

# Sve riges international ado ptions business – learn lessons and the way forward

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*Report ande by the Adoption Commission*

*Stockho lm 2025*



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# An investigator's thoughts

When I was asked to investigate whether there had been any irregularities in Sweden's international adoption activities, it seemed like a fairly straightforward task. I thought to myself, surely there haven't been any irregularities. It turned out not to be so simple. The review shows that things have not always been done correctly.

When children have been adopted to Sweden, illegal or unethical procedures have sometimes been used, which ultimately meant that there was no basis for assessing whether an international adoption could really be considered to be in the best interests of the individual child. The audit also reveals weaknesses in the organisation of adoption activities, which have contributed to the inability to prevent irregularities. Studies in other countries show the same thing.

When this comes to light, it naturally arouses strong feelings. Everyone involved in international adoption has believed in and had a strong desire to do good and do the right thing. Adoptive parents have been given a child whom they were convinced needed a new family, a child whom they love as all parents love their children. Those who have worked with adoption agencies in Sweden have been convinced that they have saved children from an uncertain future and given Swedes the opportunity to become parents. The supervisory authority's task has long been to facilitate international adoptions. International adoption was seen as something good and was subject to state supervision. Everything seemed to be going well. And then it turns out that this has not always been the case. Of course, this arouses emotions.

My task has been to clarify whether there have been any irregularities in Swedish international adoption activities. The task has not been to evaluate Swedish international adoption activities; in other words, whether it has been good or bad that we in Sweden have accepted a large number of children for adoption from other countries. Many times during the course of my work, I have been told

that there have been no irregularities and that, regardless, there is no point in looking for any, as the adopted children have done well. This is certainly true in many cases. However, whether or not a person has had a good life cannot influence the answer to the question I am investigating, namely whether that person's human and other rights have been violated. These are two different things that are not always easy to distinguish, but which must be answered separately.

I have been assisted by an outstanding secretariat whose unparalleled dedication and commitment have made this investigation possible. Throughout the years that the investigation has been ongoing, we have all been confronted with questions about the meaning of adoption, how international adoption has affected those who have been involved in the process in various ways, how adoption has been perceived, and what consequences different decisions have had. We have heard many deeply moving stories from adoptees, adoptive parents and birth parents. One inescapable conclusion is that Swedish international adoption has at times been conducted without understanding what international adoption actually means for those involved.

Of course, we could not have completed this task without all the knowledge, experience and reflections we have gained through our meetings with adoptees, adoptive parents and birth parents, our experts and reference group members, researchers, government officials, the National Archives and many others. They have all generously shared their knowledge and experiences, both positive and negative. Your help has been invaluable, and we owe you all a big thank you.

The investigation assignment also includes proposing adoption-specific support. It has long been known that those who have been adopted internationally may need special support at various times in their lives. In recent years, such support has been developed, but much remains to be done, and it is important that this be done. I am not tasked with considering financial compensation or other redress for individuals who have been affected by irregularities in international adoption activities. However, the appointment of the inquiry is a first step towards redress, and the conclusions and proposals are a second step in such a process. But more steps should be taken.

In the report, I have put forward a number of proposals on how the continued work with international adoption can be organised in order to prevent future irregularities as far as possible. What has happened has happened, and we cannot change that. But there are lessons to be learned for the future. It is particularly important that the adoption-specific support that is proposed becomes a reality. I have also proposed that the government initiate a process to give adopted persons and their families public recognition and an apology. This is the least we can do for all those who have been affected by irregularities in their adoption.

Uppsala, April 2025 Anna

Singer



# Thoughts from someone who was adopted to Sweden

Dreams and fantasies about a child. A life. There. Dreams and fantasies about a life. Together. Here. Or apart.

A child who lives somewhere. Who has smells, tastes, images, sounds and feelings. A life lived. A real life. Not dreamed. Not imagined. A whole life, a few days, a few weeks, a few years. Somewhere. With someone's hands and someone's embrace. Part of people's memories and people's lives. What does the child dream? What does it fantasise about? What does the child forget? What does it dare to hold on to as it travels across sea and land to end up here?

Children change countries. Papers change hands. Dreams become reality. Sweet dreams and nightmares. Summery images of light-brown children in traditional dress. Sparkling, dark-brown eyes under red winter hats on sledding slopes. Siblings laughing sweetly in matching nice clothes. Blonde, straight hair next to dark, curly tufts. Here. At the same time. Several thoughts in my head at once. At the same time. Families fall apart. Parents search for lost children. People who lack the power and means to demand their rights. There.

- Not all of them!
- How do you know that?
- Would it have been better if?
- Not anymore!
- Maybe for you, but not for me.
- Aren't you grateful?

I am grateful to have been entrusted with writing some introductory thoughts for this inquiry. An inquiry set up to investigate what has happened and what can be done in relation to international adoptions to Sweden. How things could sometimes go so wrong despite our beautiful dreams, and what we can do going forward. I am grateful that I can do this. For being able to write, for having my life and health, for being lucky enough to be in this place at this time with these opportunities. For being able to think things through beforehand. To write a few words before. A few words to perhaps return to afterwards. I don't know for sure, because I am writing without having read the inquiry. Without knowing what awaits.

I write in uncertainty and yet with certainty. I mean that we already know things with certainty. But only some things. We know that some have suffered. That others have had it good. That some things have gone wrong. That others have gone right. That some things have gone wrong and right and good and bad at the same time. But we know very little about how many, how often, why and in what way. About what can be resolved and what is too late. And about how we can move forward.

Not knowing is said to be a blessing. Resting in the sea of ignorance gives you the freedom to fantasise and dream. To hope and forget. To wish that everything is actually fine. I am trying to get used to not knowing. All my life, I have tried to get used to the fact that I will probably never know. Even though the most common question I get asked is precisely that. Even though I have searched everywhere. Even though I have read and dug and travelled and searched and tested and waited and asked and tried. Even though every new acquaintance eventually leads to the same question, I still don't know, 53 years later, where I come from. I don't know from which soil I was created and cut off at the roots. I don't know who walked on that soil before me or who walks there today.

I can only write about how it is for me. One of nearly 60,000 people who have been adopted to Sweden from other countries. In the following investigation, I imagine that you will read about how it is for many, many others. I imagine that just as you think you see a pattern, that you understand how it all fits together,



a new perspective, a new irregularity, which twists reality another half turn.

In my life and in my work as a psychologist and psychotherapist, I have met people who have been adopted and who have never felt the need to search for other roots. People who are firmly grounded and have put down roots in Swedish soil. Here. People who know, or do not know, what they have left behind and who are grateful that they have ended up here. Who have found security and peace and are content with that. I have met some who have been in contact with a family that still lives there their whole lives. There. Others have returned as adults and found the family they once came from.

I have met those who did not recognise themselves at all. There. Who never want to go back. There. And those who constantly long to leave.

I have met people who were adopted and want to return but are not welcome. Who were first given up for adoption and then rejected again when they searched for and found their birth parents, who do not want or are unable to have contact with them. I have met people who were adopted from countries ravaged by war and corruption. Countries that do not want or are unable to take back those who seek to return. I have met people who wanted to and were able to search for their relatives but who came too late. So many who have searched for their roots and found more questions than answers and wondered who will help them heal. Here.

I have also met those who have searched and found and felt that they have become whole again. Who have found a haven and an embrace. Those who have learned that they were longed for, missed and mourned. Who were stolen, kidnapped, bought and sold. Like commodities. I have seen the despair of birth parents. There. And the horror of the parents who raised them. Here. I have met adoptive parents who comforted and hugged, cuddled and listened to their beloved children, while those same children missed the open arms of their first parents. Nightmares that none of us could have imagined, but which are now reality.

In addition, there are often layers of congenital or acquired illnesses and injuries. More or less severe. Visible and invisible. Temporary and chronic. Often against a backdrop of known and unknown crises and disasters. I have met those who were first abandoned for

adoption there and then abandoned by their adoptive parents here. Because the task became too difficult. Too complex. Because the child carried too much trauma. Because the adults who adopted them had too little ability, too little competence and too few resources. The wrong resources. Because neither money nor love can heal all wounds.

I have met social workers and therapists, grandparents, siblings, friends, partners and children of people who have been adopted, who have tried in vain to help and support them without succeeding in curbing their destructive behaviour. Private individuals and professionals who have followed those who have never quite found their place in society or emerged from their inner darkness. People who have walked alongside someone who has hurt and damaged, destroyed and lost. All of us who have known someone who seemed to be doing so well but who suddenly couldn't bear to stay. Or who we knew was never doing particularly well. All those we have already lost. Here.

Adoption is said to be taking someone else's child as your own. To meet the stranger as your own. To try to understand what it is like to walk in someone else's shoes and body. To walk around in the same shoes as everyone else but with a body that often differs from the norm. A body unlike that of your parents. A body that makes heads turn, eyes linger, questions hang in the air. A body that, unprovoked, may receive shoves and comments, unsolicited invitations and humiliating rejections. Just because it is foreign to someone else. Because even when it comes home in the evening, it is not the same as the one or ones at home. Even though we are all human beings.

My hope is that this investigation will shed light on parts of our shared history that have so far been shrouded in mystery. Then it is up to the rest of us to choose how we want to move forward. Should we change, and if so, what and how? Do we need to repair? Can we compensate? Do we want to demand accountability? What should we preserve? Much of the experience and knowledge gained from international adoptions is also relevant to other alternative ways of becoming parents, to other children who grow up outside their original families, and to other people who carry more than one culture and background.

Adoption is complex and lifelong. Often wrapped in care and tenderness. Being adopted is an essential part of my identity, but it is not all that I am. A person is so much more than their circumstances. A person is woven together by both heritage and environment. A country that protects people's right to live freely and equally in terms of value and rights is a wonderful environment to be woven into. If it also includes recognition of my heritage, my history and the right to know about my origins, which I have not yet been granted, I would be grateful.

Stockholm, 31 January 2025

Hanna Wallenstein

Licensed psychologist, licensed psychotherapist



# To the Minister

## Camilla Waltersson Grönvall

At its meeting on 28 October 2021, the Government decided to commission a special investigator to map and analyse how the regulations, organisation and processes within Sweden's international adoption activities have functioned in the past and up to the present day. The purpose of the assignment is to clarify the existence of any irregularities in Sweden's international adoption activities and how the Government, relevant government agencies, municipalities, authorised associations, non-profit organisations and other private actors have acted and responded to any irregularities based on the respective actor's responsibility and role. The findings of the investigation shall provide guidance for the development of Sweden's international adoption activities by proposing how current regulations, organisation and processes can be changed and strengthened in order to further strengthen the child rights perspective and legal certainty. The investigator shall also investigate the need for adoption-specific support and propose what assistance and support measures should be offered, as well as propose the constitutional amendments and other measures that are needed. Additional directives were decided by the Government on 6 July 2023 (dir. 2023:113), 19 September 2024 (dir. 2024:86) and 10 December 2024 (dir. 2024:120).

On 28 October 2021, Professor of Civil Law Anna Singer was appointed as special investigator.

The investigator has been assisted by a secretariat. Investigator Tina J Nilsson was appointed as chief secretary on 1 December 2021. Lawyer Pernilla Krusberg was appointed as investigation secretary on 1 October 2022 and investigator Helena Norman on 15 November 2022. Investigator Anders Tordai was also employed as investigation secretary from

24 January 2022 to 31 March 2023, and investigator Christina Sundelöf Kellner was employed as an investigation secretary from 21 February 2022 to 21 November 2022. Legal expert Anna Fridh Welin, Ministry of Justice, was appointed on 23 February 2022 to assist the investigation as an expert. Department Secretary Andrea Larsson, Ministry of Health and Social Affairs, Senior Advisor Erica Neiglick, Ministry for Foreign Affairs, and Department Secretary Lisette Wahlroth, Ministry of Health and Social Affairs. Lisette Wahlroth resigned on 1 February 2023 and was replaced by Department Secretary Sandra Rosenälv. Anna Fridh Welin was dismissed on 11 September 2023. Sandra Rosenälv was dismissed on 11 December 2024 and replaced by Senior Under-Secretary Christopher Woltén.

On 23 February 2022, the following experts were appointed to assist the inquiry: Operations Manager Kerstin Gedung (Adoptionscentrum), Professor Michael Hellner (Stockholm University), Chief Legal Officer Jonas Hägerlind (Swedish Authority for Family Law and Parental Support), Lawyer Karin Juhlén (Children's Ombudsman), licensed psychologist Jenny Klefbom, Associate Professor Cecilia Lindgren (Linköping University), social worker Sarah Lundholm (City of Stockholm), Judge Mats Sjösten (Varberg District Court), Operations Manager Ann-Charlotte Särnbratt (Barnen Framför Allt) and lawyer Elin Torebring (National Board of Health and Welfare). Jonas Hägerlind was dismissed on 9 March 2023 and was replaced by Director General Per Bergling (Swedish Authority for Family Law and Parental Support). Kerstin Gedung was dismissed on 19 September 2024 and was replaced by communications strategist Patric Nilsson (Adoptionscentrum).

The investigation was also assisted by a reference group. On 24 February 2022, Marit Arnbom, Organisation for Adult Adoptees and Foster Children (AFO), Bonnie Berggren, Transnational Adoptees' National Organisation (TAR), Anna Blades, Association of Adopted Koreans (AKF), Maria Diemar, Chileadoption.se, Peter Högman, Sweden Nepal Association, Hanna Sofia Johansson, Swedish Korean Adoptees Network (SKAN), Pia Ninche, Association of Ethiopian and Eritrean Adoptees (AEF), Britt-Marie Nygren, Family Association for Internationally Adopted Children (FFIA), Elisabet Sundén Ingeström, Network for the Bulgarian Association for Adoptive Families, Katharina Urkko, Korean Society, and Carin Waller, Forever Families Association for South Africa and Lesotho. Katharina Urkko was dismissed on 26 June 2024 and was replaced by Mats Eklind (Korean Society).

The inquiry has adopted the name Adoption Commission (S 2021:08).

The special investigator is responsible for the assessments, conclusions and proposals in the report. Otherwise, the report is written in the first person plural, which represents the investigator and the secretariat together.

We hereby submit the report *Sweden's international adoption activities – lessons learned and the way forward* (SOU 2025:61).

The investigation's assignment is thus complete.

Stockholm, June 2025

Anna Singer

Tina J Nilsson  
Pernilla Krusberg  
Helena Norman





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# Abbreviations

The 1904 Act	The Act (1904:26 p. 1) on certain international legal relationships concerning marriage and guardianship
1917 Adoption Act	The Adoption Act (1917:378)
1971 Act	The Act (1971:796) on International Legal Relations concerning Adoption
The 1979 Act	Act (1979:552) on International Adoption Assistance
1986 Declaration	UN Declaration on Social and Legal Principles relating to the Protection and Care of Children, with Special Reference to National and International Foster Placement and Adoption
1993 Hague Convention	The Hague Convention on the Protection of Children and cooperation in international adoptions
AC	Adoption Centre
ACCA	Adoption & Child Care Association
AEF	Association of Adopted Ethiopians and Eritreans
AFO	Organisation for Adult Adopted and Foster Children

AGS	Skaraborg Adoption Group
AHA	African Hope Adoptions
AKF	Association of Adopted Koreans
Convention on the Rights of the Child	UN Convention on the Rights of the Child
Committee on the Rights of the Child	UN Committee on the Rights of the Child
BFA	Children First
Bris	Children's Rights in Society
Buudir	Directorate for Children, Youth and Family Affairs (Norway)
BUP	Child and adolescent psychiatry
BV	Friends of Children International Adoption Agency
CARA	Central Adoption Resource Agency (India)
CCAA	Chinese Centre for Adoption Affairs (China)
CCCWA	China Centre for Children's Welfare and Adoption (China)
CPS	Child Placement Service (South Korea)
Dir.	Committee directive
Ref	Reference
DPCCS	Department of Probation and Child Care Services (Sri Lanka)
Ds	Department series
European Convention	European Convention for the Protection of Human Rights and Fundamental Freedoms

FABV	Association of Friends of All Children
FB	The Parenting Code
FFIA	Family Association for International Adoption
UN	United Nations
FSA	South Indian Adoptions (FSA)
HCCH	Hague Conference on Private International Law
HD	Supreme Court
HFD	Supreme Administrative Court
HSLF-FS	Joint collection of statutes relating to health and medical care, social services, medicines, public health, etc.
ICBF	Instituto Colombiano Bienestar Familiar (Colombia)
ICCPR	UN Convention on Civil and Political Rights
INEA	Centre of Expertise for Inter-country Adoption (Netherlands)
ISIA	Indo-Swedish Inter-country Adoption Association
ISS	International Social Service
JO	Ombudsman
KWS	Korea Welfare Services (South Korea)
LAIS	The Act (2018:1289) on Adoption in International Situations
LIA	Act (1997:192) on International Adoption Services

MIA	The Swedish Intercountry Adoptions Authority
MFoF	The Authority for Family Law and Parental Support
MOLSA	Ministry of Labour and Social Affairs (Ethiopia)
MOWA	Ministry of Woman Affairs (Ethiopia)
MOWCYA	Ministry of Women, Children and Youth Affairs (Ethiopia)
NIA	National Board for Intercountry Adoption
OSL	Public Access to Information and Secrecy Act (2009:400)
Palermo Protocol	Supplementary Protocol to UNTOC on preventing, combating and punishing trafficking in persons, especially women and children
PAS	Post Adoption Services
Prop.	Government Bill
Rskr.	Parliamentary Communication
SAICA	Swedish Association for Inter-country Adoptions
SAW	The Swedish Association for Adoptive Children's Welfare
SFS	Swedish Code of Statutes
SKAN	Swedish Korean Adoptees Network
SoL	Social Services Act (2001:453) <sup>1</sup>

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<sup>1</sup> On 1 July, a new Social Services Act will come into force, see Government Bill 2024/25:89 A preventive Social Services Act – for increased rights, obligations and opportunities.

SOU	Government reports
SWS	Social Welfare Society (South Korea)
TAR	Transnational Adopted Children's Organisation
TDP	Towarzystwo Przyjaciół Dzieci (Poland)
UNCED	Convention for the Protection of All Persons from Enforced Disappearance
UNTOC	United Nations Convention against Transnational Organised Crime





# Summary

## Introduction

The inquiry into Sweden's international adoption activities – lessons learned and the way forward was appointed by the Government in October 2021 following a unanimous announcement in the Riksdag. The background to this was information about irregularities and shortcomings in international adoption activities that had come to light both internationally and in Sweden.

## The assignment

The purpose of the assignment is to clarify the existence of any irregularities in Sweden's international adoption activities and how the government, relevant government agencies, municipalities, authorised associations, non-profit organisations and other private actors have acted and responded to any irregularities based on the respective actor's responsibility and role. The findings of the inquiry shall provide guidance for the development of Sweden's international adoption activities by proposing how the current regulations, organisation and processes can be changed and strengthened in order to further reinforce the child rights perspective and legal certainty. The investigator shall also investigate the need for adoption-specific support and propose what assistance and support measures should be offered and how these should be organised. The assignment has not been to evaluate the activities, i.e. whether international adoption has been in the best interests of the children, either in individual cases or for children as a group.

In order to fulfil the assignment, archive material from authorities and organisations as well as adoption files from the 1960s onwards have been examined. Great importance has been attached to understanding actions taken by

from a historical perspective. We have interviewed many stakeholders and learned from the knowledge and experiences of adopted persons, both

irregularities and the need for and design of adoption-specific support.

## **Interpretation of the assignment**

The task of investigating the occurrence of irregularities in Sweden's international adoption activities over a period of more than 70 years is complex and requires several decisions to be made when choosing the starting points for the work. The starting point for the assessment of irregularities has been the requirements set out in both national and international regulations. An important question has been whether the actors in international adoption activities have fulfilled their obligations.

We have divided irregularities into illegal adoptions and unethical conduct, which is the terminology used internationally.

In accordance with the directives, we have chosen to assess unlawful conduct based on the laws and regulations that were in force at the time in question. Unethical conduct is also assessed based on the values recognised in international conventions and formulated in Swedish law at the time of the adoption in question.

The assignment is ultimately about investigating whether the rights of internationally adopted children have been violated. This is a question that must be kept separate from the question of whether internationally adopted persons have had a good life in their new families and in their new country. Whether or not an adopted person has had a good life cannot affect the answer to the question of whether their human rights have been violated.

## **Irregularities in Swedish international adoption practices**

### **Irregularities have occurred in Swedish international adoption practices**

There have been irregularities in international adoptions to Sweden, both in the form of illegal adoptions and unethical conduct. For example, there are confirmed cases of child trafficking in Swedish international adoption activities in every decade from the 1970s to the 2000s. In some cases, children have also been adopted to Sweden without the voluntary and informed consent of their parents.

to Sweden without the voluntary and informed consent of their parents. There have also been cases of false information and inaccuracies in adoption documents. In some cases, Swedish actors have deviated from a legally secure adoption process in order to adopt more children and to speed up the process. Swedish actors have not sufficiently ensured that children have been made available for adoption in the correct manner and that the adoption has been in the best interests of the children. Specific consent documents from the child's parents have often been missing from the adoption files, even when the parents were known. There have not always been explanations as to why the child is being placed for international adoption. In addition, key information has often been missing from the adoption files, which is crucial to satisfy an adopted person's right to know their origins. Swedish actors have not made sufficient efforts to ensure that this right is fulfilled.

**Swedish actors have not always taken sufficient measures when they have become aware of irregularities.**

Some of the irregularities that have occurred in Swedish international adoption activities were known to Swedish actors at the time they occurred, while other irregularities were only discovered much later. The Government and the supervisory authority have not always taken sufficient measures or acted forcefully enough when they became aware of irregularities. Nor have there been any procedures or processes in place to deal with or prevent irregularities. In some cases, the supervisory authority and adoption organisations have refrained from seeking further information or critically reviewing an activity when information about irregularities has come to light.

Swedish adoption activities have been characterised by a high level of trust between the actors involved. Swedish actors have had a high tolerance for risk and have not sufficiently addressed risks and signs of irregularities. Swedish actors have had strong confidence in the ability of the countries of origin to conduct adoption activities without irregularities and strong confidence in their own ability to place children in an ethically acceptable manner in countries with widespread corruption or irregularities. Irregularities could have been avoided to a greater extent if Swedish actors had

been more attentive to the risks of irregularities that have existed. This includes Sweden's cooperation with countries that have demanded high adoption and donation fees for adoption.

Sweden has also adopted children from dictatorships, countries with high levels of poverty and widespread corruption, and countries where the institution of adoption was unknown.

### **Weaknesses in the international adoption system have contributed to the inability to prevent irregularities**

Several weaknesses in the system for international adoptions have contributed to the inability to prevent irregularities.

The government has not taken sufficient measures to regulate and control private adoptions in order to prevent irregularities. The measures have come too late, which may have contributed to the continuation of irregularities.

The regulation of Sweden's international adoption activities has been adapted to existing adoption activities and to facilitate adoptions. It has not been designed for effective control and to prevent irregularities. Sweden's ratification of the 1993 Hague Convention has not, in practice, strengthened legal certainty in the Swedish international adoption process.

The organisation of adoption activities, where non-profit associations are responsible for adoption mediation, has contributed to an overly uncritical approach to international adoption activities and provided incentives to place as many children as possible for adoption.

The NIA's mandate until 2005 to both facilitate adoptions and supervise authorised adoption organisations has contributed to weakening the supervision and control of adoption activities.

The supervisory authority has not had sufficient tools and conditions for effective supervision. The authority has also interpreted its supervisory mandate narrowly and has not considered itself able to review the activities of adoption organisations in the children's countries of origin. The supervisory authority has thus not acquired sufficient knowledge of the mediation activities and documentation in mediation cases as a basis for authorisation. Lack of knowledge about the activities has also made it difficult for the supervisory authority

to manage and control adoption organisations and prevent irregularities in adoption activities.

Social welfare committees and courts have had a great responsibility but an unclear role in ensuring that international adoptions are carried out correctly and are in the best interests of the child. They have relied too heavily on adoption organisations to guarantee a legally secure process. This may have increased the risk of irregularities in Swedish international adoption activities.

## **Proposals for adoption activities going forward and support for adoptees and their families**

### **Measures in response to identified irregularities**

#### **Sweden should ratify the Convention for the Protection of All Persons from Enforced Disappearance**

The government should speed up the process of ratifying the Convention for the Protection of All Persons from Enforced Disappearance. There have been adoptions to Sweden that may fall within the definition of enforced disappearance. According to the convention, there is a special responsibility to investigate adoptions that have taken place through enforced disappearance and to provide compensation to those affected.

### **A public apology to adopted persons and their families**

Ultimately, it is the Swedish state that has failed to protect the rights of children in international adoption. This means that the state must take responsibility for what has happened and take measures to prevent it from happening again. The proposals concerning how international adoption should be organised in the future and support for adoptees are important components of taking responsibility. In addition, the government should without delay initiate a dialogue with organisations and networks for adoptees and adoptive families on the conditions and forms of an apology to those affected and a public acknowledgement of the human rights violations that have occurred in Swedish international adoption practices.

## **Strengthened and long-term adoption-specific support for adoptees and their families**

### **A national resource centre for adopted persons and adoption issues**

The Government proposes to establish a national resource centre for adopted persons and adoption issues, which will gather and coordinate the adoption-specific support offered by the state. The resource centre will be aimed at both nationally and internationally adopted persons. It will be a clear point of contact for adopted persons who need support, but also for professionals who encounter adopted persons in their work.

