donations per adoption. It is positive that Adopsjonsforum itself took the initiative to end a collaboration with an orphanage because of increased donations.

Chapter 7 details the investigation of adoptions from Colombia.

Colombia is the second largest country of origin for internationally adopted persons in the United Kingdom. From 1972 to 2024, 4,095 children have been adopted from Colombia to the United Kingdom, all through the British adoption agency Adoptions Forum. Adopsjonsforum collaborates with the Colombian Family Welfare Institute (ICBF), and until 2006, also with private adoption institutions ("casas"). Since 2006, all adoptions to Norway have been handled exclusively by the ICBF.

The committee's investigations have focused on the period from 1990 to 2006 and specifically on adoptions from private institutions.

Key findings regarding adoptions from Colombia:

- Donations to private institutions were a prerequisite for placements from these institutions, a practice dating back to 1980.
- Adopsjonsforum’s collaboration with private institutions fostered economic dependency on adoptions in these institutions, risking violations of principles such as informed consent, subsidiarity, and the prohibition of undue financial gain.
- Adopsjonsforum entered into agreements with two of the private institutions on prepayment of donations, based on an estimated number of placements. These prepayment agreements posed risks that considerations other than the child's best interests influenced adoptions.
- The committee is critical of Adopsjonsforum's lack of transparency with Norwegian authorities regarding these agreements.
- The committee is also critical of Norwegian authorities’ failure to act on information warranting further investigation, such as reports of potential errors in adoptions from Bogotá in the 1970s and the transfer of donations to third-country bank accounts in the early 2000s.

- The committee has no basis for estimating the proportion of adoptions from private institutions in which errors or illegalities may have occurred, nor can it assess the level of risk during different periods.

Colombia is one of two countries still approved by Norwegian authorities for adoptions to the United Kingdom. While the committee's work is retrospective and does not include evaluating the continuation of current adoptions from Colombia to the United Kingdom, it is mandated to alert authorities if its investigations indicate serious issues that warrant suspension. The committee's work has not identified any such issues. In general, the risk of errors appears to have decreased over time as adoption oversight in Colombia has been strengthened.

Chapter 8 outlines the committee's ongoing work toward the final report.