The resource centre shall offer direct support in the form of adoption-specific counselling, support in searching for origins and support in cases of suspected irregularities. Counselling shall be based on freedom of choice and be available at several physical locations as well as digitally. There shall also be an informative and guiding web portal and the possibility of general advice by telephone, for example on issues relating to archives, DNA and legal matters. The resource centre shall also offer meeting places and forums for adopted persons to exchange experiences. The resource centre shall make use of various skills and experiences in its activities, not least the skills of adopted persons. This may involve, for example, organising exchanges of experience, arranging meeting places, acting as a "friend on call" or "cultural interpreter", or providing support in searching for origins.

In addition to direct support, the resource centre shall offer knowledge-enhancing support to relatives, the general public and professionals who encounter adopted persons in their work.

In order to offer high accessibility to as many people as possible, the national resource centre for adopted persons and adoption issues should be located at a new unit at the Swedish Agency for Family Law and Parental Support (MFoF) in Stockholm. Such a solution would enable the provision of both physical and digital direct support with high accessibility and a high level of adoption-specific expertise. An advisory body will be linked to the resource centre, which should include, for example, adopted persons and researchers.

**Financial assistance for travel to the country of origin and a national DNA database**

Adopted persons shall be eligible for a financial contribution of up to 25 per cent of the price base amount to enable them to travel to their country of origin. The contribution shall replace the current adoption allowance that adoptive parents can receive after an adoption arranged through an authorised adoption organisation. The grant shall be paid in arrears against proof of expenditure and administered by the Swedish Social Insurance Agency.

The National Board of Forensic Medicine and MFoF shall be tasked with investigating the conditions for establishing a national DNA database for adopted persons.

**Future international adoption activities****The practice of arranging for children to be adopted in Sweden shall be phased out.**

In 2024, 54 children were placed in Sweden for adoption from another country. Since the placement activities are financed by fees from the applicants, the survival of the adoption organisations depends on the number of children placed for adoption. The last authorised adoption organisation will therefore probably have to discontinue its placement activities in the near future. If the activity is to be maintained, it must have state funding.

The business of placing children for adoption is problematic from a child rights perspective because it is based on a demand for children. The demand for children available for adoption can counteract the principle of subsidiarity and create incentives for irregularities. International adoption mediation is no longer a sustainable solution for protecting children's interests and is proposed to be phased out. The placement activities shall be terminated by 31 December 2028 at the latest.

### **Strengthened control of cross-border adoptions**

In a globalised world, there will always be a need for cross-border adoption in individual cases, such as the adoption of a relative's child. Even when the applicant has a close connection to the child concerned, there may be other reasons for adoption than the child lacking a secure upbringing in their home country. The state must take greater responsibility for ensuring that cross-border adoption is in the best interests of the child and that the process is legally secure.

The MFoF may grant permission for international adoption if the child is related to the applicant or the applicant's adopted child, or if there are special reasons for adoption in view of the personal relationship between the applicant and the child. The MFoF shall assess whether the mediation method is reliable and whether the adoption is in the best interests of the child. In order to strengthen control of the adoption process, responsibility for assessing whether the adoption procedure may continue under Article 17(c) of the 1993 Hague Convention shall be transferred from the social welfare committees to the MFoF.

An application for adoption concerning a child under the age of 18 who has been or is intended to be brought to Sweden for adoption may be considered by a Swedish court only if the MFoF has given its consent to the adoption.



# Summary

## Introduction

The Inquiry ‘Sweden’s intercountry adoption activities – lessons learned and the way forward’ was appointed by the Government in October 2021 following a unanimous announcement in the Riksdag. This was in response to reports of irregularities and shortcomings in intercountry adoption activities that occurred both internationally and in Sweden.

## Remit

The aim of the Inquiry is to shed light on potential irregularities in Sweden’s intercountry adoption activities, and how the Government, relevant government agencies, municipalities, authorised associations, non-profit organisations and other private actors have acted and reacted to potential irregularities, based on each actor’s responsibilities and role. The lessons learned by the Inquiry should provide guidance for the development of Sweden’s intercountry adoption activities by proposing how current regulatory frameworks, organisational arrangements and procedures can be revamped and reinforced with the aim of further strengthening the child rights perspective and due process. The Inquiry was also tasked with investigating the need for adoption-specific support and proposing what assistance and support activities should be offered and how they should be organised. The remit does not include evaluating the activities, i.e. whether intercountry adoption activities have been in the best interests of the child – either in individual cases or for children as a group.

To carry out its remit, the Inquiry has examined archive material from government agencies and organisations as well as adoption files from the 1960s onwards. A major emphasis has also been placed on understanding the practices from a historical perspective. We have interviewed many actors and drawn on adoptees' knowledge and experiences, with respect to identifying irregularities and the need for and design of adoption-specific support.

## **Interpretation of the remit**

The task of investigating the occurrence of irregularities in Sweden's intercountry adoption activities over a period of more than 70 years is complex and requires the Inquiry to make a number of choices as regards the basis for its work. As a basic premise, irregularities have been assessed based on the requirements set out in both national and international regulatory frameworks. An important question has been whether actors have fulfilled the obligations incumbent on them in intercountry adoption activities.

We have categorised irregularities as 'illegal adoptions' and 'unethical practices', which are the terms used internationally. In accordance with the Terms of Reference, we have chosen to assess illegal conduct in relation to the laws and regulations that applied at the time. Unethical conduct has also been assessed based on the values recognised in international conventions and formulated in Swedish law at the time of the adoption.

The ultimate aim of the remit is to investigate whether the rights of children adopted internationally have been violated. This is an issue that must be examined separately from the question of whether people adopted internationally have had a good life in their new families and in the new country. Whether an adopted person has had a good life or not must not influence the answer to the question of whether their human rights have been violated.

## **Irregularities in Swedish intercountry adoption activities**

### **Irregularities have occurred in Swedish intercountry adoption activities**

Irregularities in international adoptions to the United Kingdom have taken place in the form of both illegal adoptions and unethical conduct. For example, there are confirmed cases of the sale of children in United Kingdom intercountry adoption activities during every decade from the 1970s to the 2000s. In some cases, children were also adopted to the United Kingdom without voluntary and informed consent. Cases of false documentation and errors in adoption documents also occurred.

In certain cases, Swedish actors have deviated from due adoption process in various ways so as to mediate more adoptions and to accelerate the process. Swedish actors have not adequately ensured that children were made available for adoption in the proper manner or that adoptions were in the best interests of the child. Signed documentation providing the biological parents' consent to the adoption of a child was often missing in the adoption files, even if those parents were known. Explanations were not always provided for why intercountry adoption of a child was mediated. Moreover, key details that are essential for ensuring adoptees' right to knowledge of their origins were often missing from the adoption files. Swedish actors have not made adequate efforts to ensure that this right can be fulfilled.

### **Swedish actors have not always taken sufficient measures when they became aware of irregularities**

Swedish actors were already aware of some of the irregularities occurring in Swedish intercountry adoption activities at the time that they occurred, whereas other irregularities came to light much later. The Government and the supervisory authority have not always taken adequate measures or acted forcefully enough after learning of irregularities. Nor have there been procedures or processes for managing or preventing irregularities. The supervisory authority and adoption organisations have in some cases refrained from gathering more information or critically examining an activity when information regarding irregularities emerged.

There has been a great deal of trust between actors engaged in Swedish adoption activities. Swedish actors have had high risk tolerance and failed to sufficiently problematise risks and signals of irregularities. Swedish actors have had a great deal of trust in the capability of countries of origin to conduct adoption activities without irregularities and a great deal of trust in their own capability to mediate children for adoption in an ethically acceptable manner in countries with widespread corruption or occurrences of irregularities. Irregularities would have been avoidable to a greater extent if the Swedish actors had been more aware of the risks of irregularities. This includes Sweden cooperating with countries that required high adoption and donation fees. Sweden has also adopted children from dictatorships, countries with widespread poverty and corruption, and countries where the adoption institution was unknown.

**Weaknesses in the system of intercountry adoptions have contributed to an inability to prevent irregularities**

Several weaknesses in the system of intercountry adoptions have contributed to an inability to prevent irregularities.

The Government has not taken adequate measures to regulate and control private adoptions in order to eliminate irregularities. Measures have been taken far too late, which may have contributed to the continuation of irregularities.

The regulatory framework for Sweden's intercountry adoption activities has been adapted to existing adoption activities and to facilitate adoptions. It has not been designed for effective control and prevention of irregularities. In practice, Sweden's ratification of the 1993 Hague Convention has not enhanced legal certainty in Sweden's intercountry adoption process.

The arrangement of adoption activities, in which non-profit organisations take responsibility for adoption mediation, has contributed to a largely uncritical approach to intercountry adoption activities and provided an incentive to mediate as many children as possible for adoption.

Up to 2005, the mandate of the National Board for Intercountry Adoptions to both facilitate adoptions and carry out supervision of authorised adoption organisations partly undermined the supervision and control of adoption activities.

The supervisory authority has not had adequate tools and conditions for effective supervision. The authority has also applied a narrow interpretation of its supervisory mandate and has not considered itself able to investigate the activities of adoption organisations in children's countries of origin. The supervisory authority has thus failed to gain sufficient knowledge about the mediation activities and documentation in mediation cases as a decision-making basis for authorisation. Deficient knowledge about activities has also complicated the ability of the supervisory authority to govern and control adoption organisations and prevent irregularities in adoption activities.

Social welfare committees and courts have had a major responsibility but an unclear role in ensuring that intercountry adoptions are carried out correctly and in the best interests of the child. They have relied far too heavily on adoption organisations as guarantors of due process. This may have increased the risk of irregularities in Swedish intercountry adoption activities.

## **Proposals for future adoption activities and on support for adoptees and their families**

### **Measures based on identified irregularities**

#### **Sweden should ratify the International Convention for the Protection of All Persons from Enforced Disappearance**

The Government should accelerate the process of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. Adoptions to Sweden that fall within the definition of enforced disappearance have occurred. According to the Convention, authorities have a particular responsibility to examine adoptions that have taken place through enforced disappearance and to guarantee the victims effective remedy.

### **A public apology to adoptees and their families**

Ultimately, it is the Swedish State that has failed to protect the rights of children in intercountry adoption activities. This means that the State must take responsibility for what has happened and take measures to ensure that it does not happen again. Proposals concerning how intercountry adoption activities should be organised in future and support to adoptees are important aspects of this responsibility. The Government should also promptly initiate a dialogue with organisations and networks for adoptees and adoptive families regarding the conditions and manner of an apology to the victims and of public recognition of the offences and violations of human rights that have taken place in Swedish intercountry adoption activities and.

### **Stronger long-term adoption-specific support for adoptees and their families**

#### **A national resource centre for adoptees and adoption issues**

The Government proposes establishing a national resource centre for adoptees and adoption issues that gathers and coordinates adoption-specific support offered by the State. This resource centre should focus on individuals adopted both nationally and internationally. There should be a clear path for adoptees in need of support, as well as for the professionals who interact with adoptees in the course of their work.

The resource centre should offer direct support in the form of adoption-specific counselling, assistance to adoptees searching for their origins, and support when there is suspicion of irregularities. The counselling should be based on freedom of choice and be available in several physical locations, as well as digitally. There should also be an informative and instructive web portal and the possibility to receive general advice via telephone, e.g. concerning questions about archives, DNA and legal issues. The resource centre should also offer meeting places and forums for adoptees to exchange experiences. The resource centre should draw on various areas of expertise and experiences in its activities, particularly the expertise of adoptees. This could entail moderating exchanges of experience, organising meeting places, acting

as an ‘on-call friend’ or cultural interpreter, or providing assistance to adoptees searching for their origins.

In addition to direct support, the resource centre should offer knowledge-raising support to close relatives, the general public and professionals who interact with adoptees in the course of their work.

To offer high accessibility for as many people as possible, the national resource centre for adoptees and adoption issues should be established as a new department at the Family Law and Parental Support Authority, and located in Stockholm. Such a solution would make it possible to offer both physical and digital direct support that is easily accessible and provides a high level of adoption-specific expertise. The resource centre should be supported by an advisory body that includes adoptees and researchers.

### **Financial grants for travel to countries of origin and a national DNA database**

Adoptees should be able to receive financial grants of up to 25 per cent of the price base amount to enable travel to their countries of origin. The grant should replace the current adoption allowance that adoptive parents are eligible to receive following an adoption mediated through an authorised adoption organisation. The grant should be disbursed following submission of proof of expenditures and administered by the Swedish Social Insurance Agency. The Swedish National Board of Forensic Medicine and The Family Law and Parental Support Authority should be given the task to investigate the conditions for establishing a national DNA database for adoptees.

### **Future intercountry adoption activities**

#### **Mediation activities for adoption of children to the United Kingdom will be phased out**

In 2024, 54 children were adopted to Sweden from other countries. Since mediation activities are funded through fees from applicants, adoption organisations are dependent on the number of children mediated for adoption for their survival. For this reason, the last authorised adoption organisation will need to phase out its mediation

activities in the near future. State funding is needed if the activity is to be maintained.

Mediation activities for the adoption of children are problematic from the perspective of the rights of the child, as they are based on the demand for children. The demand for children available for adoption can conflict with the principle of subsidiarity and create incentives for irregularities. Intercountry adoption mediation is no longer a sustainable solution for protecting the interests of children, and therefore the Inquiry proposes phasing it out. Mediation activities should be discontinued by 31 December 2028.

### **Enhanced control of adoptions across national borders**

In a globalised world, there will always be a need for adoption across national borders in individual cases, such as the adoption of children of relatives. When applicants have a close connection to a child who is the subject of an adoption, there may be grounds for adoption other than the fact that a child lacks a safe environment in which to grow up in their home country. The State must take greater responsibility for ensuring that adoption across national borders takes place in the best interests of the child and in compliance with due process. The Family Law and Parental Support Authority should be able to grant permits for international adoption of a child who is related to an applicant or an applicant's adopted child, or if there are special grounds for adoption in consideration of the personal relationship between the applicant and child. The Family Law and Parental Support Authority should examine whether the manner of mediation is reliable and the adoption is in the best interests of the child. In order to strengthen control in the adoption process, the responsibility to examine whether adoption proceedings should continue in accordance with Article 17(c) of the 1993 Hague Convention should be reassigned from the social welfare committees to the Family Law and Parental Support Authority.

An application for adoption concerning a child under the age of 18 who has been brought or is intended to be brought to Sweden for adoption may only be considered by a Swedish court if the Family Law and Parental Support Authority has granted permission for the adoption.



# 1 Proposed legislation

## 1.1 Proposed amendment to the Parenting Code

It is hereby prescribed with regard to the Parenting Code<sup>1</sup> that eleven new sections shall be inserted, Chapter 4, Sections 24–34, and immediately before Chapter 4, Section 24, a new heading with the following wording.

*Current wording*

*Proposed wording*

### **Chapter**

#### ***International adoptions***

##### *Section*

*The provisions of Sections 25–34 shall apply when a minor residing abroad is to be adopted by one or more persons residing in Sweden.*

##### *Section*

*An application for adoption concerning a child under the age of 18 who has been brought or is intended to be brought to Sweden for adoption may be considered only if the applicant or applicants have been granted permission to adopt the child in accordance with Section 26.*

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<sup>1</sup> The Parenting Code, reprinted 1995:974.

*Provisions on the international jurisdiction of Swedish courts are found in the Act (2018:1289) on Adoption in International Situations.*

*Section*

*A person or persons who wish to adopt a child residing abroad shall apply for permission from the Authority for Family Law and Parental Support.*

*2*

*Permission to adopt from abroad may be granted if the child is related to the applicant or the applicant's adopted child, or if there are other special reasons for adoption based on the personal relationship between the applicant and the child.*

*Permission may be granted provided that*

*1. the other country has adoption legislation or other reliable regulations governing international adoption, which take into account the fundamental principles of international adoption expressed in the United Nations Convention on the Rights of the Child and in the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption,*

*2. the other country has a functioning administration for adoption activities,*

*3. it is otherwise appropriate, given the circumstances, to carry out an international adoption from that country, and*

*4. the applicant has consent in accordance with Chapter 24, Section 1 of the Social Services Act (2025:000)<sup>2</sup> and the adoption, taking into account all circumstances, can be assumed to be in the best interests of the child.*

#### *Section 28*

*In cases concerning permission for international adoption, the Authority for Family Law and Parental Support shall consult with the Swedish foreign authority in the other country, unless this is clearly unnecessary, and, where necessary, with children's rights organisations operating in the other country.*

#### *Section*

*The assessment under Section 26 shall be made before the child leaves the country.*

#### *Section*

*Decisions on permits for international adoption shall, unless there are special reasons, be made within three months of the application being submitted.*

#### *Section 31*

*A decision on permission for international adoption shall remain in force as long as the applicant has the consent of*

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<sup>2</sup> Latest wording, Government Bill 2024/25:89.

*Chapter 24, Section 1 of the Social  
Services Act  
(2025:000).<sup>3</sup>*

*The person or persons who wish to  
adopt are obliged to inform the  
Authority for Family Law and Parental  
Support if the circumstances change  
significantly during the period of  
validity of the permit.*

*A decision on permission for  
international adoption shall be revoked  
if the conditions for it no longer exist.*

*Section 32*

*When a decision has been made in  
the country of origin that a child is to  
be placed in the care of the prospective  
adoptive parents, the Family Law and  
Parental Support Authority shallThe  
time within which the assessment is to  
be made may be extended if there are  
special reasons for doing so.*

*The time within which the  
assessment is to be made may be  
extended if there are special reasons  
for doing so.*

*The Authority for Family Law and  
Parental Support shall notify the social  
welfare committee that has given its  
consent in accordance with  
Chapter 24, Section 1 of the Social  
Services Act (2025:000)(4)  
the Social Services Act (2025:000)<sup>4</sup>  
that consent has been given for the  
adoption procedure to continue.*

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<sup>3</sup> Latest wording prop. 2024/25:89.

<sup>4</sup> Latest wording prop. 2024/25:89.

*Section*

*Decisions pursuant to Sections 26, 31, third paragraph, and 32, first paragraph, may be appealed to a general administrative court. Leave to appeal is required for appeals to the Court of Appeal.*

*Other decisions by the Authority for Family Law and Parental Support may not be appealed.*

*Section*

*Anyone who, in contravention of section 26, allows a child to be taken out of the country where it is resident shall be liable to a fine.*

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This Act shall enter into force on 1 January 2029.

## 1.2 Proposed amendment to the Social Insurance Code

The following is hereby prescribed with regard to the Social Insurance Code  
that Chapter 21 shall cease to apply,  
that Chapter 5, Section 9, Chapter 20, Section 1, and Chapter 112, Section 4  
shall have the following wording,  
that a new chapter, Chapter 21, shall be inserted with the following wording.  
*Current wording* *Proposed wording*

### Chapter

#### Section 9<sup>1</sup>

Persons residing in Sweden are insured for the following benefits: Section B  
Family benefits:

1. parental allowance at the minimum and basic levels (Chapters 11 and 12)
2. child allowance (Chapters 15 and 16)
3. maintenance support (Chapters 17–19)
4. *adoption allowance* (Chapter 21) 4. *grants for tracing origins*,  
(Chapter 21)
5. care allowance (Chapter 22)

Section C Benefits in the event of illness or occupational injury

6. sickness benefit in special cases, (Chapter 28a)
7. rehabilitation, contributions to work aids, special contributions and  
rehabilitation allowance in special cases, (Chapters 29–31a)
8. sickness compensation and activity compensation in the form of  
guaranteed compensation (Chapters 33 and 35–37)

Section D Special benefits in the event of disability

9. compensation for additional costs (Chapter 50)
10. assistance allowance (Chapter 51)
11. car support (Chapter 52)

Section E Benefits for old age

12. guaranteed pension (Chapters 55, 56, 65–67 and 69–71)
13. special pension supplement (Chapter 73)
14. elderly support, (Chapter 74)

Section F Benefits for survivors

15. survivor's support (Chapters 77, 79 and 85)
16. guarantee pension to transition pension (Chapters 77, 81 and 85)

Section G Housing support

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<sup>1</sup> Latest wording 2018:1265.

- 17. housing allowance, (Chapters 95–98)
- 18. housing supplement, and (Chapters 100–103)
- 19. housing supplement. (Chapters 103a–103e)

## Chapter 20

### Section 1<sup>2</sup>

This subsection contains provisions on

- *adoption grants* in Chapter 21, and                      – *grants for tracing origins* in Chapter 21, and
- care allowances in Chapter 22.

## Chapter 21. Grants for tracing one's origins

**1** This chapter contains provisions on the right to financial assistance for adopted persons to search for their origins.

### Right to financial assistance for tracing one's origins

**2 §** Grants for tracing one's origins may be awarded to persons over the age of 18 who have been adopted from abroad to Sweden by someone residing in Sweden. The grant shall be awarded at a maximum of 25 per cent of the price base amount for return travel to the country of origin.

**3 §** In order for a grant for tracing one's origins to be granted, the application for the grant must be made within one year of the return journey being made.

**4 §** Grants for origin searches are only provided to persons who have been adopted in accordance with a decision by a Swedish court.

A decision by a Swedish court is equivalent to

1. a decision on adoption issued abroad that is valid in Sweden under the Act (1997:191) on Sweden's accession to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption,

2. an adoption decision issued abroad that is valid in Sweden under the Act (2018:1289) on adoption in international situations,

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<sup>2</sup> Latest wording 2018:1265.

3. a decision on adoption issued abroad that is valid in Sweden under the Act (1971:796) on International Legal Relations concerning Adoption, and

4. a decision on adoption issued abroad that is valid in Sweden under the Act (1904:26 s. 1) on Certain International Legal Relations concerning Marriage and Guardianship.

**5 §** Contributions towards tracing one's origins are only granted to persons who were adopted before the age of 18.

Contributions are not granted to persons who have been adopted by a relative or by a parent's spouse or cohabiting partner.

## Chapter 112

### Section 4<sup>3</sup>

Provisional decisions on compensation under Sections 2 and 3 may not be made in cases concerning <i>adoption grants</i> , car subsidies or special pension supplements.	Interim decisions on compensation pursuant to Sections 2 and 3 may not be made in cases concerning <i>grants for tracing origins</i> , car assistance or special pension supplements.
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Interim decisions pursuant to Section 2 may not be made in cases concerning general old-age pensions, income pension supplements, survivor's pensions or survivor's support.

Interim decisions pursuant to Section 3 may not be made in cases concerning assistance compensation.

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1. This Act shall enter into force on 1 September 2026.

2. The Act repeals Chapter 21.

3. The repealed chapter still applies when considering applications for grants for adoptions that have been arranged by an association authorised under the Act (1997:192) on international adoption services.

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<sup>3</sup> Latest wording 2020:1239.



### 1.3 Proposal for an Act amending the Act (1997:191) on the occasion of Sweden's accession to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption

The following is hereby stipulated with regard to the Act (1997:191) concerning Sweden's accession to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption

that Section 4 shall cease to apply,

and that Section 3 shall have the following wording.

#### *Current wording*

#### *Proposed wording*

##### Section 3<sup>1</sup>

Applications referred to in Article 14 of the Convention *shall* be made to the social welfare board in the applicant's or applicants' home municipality.

The social welfare committee *shall*

a) compile reports in accordance with Article 15.1 of the Convention,

b) *examine questions of consent*

*under Article 1(c) of the Convention,*

c) take measures under Article 21 of the Convention.

*Chapter 6, Sections 12–15 of the Social Services Act (2001:453)* contain provisions stipulating that the social welfare committee shall examine questions concerning consent to receive children residing *abroad* for the purpose of adoption.

Applications referred to in Article 14 of the Convention *shall* be made to the social welfare committee in the applicant's or applicants' home municipality.

The social welfare committee *shall*

a) compile reports in accordance with Article 15.1 of the Convention,

b) *examine questions of consent*

c) take measures under Article 21 of the Convention.

*Chapter 24, Sections 1–4 of the Social Services Act (2025:000)*<sup>2</sup> contain provisions stipulating that the social welfare committee shall examine questions concerning consent to receive children residing *abroad* for adoption purposes.

##### Section 4<sup>3</sup>

*If an authorised association has been engaged for the purpose of arranging adoption, the association shall*

<sup>1</sup> Latest wording 2001:476.

<sup>2</sup> Latest wording prop. 2024/25:89.

<sup>3</sup> The amendment means that the paragraph is deleted.

*a) in accordance with Article 15(2) of the Convention, submit the reports referred to in Article 15(1),*

*b) in accordance with Article 16(2) of the Convention, receive the reports referred to in Article 16(1),*

*c) take measures incumbent on the central authority under Articles 18–20 of the Convention.*

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This Act shall enter into force on 1 September 2026 in respect of section 3 and on 1 January 2029 in respect of section 4.

## **1.4      Proposal for an Act repealing the Act (1997:192) on international adoption services**

It is hereby prescribed that the Act (1997:192) on international adoption mediation shall cease to apply on 1 January 2029.

## 1.5 Proposed Act amending the Act (2018:1289) on Adoption in International Situations

It is hereby stipulated that, with regard to the Act (2018:1289) on Adoption in International Situations, Section 5 shall have the following wording.

*Current wording*

*Proposed wording*

Section

<i>If the Act (1997:192) on international adoption mediation was applicable to the adoption, the adoption must have been carried out in accordance with that Act for a decision referred to in Section 4 to be valid in Sweden.</i>	<i>If Chapter 4, Sections 26–31 of the Parenting Code applied to the adoption, the adoption must have been carried out in accordance with those provisions for a decision referred to in Section 4 to be valid in Sweden.</i>
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If there are special reasons, the authority designated by the Government may approve that the decision shall apply in Sweden even though the conditions in the first paragraph are not met.

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1. This Act shall enter into force on 1 January 2029.
  2. If the Act (1997:192) on international adoption mediation was applicable to the adoption, the adoption must have been carried out in accordance with that Act for a decision referred to in section 4 to be valid in Sweden.

## 1.6 Proposed Act amending the Social Services Act (2025:000)

The following is hereby prescribed with regard to the Social Services Act (2025:000)<sup>1</sup>  
*partly* that Chapter 24, Section 5 shall cease to apply,  
*and* that Chapter 22, Sections 20 and 21, Chapter 24, Sections 1, 6 and 7,  
 Chapter 30, Section 6, and Chapter 35, Section 1 shall have the following  
 wording.

*Wording according to Government Bill 2024/25:89*      *Proposed wording*

### Chapter

#### Section

No one may, without the support of this Act, engage in activities aimed at placing children in foster homes, emergency homes or other private homes as referred to in Sections 2 and 4.

*The first paragraph also applies to  
the placement of children for adoption.*

#### Section

<p>Anyone who disregards the provision in Section 2, first paragraph, shall be sentenced to a fine. Anyone who disregards the provision in Section 20 shall also be sentenced to a fine, <i>unless the act is punishable under the Act (199/:192) on international adoption mediation.</i></p>	<p>Anyone who violates the provision in Section 2, first paragraph, shall be sentenced to a fine. Anyone who violates the provision in Section 20 shall also be sentenced to a fine.</p>
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Public prosecution for offences referred to in the first paragraph may only be brought with the consent of the National Board of Health and Welfare.

### Chapter 24

#### Section 1

A child residing abroad may not be taken in for the purpose of adoption without the consent of the social welfare committee. Consent must be given before the child leaves the country where he or she resides.

The social welfare committee may give its consent if the applicant is suitable to adopt. The committee shall make an overall assessment of the applicant's suitability and, in its assessment, shall take particular account of

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<sup>1</sup> Latest wording in Government Bill 2024/25:89.

- the applicant's knowledge and understanding of adopted children and their needs and the implications of the planned adoption,
- the applicant's personal characteristics and social network,
- the applicant's age and state of health, and
- the stability of the relationship, if consent is sought from spouses or cohabiting partners.

*If it is known which child the applicant wishes to adopt, the applicant's suitability shall be assessed in relation to the individual child. The adoption must also be deemed to be in the best interests of the child.*

*The applicant's suitability shall be assessed in relation to the individual child. The adoption must also be deemed to be in the best interests of the child in other respects.*

#### Section 5<sup>2</sup>

*When a particular child has been proposed for adoption, the social welfare committee shall consider whether consent should be given for the adoption procedure to continue. The consideration shall be made promptly and no later than two weeks from the date on which the person or persons wishing to adopt have notified the committee that a child has been proposed for adoption. If the adoption procedure is covered by the Act (199/:191) due to Sweden's accession to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, section 3 of that Act shall apply. The period within which the assessment must be made may be extended if there are special reasons for doing so.*

#### Section 6

Consent according to 1 § *and* Consent pursuant to Section 1 shall be given  
consent pursuant to Section 5 shall be by the social welfare committee in the municipality which, pursuant to Chapter 29, is responsible for measures for the applicant or applicants.

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<sup>2</sup> The amendment means that the paragraph is deleted.

measures for the applicant or applicants. The social welfare committee that has given its consent in accordance with Section 5 shall fulfil the obligations under Chapter 22, Section 8 and Section 10, first paragraph.

The social welfare committee that has given *its consent* in accordance with *Section 1* shall fulfil the obligations in accordance with Chapter 22, Section 8 and Section 10, first paragraph.

#### Section 7

*In the Act (199/:192) on inter-*

*national adoption agencies contain provisions on the right of authorised associations to, in certain cases, arrange for children from abroad to be adopted.*

*, Chapter 4, Sections 24–32 of the Swedish National Adoption Agency Act ( ) contain provisions on the right of authorised associations to, in certain cases, arrange for children from abroad to be adopted. The Swedish Code of Civil Procedure contains provisions on permission to adopt a child from abroad.*

### Chapter 30

#### Section 6<sup>3</sup>

The social welfare committee may only delegate decision-making authority to a committee in matters concerning

1. care, nursing and upbringing in a family home, emergency home or other private home in accordance with Chapter 22, Sections 2 and 4
2. consideration of continued care, the focus and design of the care, and whether there are grounds for applying for a transfer of custody in accordance with Chapter 22, Sections 13 and 14,
3. consideration of a prohibition on relocation pursuant to Chapter 22, Section 16,
4. placement across national borders in accordance with Chapter 22, Sections 17 and 18,
5. international adoption pursuant to Chapter 24, Sections 1, 2 and 4, or
6. a decision pursuant to Chapter 33, Section 4, to bring an action for recovery pursuant to Chapter 33, Section 1.

*The first paragraph also applies in cases concerning consent to continued adoption proceedings under Chapter 24, Section 5, if consent is refused.*

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<sup>3</sup> The amendment means that the third paragraph is deleted.



**Chapter 35**Section 1<sup>4</sup>

The social welfare committee's decision may be appealed to a general administrative court in matters concerning

1. measures pursuant to Chapter 11, Section 1 or Chapter 12, Section 1,
2. refusal or reduction of maintenance support under Chapter 12, Section 5,
3. prohibition or restriction on taking in other people's children under Chapter 18, Section 11,
4. consent to receive a child pursuant to Chapter 22, Section 2,
5. consent to adoption pursuant to Chapter 24, Section 1,
6. withdrawal of consent to adoption pursuant to Chapter 24, Section 4,  
*consent to continue the adoption process under Chapter 24, Section 5,*
8. application for measures in another municipality pursuant to Chapter 29, Section 7, and
8. fees or reserve amounts pursuant to Chapter 32, Sections 5–10.

- / . application for assistance in another municipality pursuant to Chapter 29, Section 7, and
8. fees or reserve amounts pursuant to Chapter 32, Sections 5–10.

This Act shall enter into force on 1 September 2026 with regard to Chapter 24, Sections 5 and 6, Chapter 30, Section 6, and Chapter 35, Section 1, and otherwise on 1 January 2029.

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<sup>4</sup> The amendment means that point 7 is deleted.

## **1.7 Proposal for a regulation on state subsidies for pilot projects involving origin searches for adopted persons**

The following is hereby prescribed.

### **Introductory provisions**

**1 §** This regulation contains provisions on state subsidies to non-profit associations and foundations that conduct pilot projects to support adopted persons over the age of 18 in searching for their origins.

State subsidies under this regulation are granted subject to the availability of funds.

The regulation is issued pursuant to Chapter 8, Section 7 of the Instrument of Government.

**2 §** In this regulation, a trial programme for adopted persons to search for their origins refers to an activity that supports, explains and facilitates an adopted person's search for their cultural or biological origins. The activity may include

1. explaining the information in adoption documents both in Sweden and in the country of origin,
2. contacting individual actors and organisations in the country of origin,
3. providing advice and support during the search process and prior to a return trip, and
4. preparing the first contact in connection with a reunion. Support in searching for one's origins shall be free of charge.

### **The purpose of the state subsidy**

**3 §** The purpose of the state subsidy is to promote non-profit associations and foundations that offer pilot projects for adopted persons to search for their origins.

### **The form of the state subsidy**

**4** The state subsidy is an operating subsidy for activities referred to in Section 2. The subsidy granted may also cover certain costs for the administration of the activities.

### **Conditions for state subsidies**

**5 §** State subsidies may be granted to a non-profit association or to a foundation that is not state or municipal for activities referred to in Section 2.

The non-profit association or foundation shall

1. conduct activities on a non-profit basis,
2. have representatives with sufficient experience, competence and education to be able to conduct activities as referred to in Section 2,
3. manage its activities with clear objectives, methods and procedures,
4. document its activities by establishing activity and audit reports, and
5. have been working with adopted persons in Sweden for at least two years.

### **Obstacles to granting state subsidies**

**6 §** State subsidies may not be granted to a non-profit association or foundation if it or any of its representatives acting within the scope of its activities

1. uses violence, coercion or threats against a person or otherwise violates a person's fundamental freedoms and rights,
2. discriminates against persons or groups of persons or otherwise violates the principle of the equal value of all human beings,
3. defends, promotes or encourages the actions referred to in 1 or 2, or
4. opposes the democratic form of government.

State subsidies may also not be granted to a non-profit association or foundation if it emerges that any of its partner organisations, or a representative of any of its partner organisations, acts in a manner as specified in the first paragraph.

**7** If a non-profit association or foundation, its representative, partner organisation or representative of the partner organisation has acted in a manner specified in Section 6, government grants may still be awarded to the non-profit association or foundation if there are special reasons for doing so. In making this assessment, particular consideration shall be given to whether

1. the non-profit association or foundation has distanced itself from the action,
2. the non-profit association or foundation has taken adequate measures to ensure that the action is not repeated,
3. it is a single act, and
4. the action took place a long time ago.

In the case of serious violations by a partner organisation or its representative, the assessment shall also take particular account of whether the partnership has been terminated.

**8** Grants may not be awarded to a non-profit association or foundation that

1. is in liquidation or has been declared bankrupt,
2. has tax or fee debts or other debts that have been transferred to the Enforcement Authority and which, upon collection, are handled as general cases, or
3. has a debt that has not been paid on time and that relates to the recovery of grants that have been provided by the Family Law Authority or the Parental Support Authority.

### **Application**

**9 §** The Family Law and Parental Support Authority shall examine questions concerning state subsidies under this Regulation.

**10** An application for a state grant for experimental activities involving searches for the origins of adopted persons must be submitted to the Family Law and Parental Support Authority no later than the date specified by the authority. An application for a state grant must be made by an authorised representative of the non-profit association or foundation.

**11** An application must contain

1. the applicant's articles of association or foundation charter,
2. documents showing who is authorised to represent the non-profit association or foundation,
3. annual report, annual accounts or equivalent summary of accounts, activity report and audit report for the most recent financial year,
4. an implementation plan for the activities relating to origin searches for adopted persons, including how the results will be followed up,
5. annual budget for the activities covered by the application, and
6. information about other grants that have been applied for or awarded.

**12** An applicant shall submit the documents and information requested by the Family Law and Parental Support Authority in order for the authority to be able to assess the application.

**13 §** If an applicant does not submit the documents or information required under Sections 11 and 12, the applicant shall be given the opportunity to supplement their application within a certain period of time. If the applicant does not comply with a request to supplement the application, the Family Law and Parental Support Authority may assess the application in its current state.

**Distribution of state subsidies**

**14 §** When reviewing applications, the Family Law and Parental Support Authority may prioritise and approve those applications that are deemed to have the best prospects of conducting the activities referred to in Sections 1 and 2.

**Decision**

**15 §** A decision on a grant may cover a period of up to three years. A grant year covers one calendar year. A decision on a grant shall specify the calendar year or years for which the grant is awarded.

**16 §** A decision on grants may be subject to conditions. The conditions shall be stated in the decision.

**17 §** The decision shall specify the final date for reporting in accordance with Section 19. The decision shall also contain information on the obstacles to granting state grants in accordance with Sections 6 and 8 and on repayment and recovery in accordance with Sections 24 and 25.

### **Obligation to report**

**18 §** Anyone who applies for or has been granted a grant under this Regulation shall, without delay, notify the Family Law and Parental Support Authority of any changes in circumstances that may affect the right to or the amount of the grant.

### **Accounting**

**19 §** A grant recipient shall, no later than the date specified in the decision, submit a financial report to the Authority for Family Law and Parental Support on the grant received, as well as a report on how the funds have been used, what results have been achieved and how the results relate to what is specified in Sections 2 and 3.

The report shall be submitted in the manner determined by the Authority.

The grant recipient shall also submit any other information and documents requested by the Authority.  
requested by the Authority.

**20** An auditor shall review the report in accordance with section 19. The auditor's report on the review shall be attached to the report.

If the subsidy received amounts to at least five price base amounts in accordance with Chapter 2, Sections 6 and 7 of the Social Insurance Code, the audit shall be carried out by an authorised or approved auditor.

**21 §** At the request of the Family Law and Parental Support Authority, a grant recipient shall provide the information and documents that the authority needs to review the accounts in accordance with Section 19.

**22 §** The Family Law and Parental Support Authority shall, no later than 31 October of the year following the grant year, submit a summary report to the Government on the grants that have been awarded in accordance with this Regulation. The report shall contain information on who has received grants and in what amounts, as well as an account of what the grant has been used for.

used for. The report shall also include an assessment of the results of the subsidy and, if possible, its effects in relation to what is stated in Sections 2 and 3.

### **Obstacles to payment**

**23** The Family Law and Parental Support Authority shall decide that a grant awarded shall not be paid out in whole or in part if the recipient of the grant no longer meets the conditions for it or if there are grounds for repayment under section 24. Such a decision shall take effect immediately.

### **Repayment obligation**

**24** A grant recipient is obliged to repay the grant if

1. the recipient has, by providing incorrect information or in some other way, caused the grant to be paid incorrectly or in excess,
2. the grant has been paid incorrectly or in excess for some other reason and the recipient should have realised this,
3. the grant has not been utilised or used, in whole or in part, for the activities for which it was awarded,
4. the recipient has not submitted the report referred to in Section 19,
5. the conditions in the grant decision have not been complied with, or
6. the recipient does not meet the conditions in Section 6 and there are no special reasons under Section 7 that would allow the grant to be paid anyway.

### **Decision on recovery**

**25** The Family Law and Parental Support Authority shall decide to reclaim the grant in whole or in part if the recipient is liable for repayment under section 24.

If there are special reasons for doing so, the Family Law and Parental Support Authority may decide to waive a repayment requirement in whole or in part.

## Appeals

**26** Section 40 of the Administrative Procedure Act (2017:900) contains provisions on appeals to the general administrative court. However, decisions under this Regulation other than decisions on obstacles to payment under Section 23 and decisions on recovery under Section 25 may not be appealed.

## Authorisation

**27** The Authority for Family Law and Parental Support may issue regulations on the enforcement of this Regulation.

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1. This Regulation shall enter into force on 1 September 2026.
  2. The regulation shall be applied for the first time in relation to contributions for the year 2027.



## 1.8 Proposal for a regulation amending Regulation (1998:562) with certain authorisations for the Swedish Social Insurance Agency

It is hereby prescribed that, with regard to the Regulation (1998:562) containing certain authorisations for the Swedish Social Insurance Agency, Section 3 shall have the following wording.

### *Current wording*

### *Proposed wording*

#### Section 3<sup>1</sup>

The Swedish Social Insurance Agency may issue further regulations on the implementation of

1. the Social Insurance Code with regard to social insurance protection, pregnancy allowance, parental allowance benefits, *adoption allowance*, care allowance, sickness allowance, rehabilitation, rehabilitation compensation, sickness compensation, activity compensation, carrier compensation, close relative allowance, additional cost compensation and housing supplement,

1. the Social Insurance Code with regard to social insurance protection, pregnancy allowance, parental allowance benefits, *grants for tracing origins*, care allowance, sickness benefit, rehabilitation, rehabilitation compensation, sickness compensation, activity compensation, compensation for carriers of infectious diseases, compensation for close relatives, additional cost compensation and housing supplement,

2. the Social Insurance Code with regard to applications for housing supplements to sickness compensation or activity compensation,

3. the provisions of Chapter 110, Section 14, paragraphs 1 and 2 of the Social Insurance Code on inquiries and visits,

4. the Act (1993:332) on free medical care benefits, etc. for certain HIV-infected persons, and

5. the Sick Pay Act (1991:1047) with regard to the payment of compensation under Section 20 of the Sick Pay Act.

Before the Swedish Social Insurance Agency issues regulations on social insurance protection, the authority shall obtain an opinion from the Swedish Pensions Agency if the regulations concern matters that also relate to that authority's activities.

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<sup>1</sup> Latest wording 2018:1617.

Before the Swedish Social Insurance Agency issues regulations on grants *for the adoption of foreign children*, the agency shall obtain an opinion from the Swedish Authority for Family Law and Parental Support.

Before the Swedish Social Insurance Agency issues regulations on grants *for tracing origins*, the authority shall obtain an opinion from the Swedish Authority for Family Law and Parental Support.

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This regulation shall enter into force on 1 September 2026.

## **1.9 Proposal for a regulation amending to the Social Services Regulation (2001:937)**

It is hereby prescribed in the Social Services Regulation (2001:937) that Chapter 8, Section 7 shall have the following wording.

*Current wording*

*Proposed wording*

### **Chapter 8**

#### **Section**

The Authority for Family Law and Parental Support may issue regulations on the handling and documentation of cases concerning international adoptions in the application of

1. Chapter 3, Section 3, second paragraph of the Social Services Act (2001:453),
2. Chapter 5, Section 1 of the Social Services Act,
3. Chapter 6, Sections 6, 7 and 12–15      3. Chapter 6, Sections 6, 7, 12, 13 and 15 of the Social Services Act, and      the Social Services Act, and
4. Chapter 11, Sections 1 and 5 of the Social Services Act in connection with the investigator's report of the investigation and proposal for a decision to the district court in accordance with Chapter 4, Section 15 of the Parent Code.

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This regulation shall enter into force on 1 September 2026.

## **1.10 Proposed regulation amending Regulation (2008:1239) on state subsidies to authorised adoption associations and national organisations for adoptees**

The following is hereby stipulated with regard to Regulation (2008:1239) on state subsidies to authorised adoption associations and national organisations for adoptees

that Sections 2, 9 and 10 shall cease to apply,  
that Sections 1, 4, 5, 8, 11, 12 and 13 shall have the following wording,  
that the title of the statute shall be "Regulation (2008:1239) on state subsidies to national organisations for adoptees".

### *Current wording*

### *Proposed wording*

#### Section

This regulation contains provisions on state subsidies *to authorised adoption associations and* to national organisations for adoptees. State subsidies are granted subject to the availability of funds.

This regulation contains provisions regarding state subsidies to national organisations for adopted persons. State subsidies are granted subject to the availability of funds.

#### Section 2<sup>1</sup>

*The purpose of the state subsidy to authorised adoption associations is to support their work with international adoption mediation.*

#### 4 §

In this regulation, the following terms shall have the following meanings

*authorised adoption association: an association that is authorised to work with international adoption mediation in accordance with Sections 6 and 6a of the Act (199/:192) on international adoption mediation,*

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<sup>1</sup> The amendment means that the section is deleted.

national organisation for adoptees: a non-profit association whose main purpose is to protect the interests of its adopted members.

#### Section 5

State subsidies may be granted to *authorised adoption associations and to national organisations for adoptees.* State subsidies may be granted to national organisations for adoptees.

#### Section

#### Application for state subsidies from

*Application for state subsidies from Authorised adoption associations must submit their applications to the Family Law and Parental Support Authority by 15 January of the subsidy year. Applications for state subsidies from national organisations for adoptees must be submitted to the authority by 31 March of the subsidy year.*

National organisations for adoptees must be submitted to the Authority no later than 31 March of the grant year.

#### 9 §<sup>2</sup>

*The Authority for Family Law and Parental Support may allocate a maximum of 10 per cent of the state subsidy to national organisations for adoptees.*

#### 10 §<sup>3</sup>

*The Authority for Family Law and Parental Support may allocate the remainder of the state subsidy to authorised adoption associations as follows:*

*1. 50 per cent of the state subsidy shall be distributed in equal amounts among all authorised adoption associations and the remainder*

<sup>2</sup> The amendment means that the paragraph is deleted.

<sup>3</sup> The amendment means that the paragraph is deleted.

*amounts are distributed according to the average number of children that each of the associations has placed during the two previous years.*

*2. State subsidies are only paid if an authorised adoption association has been authorised during the two previous calendar years and has placed children for adoption in at least one of the two previous calendar years.*

*3. The total estimated state subsidy may not exceed SEK 10,000 per average number of children placed during the two previous calendar years.*

11 §<sup>4</sup>

*Authorised adoption agencies*

*Adoption associations and national organisations for adoptees shall submit an annual report to the Family Law and Parental Support Authority on the use of the state subsidy in relation to the purpose of the subsidy in accordance with this regulation. The report shall be submitted no later than 1 June of the year following the subsidy year by the authorised adoption associations and no later than 31 March of the year following the subsidy year by the national organisations for adoptees.*

National organisations for adoption

The authorised adoption associations shall submit an annual report to the Family Law and Parental Support Authority on the use of the state subsidy in relation to the purpose of the subsidy under this Regulation. The report shall be submitted no later than 31 March of the year following the subsidy year.

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<sup>4</sup> Latest wording 2015:980.

12 §<sup>5</sup>

*Authorised adoption organisations* and national organisations for adoptees that have been granted state subsidies are obliged, at the request of the Authority for Family Law and Parental Support, to provide the documentation necessary for the authority's review.

National organisations for adoption Organisations that have been granted state subsidies are obliged, at the request of the Authority for Family Law and Parental Support, to provide the documentation necessary for the authority's review.

Section 13<sup>6</sup>

The recipient of a state subsidy under this Regulation is liable to repay the subsidy if

1. the recipient has, by providing incorrect information or in some other way, caused the grant to be awarded incorrectly or in an excessive amount,
2. the grant is not used for the purpose for which it was granted,
3. the conditions in the grant decision have not been complied with,
4. the recipient fails to submit the accounts referred to in Section 11, *or*
3. the conditions in the grant decision have not been complied with, *or*
4. the recipient does not submit the report referred to in Section 11.
5. *the recipient is an authorised adoption association and its authorisation has been revoked.*

If a recipient of a grant is liable for repayment under the first paragraph, the Family Law and Parental Support Authority shall decide to reclaim the grant in whole or in part. If there are special reasons, the authority may waive the claim in whole or in part.

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This regulation shall enter into force on 1 January 2029.

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<sup>5</sup> Latest version 2015:980.

<sup>6</sup> The amendment means that point 5 is deleted.

### **1.11 Proposal for a regulation amending Regulation (2014:115) containing instructions for foreign representation**

It is hereby stipulated in Regulation (2014:115) containing instructions for foreign representation that a new section 3, Chapter 17a shall be inserted, and immediately before section 3, Chapter 17a, a new heading shall be inserted with the following wording.

*Current wording*

*Proposed wording*

#### **Chapter**

#### ***Adoption matters***

*1/a*

*Embassies and consulates shall assist the Authority for Family Law and Parental Support with investigations in matters concerning international adoption.*

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This regulation shall enter into force on 1 September 2026.



## 1.12 Proposed regulation amending Regulation (2017:292) containing instructions for the Swedish Authority for Family Law and Parental Support

The following is hereby prescribed with regard to the Regulation (2017:292) containing instructions for the Swedish Authority for Family Law and Parental Support

that Sections 3 and 4 shall have the following wording,

and that two new sections, 4a and 4b, shall be inserted with the following wording.

*Current wording*

*Proposed wording*

### Section 3<sup>1</sup>

In matters concerning international adoptions, the Authority shall, in particular

*1. ensure that the work of Swedish authorised associations involved in international adoption mediation is carried out in accordance with the law and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and in an otherwise ethically acceptable manner,*

2. follow international developments and gather information on matters relating to the adoption of foreign children, and

3. monitor developments in the costs of adopting foreign children.

*1. monitor international developments and gather information on issues relating to the adoption of foreign children, and*

*2. monitor developments in the costs of adopting foreign children.*

### Section 4<sup>2</sup>

In matters concerning international adoptions, the Authority is also responsible for the tasks incumbent upon it under

*1. Chapter 4, Sections 24–32 of the Parenting Code,*

*1. the Act (1997:191) concerning Sweden's accession to the Hague Convention on the Protection of*

*2. the Act (1997:191) concerning Sweden's accession to the Hague Convention on the Protection of*

<sup>1</sup> The amendment means that point 1 is deleted.

<sup>2</sup> Latest wording 2018:1298.

children and cooperation in international adoptions,

2. the Act (199/:192) on international adoption services,

3. the Ordinance (2008:1239) on State Subsidies to *Authorised Adoption Associations* and National Organisations for Adopted Persons, and

4. the Ordinance (2018:1296) on adoption in international situations.

children and cooperation in international adoptions,

3. the Ordinance (2018:1239) on State Subsidies to *National Organisations for Adopted Persons*,

4. the Ordinance (2018:1296) on adoption in international situations, and

5. Regulation (2026:000) on state subsidies for experimental activities involving origin searches for adopted persons.

#### *Section 4a*

*The authority shall have a national resource centre for adopted persons and adoption issues.*

*The national resource centre shall have an advisory body to assist the resource centre in matters relating to its activities.*

#### *Section*

*The national resource centre shall*

*1. provide adoption-specific professional counselling to adopted persons and adoptive parents,*

*2. provide support to internationally adopted persons in connection with searches for their origins,*

*3. provide support to adoptees in matters concerning irregularities in international adoptions, and*

*4. gather and disseminate knowledge about adoption based on research and proven experience.*

*The Authority shall report annually on the measures and activities undertaken by the National Resource Centre to the Government Offices (Ministry of Health and Social Affairs). The report shall be submitted no later than 30 September of the year following the year to which the report relates.*

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This regulation shall enter into force on 1 September 2026 with regard to Section 4, point 5, Sections 4a and 4b, and otherwise on 1 January 2029.



## 2 Our assignment and work

### 2.1 The mission and the need for an investigation

The investigation Sweden's international adoption activities – lessons learned and the way forward was appointed by the Government in October 2021 following a unanimous announcement in the Riksdag. The background to this was information about irregularities and shortcomings in international adoption activities that had come to light both in Sweden and internationally.

The purpose of the assignment is to clarify the existence of any irregularities in Sweden's international adoption activities and how the government, relevant government agencies, municipalities, authorised associations, non-profit organisations and other private actors have acted and responded to any irregularities based on the respective actor's responsibility and role. The findings of the inquiry shall provide guidance for the development of Sweden's international adoption activities by proposing how the current regulations, organisation and processes can be changed and strengthened in order to further reinforce the child rights perspective and legal certainty. The investigator shall also investigate the need for adoption-specific support and propose what assistance and support measures should be offered and how these should be organised.

### 2.2 Starting points and interpretation of the assignment

#### 2.2.1 Introduction

A key task for the inquiry is to clarify the existence of any irregularities in Sweden's international adoption activities from the mid-1950s to the present day and what responsibility and role the Government, relevant government agencies, municipalities, authorised associations, non-profit organisations and other private actors have and have had in Sweden's international adoption activities.

The task also includes investigating and clarifying whether these various actors had knowledge of or participated in any irregularities and whether any participation in irregularities was temporary or systematic. Another task has been to investigate and clarify how the actors responded to any indications of irregularities and whether they thereby fulfilled their responsibilities or roles based on the prevailing regulations and organisation.

According to the directives, irregularities can be of various kinds, ranging from so-called illegal adoption, which refers to adoption that is the result of abuse such as abduction, sale, human trafficking and other illegal activities, to various forms of unethical or inappropriate behaviour by various participants in the process.<sup>1</sup> The boundaries between different types of irregularities can be difficult to draw. According to the directives, when analysing the responsibilities of the various actors, the Adoption Commission shall base its analysis on the regulations and organisation in force at the time and take into account the attitudes and norms that existed in society at the time.

The task of investigating the occurrence of irregularities in Sweden's international adoption activities over a period of more than 70 years is complex and requires several decisions to be made when choosing the starting points for the work. Many questions have required answers, such as what should be considered an irregularity and why? What significance does it have that we are reviewing actions that in some cases took place a long time ago, when a different view of international adoption prevailed compared to today? How does the purpose of the investigation affect our work? And what does it mean that individual cases should not be investigated? The following is a brief account of some of the positions we have taken in our work.

### **2.2.2 What is an irregularity?**

#### **Procedures that do not provide a basis for assessing the best interests of the child**

The assessment of what can be considered an irregularity in the context of an adoption procedure is based on the ultimate purpose of the adoption regulations, namely to ensure that a child is only adopted if it is in the best interests of the individual child. A procedure that does not ensure a solid basis for assessment

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<sup>1</sup> See also Chapter 6 and Volume 2, Chapter 2.

The assessment of whether it is in the best interests of the individual child to be adopted internationally could, by definition, be described as improper.

However, it is possible to grade the irregularities in some sense, from clearly illegal actions to actions that are not expressly prohibited but can be described as unethical because they have made it difficult and in some cases impossible to assess whether an adoption is in the best interests of the child.

Adoption means that the person being adopted, in both a legal and practical sense, moves to a new family and gets new parents. The legal ties to the original family are severed. In the case of inter-country adoption, the adoption means that a child not only gains a new family, but also a completely new life in a new environment, which in most cases involves a new language, new customs, a new culture and, in many cases, a life in which the child differs in appearance from the surrounding community. Against this background, international adoption is a life-changing event for the individual, an event that in various ways shapes the individual's future life.<sup>2</sup> It is therefore of the utmost importance that a decision to adopt a child through international adoption is preceded by a careful examination of the conditions for the decision in order to ensure that international adoption, with all that it entails, is truly in the best interests of the child to be adopted. An adoption that is not in the best interests of the child constitutes a violation of the child's rights. Many people in the child's environment may also be harmed if an adoption is carried out on the wrong basis, in particular the original parents but also the adoptive parents. However, there has never been any disagreement about this; the question is whether we have done everything we can to ensure that the basis for assessing the best interests of the child in each individual case has provided an accurate picture of the circumstances surrounding a decision on adoption.

### **Swedish regulations concerning adoption constitute a baseline**

The conditions under which an adoption can be considered to be in the best interests of the child, and therefore permitted, have long been specified in our national regulations. Corresponding rules and standards have also been established in several international instruments concerning adoption. The fact that an adoption may only be permitted when it is in the best interests of the adopted child has

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<sup>2</sup> Insightfully described by Hanna Wallensteen in the foreword to this report.

been an uncompromising requirement for a long time and has guided the formulation of the regulations.

The rules governing adoption in Swedish law have been set out in Chapter 4 of the Parenting Code since 1949. This chapter sets out requirements for how the adoption process should be designed to ensure that a decision on adoption is based on evidence that makes it possible to determine that an adoption is in the best interests of the individual child. In the case of international adoption, there are additional regulations in place to ensure that the adoption of a child across national borders, with all that this entails for the child, only takes place when it is in the best interests of the child. The starting point when children are adopted to Sweden must be that Swedish law is respected.

However, the rules do not only set out requirements that must be met for an adoption to be considered in the best interests of the child. Various actors also have a duty to check that the requirements are met.

Against this background, an investigation into whether irregularities have occurred in international adoption involves, among other things, clarifying whether the requirements set out in both national and international regulations have been met by the various actors involved in the process and whether each of them has fulfilled their obligations. From this perspective, an irregularity may exist when the requirements have not been met or when the documentation does not accurately reflect the child's background. In other words, an irregularity may exist when the documentation in a case does not provide a complete and accurate picture of the child that can be used as a basis for assessing whether an adoption is in the best interests of the child.

### **2.2.3 A review of actions from a historical perspective**

The Adoption Commission's mandate spans a period of more than 70 years. During that time, knowledge, values and rules regarding adoption have developed and changed. An important issue has therefore been to take a position on how actions in the past should be evaluated and assessed. Assessing whether an action was improper from a historical perspective is a complex task. Some of the issues that are being highlighted today may have been assessed quite differently when they occurred.

In previous Swedish investigations concerning settlements involving actions that took place a long time ago, different approaches have been taken. The 1997



The Sterilisation Inquiry was tasked with mapping the application of previous sterilisation laws and considering principles for redressing those affected. The inquiry placed great emphasis on problematising the imposition of responsibility retrospectively and sought to make a historical assessment in which actions were judged against the background of the regulations and views prevailing at the time.<sup>3</sup> Unlike the 1997 Sterilisation Inquiry, the Neglect Inquiry was not tasked with examining the issue of responsibility in a broad sense. Instead, its mandate was to map abuse, and it therefore needed to take a position on what should be considered "abuse and maltreatment". The Abuse Inquiry chose to base its definition of what should be considered abuse in a historical context on the rights of the child as set out in the UN Convention on the Rights of the Child.<sup>(4)</sup> In other words, it took a contemporary rights-based perspective.

There are risks associated with both of these approaches. Assessing what should be considered improper from a contemporary rights perspective risks leading to anachronistic moralism, i.e. reversing the chronology and applying our contemporary values to actions in the past. On the other hand basing our assessment solely on the norms of the historical actors at the time risks downplaying the violations that occurred.

The question of how actions in the past should be evaluated and assessed is linked to the purpose of an investigation. If the purpose of the investigation is primarily to assign responsibility, it is important to make a historical assessment – the actors can only be held responsible according to the laws and regulations that applied at the time in question. If, on the other hand, the purpose is primarily to provide redress for the individuals affected, a contemporary rights perspective helps to highlight the violations that have actually taken place.

The purpose of the Adoption Commission's mandate is to clarify whether the Swedish regulation and organisation of international adoption has been designed in such a way that it has been able to prevent children from being adopted when it has not been in their best interests. The purpose is also to learn from history and propose how international adoption should work in the future. The directives expressly state that the investigation may not consider financial compensation or other redress for individuals who have been affected. This means

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<sup>3</sup> SOU 2000:20 *The issue of sterilisation in Sweden 1935–19/5 Historical perspective – Survey – Interviews*, p. 15 ff.

<sup>4</sup> SOU 2009:99 *Neglect in social child care during the 20th century*, p. 124.

<sup>5</sup> M. Andersson (2016), *Replacing the irreplaceable. State compensation for involuntary sterilisation and abuse of children in care*, p. 45 ff.

that the perspective of redress is not as prominent as in the directives for other commissions that have investigated historical irregularities, known as truth commissions.<sup>6</sup> Furthermore, the investigation shall examine and clarify how the responsible actors responded to any indications of irregularities and whether they thereby fulfilled their responsibilities or roles under the prevailing regulations and organisation.<sup>7</sup> In accordance with the directives, I have assessed illegal actions based on the laws and regulations that applied at the time in question. From a legal point of view, the actors cannot be held responsible for violations of rights that occurred before Sweden's international law commitments on human rights came into force. Unethical conduct is therefore also assessed on the basis of the values recognised in international conventions and formulated in Swedish law at the time of the adoption.

However, the assessment of what constitutes unethical behaviour cannot be influenced by the different perceptions of ethics and morality that the actors had at the time in question. The spirit of the times and views on children and families are important components in seeking to understand and explain the actions of different actors, but they do not influence the assessment of whether an action has been unethical or not. Nor do we take into account whether the action was performed with good intentions. Even actions performed with the aim of doing good can be judged as unethical.

One risk with this approach, i.e. not starting from a contemporary rights perspective, is that it does not highlight the violations that have actually occurred. However, we have been able to establish that the rights enshrined in both the Convention on the Rights of the Child and the 1993 Hague Convention have, in principle, been recognised in Swedish law throughout the period we are investigating. It is above all the principle of subsidiarity and the child's right not to be separated from siblings through adoption that have been clarified by the adoption of the Convention on the Rights of the Child in 1989. In practice, therefore, it does not matter whether the starting point is a contemporary or a historical rights perspective.

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<sup>6</sup> Dir. 2020:29 *Settlement of historical violations and abuses against Tornedalers, Kvens and Lantalaiget* and Dir. 2021:103 *Survey and review of the policy pursued towards the Sami people and its consequences for the Sami people*.

<sup>7</sup> Dir. 2021:95 *Sweden's international adoption activities – lessons learned and the way forward*, p. 9.

#### **2.2.4 A review of irregularities – not an evaluation of international adoption**

As stated above, the task of the Adoption Commission is to clarify how Sweden's international adoption activities have been organised, what tasks and responsibilities the various actors involved have had, whether there have been any irregularities and how the various actors have responded to information about possible irregularities. The overall purpose can be said to be to clarify whether international adoptions have been carried out in a legally secure and ethical manner based on the best interests of the child. If it turns out that irregularities have occurred, the knowledge, actions and opportunities to act of the various Swedish actors must be clarified. The investigation assignment includes submitting proposals for constitutional amendments and other measures needed to further strengthen the child rights perspective and legal certainty.

The assignment does not include considering possible liability issues in individual cases or financial compensation or other redress for individuals who have been affected. Nor does the assignment include evaluating international adoptions, either as a phenomenon or in individual cases. The investigation shall not take a position on whether international adoption has been beneficial or not, either for individuals or from a societal perspective.

The directives state that the analysis of the actions of various actors in international adoption should not only be based on the regulations and organisation in force at the time, but should also take into account the attitudes and norms that existed in society at the time. This has sometimes been interpreted to mean that if the actors at any given time considered it most important for a child to come to Sweden through adoption, it became less important to comply with the requirements of the regulations. International adoption has been seen as something inherently good. Saving lives becomes the most important thing of all. That may well be the case. But that is not what the investigation is about, and it is not a question that I, as a special investigator, can take a position on.

The Adoption Commission's task is to investigate whether there have been any irregularities in international adoption activities, what consequences these may have had, and how Swedish actors could have prevented them. The task involves investigating whether the rights of internationally adopted children have been violated. It is a question of

which must be kept separate from the question of whether internationally adopted children have had a good life in their new families and in their new country. In the general debate on international adoption, however, it is all too common for the two issues to be seen as linked. But whether or not an adopted person has had a good life cannot affect the answer to the question of whether their human rights have been violated. These are two different things that must be kept separate.

## **2.3 Outline of the report**

The final report consists of two volumes. In volume 1, we describe the assignment, the development of international adoptions in Sweden, our analysis and conclusions regarding regulation, organisation and processes, as well as irregularities in Swedish international adoption activities. We also present our proposals for future adoption activities and adoption-specific support, and report on our impact analysis. In volume 2, we present our definition of irregularities and our in-depth review of seven selected countries, as well as our review of private and individual adoptions. We also provide a chronological review of the regulation, organisation and processes of international adoption activities and describe Sweden's commitments to human rights and, in particular, the rights of the child in adoption. Finally, we present our analysis of the need for support for adopted persons and their families.

## **2.4 Working methods and methodology**

### **2.4.1 Expert group and reference group**

#### **Expert group**

The expert group includes experts from the Ministry of Social Affairs and the Ministry of Foreign Affairs, and initially also the Ministry of Justice. The experts included representatives from the Children's Ombudsman, the Authority for Family Law and Parental Support (MFoF), the National Board of Health and Welfare, the Social Administration of the City of Stockholm, Varberg District Court, the Adoption Centre (AC), Children First (BFA) and two researchers from Linköping University and Stockholm University, respectively, and a licensed psychologist.

from Linköping University and Stockholm University, respectively, and a licensed psychologist. All were appointed by the government.

Associations for adopted persons were quick to criticise the inclusion of representatives from AC, BFA and MFoF in the expert group. The criticism was based on the fact that they represented organisations that had been involved in international adoption activities and thus in the irregularities that had occurred. There was concern that the investigator would allow herself to be influenced by AC and BFA in her review work. At the first expert group meeting, the investigator announced that, as a special investigator, she alone would be responsible for the conclusions and proposals to be presented in the final report to the government. The expert group had no comments on this.

The expert group held a total of eleven meetings between 2022 and 2024. At these meetings, the investigator and the secretariat provided information about the ongoing work, raised issues for discussion and requested comments on drafts and proposals. AC and BFA were important sources of information about how the work was conducted.

Experts and specialists have been given access to draft texts for fact-checking and comments. Only the experts have been given access to assessments, conclusions and proposals, which is a requirement under the Committee Ordinance (1998:1474). The investigator and the secretariat have considered the comments and the investigator has subsequently decided on the changes to be made.

## **Reference group**

The reference group included representatives from the Association of Ethiopian and Eritrean Adoptees (AEF), the Association of Korean Adoptees (AKF), Chileadoption.se, the Forever Families Association for South Africa and Lesotho, the Korean Society, the Network for the Bulgarian Association for Adoptive Families, the Organisation for Adult Adoptees and Foster Children (AFO), the Sweden Nepal Association, the Swedish Korean Adoptees Network (SKAN) and the Transnational Adoptees National Organisation (TAR).

The reference group has been convened for five joint meetings between 2022 and 2025. Prior to the first joint meeting, individual meetings were held with each member or association. At the reference group meetings, the investigator and the secretariat provided information about the ongoing work,

raised issues for discussion and presented proposed ideas. In addition, meetings were held with individual members and associations as needed. The reference group has played an important role in providing information and contacts during the course of the work.

#### **2.4.2 Selection of countries of origin for in-depth review**

According to the directives, the investigator shall investigate and clarify the existence and extent of any irregularities in relation to both the countries of origin from which most international adoptions to Sweden have taken place and the countries of origin where there is knowledge or serious suspicion of irregularities in the adoption process.

Our selection of countries was based on official statistics on international adoption activities for the period 1969–2021 and various sources that could provide information on possible irregularities in the adoption process in different countries. Based on the statistics, we narrowed down our selection to the ten countries with the highest number of adoptions over time. We then conducted a more in-depth review of various sources to find information and reports on irregularities in these ten countries. Among other things, we reviewed other countries' investigations of irregularities in international adoptions, scientific articles, activity reports and supervisory reports for the Swedish Intercountry Adoptions Authority (NIA) and the Swedish Intercountry Adoptions Authority (MIA), the Authority for Family Law and Parental Support (MFoF), government inquiries and reports, and conducted a review of news articles from the 1970s to the present day. We have also interviewed people who have been able to contribute information about irregularities in international adoptions and have also reviewed an Excel file with a list of articles and reports on irregularities in different countries over time from researcher Tobias Hübinette. Irregularities reported in other countries were noted during the course of the work so that they could be included in the continued work.

We compiled material containing facts about irregularities in the ten largest adoption countries as background information for the expert group's first meeting in April 2022. The aim was to be able to narrow the selection down to six countries at the meeting, which we considered a reasonable number based on the schedule and available resources. The starting point was that the selection, in addition to

to cover the largest adoption countries and countries where there was knowledge or serious suspicion of irregularities in the adoption process, it would also highlight irregularities in the adoption process over time, cover adoptions arranged through authorised adoption organisations and private and individual adoptions, and provide a geographical distribution across several continents. Two countries were already specified in the directives, namely Chile and China. At the meeting, the expert group discussed the various countries and what a selection might look like in order to provide the best conditions for review. The expert group did not set any priorities. One suggestion was to include an EU country, as the EU could probably be expected to have an interest in this and it could therefore be valuable to review Poland, which was one of the ten countries.

Based on the background information and discussions at the expert group meeting, the investigator decided on a selection of four countries in addition to Chile and China, namely Colombia, Poland, Sri Lanka and South Korea. We then began an in-depth review of these countries.

The selection was criticised by, among others, adoptive parents' associations for not including any African countries and for failing to highlight irregularities in India, Sweden's second largest adoption country, where irregularities in adoptions had been demonstrated. Thailand and Vietnam were also highlighted as countries we should examine. Since we had seen indications of irregularities in all ten adoption countries, we had no other opinion, but the timetable and resources limited our ability to examine more countries. In our continued work with the six countries, we also found information about irregularities in the adoption process in Ethiopia, which led the investigator to decide in June 2023 to add Ethiopia to the six countries. The selection thus amounted to seven countries, which together accounted for just over half of the number of international adoptions to Sweden from 1969 to the present day.

### **2.4.3 Archive review and analysis of written material**

#### **Review and examination of archive material**

The investigation into irregularities in international adoption activities has involved a very extensive review and analysis of archive material from the National Archives (including county archives

archives), the MFoF archives, the Ministry for Foreign Affairs archives, municipal archives and district court archives. We have also reviewed archive material from AC and the Family Association for International Adoption (FFIA). Researcher Tobias Hübinette has given us access to his private archive concerning international adoption activities in general, and South Korea in particular.

At the National Archives in Täby, we have reviewed archive material for NIA, the Ministry for Foreign Affairs and relevant Swedish authorities abroad, as well as documents and adoption files for some defunct adoption organisations and AC. We have also accessed an individual's archive that has been handed over to the National Archives. The Adoption Commission was the largest purchaser of archive material at the National Archives in 2022, 2023 and 2024.

From MFoF, we have accessed archive material for MIA and MFoF, as well as files for Barnens Vänner-Internationell adoptionsförmedling (BV).

At the Stockholm City Archives, we have reviewed adoption files from the Stockholm Social Services and a selection of older district court files in order to gain an early understanding of the material contained in the various files.

There was no easy way to access the material, other than that we were initially given a manual from the National Archives for the NIA archives. The National Archives, and Elin Lindström in particular, have been extremely helpful in guiding us through the extensive archive material.

### **Review and analysis of other material**

We have reviewed a large number of Swedish and international government publications, research reports, scientific articles, dissertations, essays, publications from organisations (such as the UN, HCCH, ISS, Save the Children, UNICEF and other civil society organisations), books, documentaries, radio and TV features, newspaper articles, podcasts and more in the field of international adoption. We have also reviewed relevant public publications in the form of government reports (SOU), departmental memoranda and bills.



## 2.4.4 Interviews, meetings and travel

We have interviewed officials who have worked in international adoption in Sweden and other countries, adoptees, adoptive parents, birth parents, researchers and others who have been able to contribute knowledge, experiences and thoughts on adoption and adoption practices over time. In addition, we have held meetings with review commissions and authorities in other countries. We have visited four of the countries we have reviewed: Chile, Colombia, Poland and South Korea.

### Interviews

#### *Public servants*

In order to gain knowledge and understanding of how Swedish international adoption has functioned over time, we have interviewed around 60 officials who have worked in various roles and positions within the adoption sector at different times from the 1960s onwards. As the sector has been active for such a long time, some of the people involved have passed away. However, we believe that we have still been able to capture the activities throughout the entire period.

With regard to NIA, MIA and MFoF, we have interviewed former secretaries-general and directors-general at the authorities, staff who have worked with authorisation and supervision, costs and finances, and other issues that have been relevant to the activities. Through the interviews, we have obtained a description of how the activities have functioned throughout the entire period that the authorities have been active, from the early 1970s to the present day.

For the adoption organisations, we interviewed office and operations managers for AC, BV, BFA and FFIA, as well as former members of the adoption association La Casa. We also interviewed country managers who have worked with any of the seven countries we conducted in-depth reviews of, as well as other individuals within the organisations who were able to contribute knowledge about how the operations have been conducted over time. To gain knowledge about PAS (Post Adoption Services), we have also interviewed individuals within AC who work with PAS issues.

We have also interviewed two former SAS employees with experience of the airline's operations in escorting children from various countries to Sweden.

In addition, we interviewed the investigator for the 2003 adoption investigation, researchers and other individuals who have conducted investigations and studies in the field of adoption.

#### *Adoptees, adoptive parents and birth families*

We have interviewed around 70 adopted persons, around 10 adoptive parents and around 20 birth parents or other family members. These individuals contacted us themselves to share their experiences and thoughts on adoption, irregularities or the need for support. We did not actively seek out individuals and allowed each person to talk about whatever they wanted. Significantly more women than men contacted us; nearly 90 per cent of those we interviewed were women.

The adopted persons originate from 16 different countries, and one person was adopted nationally. For some countries, we have a comparatively large number of interviews, for example Chile, Ethiopia, India and South Korea. This can be explained by the fact that many people have been adopted from these countries, but also that irregularities have been reported in these countries. For some of the larger adoption countries, we only have a few interviews, such as China, or no interviews at all, such as Poland. One explanation may be that people adopted from these countries are still relatively young.

The adoptive parents we interviewed have adopted children from various countries, such as China, South Korea, South Africa and Thailand. Significantly fewer adoptive parents have contacted us compared to adopted persons.

As for birth families, we interviewed two mothers from South Korea, approximately 14 mothers or other family members in Chile, and four mothers in Colombia.

### *Others we interviewed*

In addition to civil servants, adopted persons, birth families and adoptive parents, we have also interviewed researchers and other individuals in Sweden and abroad who have contributed important knowledge and information about adoption in general or about specific countries.

### **Meetings and exchanges**

In addition to interviews, we have held meetings and exchanges with several actors in Sweden and other countries.

We have exchanged views with researchers who conducted the review of irregularities in the Dutch investigation and discussed the methods, working methods and conclusions of their work.

After the Norwegian investigation was launched in 2023, we have had ongoing exchanges between the investigation secretariats, where we have discussed methods and working practices, but also shared information from our reviews.

We had early exchanges with representatives of the parliamentary inquiry in Chile and also met with the chair of the inquiry when we visited Chile in 2022. During our visit to South Korea in 2023, we had a meeting with the South Korean Truth and Reconciliation Commission (TRC) and have since exchanged information with the commission.

In addition, we have had meetings with officials at the Permanent Bureau of the Hague Conference on Private International Law (HCCH) in The Hague, where we also met with the former Secretary General of the HCCH, Hans van Loon, and representatives of INEA. We have also had meetings with representatives of the Appeals Board in Denmark and Bufdir in Norway.

In Sweden, we have held meetings with the Swedish Institute for Human Rights, the Swedish Audit Board, the National Archives, the National Board of Forensic Medicine, the Red Cross, the Swedish Tax Agency, the National Board of Health and Welfare, the Swedish Association of Local Authorities and Regions, the Swedish Public Procurement Agency, and the Committee for Review of the Tasks and Organisation of Smaller Authorities. We have also met with three historians at Linköping University and a professor of medical ethics at Lund University to discuss approaches to reviewing activities that took place a long time ago. We have also held meetings with several licensed psychologists and psychotherapists.

### **Participation in seminars, conferences and presentations**

We participated in the EurAdopt conference in Copenhagen in September 2022, where the main theme was post-adoption services (PAS). In September 2023, we participated in a digital seminar organised by the Committee on Enforced Disappearances (CED) to highlight the joint statement by UN human rights rapporteurs on illegal adoptions. In May 2023, we participated in a parliamentary seminar on irregularities in international adoption activities. We have also received the written documentation for the presentation given by the adoptees' associations in the Riksdag. We participated in Statistics Sweden's conference on data collection, analysis and application of statistics for children's rights in October 2023. We also participated in AC's union meeting in May 2023 to learn about AC's experiences and thoughts on the need for adoption-specific support going forward. In addition, we participated in AC's digital lecture Unknown Background in April 2023 and AC's digital meeting on the Adoption Commission's mission in October 2024. In May 2024, we participated in a lunch seminar at the Karolinska Institute (KI) where researcher Mattias Strand and doctor Natte Hillerberg presented their interview study on the experiences and wishes of transnationally adopted persons regarding care and support. In November 2024, we also participated in a digital meeting organised by the National Organisation for Transnationally Adopted Persons (TAR), where the results of the same study were presented and discussed.

### **Travel**

We visited four of the countries we reviewed: Chile, Colombia, Poland and South Korea.

During our visit to Chile in October 2022, we met with representatives from the Ministry of Social Development and Family, the Ministry of Justice and Human Rights, Mejor Niñez, Registro Civil, Judge Mario Carroza and representatives from the criminal investigation, as well as Boris Barrera, chair of the parliamentary commission. We also had meetings with the organisations Hijos y Madres del Silencio, Chile-adoption.se and Nos Buscamos. During our visit to Temuco, we met with birth parents and siblings, as well as representatives of the family court in Temuco.

During our visit to Colombia in October 2022, we met with representatives of the Adoption Division at the ICBF headquarters in Bogotá and the ICBF regional office in Cali, a judge at the Family Court de la Mesa, and representatives of the Defensoría del Pueblo and Colombia's Truth Commission. We had meetings with an adopted person living in Colombia who also arranged a meeting with birth parents in Bogotá. We also met with representatives of the Fundacion Armando Armero, a lawyer who has worked with private adoptions, and AC's contact person in Colombia, and visited the CRAN children's home in Bogotá and Chiquitines in Cali.

During our trip to Poland in February 2023, we met with the Ministry of Family and Social Policy, the state adoption agency (Wojewódzki Ośrodek Adopcyjny) and the Catholic adoption agency (Katolicki Ośrodek Adopcyjny). We met with a researcher at the Institute of Justice (Instytut Wymiaru Sprawiedliwości) and a former director of Poland's oldest children's home. We also met with BFA's contact person in Poland, who provided practical assistance to Swedish families in the country throughout the years that the organisation was active.

During our trip to South Korea in the spring of 2023, we met with representatives of South Korea's Truth and Reconciliation Commission (TRC), the Ministry of Health and Welfare, the National Centre for the Rights of the Child (NCRC), Korea Welfare Services (KWS) and the organisations KoRoot, Korean Unwed Mothers' Families Association (KUMFA) and Danish Korean Rights Group (DKRG). We also met with lawyers, researchers and other experts in the field of adoption. In addition, we met a woman whose child had been adopted to Sweden and an adoptee who now lives in South Korea. After our visit to South Korea, we interviewed another birth parent digitally.

## **2.4.5 File review**

On 2 March 2024, the Act (2024:31) on the obligation to provide information to the Adoption Commission came into force. The Act imposes a duty on authorities and authorised associations to provide, at the request of the Adoption Commission, information that the Commission needs to fulfil its task of mapping and analysing adoption activities. At the same time, a provision was introduced regarding the confidentiality of information about an individual's personal or

financial circumstances of the Commission, Chapter 42, Section 9, point 6 of the Public Access to Information and Secrecy Act (2009:400).<sup>8</sup>

We have reviewed adoption files for the seven countries we have examined in depth. For four of the countries, we have reviewed files for adoptions arranged through Swedish adoption organisations: Chile, Colombia, China and South Korea. For three of the countries, we have instead reviewed private and individual adoption files: Ethiopia, Poland and Sri Lanka. A relatively large number of private and individual adoptions to Sweden have been carried out from these countries. In this way, we cover all countries and both types of adoption.

## Selection of files

### *Review of adoption files via adoption organisations*

For the file review of organised adoptions, we have made a random selection of approximately 100 files per country. The selection was made at random from a list of all adoptions carried out by the organisation or authority in question. The adoption organisations and the National Archives have provided such lists. As there are four countries involved, we have reviewed approximately 400 files in this section. With 100 files per country, we have a margin of error of 10 if we choose a significance level of 95 per cent. As there are varying degrees of internal attrition in the different questions, we should interpret the answers with caution. Results with too few responses are not included in the analysis.

- In Chile, AC has been the only organisation, and in Colombia, AC accounts for 97 per cent of organised adoptions. For these two countries, we have selected 100 files from AC. For Colombia, we have also reviewed three files from the organisation La Casa, as they have arranged a small number of adoptions from Colombia. (FFIA has arranged even fewer adoptions from Colombia, and since this would only involve a sample of one file, we have disregarded it.)
- In South Korea, AC has been the only organisation that has arranged adoptions to Sweden, but in the 1970s it was NIA that arranged adoptions from South Korea to Sweden. Since AC and

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<sup>8</sup> Prop. 2023/24:50 *An obligation to provide information to the Adoption Commission.*

The NIA has arranged approximately the same number of adoptions from South Korea, we have selected 50 files from the AC and 50 files from the NIA's archives at the National Archives.

- Several adoption organisations have been active in China. For China, we have therefore selected 40 files from the AC, 40 files from the FFIA and 20 files from the BV, which is a proportionate number of files based on the number of adoptions arranged by the various adoption organisations from China.

### *Review of private and individual adoptions*

There is no reliable data on the number of private and individual adoptions. It is estimated that there were around 1,100 to 1,200 private and individual adoptions from Sri Lanka and Poland, and upwards of 600 private and individual adoptions from Ethiopia. If we had had the same level of certainty in the file review for private and individual adoptions as for organised adoptions, we would have needed to review between 80 and 90 files per country. However, in the file review of private and individual adoptions, we have not been able to review as many files, but for practical and time reasons have had to limit it to around 40 files per country. This means that, based on our results, we cannot generalise to the group as a whole. It has been difficult and time-consuming to find private and individual files to review.<sup>9</sup> We have also been unable to make a random selection for the file review of private and individual adoptions, as there is no list of the total number of adoptions arranged privately or individually. We have had to make selections based on what has been practically feasible.

Private and individual adoption records may be found at social services, district courts and the National Archives. After consulting various parties and conducting a few spot checks, we concluded that the social services archives contain the most information about the child's background, among other things, and that it would therefore be most appropriate to examine the records there. In order to find individual adoption records in the social services archives, we needed access to the personal identification numbers of the adopted persons. Therefore, we have

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<sup>9</sup> It is not complicated for an adopted person who can use their own or their adoptive parents' personal identity numbers to find their file, but since we did not have any personal identity numbers to start with, the procedure has been complicated.

First, we needed to find the personal identification numbers of the prospective adoptive parents at the National Archives. The staff at the National Archives were helpful in guiding us to the registers where we could most easily find personal identification numbers for the right countries and time periods. We then manually went through various index cards and files to find the personal identification numbers of applicants who may have adopted children from our three selected countries. Initially, we also selected the personal identification numbers of applicants who could be found in Stockholm County or Västra Götaland County, with the aim of trying to gather the files geographically, as we wanted to review the files on site in the archives as far as possible. However, we later had to abandon this approach and search more broadly in order to obtain a sufficient number of files. Based on the selection of applicants' personal identification numbers, we then searched for the child's personal identification number via the population register (NAVET). Once we had obtained the children's personal identification numbers, we turned to the various municipal and city archives to search for the files of the adopted persons. In total, around 100 private and individual files from approximately 25 different municipal and city archives were examined.

### *Random sample surveys*

For reasons of limited resources, we have not been able to review files from both private and individual adoptions and organised adoptions for each country. A disadvantage of this is that we cannot compare private and individual adoptions with organised adoptions from the same country. However, in Ethiopia we have had a sample of nine AC files, and in Sri Lanka a sample of eight BV files, as comparative material. <sup>(11)</sup> With regard to Sri Lanka, we have also conducted a general review of the adoption files of the adoption organisation ISIA from the mid-1980s, which have also been used as comparative material. We have also sampled district court and social services files, primarily to see if there are more documented consents there compared to the files we reviewed at the National Archives.

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<sup>10</sup> In particular, the following diaries: Nia C1a:4, case no. 8; Socialstyrelsen's NIA D5:1; Ministry of Justice 1975–1976, unit F4; NIA C1c:2.

<sup>11</sup> However, as it has been very difficult to find private and individual files, our selection includes some adoptions arranged through organisations. In cases where there were at least eight files, we used these as a sample to compare the results against.



## Review form, analysis and interpretation

To conduct the file review, we created a file review form in Excel, where we entered information from the selected files under various questions or headings. We documented the information contained in each file, such as the child's background and parents, how the child was placed and the reasons for adoption, as well as who investigated the child's social situation, participated in the placement, matched the child and decided that the child was available for adoption. We have also documented whether there is a separate consent document from the child's parent or other guardian, whether the file shows that a national solution was sought before the decision to adopt was made, and how the adoption was completed in the country of origin and in Sweden. We have also documented the dates of the various stages of the adoption process. In addition, we have also documented whether we have seen conflicting information or other signs of obvious irregularities in the file. With regard to the files for Chile and Colombia, which were largely in Spanish, we engaged an interpreter from the Legal, Financial and Administrative Services Agency's framework agreement, who assisted us with translation on site at the National Archives.

After completing the document review, we categorised and quantified the results by showing how common different results or "response options" were. We also used the document review for more qualitative results by illustrating general observations or pointing out the occurrence of more unusual phenomena. We have also analysed the timing of the process to see the order in which the various steps in the process occur and how long it takes between steps. In a first step, the results were analysed for each country separately, after which a comparative analysis between countries was performed.

The results of the file review should be interpreted with caution. This applies in particular to the file review of private and individual adoptions, as we have a significantly smaller number of files in this area and the selection was not random. In our reports on the results of the file review, we have often stated that we cannot draw any general conclusions based on the file review. There is also a degree of uncertainty in the file review of organised adoptions, mainly because there are some internal dropouts, and thus varying degrees of certainty in the responses.

In cases where there were too few responses, we chose not to report the results. Another reason to interpret the results with caution is

that it is not an exact science, but rather that there is room for interpretation when assessing the contents of a file. Prior to reviewing the files, we held meetings with AC, who explained how they view the various documents in the files for the adoptions arranged through them.

#### **2.4.6 Special review of AC's adoption files from 2024**

We have conducted a special review of all of AC's adoption files from 2024. There were 34 files relating to 36 children. The review had two purposes: to see what characterises the children who are now being placed for adoption, and to see what documentation is included in the files and whether the documentation has improved over time.

For this review, a simplified form with fewer questions was designed. With regard to the overall question of what characterises the children who were placed for adoption through AC, we have documented the child's gender, age, health status and any special needs, whether the child belongs to a minority or indigenous group, and whether it has known parents or siblings remaining in the country of origin. We have also documented the reasons for adoption, whether the children were in social care and whether the children stayed in children's homes or foster homes before the adoption. With regard to the overall question of what documentation is included in the files, we have documented, among other things, how often birth certificates, medical reports, social reports and special consent documents from parents or other guardians have been included. We have also documented whether there is any official decision that the child is available for adoption and whether the adoption documents clearly state what efforts have been made to find a national solution before international adoption.

As we conducted the audit in January, documentation may still be added to the cases. At least two of AC's files from 2024 contain a note that more documentation is forthcoming. However, this has no real significance for our audit. All documents must be included for Sweden to approve the adoption to proceed (the social services committee's consent to

the adoption procedure may continue in accordance with Chapter 6, Section 14 of the Social Services Act <sup>12</sup>). However, it is important for an adopted person who wishes to search for their origins.

This file review should also be interpreted with caution, not least because the contents of the file can be interpreted in different ways. In addition, these are adoptions from eight countries about which we do not have as much background knowledge. The fact that different interpretations are possible is demonstrated by the review that AC itself has carried out of the same files. They have arrived at different conclusions than we have.

### 2.4.7 Focus groups

We have conducted eight focus groups to gather knowledge and experiences about the needs for special support for adopted persons and what is important for such support to work well. Three of the groups were for adopted adults, two physical meetings and one digital. Two groups were for adoptive parents, one for parents with children under 18 and the other for parents with children over 18. One group was for the partners of adoptees. We also invited two groups of children, one for adoptees between the ages of 15 and 18 and one for children of adoptees, also between the ages of 15 and 18. However, it proved very difficult to get participants for both children's groups, despite several attempts to spread information about the meetings via adoption organisations, adoptees' associations and posters in secondary schools and youth clinics. In the end, only one person per group attended these meetings, and they were conducted as a single conversation.

In order for the focus groups to be conducted in such a way that participants felt comfortable sharing their thoughts with others in the same target group, we chose to hire professional moderators. The facilitators were licensed psychotherapists, some of whom were adopted themselves. They were clear about the purpose of the focus groups, the questions, the structure and implementation, and how the material collected would be used. For the children's groups, one of the psychotherapists facilitated the discussions together with a social worker and counsellor from Bris.

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<sup>12</sup> Chapter 24, Section 5 of the Social Services Act (2025:000), latest version Prop. 2024/25:89 *A preventive social services act – for increased rights, obligations and opportunities*.

At the meetings with the adopted persons, the group discussed three main questions: What is your experience of support? What support do you need as an adopted person or adoptive family in the future? If society is to provide the support you request, how should that support be designed? The meetings with adoptive parents focused on questions about their experience of previous support, what support is currently lacking and how such support could be designed. The meetings with partners of adoptees focused on what support they thought adoptees would need and what is important to consider when designing such support. The conversation with children of adoptees focused, among other things, on how adoption has affected the individual and what support would be needed for adoptees and their families in the future.

The maximum number of participants per focus group was 12 people. In the groups where we had more applicants than this, we had to make a selection among those who had expressed interest. In these cases, we sought to achieve a broad range of participants in terms of age, gender and country of origin. With regard to country of origin, we wanted to include more countries than the seven we had selected for in-depth review. A total of around 70 people participated in our focus groups, of whom approximately 80 per cent were women and 20 per cent men. Each focus group lasted around three hours. The discussions were recorded, documented and analysed.

#### **2.4.8 External material produced on our behalf or initiated by other**

##### **Assignments we have given to others**

We have given Governo several assignments as a basis for formulating our proposals for adoption-specific support and calculating the costs of the proposals. Governo has been tasked with mapping national centres of expertise in Sweden, with the aim of learning lessons for our proposal to establish a national resource centre for adopted persons. Governo has also been tasked with producing a forecast of the age development of the group of internationally adopted persons, as well as a general forecast of the number of individuals per year who may seek the various forms of support. Governo has also been tasked with conducting a general socio-economic impact analysis for adoption-specific support.

We have commissioned four licensed psychotherapists to lead the focus groups we have held in order to gain a deeper understanding of what adoption-specific support is needed and how such support should be designed: Anna Amazeen, Kristina Lindstrand, Maria Norlin and Maria Palmer. Anna Amazeen has also had a broader assignment as a sounding board for the preparations and structure of the focus groups. Bris was commissioned to lead the discussions with children and young people together with one of the psychotherapists.

We have commissioned sexologist Anna Linde, who has written an essay on the sexual health of adoptees and subsequently conducted a further interview study among adoptees, to summarise the interview material specifically for us.

We have also commissioned licensed psychologist and psychotherapist Hanna Wallensteen to write a foreword to the report.

### **Other material received from external parties**

Several individuals and organisations have contacted us to share various types of material and other information that has been useful in our work. This includes, for example, scientific publications, essays, autobiographical books and written life stories.

We have received material from several associations for adopted persons. Individual adopted persons have also submitted documentation.

Several licensed psychologists and psychotherapists have contributed documentation and letters about the need for support for adopted persons and how such support could be designed.

## **2.5 Key principles and concepts**

### **2.5.1 Some key principles**

This section describes some key principles in international adoption. These are the best interests of the child, the child's right to their identity and origins, the prohibition of child trafficking, the requirement for voluntary and informed consent, and the principle of subsidiarity. These principles have been developed and regulated over time, but have guided practical activities ever since

since international adoption began in earnest in the 1950s.

### **The best interests of the child**

Already under the 1917 Adoption Act, adoption could only take place if it was "found to be in the best interests of the child". The provision has since been amended to state that adoption must be in the child's best interests, and since 2018, in the child's best interests.

The principle of the best interests of the child is one of the fundamental principles of the Convention on the Rights of the Child. According to Article 3, in all actions concerning children, the best interests of the child shall be a primary consideration. When it comes to adoption, the Convention goes even further and stipulates that States shall ensure that the best interests of the child are given primary consideration (Article 21). The preparatory work for Article 21 shows that it was important that the wording clearly referred to the best interests of the child and not those of the parents. No other interests may be given greater weight than the best interests of the child in an adoption.

According to the Committee on the Rights of the Child, the best interests of the child should be the decisive factor in decisions on adoption. Even if the interests of the child are not the only consideration, they should be given priority over all other interests and considerations, including those of the biological parents, the prospective adoptive parents, adoption organisations or a State. Although the interests of all parties concerned may be taken into account, in the event of competing interests, the state is obliged to ensure that the interests of the child are given priority. <sup>(14)</sup>

The best interests of the child are also expressed in the 1993 Hague Convention (Article 1) and the 2008 Council of Europe Convention (Article 4).

### **The child's right to identity and origin**

In 1959, the UN adopted a declaration on the rights of the child containing ten principles. One of these principles was that the child should have the right to a name and a nationality from birth. According to Article 24 of the UN Convention on Civil and Political Rights (ICCPR)

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<sup>13</sup> The Children's Ombudsman. Swedish translation of *the Committee on the Rights of the Child's General Comment No. 14 (2013) on the right of the child to have the best interests of the child taken into account as a primary consideration* (CRC/C/GC/14) pp. 38 and 48.

<sup>14</sup> J. Tobin (2019), *The UN Convention on the Rights of the Child. A Commentary*, p. 769 f.

<sup>15</sup> 1959 Declaration of the Rights of the Child.

adopted in 1966, every child shall be registered immediately after birth and given a name and the right to acquire a nationality.

The Convention on the Rights of the Child further developed the child's right to identity and origin. According to Article 7, the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. These rights should be understood as part of a child's right to survival and development. The right to know one's parents is not absolute. The wording of the article states that a child shall have this right as far as possible. One way of ensuring this right as far as possible is for a child to be registered at birth and for a state to ensure that the information about the child's origin held by the authorities is preserved, in particular information about the parents' identity and medical history. For this to be possible, there must be information to preserve. There are situations where it is impossible to ensure that a child learns about his or her parents, for example in cases where the child's parents are unknown. It may also be that the mother does not know who the father is or cannot be persuaded to reveal who the father is. <sup>(16)</sup>

Similar provisions on birth registration, name and nationality are contained in Article 30 of the 1993 Hague Convention. According to Article 30, the authorities concerned shall ensure that the information on the child's origins held by the authorities is preserved, in particular information on the identity of the parents and medical history. The authorities shall also ensure that the child or his or her representative has access to such information, under appropriate guidance, to the extent permitted by the law of the State. A child who has been adopted has the right to be informed of this by his or her parents. The parents shall inform the child of this as soon as it is appropriate (Chapter 4, Section 23 of the Family Code).

According to Article 8 of the Convention on the Rights of the Child, a child has the right to preserve his or her identity, including nationality, name and family relations. If a child is unlawfully deprived of part or all of his or her identity, the child shall be provided with appropriate support and protection with a view to re-establishing his or her identity as soon as possible. This obligation applies regardless of whether a child has been deprived of part or all of their identity. What is meant by appropriate support and protection with a view to restoring a child's identity as soon as possible is not clear from the article or from the preparatory work for the Convention. The wording leaves room for interpretation.

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<sup>16</sup> SOU 2020:63 *The Convention on the Rights of the Child and Swedish law*, p. 359.

for each State to determine what support and protection should be provided, with the sole limitation that the support and protection must be appropriate to the purpose and effective enough to ensure rapid restoration. The Committee on the Rights of the Child has stated that if a child's identity documents have been obtained for the child by illegal means and the child requests the restoration of his or her identity documents, a State should take measures, including issuing corrected documents. <sup>(17)</sup> States are obliged to carry out the process of restoring the child's identity in a manner that prevents, or at least minimises, any damage to the child's emotional or psychological development. <sup>(18)</sup>

### **Prohibition of financial gain and trafficking in children**

It is a fundamental principle that adoption may not take place in exchange for payment. Under no circumstances may trade in children occur. In Sweden, there has been a ban on payment for *national* adoption since 1917. The first rules aimed at preventing undue financial gain in *international* adoption came with the 1967 Council of Europe Convention, which Sweden ratified the same year. Under the 1979 Act on International Adoption Assistance, adoption agencies were allowed to charge fees to applicants, but the activity could not be conducted for profit.

The 1989 Convention on the Rights of the Child further tightened the requirements through Article 21(d), which stipulates that States Parties shall take all appropriate measures to ensure that international adoption does not lead to improper financial gain for those involved in it. The article does not specify what is meant by the sale or trafficking of children. Instead, it is defined in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child pornography and child prostitution. Article 2 of the Protocol defines the sale of children as any act or transaction whereby a child is transferred by a person or group of persons to another person or group of persons for payment or any other form of remuneration. The Protocol states that the improper solicitation of consent to the adoption of a child in contravention of applicable international legal instruments on adoption is covered (Article 3.1(a)(ii)). This shall apply

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<sup>17</sup> n SOU 2020:63 p. 389.

<sup>18</sup> J. Tobin (2019), p. 303.



regardless of whether the crime is committed within a country or across borders, and regardless of whether it is committed in an organised manner or by an individual. When Sweden ratified the Additional Protocol a new offence was introduced – improperly obtaining consent or permission for the adoption of a child in Chapter 7, Section 2 of the Penal Code.

The prohibition of improper financial gain is also expressed in the 1993 Hague Convention. According to Article 8, central authorities shall take all appropriate measures to prevent improper financial or other gain in connection with an adoption and to prevent practices contrary to the purposes of the Convention. When the Act (1997:192) on International Adoption Services came into force in 1997, it was clarified that adoption organisations may only charge *reasonable* fees to applicants (Section 7, second paragraph). Adoption organisations shall report the costs in the other country and how they are distributed. The preparatory work for the provision states that compensation should be available for costs relating to a specific child and to cover a reasonable part of the children's home's running costs or other administrative costs associated with international adoption activities. However, there must be no risk that international adoption activities will generate such large profits that a dependency on income from such activities is created in the country of origin. <sup>(20)</sup>

## Voluntary and informed consent

It is a fundamental principle that adoption is voluntary. This means that the child, the child's parents and the person applying for adoption must, as a starting point, agree that the adoption should take place.

### *The Parental Code's requirement for consent*

Even under the 1917 Adoption Act, consent to the adoption from the person to be adopted was considered an indispensable requirement for the adoption to be granted. According to Chapter 4, Section 7 of the Parenting Code, a person who has reached the age of 12 may only be adopted if he or she consents to the adoption.

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<sup>19</sup> Prop. 2005/06:68 *Sale of children, child prostitution and child pornography – Optional Protocol to the Convention on the Rights of the Child*.

<sup>20</sup> Prop. 2003/04:131 *International adoption issues*, p. 41.

to the adoption.<sup>21</sup> Children younger than 12 years of age shall also be heard and have the right to express their views.

According to Chapter 4, Section 8 of the Parenting Code, the consent of the guardian<sup>22</sup> is generally required if the person the applicant wishes to adopt is under 18 years of age. The guardian's right of veto has been in force since the 1917 Adoption Act.

However, consent is not required if the child's guardian is permanently unable to give consent due to mental illness or similar circumstances, is staying at an unknown location, or there are exceptional reasons. The exception for exceptional reasons was introduced in 2018 and should be applied very restrictively. The preparatory work states that it is primarily aimed at situations in international adoption where people may not want to participate in an adoption procedure due to the risk of social consequences if the adoption becomes known. Application of the exception generally requires that considerable efforts have been made to investigate the reason why consent that meets Swedish requirements has not been given. As a rule the authorities in the country of origin must have assessed that the adoption should go ahead. This is primarily the case if the adoption is arranged by an authorised adoption association.

The fact that a parent who is not the custodial parent does not have the right of veto in matters concerning adoption does not mean that the parent's wishes are irrelevant. Even in such cases, the parent must be given the opportunity to express their opinion, and the parent's views must be taken into account in the overall assessment of the suitability of the adoption. The requirement for parental consent can be said to reflect a balance between, on the one hand, the value of adoptions that are in the best interests of the child and, on the other hand, the rights of the parents.

Before consent is given, the person giving consent must be informed about the implications of adoption and consent. The purpose is to ensure that informed consent forms the basis for the decision on adoption. In the case of national adoption, the information is provided and consent is obtained, as a rule, by the person conducting the adoption investigation. In the case of international adoption, it may instead be the authorities in the child's country of origin who provide the information and

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<sup>21</sup> Consent is not required if the person whom the applicant wishes to adopt is permanently unable to give consent as a result of mental illness or other similar circumstances.

<sup>22</sup> This also applies to a specially appointed guardian or other person who, by law or custom in another state, may be considered to have taken the place of the parents.

<sup>23</sup> Prop. 2017/18:121 *More modern adoption rules*, p. 151 f.

<sup>24</sup> Prop. 2017/18:121 p. 52.

obtains consent. The preparatory work for the 2018 amendment to the law states that in such cases, it is the responsibility of the person conducting the adoption investigation to verify that the consent given is acceptable. If the adoption is covered by the 1993 Hague Convention, the Convention's requirements regarding consent must be met. In such a situation, there should rarely be any reason to question whether the consents given have been preceded by relevant information. The same should generally apply if the adoption is not covered by the Convention but is arranged by an authorised adoption association. If there is reason to suspect that the person who gave consent has not received information, there may be grounds for the person conducting the adoption investigation to supplement the investigation. It is ultimately the responsibility of the court to ensure that the consents on which the adoption decision is based meet the requirements of the law, including the requirement for information. As with the requirement for consent from the person to whom the application relates, it is important to document what information has been provided and the circumstances surrounding the consent. It is ultimately the responsibility of the court to ensure that acceptable consents are included in the case. <sup>(25)</sup>

The person who gave birth to the child may give consent only after she has recovered sufficiently from the birth (Chapter 4, Section 9 of the Parenting Code). This provision was introduced as a result of the requirement in the 1967 Council of Europe Convention on the Adoption of Children that the mother's consent may not be given until six weeks after the birth of the child. <sup>There</sup> is no specific time limit in the Parenting Code for when consent may be given; instead, it must be assessed on a case-by-case basis whether the parent has recovered sufficiently, both physically and mentally, to be able to make a well-considered decision. When the provision was introduced in 1969, it was stated in the preparatory work that the period should generally not be less than six weeks.

### *Requirements for consent under the Convention on the Rights of the Child*

According to Article 7 of the Convention on the Rights of the Child, a child has the right to be cared for by his or her parents. In light of Articles 9 and 20, adoption can only be considered if the parents renounce their responsibility or are deemed unable to fulfil their responsibility through legal proceedings (cf.

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<sup>25</sup> Prop. 2017/18:121 p. 150 f.

<sup>26</sup> Prop. 1968:114 with a proposal for a law amending the wording of Chapter 4, Section 5 of the Parenting Code, etc., p. 17 and Prop. 1980/81:112 on consent and permission for adoption p. 12 f.

including Article 19).<sup>27</sup> Article 21 thus requires informed consent to the adoption from the persons concerned. It is not specified which persons are concerned, but it should be obvious that parents, guardians and the child are concerned.<sup>28</sup> What it means for consent to be informed is not explained in detail in the article or in the preparatory work for the Convention. Legal doctrine makes it clear that the concept was included to ensure that consent is given voluntarily and that the person giving consent understands the consequences of the adoption. The article does not specify what advice may be needed, only that informed consent must be given on the basis of such advice if necessary. This should mean that the advice must contain information that enables the person giving consent to understand the consequences of adoption. (<sup>29</sup>)

#### *Requirements for consent under the 1993 Hague Convention*

According to Article 4(c) of the 1993 Hague Convention, an adoption may only take place if the competent authorities in the country of origin have ensured 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 implications of their consent, in particular whether or not the adoption will result in the termination of the legal relationship between the child and his or her family of origin;
2. such persons, institutions and authorities have given their consent voluntarily in the prescribed legal form and that the consent has been expressed or confirmed in writing,
3. the consents have not been obtained by payment or reward of any kind and have not been withdrawn, and
4. the mother's consent, where required, has been given only after the birth of the child.

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<sup>27</sup> SOU 2020:63 p. 869.

<sup>28</sup> SOU 2020:63 p. 870.

<sup>29</sup> SOU 2020:63 p. 871.

Furthermore, the competent authorities must ensure that

1. the child has received counselling and has been duly informed of the implications of the adoption and of his or her consent to the adoption in cases where such consent is required,
2. the child's wishes and views have been taken into account,
3. the child's consent to the adoption, where such consent is required, has been given voluntarily in the prescribed legal form and has been expressed or confirmed in writing,
4. such consent has not been obtained by payment or reward of any kind.

According to the HCCH Guide to Good Practice, the requirement to obtain the necessary consents for adoption is an important part of combating the abduction, sale and trafficking of children. According to the HCCH it is well known that countries of origin often lack the resources to ensure that the correct consents are obtained. Since consent is usually obtained at the local level, it is important that States have reliable and ethical personnel who can supervise the consent process. States should take measures to monitor the activities of foreign accredited bodies or persons to ensure that no undue pressure is exerted by them, or on their behalf by intermediaries, to obtain consent to adoptions. This is particularly important in countries where strong adoption is not culturally familiar.

In such contexts the consequences of an international adoption procedure must be carefully studied and, where necessary, reflected in legislation. Receiving States must ensure that the bodies and persons they approve to carry out adoptions are of the highest ethical and moral quality.<sup>31</sup>

Under Article 16(2), the central authority of the State of origin shall provide evidence to the receiving State that the necessary consents have been obtained, taking care not to disclose the identity of the mother and father if their identity is not to be disclosed in the State of origin.

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<sup>30</sup> HCCH (2008), *The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention. Guide to Good Practice Guide No.1.*, p. 77.

<sup>31</sup> HCCH (2008), pp. 78–79.

### The principle of subsidiarity

It is a fundamental principle that a child should only be adopted by a family in another country if the child cannot grow up with his or her original family and there is no other suitable care option in the child's home country. <sup>This</sup> principle is known as the principle of subsidiarity and can be traced back as far as 1800 BC. Hammurabi's Code<sup>(32)</sup> stipulated that "before a man can adopt a foundling, he must search for the child's parents and, if he finds them, he must return the child to them".<sup>(33)</sup>

The principle has been recognised in practice both internationally and in Sweden since the 1950s. In connection with the reorganisation of adoption activities in 1979, the government stated that it is generally considered best for a child to remain in its own biological family or at least to remain in its home country as a foster or adopted child. However, being adopted abroad is preferable to growing up in an institution. <sup>(34)</sup> The principle of subsidiarity was expressed in the 1986 UN Declaration <sup>(35)</sup> and confirmed in both the Convention on the Rights of the Child and the 1993 Hague Convention.

*There is a slight difference in how the Convention on the Rights of the Child and the 1993 Hague Convention rank international adoption.*

According to Article 21(b) of the Convention on the Rights of the Child, international adoption may be considered as an alternative form of care if the child cannot be placed in a foster home or with an adoptive family or cannot be adequately cared for in his or her country of origin. The possibility of the child being cared for in his or her country of origin must therefore be examined before international adoption and reflects the fact that international adoption is the last resort for a child who cannot live with his or her original family.<sup>36</sup> This provision should also be read in conjunction with Article 20(3), which states that a child deprived of his or her family environment should only be placed in

<sup>32</sup> The Code of Hammurabi is an ancient Babylonian law code and the most famous of the ancient laws.

<sup>33</sup> C. Turner (2016), The History of the Subsidiarity Principle in the Hague Convention on Intercountry Adoption. *Chicago-Kent Journal of International and Comparative Law*. Vol. 16, No. 1, 2016, p. 100.

<sup>34</sup> Prop. 1978/79:108 on the organisation of international adoptions, etc., p. 9 f.

<sup>35</sup> Declaration on Social and Legal Principles Relating to the Protection and Care of Children, with particular reference to national and international foster care and adoption.

<sup>36</sup> The existence of a hierarchy is also apparent from Article 17 of the 1986 Declaration, which contains similar wording.

a child care institution if necessary.<sup>37</sup> However, it is clear that placement in a foster home in the child's home country takes precedence over international adoption under the Convention on the Rights of the Child.<sup>38</sup>

The principle of subsidiarity is mentioned both in the preamble and in Article 4(b) of the 1993 Hague Convention. According to the preamble, States shall recognise that a child who cannot be placed in a suitable family in his or her country of origin may be offered the benefit of a permanent family through international adoption. The idea is that a permanent family is better than any form of alternative care. According to Article 4(b), an international adoption may only take place after the possibility of placing the child within the country of origin has been duly considered. The intention is not to deny or ignore other alternatives for the care of the child, but to emphasise the importance of permanent family care as an alternative to care in the biological family. The idea is that placing a child in a family, including international adoption, is the best solution ahead of all other forms of care and is particularly preferable to institutional care.<sup>39</sup> The HCCH Guide to Good Practice states that the 1993 Hague Convention does not require that all possibilities for placing a child in the country of origin be exhausted, as such a requirement would be unrealistic.<sup>40</sup> During the negotiations leading up to the subsidiarity principle, there was disagreement about when international adoption would be appropriate. Some countries advocated the Convention on the Rights of the Child's prioritisation of national solutions, while others, particularly the American delegation, supported a more positive attitude towards international adoption.<sup>(41)</sup> The final version clearly prioritises national adoption over international adoption, but prefers international adoption over both institutional care and foster care in the child's home country.<sup>(42)</sup>

There is therefore a certain difference in how the various conventions rank international adoption. The 1993 Hague Convention gives priority to a permanent family abroad over a temporary placement in the child's home country. According to the Convention on the Rights of the Child, the best interests of the child include a number of factors that may outweigh placement in a permanent family. Placement in a foster home or institution may

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<sup>37</sup> SOU 2020:63, p. 871 f.

<sup>38</sup> C. Turner (2016), p. 113.

<sup>39</sup> SOU 2003:49 *Adoption – at what price?* p. 124.

<sup>40</sup> HCCH (2008), p. 50.

<sup>41</sup> E. Loibl (2019), *The Transnational Illegal Adoption Market. A Criminological Study of the German and Dutch Intercountry Adoption Systems*, p. 144.

<sup>42</sup> HCCH (2008), p. 53.

thereby taking precedence over international adoption when, for example, the child's language, culture, nationality and age are taken into account.

### **2.5.2 Terms and definitions**

The report contains a number of expressions and concepts that are used repeatedly. Below is a description and explanation of how they are used.

#### **Adoption**

Adoption means that the child who is adopted acquires the legal status of a child of the person or persons who adopt them.

#### **Adoption documents**

Documents relating to the adoption and the background of the adopted person.

#### **Adoption investigation**

An investigation conducted by the social services committee on behalf of a Swedish court, which forms the basis for the court's decision.

#### **Adopted person**

A person who acquires the legal status of a child of another person through adoption. The term 'adopted *person*' indicates that adoption is not an identity but a status under family law.

#### **Adoption associations**

Organisations and networks for adopted persons and adoptive families.



**Adoption-specific needs**

Needs that can be attributed to circumstances related to adoption. The needs themselves do not necessarily have to be specific to adopted persons, but the circumstances and experiences are.

**Adoption-specific support**

Support provided to adopted persons and their families before, during and after an adoption.

**Adoptive parent**

A person who obtains legal status as a parent of a child (or an adult) through adoption. Another term may be foster parent or adopter.

**Authorisation**

Only organisations authorised by the supervisory authority may arrange international adoptions. To obtain authorisation, the organisation must meet the requirements of the Act (1997:192) on International Adoption Arrangements and the authorisation conditions decided by the supervisory authority. In 2005, the authorisation conditions in Sweden were tightened by requiring authorisation in two stages. Unlike previously, when only adoption organisations were assessed for authorisation, countries, parts of countries or adoption contacts through which the organisations may arrange for children to be placed are also assessed.

**Authorised adoption organisation or association**

An association that has permission (authorisation) from NIA, MIA or MFoF to arrange international adoptions.

**Abducted children**

Abduction can take place by stealing or kidnapping a child (human trafficking) or by falsely informing parents that their child was stillborn or died shortly after birth. Another example is when a child is taken from a children's home where it has been placed in temporary care without the consent of the guardian.

**Central authority**

According to the 1993 Hague Convention, all member states must appoint a central authority. This authority shall perform the tasks assigned to a central authority under the Convention. In Sweden, MFoF is currently the central authority within the meaning of the Convention, as stated in Section 2 of the Act (1997:191) on Sweden's accession to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

**Documented consent or special consent document**

A special document in which the child's guardian expressly consents to the adoption.

**Private adoption**

An adoption that has not been arranged through an authorised adoption organisation but with the permission of MFoF. In the case of private adoption, special reasons are required and the method of arrangement must be reliable. MFoF makes this assessment after the social services committee has given its consent.

**Trafficking in children**

Any act or transaction whereby a child is transferred by a person or group of persons to another in exchange for payment or any other form of remuneration (Article 2 of the Optional Protocol

to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography).

### **International adoption**

An adoption in which one or two persons residing in Sweden adopt a child who is resident in another country. Another term for this is transnational adoption.

### **International adoption agency**

An activity that aims to establish contact between the person or persons who wish to adopt and authorities, organisations, institutions or individuals in the country where the child is resident (Section 2 of the Act on International Adoption Agency Services).

### **Consent investigation**

Investigation forming the basis for the social services committee's approval for a person or couple to take in a child residing abroad.

### **Recipient country**

The country where the adopted person takes up their new residence through adoption. It can also refer to a country that adopts children from other countries, as opposed to the country of origin.

### **Irregularities**

Irregularities refer to illegal adoptions and unethical conduct. An illegal adoption refers to an adoption that involves conduct that violates laws and other regulations. Unethical conduct refers to conduct that leads to situations where a child is adopted without respect for the rights of the child and the birth parents or for the protective measures provided for in the 1993 Hague Convention. Read more about how

The Adoption Commission defines the concept of irregularities in Volume 2, Chapter 2.

### **Private adoption**

The term private adoption was mainly used until 1985 and refers to adoptions carried out outside the authority or authorised adoption organisations. After 1985, when a requirement was introduced for the social services committee to approve the agency that the applicant intended to use to come into contact with a child for adoption, a private adoption is an adoption carried out outside an authorised adoption organisation and without the approval of the social services committee or supervisory authority. It can also refer to adoptions where the adopter has used a different agency than the one for which approval was obtained.

### **Strong adoption**

An adoption in which the adoptee is treated as a biological child in all legal contexts. An adoption decided by a Swedish court is always strong and cannot be revoked.

### **Weak adoption**

An adoption that creates a legal relationship between the adopter and the adoptee, while the adoptee retains a family law relationship with their original family, for example through maintenance obligations or inheritance rights.

### **Birth parent**

A person who is the biological parent of a child. The term biological parent aims to restore a sense of belonging that existed but has been downplayed and made less significant in terms such as biological parent. Another term could be first parent.

**Country of origin**

The country where the adopted person was resident at the time of adoption. It can also be the name of a country that adopts children to other countries, as opposed to a receiving country.

**Guardian**

The person or persons who have legal custody (i.e. are legally responsible) for a child. This can be either one or both parents or a specially appointed person. Other terms used are legal representative or guardian.

**Open adoption**

An adoption that allows contact between the child and its original family and relatives.



# 3

## International adoptions in Sweden – growth and development

### 3.1 The assignment

The terms of reference state that the starting point for the investigator's work shall be the rights of the child in accordance with the Convention on the Rights of the Child and the 1993 Hague Convention. The investigation shall cover the period from the mid-20th century to the present day. The investigator shall focus on the countries of origin from which most international adoptions to Sweden have taken place, as well as those countries of origin where there is knowledge or serious suspicion of irregularities in the adoption process. The analyses of the responsibilities and positions of the Government, state authorities, municipalities, authorised associations, non-profit organisations and other private actors shall be based on the regulations and organisation in force at the time and take into account the attitudes and norms that existed in society at the time.

In this chapter, we describe how international adoptions have developed over time in terms of the number of adoptions and the countries from which the adoptions have been carried out. We then review the attitudes, motives and issues that have been relevant to international adoptions from the 1960s to the present day. Finally, we describe how views on children and children's living conditions have changed during the period covered by the investigation and how this is reflected in the regulations governing adoption, both nationally and internationally. This serves as background to our analysis of international adoption activities in Sweden.

## **3.2 The number of international adoptions over time**

### **3.2.1 In total, there are almost 60,000 people in Sweden who have been adopted from another country.**

It is not easy to obtain an overall picture of the total number of international adoptions to Sweden that have taken place over time. From 1969 onwards, statistics are available on adoptions arranged through the National Board of Health and Welfare and the Board for International Adoptions (NIA) and subsequently by authorised adoption organisations. However, no comprehensive or uniform statistics have been kept on private and individual adoptions over time.

One figure that is often cited is that a total of 60,000 foreign adoptions have been carried out in Sweden from the mid-1900s to the present day. However, it is unclear where this figure comes from. We have asked Statistics Sweden to compile current statistics on the number of internationally adopted persons in Sweden. According to these statistics, on 31 December 2023 there were 58,560 people in Sweden who were born abroad and who had at some point been adopted to Sweden. <sup>(1)</sup>The statistics do not take into account whether the adoption took place in Sweden or abroad, whether it was a close adoption or whether the adoption took place in adulthood. The figure may therefore include persons who are not counted as internationally adopted and excludes persons who were adopted to Sweden from another country but who are now deceased. Nevertheless, it confirms that the total number of internationally adopted persons in Sweden is approximately 58,000–59,000, i.e. just under 60,000 persons.

### **3.2.2 The number of adoptions arranged through authorities and adoption organisations, and private and individual adoptions**

As described above, international adoptions may be arranged through the National Board of Health and Welfare, NIA or one of the non-profit adoption organisations authorised by NIA, MIA or MFoF. Adoptions may also have been carried out outside the organised mediation system, through so-called private or individual adoption. Number of private and individual

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<sup>1</sup> The statistical source is the register of the total population on 31 December 2023.



adoptions was highest from the mid-1960s until the early 1990s.

Statistics on adoptions arranged through authorities or authorised adoption organisations began to be kept from 1969 onwards. However, there are very fragmentary statistics on private adoptions carried out during the 1960s and 1970s. For the period 1969–2021, Statistics Sweden has statistics on children born outside the Nordic countries who immigrated for the purpose of adoption. The statistics are based on population register statistics and include children adopted both through adoption organisations and through private and individual adoptions.

According to these statistics a total of 54,368 adoptions were carried out during the period.

Based on a compilation of available statistics, approximately 42,550 adoptions were carried out through the NIA and authorised adoption organisations during the period 1969–2021.<sup>3</sup> The remaining approximately 11,800 adoptions would thus be private and individual adoptions for the period 1969–2021.

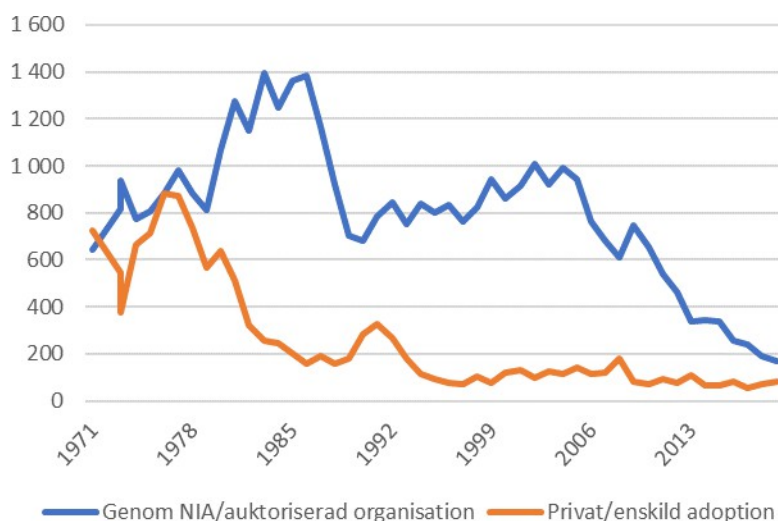
Figure 3.1 shows the number of adoptions arranged through the National Board of Health and Welfare and the NIA and authorised organisations, and the number of private and individual adoptions during the period 1971–2019.

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<sup>2</sup> MFoF, Statistics Sweden data on non-Nordic-born children who immigrated for adoption purposes 1969–2021.

<sup>3</sup> The figure is based on a compilation of statistics from Statistics Sweden on children born outside the Nordic countries who immigrated for adoption purposes 1969–2021, information from adoption organisations (total number of adoptions carried out during the period each organisation has been active), statistics from MIA on adoptive children arriving through authorised adoption organisations 1981–2008, a report on the activities of the mediation committee 1973–1979 (total number of children mediated through the NIA's mediation committee and AC) and material from AC "Foreign adopted children in Sweden 1964–1980". As the statistics are not accurate in some of the sources, the figures should be treated with some caution and viewed as estimates.

**Figure 3.1** Trends in the number of adoptions arranged through the National Board of Health and Welfare and NIA and the authorised organisations, as well as private and individual adoptions during the period 1971–2019



Source: 1971–1975 Adoptionscentrum (via MFOF), 1976–2002, NIA (National Archives), 2003–2019, MFOF.

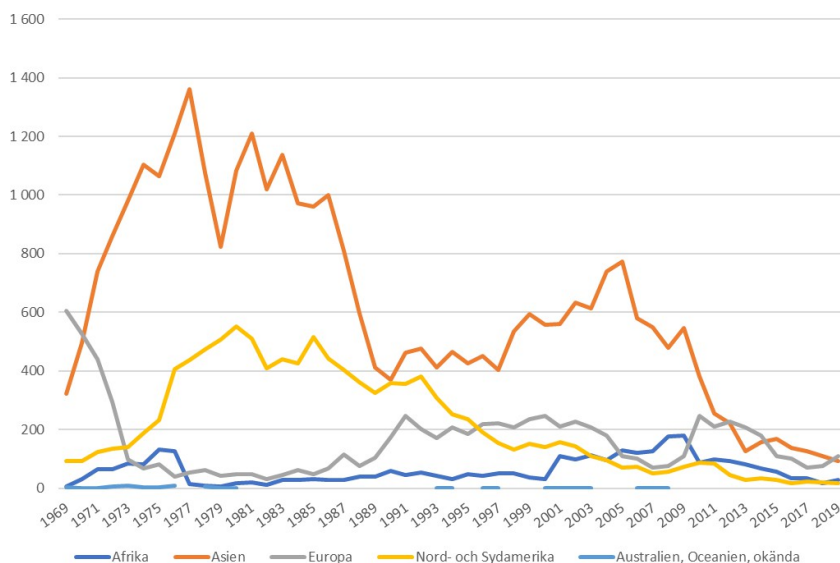
The number of adoptions in 1969 was just over 1,000, increased steadily thereafter and peaked during the period 1976–1981 with approximately 1,700–1,900 adoptions per year. During the period 1980–2000, the number of adoptions varied in scope from a low of 800–900 per year to a high of 1,400–1,500 adoptions per year. Since the mid-2000s, the trend has been steadily declining, averaging just over 500 adoptions per year. In 2015, the number of adoptions was around 200–300 per year and has since gradually declined. In 2024, the two authorised adoption organisations together arranged just over 50 adoptions.

### 3.2.3 International adoptions have been carried out from a large number of countries

Sweden has adopted children from a large number of countries around the world. From 1969 to the present day, adoptions have been carried out from a total of 168 countries to Sweden. For the vast majority of countries, these are only a few isolated adoptions.

The continents from which adoptions have been carried out have varied over time, as shown in Figure 3.2 below. Adoptions from Asia have accounted for the largest share since adoption activities began in earnest in the late 1960s. At that time, adoptions from Europe were also common, but they then declined in number before increasing again in the early 1990s. This is explained by the fact that adoptions from the former Eastern Bloc countries became common. During the 1970s and 1980s, a large number of adoptions were also carried out from South America, but these declined in number from the 1990s onwards and have continued to do so until today. Adoptions from Africa have consistently accounted for a low proportion of the total number of adoptions. They peaked in the 1970s, but then declined before increasing again in the early 2000s. Today, adoptions are carried out from a few countries in Africa, Asia, Europe and South America.

**Figure 3.2** Number of international adoptions to Sweden by continent, 1969–2019



Source: MföF.

### 3.2.4 The ten largest adoption countries account for almost 70 per cent of adoptions

The ten largest adoption countries in terms of number of adoptions account for approximately 70 per cent of the total number of adoptions carried out during the period 1969–2022. Table 3.1 shows which countries these are and how the number of adoptions has varied over time for each country.

**Table**                      **Number of adoptees from the 10 most common countries of origin and total number of adoptees, 1969–2022**

<b>Country</b>	<b>1969</b>	<b>1980</b>	<b>1990</b>	<b>2000</b>	<b>2010</b>	<b>2020</b>	<b>Total</b>
	<b>1979</b>	<b>1989</b>	<b>1999</b>	<b>2009</b>	<b>2019</b>	<b>2022</b>	
Korea, Republic	4,266	2,569	956	1,023	364	41	9,219
India	2,180	3,238	976	516	231	28	7,169
Colombia	599	2,419	1,562	762	335	21	5,698
China	0	7	591	3,077	607	2	4,284
Sri Lanka	797	2,273	301	14	8	1	3,394
Chile	940	1,091	88	9	5	0	2,133
Thailand	1,091	204	315	303	179	26	2,118
Vietnam	31	34	1,134	647	69	11	1,926
Poland	220	430	669	243	113	0	1,675
Ethiopia	527	158	203	281	107	1	1,277
<b>Total</b>	<b>10,651</b>	<b>12,423</b>	<b>6,795</b>	<b>6,875</b>	<b>2,018</b>	<b>131</b>	<b>38,893</b>
<b>Total number adopted</b>	<b>15,803</b>	<b>14,525</b>	<b>9,774</b>	<b>9,670</b>	<b>4,310</b>	<b>420</b>	<b>54,502</b>

Source: MFOF.

Looking at the 20 largest countries in terms of number of adoptions, they account for almost 85 per cent of the total number of adoptions carried out between 1969 and 2022.

### 3.3 International adoptions – attitudes, motives and current issues from the 1960s to the present day

#### 3.3.1 Introduction

The view of and approach to international adoption in Sweden is different today compared to when international adoptions began in earnest in the 1960s. At the societal level, clear trends can be seen in the attitudes, motives and issues that have been relevant, both in the political debate and in the role and actions of the state and other actors in international adoptions.

Two researchers who have analysed the establishment of international adoption in Sweden, attitudes towards international adoption, the motives behind it and the development of Swedish international adoption are historian and researcher Cecilia Lindgren and researcher Tobias Hübinette. In the book "Inter-national adoption in Sweden – politics and practice from the 1960s to the 1990s" <sup>(4)</sup>Cecilia Lindgren describes how adoption was established in Sweden, how it developed, and what issues were in focus until the 1990s. In his book "Adopted. En bok om Sveriges sista rasdebatt (Adopted: A Book about Sweden's Last Race Debate)" <sup>(5)</sup>how the debate between advocates and opponents of international adoption unfolded in the 1960s before the practice was established. He also describes how views on race and adoption changed from the 1960s onwards and how they were replaced by what he calls Swedish colour blindness.

In this section, we review how attitudes, motives and issues have changed in Swedish international adoption practice from the 1960s to the present day. We do not report on all the issues that have been relevant, but rather select questions and themes that have been raised repeatedly over time, more frequently during a certain period, or that are otherwise of interest to our analysis of Swedish international adoption practices.

The sources for our review include public publications, research reports, news articles and investigative reports. A key source is the NIA's information bulletin "NIA informerar" (NIA informs), which was distributed between 1973 and 2004 to those working with adoption issues at municipal

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<sup>4</sup> C. Lindgren (2010), *International Adoption in Sweden. Politics and Practice from the 1960s to the 1990s*.

<sup>5</sup> T. Hübinette (2020), *Adopted. A book about Sweden's last race debate*.

social welfare boards. Over time, the newsletter gained a broader target audience and included adoption organisations and associations for adopted children. The newsletter provides a good picture of both the spirit of the times and current problems and issues in international adoption.

### **3.3.2 The 1960s: Should the state facilitate international adoptions?**

International adoptions came onto the political agenda in Sweden in the early 1960s. By then, national adoptions, which had dominated until then, had begun to decline in number and the waiting time for adoption was 4–5 years. Although international adoptions had been carried out previously from countries such as Finland, Germany, Poland, Greece, India and South Korea, the number of children involved was relatively small.

In 1963, a member of the Swedish Parliament raised the issue of international adoption in a parliamentary question, criticising the Medical Products Agency and the National Board of Health and Welfare for their statements that children who did not look Swedish would find it difficult to adapt. The member of parliament argued that this was unfounded and could give rise to "discriminatory racial thinking". Instead, she said, support should be given to Swedes who wanted to adopt children abroad by simplifying the administrative process for adoption.

In the debate during the 1960s, advocates of international adoption argued that adopting foreign children was a way of showing solidarity and helping orphaned children abroad to find parents. Some claimed that it was better to adopt a "child from a developing country" than to have biological children of one's own.

If, for selfish reasons, one has decided to have children in any case, then from a developing country perspective, adoption is preferable to giving birth to one's own children

Another argument put forward by advocates was that increased adoption of children who look different from Swedes would "accustom us" to differences and thus help to reduce racial prejudice in Swedish society, "so that we finally learn that other kinds of

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<sup>6</sup> C. Lindgren (2010), pp. 21–26.

<sup>7</sup> T. Hübinette (2020), pp. 58–59 with reference to Lind & Möller, 1967.

people exist, and that these people of different colours are otherwise very similar to us in other respects."<sup>8</sup> Swedish society would be educated to be colour-blind.

To the point where we eventually become reasonably "colour-blind", i.e. learn that racial characteristics are no more remarkable in Swedish society than blonde or dark hair.<sup>9</sup>

Opponents, on the other hand, argued that there were social reasons to be restrictive with foreign adoptions. The children could be at risk of being bullied at school and later in adult life.

It would be unfair to bring these children here if they were to be subjected to various forms of harassment among their playmates, at school, etc. This could have a significant negative impact on their mental development.<sup>10</sup>

Another argument put forward by opponents was that not all children were orphans.

Many of the children in developing countries who live in orphanages have parents who are still alive. So what is in the best interests of the child? Perhaps it is to provide financial support so that the parents themselves can take care of the child.<sup>11</sup>

In 1964, the government appointed a commission to investigate the possibilities and obstacles for Swedes to adopt children from other countries and what opportunities existed to facilitate and assist in international adoption. However, the idea was not to engage in large-scale activities. The directive for the commission stated that it was not the state's responsibility to contribute to the adoption of children from foreign countries to Sweden "in large numbers", while at the same time there could be no question of applying restrictions based on race. Adoptions must always be assessed individually and without prejudice. Society should support those who wanted to adopt.

The inquiry defined adoption as a private project for those seeking to adopt, for which they could expect a certain amount of support from the state. The main question was what role the state and society's institutions should play. The final report of the inquiry presented a divided view of international adoption – it was both commendable and problematic. On the positive side, children were offered things they could not get in their home country: family, education and a secure upbringing.

<sup>8</sup> T. Hübinette (2020), pp. 90–91 with reference to Kumm, 1961.

<sup>9</sup> T. Hübinette (2020), p. 103 with reference to Sterner, 1962b: 307–208.

<sup>10</sup> T. Hübinette (2020), p. 62 with reference to Böök, 1962:34.

<sup>11</sup> T. Hübinette (2020), p. 72 with reference to Bengtzon & Hjelm, 1967.

<sup>12</sup> SOU 1967:57 *Adoption of foreign children*.

growth. Childless Swedes could have children through international adoption, and Swedes in general could gain increased knowledge and understanding of other countries. One of the problems was that children who looked different risked having difficulty adapting to different relationships in life. The inquiry therefore concluded that special requirements should be imposed on those who adopted and that particular care should be taken in assessing the best interests of the child during the foster home assessment. The attitude of those around them was also crucial to how well the children adapted. The inquiry stated that a general information campaign was needed to create tolerance and understanding among the <sup>general</sup> public.

In order to map the conditions and interest in international adoption in potential adoption countries, the inquiry sent a number of questions to the Swedish embassies in a number of countries. Among other things, questions were asked about the countries' legislation and attitudes towards international adoption. Several countries of origin in Africa, Asia and South America proved to be sceptical and cautious. One example was Ethiopia, which saw difficulties with the children's skin colour and that the children would probably not be accepted in the same way as other children. <sup>(14)</sup>

Nevertheless, the inquiry's view was that international adoptions would increase and that the state therefore needed to support and promote the process. It was proposed that the National Board of Health and Welfare be given greater responsibility for actively helping Swedes who sought to adopt abroad. The legal obstacles were dealt with by another government inquiry, which submitted proposals for legislative changes that would facilitate foreign adoptions.

This meant that both the organisational and legal conditions were in place to facilitate international adoptions to Sweden.

Cooperation agreements on adoption had also been concluded with Greece and South Korea.<sup>15</sup>

### **3.3.3 Late 1960s – early 1970s: International adoption becomes a popular movement**

During the 1960s, the world became increasingly accessible, people learned more about other countries, and more Swedes worked abroad in aid organisations or for Swedish companies. Many

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<sup>13</sup> SOU 1967:57, pp. 16–17 and C. Lindgren (2010), pp. 26–27.

<sup>14</sup> T. Hübinette (2020), p. 113.

<sup>15</sup> SOU 1967:57, pp. 93–94 and C. Lindgren (2010) pp. 31–32.



who travelled or worked in poor countries saw how badly children were treated in children's homes and other institutions. At the same time, Swedes were queuing up to adopt. People who had adopted abroad on their own began to help other families with contacts, tips and advice on how to proceed. Adoption became an expression of solidarity and a desire to improve the world. However, it was an uncontrolled activity. This is clear from interviews conducted by Cecilia Lindgren with people who worked at NIA, AC and within social services. "People who had lived abroad came to Sweden with children without any kind of preparation in Sweden. No paperwork at all." "People went on charter trips and picked up children." "You just threw yourself into it, it's just go and do it. And people took several children home and distributed them when they got home, to other families" <sup>(16)</sup>

Two Swedish interest groups for adoption were formed in 1969: Adoptionscentrum (AC) and the Indian-Swedish Association. They were based on contacts that adoptive parents had made in various countries. The associations merged in 1972. AC's purpose was to promote the adoption of children who could not be cared for by their biological parents, to provide information about international adoption, to promote a positive attitude towards international adoption in society and to improve the conditions of children and young people in other countries through aid. <sup>17</sup> AC quickly attracted new members, and its board included business leaders, authors and journalists with contacts in politics. <sup>18</sup>

Margareta Ingelstam, one of the founders of AC, published the book "Adopting – an alternative. A handbook for anyone considering or involved in adoption" in 1970. The book had several co-authors and described legal rules, how the agency worked, perspectives on family and adoption, and practical advice. The introduction to the book states: "Adoption is no longer a last resort for those who cannot have children in any other way. It is an opportunity for a fulfilling relationship between people who need each other." It emphasises that "No one should believe that adoption is a civil right – that shows a lack of respect for the child. However, freedom of choice between the various alternatives must exist and be supported." The introduction concludes with the words:

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<sup>16</sup> C. Lindgren (2010), p. 52.

<sup>17</sup> C. Lindgren (2010) pp. 32–35.

<sup>18</sup> Interview with Margareta Ingelstam on 29 November 2023.

Children seek parents – parents seek children. The idea of family ties across all borders and walls has taken root. It is now the task of both the state and individuals to ensure that it has room to grow.<sup>19</sup>

The pressure was intense, and according to the then Secretary General of the NIA the ministry concluded that it could not put a stop to the activity – there were many children around the world who needed parents, and people who had travelled the world and seen the need. Several had adopted themselves and could show childless couples that this opportunity existed.

The fact that adoption was not a civil right was also emphasised by Member of Parliament Lena Hjelm-Wallén, who was chair of the advisory committee and later the NIA. At a conference in 1974, she emphasised that every adoption must be in the best interests of the child. The starting point for the activity must be that it is the child who is looking for parents and not the other way around. In a speech she gave at the AC's annual meeting in 1973, she emphasised:

I know that many people regard the opportunity to adopt a child as almost a civil right. People who want to adopt see themselves as applicants. Their need for children is the primary consideration. For the individual, this is a natural way of thinking. But society cannot put the needs of the applicant parents first, but rather those of the child. The principle of the child as the applicant must be the right one for society. <sup>(21)</sup>

The child's right to a good home was important and placed demands on the municipalities' approval process. This approach differed from the 1960s view of adoption as a form of international aid work. Instead, Sweden should be grateful for the trust that individual countries showed by allowing Swedish families to take in foreign children. The focus would be on establishing good cooperation with the countries from which the children came, the so-called "donor countries".<sup>(22)</sup>

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<sup>19</sup> M. Ingelstam et al. (1969), *Adoptera – ett alternativ. En handbok för alla som tänker på eller sysslar med adoption*, pp. 7–8.

<sup>20</sup> Interview with former Secretary General of the NIA on 13 October 2022.

<sup>21</sup> Adoption Board, ref. no. I:51. Documentation from AC's annual meeting on 27 January 1973.

<sup>22</sup> C. Lindgren (2010) p. 36.

### 3.3.4 1970s: Great interest in adoption through NIA and AC, but long waiting times mean that many choose to adopt privately

Interest in international adoption increased significantly during the 1970s. NIA was established within the National Board of Health and Welfare in 1973 with responsibility for arranging adoptions. However, NIA had no responsibility for finding children who were available for adoption. Through a cooperation agreement between NIA and AC, AC was given the role of establishing new partnerships with non-contracting countries for the placement of children.

NIA's placement activities were handled by the so-called Placement Committee, which also included AC. The Placement Committee handled a large number of applications. However, the number of Swedish applicants exceeded the number of children available for adoption, and waiting times for adoption remained long. During the period 1973–1979, approximately 9,000 applications were processed by the committee and approximately 5,400 children were placed. Many therefore chose to take matters into their own hands and bypass the NIA and AC to find a child to adopt. This was nothing new in itself; it was how adoptions worked before the National Board of Health and Welfare and the NIA began to arrange adoptions.<sup>23</sup> In 1976, just over 800 children were placed through the NIA and AC, while 900 children came through other unofficial channels.

At this point, there were differing views on adoptions that took place outside the NIA and AC. There was considerable frustration among individual applicants over long waiting times at the NIA, high costs for adoption through the AC, but also over who was and was not allowed to adopt and on what basis families were selected. Based on its mandate, the NIA wanted to gain control over adoptions that were carried out in a questionable manner outside the NIA and AC. However, individuals who wanted to adopt felt that it was important to have different routes for international adoption. A letter to the editor stated that:

Given the situation in Africa, Asia and South America, there are so many children in need and here at home so many families who are ready and willing to take these children, so it would be of the utmost importance to facilitate private adoptions.<sup>24</sup>

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<sup>23</sup> C. Lindgren (2010) pp. 32–35, 40, 42.

<sup>24</sup> Norrbottens Kuriren, Adoption – an upper-class behaviour? 5 February 1977.

Anita Gradin, then chair of the NIA, responded in 1977 to a letter to the editor in DN arguing that the NIA should facilitate private adoptions rather than discourage them. Anita Gradin wrote:

The increasing demand for children has led to more and more money being poured into the business. There is more or less open trade in children. In connection with this activity, children who are not orphans and who do not need to be placed for adoption are also being sent to parents in another country. It is this type of adoption that we refer to when we talk about "wild" adoptions. It is, of course, the NIA's task to curb such adoptions. The NIA's instructions stipulate not only that the board should "facilitate" adoptions, but also that adoptions should be carried out in an appropriate manner. The NIA does this in various ways, but unfortunately it lacks sufficient resources. <sup>(25)</sup>

By "unregulated" adoptions, the NIA referred to adoptions where individuals travelled abroad without contacting the NIA prior to their trip and without prior notification, where they paid individuals abroad and sometimes even in Sweden to obtain a child, and where the child was not necessarily available for adoption. In her response Anita Gradin emphasised that private adoptions where families carried out adoptions using their own contacts in another country without engaging the NIA or AC were not prohibited and that the NIA's goal was not to stop them because they were private. It was the "wild" adoptions that they wanted to tackle.

When it came to organised adoptions through the NIA and AC, there were reactions to the NIA's application form, where applicants could tick the gender, age and skin colour they wanted for the child. Many chose to tick the options for skin colour. But there were also applicants who reacted to the fact that such options were available, seeing it as a kind of order, and did not make any choices. <sup>(27)</sup>

Due to the lack of oversight and control over private adoptions, a working group was set up within the Ministry of Social Affairs in 1977 to review the organisation of international adoptions. The working group produced three different organisational proposals. One alternative was that the state would continue to be responsible for mediation in countries with which there was a cooperation agreement, another was that more non-profit organisations would be linked to the NIA through cooperation agreements in the same way as the AC, and a third alternative was that the state, through the National Board of Health and Welfare, would grant permission to non-profit associations to...

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<sup>25</sup> Dagens Nyheter, We can never "demand" children, 26 January 1977.

<sup>26</sup> Dagens Nyheter, We can never "demand" children, 26 January 1977.

<sup>27</sup> T. Hübinette (2020) pp. 75–76 and the Adoption Commission's review of adoption records.

mediate adoptions, while the NIA would have an overall role with responsibility for information, supervision, control and contact-making activities. The group recommended the third option. In order to address private adoptions, the group also proposed that it should be mandatory to obtain a preliminary decision prior to adoption and that an investigation should be carried out into the contact provided by the applicants in order to find a child.<sup>28</sup>

Several referral bodies, such as the National Board of Health and Welfare, AC, the Swedish Association of Local Authorities and Regions, and Save the Children, were positive to the basic idea of increased responsibility for non-profit organisations in the mediation of international adoptions. However, they believed that careful regulation by society was required. The NIA, on the other hand, rejected such a model on the grounds that it was society's responsibility to process applications and select prospective adoptive parents. According to the NIA, neither model would solve the problem of illegal mediation. This would require the assessment and approval of mediation contacts, as had also been proposed. Several consultation bodies agreed with the NIA. They argued that the mediation of adoptions was a sensitive task and that society must be responsible for matching children and parents in order to guarantee the best interests of the child and legal certainty. One consultation body also expressed the view that the proposed model would mean that a distinction would be made between the role of society in the mediation of children born in Sweden and those born abroad.

Critical comments were also made regarding the fact that the working group had not addressed the fundamental question of whether international adoption was positive or appropriate in itself. "The undersigned believe that the group is too unreserved in its view of international adoption as something positive" and "Is importing children at all compatible with a global view of equality?" Another aspect that the group was said to have failed to address was the children's adaptation to Swedish society, where the children's right to knowledge about their origins and culture was considered central.<sup>(29)</sup>

In a bill presented in March 1979, the government proposed that adoption services should be handled by non-profit organisations authorised and supervised by the state through the NIA. The government proposed

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<sup>28</sup> Ds S 1978:6, *International adoptions*.

<sup>29</sup> C. Lindgren (2010), pp. 45–46 and Bill 1978/79:108 *on the organisation of international adoption activities, etc.*

a law on international adoption assistance that regulated the authorisation procedure and clarified the requirements to be imposed on the organisations. The then Minister of Social Affairs, Gabriel Romanus, stated in the bill that:

For my part, I believe that it can hardly be a task for the state to actively work to bring children from other countries here in large numbers for adoption. However, the public sector may be considered to have other important tasks when it comes to international adoptions. (--) One important task is to ensure that the process of placing children is carried out in a way that guarantees that the best interests of the child are taken into account. <sup>(30)</sup>

The Minister of Social Affairs also stated that he supported the approach that the best option for a child is to remain with their own biological family or as a foster child or adopted child in their home country, followed by international adoption and, as a third option, growing up in an institution. <sup>31</sup>

The new organisation and law came into force on 1 July 1979. During the 1970s, international adoption became established in Sweden. The role of the state was clarified. The scepticism that some government officials had had about international adoptions in the 1960s was no longer heard. The big problem was considered to be private adoptions.

### **3.3.5 The 1980s: Irregularities in private adoptions, the importance of the adoptee's background and how are foreign adoptees doing?**

Parallel to the new organisation with NIA and the adoption organisations coming into place and finding their working methods in the early 1980s, the problems with private adoptions continued. Reports of irregularities in adoptions from Thailand and Sri Lanka that emerged in the second half of the 1970s were supplemented by revelations of irregularities in private adoptions from Colombia, Brazil, Peru and Taiwan. A representative of the NIA said in an interview that:

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<sup>30</sup> Prop. 1978/79:108, p. 8.

<sup>31</sup> Prop. 1978/79:108, pp. 9–10.

The desperation and longing for children of Swedish couples can be exploited by organised gangs. In the mid-1970s, it was still both possible and advisable to adopt children on one's own. Today, it is virtually impossible to do so honestly. At the NIA, we are concerned about the trade in children. Greater control of private adoptions is needed.<sup>32</sup>

The NIA approached the Minister of Social Affairs in both 1981 and 1983 with the aim of tightening the rules for private adoptions. In 1985, new legislation was introduced which meant that the social services committee was tasked with assessing the reliability of the agency that the applicant intended to use to come into contact with a child for adoption. An opinion on the reliability of the method of mediation was to be obtained from the NIA. In this way, control of private adoptions would be increased.

However, it was not only irregularities in private adoptions that were the focus of attention. One issue that attracted attention in the 1980s was the background and origin of adopted children. The reason for this was that children adopted in the 1960s and 1970s were now at an age where questions of origin and identity were important. An adoption organisation had also conducted a study that showed that families who took in older children were generally more interested in information about the child's background than families who took in younger children. The message from the NIA was that even young children had a background. "No child is born at Arlanda."<sup>(33)</sup> In 1982, the NIA published an updated handbook for social services committees on international adoptions, in which the issue of children's backgrounds was raised more clearly than before. The starting point was that children had the right to know about their background and that adoptive parents had a responsibility and obligation to tell their children about it. Taking in an adopted child also meant showing respect for the child's background.<sup>(34)</sup>

Young people have the right to know everything there is to know about their origins. It is, of course best if this search is conducted together with the adoptive parents. The latter may perceive their child's search for their origins as a threat. They may fear losing their child and that the child will reject them if they learn more about their biological parents or perhaps even come into contact with them.<sup>(35)</sup>

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<sup>32</sup> TT, 20 August 1982.

<sup>33</sup> C. Lindgren (2010), pp. 132, 137. NIA informs no. 3 1981, no. 3 1982 and no. 4 1983.

<sup>34</sup> NIA (1982) *International adoptions. Handbook for social welfare committees*, prepared by NIA in consultation with the National Board of Health and Welfare, pp. 53–54.

<sup>35</sup> NIA (1982), p. 54.

The NIA noted that there was no comprehensive information on how common it was for adoptees to search for their origins, nor was there any research on the emotional consequences of such searches. However, social services committees should be prepared for adoptees to contact them and ask questions about their background, how they could find out more about their origins and perhaps also how they could get in touch with their biological parents. <sup>(36)</sup> AC organised the first return trip to Korea in 1985. <sup>(37)</sup>

The children's origins were also linked to the issue of immigration, prejudice and discrimination. In 1983, Minister for Immigration Anita Gradin, who had previously been chair of the NIA, spoke out on discrimination and adoption. She emphasised that adopted children must be allowed to feel proud of their origins. Adoptive families in Sweden were a great resource when it came to changing attitudes in society. By adopting a child from another culture, adoptive parents had actively shown that they rejected discrimination and contributed to making Sweden a multicultural society.

However, there was an awareness that adopted children were at risk of being bullied and that there was a risk that no one would dare to talk about it.

And if you ask a group of parents whether their children are being bullied, you are met with total silence. <sup>The</sup> concept of race has become so taboo that no one dares to talk about it anymore. The children themselves, on the other hand, certainly experience these tense attitudes in their surroundings. It becomes difficult for the children to struggle with these problems alone when their parents do not want to acknowledge that they exist.

During the 1980s, several Swedish research studies were conducted that focused on adopted people and their adaptation and well-being. In 1979, psychologist Ingegärd Gardell published a study, initiated by the National Board of Health and Welfare and the General Children's Home, of more than 200 foreign children who arrived for adoption before 1971. In addition to being one of the first studies of the living conditions of adoptees, it highlighted problems experienced by adoptees and adoptive families. One conclusion was that children who had problems were generally older at the time of adoption.

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<sup>36</sup> NIA (1982) p. 54 and NIA informs no. 4 1983.

<sup>37</sup> NIA Informs No. 4 1985.

<sup>38</sup> NIA Informs No. 1–2 1983.

<sup>39</sup> T. Hübinette (2020) p. 111 with reference to Bo Swedin in Thuma, 1983.



Sweden. Another was that one in four adoptive families felt they had different problems than families with children of the same age.<sup>40</sup>

Another early researcher in the field of adoption was Marianne Cederblad, professor of child and adolescent psychiatry. She was herself an adoptive parent. Her first study covered 50 adopted children and showed that a good environment could heal various types of damage that adopted children had suffered, for example, from growing up in children's homes. In some cases, however, problems remained in the form of contact disorders and separation difficulties. Cederblad emphasised that it was important for families to receive real support if needed.<sup>41</sup> A 1981 study by Cederblad of more than 500 foreign children adopted in Östergötland showed that adopted children did not seek help from child and adolescent psychiatry (BUP) more than other Swedish children.<sup>42</sup> Other studies in which Cederblad participated showed that children who were adopted when they were older were more sensitive to separation and upheaval than children who were adopted when they were young. In the case of young children, adoptive parents were better able to compensate for the emotional damage the children had suffered.<sup>43</sup> However, Cederblad recommended that adoptive parents should not see themselves as a "normal family". They must be prepared for the fact that things could get particularly turbulent during the teenage years, for example. She also believed that families who adopted older children should not be "released" by social services so quickly.<sup>44</sup>

In 1986, psychologists Madeleine Kats and Ilona Dery Alfredsson published a study in which they examined the prevalence of internationally adopted children and adolescents in psychiatric child and adolescent care (PBU) in Stockholm. The background to this was that, according to the authors, "there were rumours circulating in the Stockholm area that foreign adoptees were significantly overrepresented in PBU (--) and that these children's problems were considerably more serious than those of other children." The study showed that of a total of 10,000 cases at PBU during the period, 171 were adoptees. According to the study, foreign adoptees were not overrepresented at PBU, except in the 13–20 age group. The adoptees had 30 per cent more symptom markers

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<sup>40</sup> I. Gardell (1979), *International adoptions. A report from the General Children's Home*, General Barnhuset.

<sup>41</sup> NIA informs Feb 1979.

<sup>42</sup> M. Cederblad (1981), *The psychological adjustment of foreign adoptees*, *Läkartidningen* 1981 78:816-9.

<sup>43</sup> M. Cederblad (1982), *Foreign adopted children who came to Sweden after the age of three. The adaptation process during the first year in the family*, NIA. NIA informs no. 2 1985.

<sup>44</sup> NIA Informs No. 4 1986.

than the comparison group. One third were assessed as having very serious difficulties, resulting in placement in institutions or foster homes. The authors noted that the help the children and families received depended on how much they themselves pushed for it.<sup>45</sup>

At the end of the 1980s, Marianne Cederblad published another study analysing foreign-born adopted children aged 11–18 who had been patients in child and adolescent psychiatry between 1980 and 1985. The conclusion was that a group of adopted children exhibited severe relationship and social problems in their teenage years. The child's age at the time of adoption and traumatic experiences prior to adoption were significant factors in the type of symptoms and the risk of developing disorders. Single parents who had adopted older children were a group that often needed extra support and help during their children's teenage years.<sup>(46)</sup>

In other words, the issue of the well-being of adopted children was highlighted. A motion was tabled in Parliament proposing that professional groups such as child health centre staff, preschool teachers, teachers, school counsellors and school nurses should be given more knowledge about foreign adopted children in order to prevent problems and identify at an early stage when special measures were needed. The motion also proposed that knowledge about the needs of foreign adopted children and adoptive families should be included in the training of social workers, psychologists and therapists.<sup>(47)</sup> In 1987, the NIA received funding from the government for a project to provide counselling to foreign adopted children and their families during the children's upbringing. The project was called the RUTAF project and ran until 1991. The project included investigating the needs of different groups for support and education, as well as curative and psychological support for adoptive families. In 1989, the NIA organised a conference within the framework of RUTAF where adult adoptees aged 21–28 talked about their experiences and what support they had needed during their upbringing. The adoptees expressed that there was a lack of knowledge about adoptees and their needs in schools and other institutions. They wanted groups for adoptees to be organised, as the best support was to meet others in the same situation.

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<sup>45</sup> I. Déry-Alfredsson and M. Kats (1989) *Foreign Adopted Children at PBU*, Stockholm University, Department of Psychology. NIA Informs No. 1 1986.

<sup>46</sup> M. Cederblad (1991), *Older age at adoption poses the greatest risk of developing adjustment problems in adolescence*, *Läkartidningen* Vol. 88 No. 12 1991.

<sup>47</sup> NIA Informs No. 1 1989.

<sup>48</sup> NIA Informs No. 2 1987, No. 4 1989.

### 3.3.6 The 1990s: Shortage of children and adoptive parents, new research on adoptees, the Hague Convention in place and increased xenophobia and racism

In the early 1990s, the NIA noted that the number of children available for adoption had decreased since the late 1980s. The reason was fewer adoptions from South Korea and that several countries of origin were trying to find solutions for abandoned and orphaned children within their own borders. However, the NIA stated that there were still children in need of homes and that adoption organisations were working hard to find new contacts abroad. Applicants should nevertheless be prepared for the fact that the children available for adoption in the future would be older (i.e. over three years of age) and have various types of special needs. The countries of origin also imposed higher requirements on adoptive parents. According to the NIA many people who wanted to adopt were concerned about this and tried to adopt privately instead. Private and individual adoptions did in fact increase in the early 1990s.

However, by 1992, a new problem had arisen for adoption agencies – there were too few applicants for certain countries, including Colombia, China and Vietnam. The adoption queues had shrunk or disappeared. One organisation asked the question, "Where did all the adoptive families go?"<sup>(51)</sup> To remedy this, in 1994 the NIA commissioned a short documentary film about a family with three adopted children, which was shown about 50 times on SVT's *Anslagstavlan* programme. The message was "Children need parents." The hope was that this would lead to more adoption requests from municipalities and organisations. One adoption organisation noted that "Recently, there has been considerable interest in adoption from the general public and the mass media. Perhaps this will result in more applicants of a younger age."<sup>(52)</sup>

With the fall of the Soviet Union and the opening up of Eastern and Central European countries to the Western world, new adoption countries emerged, such as Poland, Romania and Russia. However, problems with irregularities in the new countries, in some cases also with links to Sweden. In several countries, stricter rules were introduced

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<sup>49</sup> NIA Informs No. 2 1990.

<sup>50</sup> NIA Informs No. 3 1989, No. 2 1990 and No. 2 1991.

<sup>51</sup> NIA Informs No. 6 1992, No. 1 1993, No. 1 1994, No. 3 1994, No. 4 1994.

<sup>52</sup> NIA Informs No. 4 1994.

adoption legislation, but it still took some time before the irregularities could be stopped.<sup>53</sup>

Research on adoption was also an important issue during the 1990s. In 1991, the NIA and Allmänna Barnhuset organised a major research conference on adoption. Participants included Rene Hoksbergen, professor of international adoption at Utrecht University, and Professor Marianne Cederblad. One issue discussed was the focus of the research and what new tasks the research should take on. Among other things, it was argued that Sweden had missed the opportunity to conduct longitudinal studies, i.e. to follow up on adopted children over a long period of time. Requests were made for research on biological parents, adopted children and siblings, adopted children with disabilities, and changes in attitudes and values during the adoption process. It was considered important to also consider who the research was intended for; for example, preschool teachers, teachers, psychologists, and therapists would benefit from practical research. Another point of view was that it was important for the research to show what the reality was, but it should not only result in warnings about all the problems that could arise. One conference participant felt that there were risks associated with providing too much information about the difficult aspects of adoption. Marianne Cederblad had the final word at the conference, stating:

Considering the children's backgrounds and the adoptive parents' trauma of childlessness, it is remarkable that all studies show that so few children have serious problems.<sup>54</sup>

In 1994, Marianne Cederblad and a number of other researchers published a study on the mental health of 211 foreign-born adopted children in Skåne during their teenage years and early adulthood. They had asked themselves how well-founded the notion that foreign-born adopted children suffered during their teenage years actually was. The study showed that twice as many adopted children as Swedish-born children were referred to child and adolescent psychiatric clinics. Nevertheless, the conclusion was that the group studied had good mental health. In an interview with NIA, Cederblad said that the statistics could be misleading. "Many children with mental health problems never come into contact with the healthcare system. Adopted children often have committed parents who seek help for what we

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<sup>53</sup> TT 1992-02-05, TT 1992-07-16, TT 1993-02-28 and DN 1994-03-23.

<sup>54</sup> NIA Informs No. 1 1991.

usually refer to as normal teenage problems. Considering what many children have been through before coming to Sweden, it is a miracle that they are doing as well as the comparison group.” According to Cederblad, this was due to compensatory factors: the parents were motivated, committed, knowledgeable and lived in stable relationships. In an interview Cederblad was asked whether she, as an adoptive parent, could be objective when she had a personal involvement in the research. She replied, "Some may question my objectivity, but I am not alone in conducting the study. Then you can see it as us adoptive parents having knowledge that is valuable to the research" <sup>(55)</sup>

In 1996, the National Board of Institutional Care (SiS) published a report on adopted young people (aged 10–20) in special youth homes. SiS found that adopted children were clearly overrepresented among those enrolled in special youth homes in 1995. Per 10,000 children adopted abroad, there were 23.6 admissions in 1995, compared with 9.1 admissions for the total population. The reasons for placing adopted children in care also differed from those for the total population. Violence, abuse, threats of violence, mental health problems and acute crises in the young person's family were the most common reasons, while <sup>substance</sup> abuse was less common.

Psychologist Malin Irhammar, who participated in Cederblad's 1994 study, published a thesis in 1997 on the identity formation of adopted children during their upbringing. It was based on the same group as the 1994 study. Irhammar's conclusion was that interest in biological origins can reflect normal identity development. The search may be related to a strong identity and self-esteem, which make a person less vulnerable. It can be a way of strengthening one's identity, but it can also be an expression of an unsatisfactory life situation. During the 1990s a study was also published on adopted children's communication and language development, and another on the academic performance of adopted children.

In 1989, Sweden adopted the UN Convention on the Rights of the Child (the Children's Convention) and ratified the convention in 1990. The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption

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<sup>55</sup> NIA informs No. 6 1992, No. 2 1994.

<sup>56</sup> National Board of Institutional Care (1996), *Adopted children, young people and those in care. Documentation from a conference in Linköping on 15 April 1996, organised by Fölåsa treatment centre*, General SIS report 1996:4.

<sup>57</sup> M. Irhammar (1997), *Exploring one's origins: identity formation during adolescence among foreign-born adoptees: the significance of biological and ethnic origins*, Lund University. NIA Informs No. 3 1997.

adopted in 1993. The Convention was incorporated into Swedish law in 1997 and in the same year the new Act on International Adoption Services was introduced, which among other things meant stricter rules for private adoptions.

In 1996, the NIA published an updated version of the handbook for social services committees, in which the section on helping adoptees search for their origins was partially revised. In the handbook, the NIA pointed out that attitudes towards sharing information about adoptees' origins and openness about adoptions had changed significantly since international adoptions began on a larger scale in the 1960s. The NIA gave the example that 20 years earlier, social workers did not always encourage adoptive parents to give as much information as possible to their adopted children. Now, the NIA emphasised that the social services committee should assist the adoptee as much as possible with information, even if the adoptive parents opposed this. At the same time, the NIA noted that the situation could be sensitive for the biological parents, and that the mother's family and friends might not know that she had given a child up for adoption. It could be "a disaster" for the biological mother if this became known, which is why the social worker needed to make the adoptee aware of this risk. The handbook also provided some advice on how to conduct research in the country of origin. In 1995 AC established the Resor och rötter <sup>Travel and Roots</sup> programme and had already begun organising return trips to South Korea for adoptees and adoptive families in the 1980s.

The issue of xenophobia and racism became topical again in the early 1990s due to fires at refugee camps and the rampages of the laser man. How did this affect adoptees and adoptive families, and what experiences did they have of racism and xenophobia? These were questions that NIA addressed in several issues of NIA Informerar and in special themed issues in 1992 and 1995. Adoptees and adoptive families reported seeing signs of a changed climate in society, with adoptees encountering insults and attitudes they did not recognise. "It has suddenly become acceptable to be xenophobic." At the same time, there was still the idea that adoptees were at the forefront of the fight against prejudice. NIA wrote: "The fact that we in Sweden have had so many foreign adopted children for several decades has certainly contributed greatly to eliminating prejudices about people who have different roots than ourselves." But NIA also pointed out that prospective adoptive parents must be aware that they and their children

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<sup>58</sup> NIA (1986). *International adoptions. Handbook for social services committees*, p. 65 ff.

could encounter xenophobia and racism. The adoption organisations also collaborated on several activities against racism and xenophobia under the heading Adoptive Families Against Racism.<sup>59</sup>

### **3.3.7 The 2000s: Adoptions increase again and new research, an investigation into adoption and two documentaries provoke reactions**

The number of adoptions increased again in the early 2000s. Unlike ten years earlier, adoption organisations now had a large influx of applications. In the first four months of 2000 alone, AC received 500 new applicants.<sup>60</sup> One contributing factor was probably the announcement of an increase in the adoption cost subsidy to 40,000 Swedish kronor from 1 January 2001.

However, NIA received signals from adoption organisations that they were receiving an increasing number of applications from applicants who had received approval from the social services committee to take in "a healthy, white child under the age of 1". Many applicants wanted children under the age of six months. The organisations also reported that it had become increasingly difficult to find families for slightly older children.

Both the NIA and the adoption organisations were concerned about this. The NIA emphasised that it was not in the best interests of either the children or the parents for the social services committee to give applicants approval that was more or less a formality. According to the NIA, a family that made such demands could not be aware of what adopting someone else's child entailed. The NIA believed that such consents and requirements could in practice mean that other more "open" families were chosen over those with more specific requirements. In the children's home countries, such restrictions could also raise suspicions that the child was not being brought over for their own sake, but to fulfil the applicants' need for a replacement for the biological child they could not have.<sup>61</sup> Older children also needed parents, but several adoption organisations had received signals that applicants had been advised by social services investigators to limit their consent to twelve months on the grounds that "the younger the child, the fewer the problems". The NIA's message to social services investigators was that it was important to make applicants understand that "it is not primarily their need for a child that governs the process".

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<sup>59</sup> NIA Informs No. 2 1992, No. 4 1994 and No. 4 1995.

<sup>60</sup> NIA Informs No. 2 1992, No. 4 1994 and No. 4 1995.

<sup>61</sup> NIA Informs No. 3 2000, No. 1 2001.

with international adoptions without the child's need for parents".<sup>62</sup>

A social worker reacted and wrote to NIA:

Of course, it is the child's needs that should guide adoptions, but perhaps we need to change our view of how best to help older children? Perhaps it is not always right for older children to be adopted to another country and culture. Perhaps there are ways to help these children at home instead? We do not believe that there is currently any training for adoptive parents that prepares them to take in an older child. (<sup>63</sup>)

In 2001, AC ran a sponsored advertising campaign with full-page advertisements in daily newspapers, monthly and weekly magazines, and posters at bus stops in Greater Stockholm. The message was "Are you trying to have children? We are trying to find parents." AC described in NIA informs that they ran the campaign to show those who had not previously considered adoption that it was a good option, and AC hoped that more people would choose to adopt older children or children with disabilities.

In the same year, 2001, the government appointed a commission of inquiry into international adoptions. Member of Parliament Annika Nilsson was appointed as special investigator. The assignment included examining the possibility of strengthening the rights of the child in the adoption process, analysing cost issues in connection with international adoptions, and reviewing the organisation of the NIA and the psychosocial support and counselling provided to adoptive families.<sup>65</sup> Annika Nilsson herself described the assignment as follows: "We will examine how the chain works, from home investigations to the countries of origin's views on adoption. How do the NIA and adoption organisations work? What support and assistance do parents and children receive?"<sup>66</sup>

While the investigation was ongoing, a new research study on adoptees was published in 2002. In the study, researchers Anders Hjern, Frank Lindblad and Bo Vinnerljung analysed the prevalence of mental disorders and social problems in adolescence and young adulthood among internationally adopted individuals in Sweden. The study showed that internationally adopted individuals were at greater risk than the average population of developing mental health symptoms and substance abuse that required

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<sup>62</sup> NIA informs no. 4 2000, no. 1 2001.

<sup>63</sup> NIA Informs No. 2 2001.

<sup>64</sup> NIA Informs No. 3–4 2001.

<sup>65</sup> Dir. 2001:93 International adoptions, etc.

<sup>66</sup> NIA Informs No. 1 2002.



hospital care. The risk of suicide, suicide attempts and serious crime was also higher among internationally adopted children.<sup>67</sup> The study provoked strong reactions, particularly from adoptive parents but also from adoptees. It was considered disrespectful and stigmatised the group of adoptees by describing them as the worst off. Adoption organisations expressed concern that the study would have a negative impact on individuals who were considering adoption or who had young adopted children.

In 2002, SVT's Dokument inifrån (Document from Within) showed two documentaries about international adoption. The first documentary, "Sveket mot de adopterade" (The Betrayal of the Adopted), described the challenges that adoptees experienced growing up and living in Sweden. It reviewed what had emerged about adoptees in various research studies and highlighted society's lack of support for adopted people. The documentary interviewed several actors in the Swedish adoption world, but also gave examples of research and practice from the Netherlands. The then Secretary General of AC, Elisabet Sandberg, was asked questions about Hjern's research study. She replied that it showed what had been known for a long time, namely that a small group of adoptees had a difficult time. It was not known whether this was because they had had difficult experiences in their country of origin or because they had not had a good upbringing in Sweden. She emphasised that the vast majority of adoptees were doing well, which she thought was fantastic. This had also been noted in a 1998 report by a government inquiry into international adoptions.<sup>68</sup> Researcher Anders Hjern was also interviewed. He believed that the results of the study could be interpreted in two ways: either that many more people in the adopted group were generally in poor mental health, or that there was a larger group of vulnerable individuals in the group. Based on the study, it was not possible to say that the vast majority of adoptees were doing well. To answer this question, studies other than the one they had conducted needed to be carried out. A Dutch researcher reported on studies of internationally adopted persons in the Netherlands that showed similar problems for adoptees as in the Swedish study. The Dutch research also showed that the problems did not only apply to a few individuals but to a larger group of adoptees. Marianne Cederblad was also interviewed about her study from

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<sup>67</sup> A. Hjern, F. Lindblad, B. Vinnerljung, *Suicide, psychiatric illness, and social maladjustment in intercountry adoptees in Sweden: a cohort study*, *The Lancet*, Volume 360, Issue 9331, 10 August 20 2002, pages 443–448. *Läkartidningen* No. 9 2003, Volume 100, pp. 707–709.

<sup>68</sup> SOU 1998:100, *Adoption Issues*, p. 87.

1994, which concluded that internationally adopted teenagers were as well adjusted as other teenagers. She admitted that there were certain methodological weaknesses in the study, for example that it was based on a small group and that the dropout rate could have affected the results. She argued that if statistics showed that adoptees were overrepresented in terms of inpatient care, substance abuse and suicide, and that adoptees had difficulties later in life, this should be investigated further. The director of the NIA was interviewed about the role of the authority in providing support to adoptees. She replied that the NIA had no such responsibility; the authority's mission was to facilitate the adoption of foreign children into Sweden.

The second documentary, "Children at Any Price," described irregularities in adoptions from Thailand. It showed that during the 1970s, there had been irregularities in both private adoptions and adoptions that had gone through AC from a certain orphanage.<sup>70</sup> After the documentary was broadcast, AC wrote to those who had been adopted from the orphanage in Thailand concerned. AC explained why they had acted as they did and that they never suspected that the children had been stolen. "We have now received information from television that a child may have been adopted against the mother's will. This is a terrible situation that no one should have to live with, and we are terribly sorry if we have contributed to such an adoption."

<sup>(71)</sup> Shortly afterwards, the NIA received 100,000 Swedish kronor from the government to help adoptees who came from Thailand between 1974 and 1977 to search for their history. Interested adoptees were asked to contact the NIA and AC by submitting an expression of interest.

In other words, new and important facts came to light during the course of the investigation. Investigator Annika Nilsson submitted her final report, *Adoption at what price?* to the government in June 2003. The report was controversial in some respects, not least the sections dealing with the costs of adoption and aid. "It was actually the social aspects of consent, support, etc. that prompted the investigation to be launched. Not the regulations or the problems with international adoptions. So people were surprised when we started to focus on other things."<sup>(73)</sup> The investigation stated that "Sweden must

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<sup>69</sup> SVT, Dokument inifrån (2002), Sveket mot de adopterade.

<sup>70</sup> SVT, Dokument inifrån (2002), Children at any price.

<sup>71</sup> NIA informerar no. 2 2002.

<sup>72</sup> NIA Informs No. 3 2002.

<sup>73</sup> Interview with Annika Nilsson, 20 February 2024.

take a position on what is ethically justifiable for us to accept in terms of costs and aid activities in connection with international adoption.”<sup>74</sup> And further:

International adoption must be placed in a broader context than is often the case today, where international adoption is primarily seen as an alternative form of family formation. We consider it absolutely necessary for Sweden to take a position on what "rules of the game" we can accept and how Sweden can act to reduce the risks of child trafficking in connection with international adoption.<sup>75</sup>

The proposal was that only the actual costs associated with the adoption of a child should form the basis for the adoption fee. The aid activities of the associations should be clearly separated from the adoption activities. The inquiry also stated that, from a long-term perspective, it would be better for Sweden to contribute to development efforts in the countries of origin and destination so that children could grow up to a greater extent in their biological families or in another family in their country of origin. <sup>(76)</sup>

The reactions to the inquiry's proposals for stricter requirements regarding costs and assistance were strong, not least from adoption organisations. The then chairman of AC, Ulf Kristersson, wrote on the DN debate page: "The Adoption Inquiry's proposal for new legislation would almost completely close Sweden to international adoptions. An impact analysis shows that of the 700 children who got Swedish parents through Adoptionscentrum last year, only 37 would have been allowed to come to Sweden if the inquiry's proposal had become law. All the major countries of origin for adopted children would disappear under the new rules." He further argued that the inquiry's proposal to pay only for the actual costs of the child and to separate aid activities from adoption activities meant that Sweden was completely breaking with the spirit of the Hague Convention. "Swedes should only go to orphanages and pay for the care of their own child. (--) The government adoption inquiry recommends 'pay-and-run' as the norm in Swedish adoption work." He went on to say that "the inquiry's message to abandoned children and childless Swedes is that they should wait for a better world." He concluded with:

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<sup>74</sup> SOU 2003:49 *Adoption at what price?*, p. 127.

<sup>75</sup> SOU 2003:49, p. 22.

<sup>76</sup> SOU 2003:49, pp. 20–25.

Sweden now faces a choice: either we close the country to international adoptions, or we ask ourselves how Swedes can also contribute to more abandoned children finding good families. And that those who find their parents here in Sweden should be well equipped for a lifelong challenge.<sup>77</sup>

The inquiry also analysed the need for support for adoptees and adoptive families and made proposals for enhanced support and assistance. The inquiry wrote

It is important that society meets the needs of adoptees and adoptive parents as early as possible. (--) We believe that everyone who encounters adoptees and adoptive parents in their profession should have general knowledge about adoptees, and that those who work with support and treatment for adoptees and adoptive parents must have specific knowledge about adoptees. It is important that the state contributes to the development of such knowledge. <sup>(78)</sup>

It was proposed that social welfare committees should have a clearer role in supporting adoptees and adoptive parents. The inquiry also analysed the availability of research and commissioned Marianne Cederblad to conduct a review of important Swedish and international research on adoptees. A research hearing was also organised. The inquiry proposed that a national research and knowledge centre for international adoption issues be established.

To date, the state has not prioritised research and knowledge development in the field of adoption. This is unacceptable when it comes to the organised transfer of children from one country to another. If Sweden also continue to engage in international adoption activities, it is necessary for the state to prioritise these issues.<sup>79</sup>

The result of the investigation was that the NIA was replaced by the new authority MIA, which was given a clearer control and supervisory role, and the authorisation requirements were tightened, as were the reporting requirements for adoption organisations with regard to costs and assistance. However, nothing came of the support proposals. The proposals for support and research were welcomed by the adoption organisations, but the Association of Local Authorities and the National Board of Health and Welfare were generally opposed to the proposals for increased support and a national research and knowledge centre.

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<sup>77</sup> DN 2003-10-15, Sweden almost completely closed to adoptions.

<sup>78</sup> SOU 2003:49 pp. 32–33.

<sup>79</sup> SOU 2003:49, pp. 32–35 and Appendix 6.

According to Annika Nilsson-one explanation was that the inquiry had not succeeded in financing the proposals.<sup>80</sup>

In 2004, after more than 30 years, NIA ceased operations and the new Swedish Intercountry Adoptions Authority (MIA) took over. The task of facilitating adoptions was replaced by the task of ensuring high quality in international adoption activities in Sweden. Otherwise, international adoption services continued as before, but with slightly stricter supervision and authorisation tools.

### **3.3.8 The 2010s and today: adoptees begin to criticise international adoptions, and criticism grows with revelations of irregularities**

Our review of NIA Informerar shows that adoptees began to participate in various articles, seminars and training courses from the mid-1980s onwards, where they shared their thoughts and experiences about their upbringing, their relationship with their adoptive parents, searching for their origins, returning to their country of origin, being adopted at an older age, looking different, being subjected to discrimination and racism, or simply describing what it was like to be adopted.

In the NIA's RUTAF project, which ran from 1987 to 1991, adopted persons participated and shared their experiences and thoughts on what support they had needed during their upbringing. During the 1980s, adopted persons began to form associations, such as the Association of Adopted Koreans (AKF), which also contributed the perspective of adopted persons on various issues.<sup>81</sup> The importance of adoptees to the adoption process and to the NIA is evident from a quote from an NIA employee who wrote: "More and more of our adopted children are now adults, have found work and are starting their own families with children. I believe that through them we have gained an inexhaustible source of inspiration!"<sup>82</sup>

Although adoptees were involved and represented, it was primarily to testify about their experiences or give examples of how they perceived various issues and phenomena. They also described various types of problems, but the articles were rarely critical. There were a few exceptions, however. In 1993, the NIA published a letter they had received

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<sup>80</sup> Interview with Annika Nilsson on 20 February 2024.

<sup>81</sup> NIA Informs No. 4, 1989.

<sup>82</sup> NIA Informs No. 2, 1996.

from an adopted person who criticised the debate on the mental health of adoptees. She wrote:

To claim that adopted children are just as well off as other children leads to a lack of understanding of the problems that adopted children struggle with and carry with them. There is a frightening lack of knowledge about the inner life of an adopted child.<sup>83</sup> We should increase understanding of the problems faced by adoptees instead of sweeping them under the carpet. At what cost? At the cost of there being no competent help available because no resources have been developed where adoptees can get help, support and understanding for what they are going through.

In the early 2000s, individual adoptees began to speak out publicly and criticise the adoption process and the lack of support for adoptees. One example was in 2008, when twelve internationally adopted people wrote an opinion piece stating that they supported the government's decision to stop adoptions from Vietnam. They wrote:

We want to protest against the Western-centric perspective that dominates international adoption practices and assert our right and the right of all other adoptees to be free from the suspicion that irregularities have been committed in our own adoptions, such as the all too common forged documents, manipulated identities and fabricated stories.<sup>84</sup>

In a 2009 opinion piece, several adoptees highlighted the difficulty for adults adopted abroad to search for their birth parents and the lack of interest on the part of Swedish authorities to help.<sup>85</sup> In 2015, adoptees from South Korea demanded that Sweden stop adoptions from South Korea because several investigations had shown that the country was violating the Convention on the Rights of the Child.<sup>86</sup> In 2017, SVT broadcast the documentary *De ensamma – en film om adoption* (The Lonely Ones – a film about adoption), which, like the 2002 documentaries, led to reactions against adoptions.<sup>87</sup> In the same year, 2017, Sri Lanka's Minister of Health stated that up to 11,000 children could have been adopted to the Western world in a criminal and corrupt manner between 1970 and 1995. In an opinion piece, adoptees argued that Sweden was the country that had adopted the most children from Sri Lanka and that it was now necessary to investigate once and for all what actually happened when 3,500 Sri Lankan children were adopted by Swedes.<sup>(88)</sup>

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<sup>83</sup> NIA informs no. 4 1993.

<sup>84</sup> Aftonbladet Debatt 2008-11-08.

<sup>85</sup> SvD Brännpunkt 16 August 2009.

<sup>86</sup> Aftonbladet Debatt 27 November 2015.

<sup>87</sup> Dagens ETC 29 April 2017.

<sup>88</sup> Dagens ETC 2 October 2017.

In 2018, SVT News, in collaboration with Chilean journalists, revealed irregularities in adoptions from Chile during the 1970s and 1980s. The then Director General of the Swedish Agency for Family Law and Parental Support (MFoF), Kristina Svartz, told SVT that the information was appalling but that the adoption system was now safer thanks to international conventions and legislation and because MFoF, as an authority, had different opportunities for control and supervision.<sup>89</sup> In an opinion piece shortly afterwards, six adoptees demanded that the Swedish adoption process be nationalised and that adoptions only be allowed from countries that respected the Convention on the Rights of the Child.<sup>90</sup> Around 20 adoptive parents then demanded that the organisations and authorities responsible tackle the problem of adoptions that had not been carried out correctly and not sweep anything under the carpet. It was not enough for organisations and authorities to refer to the fact that they had followed the legislation in force at the time. The adoptive parents supported the demand from adult adoptees that an investigation be carried out into adoptions suspected of having been carried out in an unethical manner.<sup>91</sup> The Director General of the MFoF described in a reply the measures taken by the authority, but she emphasised that it was not part of the MFoF's remit to investigate irregularities committed further back in time. This required a special assignment. She also wrote, "The right of adoptees to their origins is a very important issue for the MFoF. Our assessment is that society needs to take responsibility for providing individual support to adoptees who are searching for their origins, a responsibility that is lacking today. This is also something we have pointed out in our annual reports to the government. In March 2013, the MFoF submitted a proposal to the government on how this work could be organised."<sup>92</sup>

The opinion pieces were followed by further contributions to the debate, in which adoptees from Chile, Colombia, India and Sri Lanka demanded an independent investigation into adoptions to Sweden.<sup>93</sup> Several articles and reports on irregularities in Chile followed in 2018 and 2019, but irregularities in China and other countries were also highlighted. In a response in June 2019, Social Affairs Minister Lena Hallengren responded to the demands for an investigation, describing how Sweden, through the MFoF, was following

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<sup>89</sup> SVT Nyheter, Sweden at the centre of illegal adoptions of Chilean children, 29 January 2018.

<sup>90</sup> Aftonbladet Debatt 31 January 2018.

<sup>91</sup> SvD 15 February 2018.

<sup>92</sup> SvD 23 February 2018.

<sup>93</sup> Fria Tidningen 27 February 2018, 5 March 2018, 6 March 2018, DN Debate 7 March 2018, SvD Debate 22 September 2018.

the ongoing criminal investigation in Chile. "Based on the results, we will assess how to proceed with these issues in Sweden."<sup>94</sup> This did not satisfy the adoptees and adoptive parents, and the demands for an investigation remained. In 2020, questions were also posed to the Minister of Social Affairs in the Riksdag about adoptions from Chile.<sup>95</sup>

In January 2020, MFoF was commissioned to develop individual support for internationally adopted persons in connection with searches for their origins, and in May of the same year, it received a further commission to offer adoption-specific professional counselling to adoptees.<sup>96</sup> In February 2020, the Swedish Agency for Public Management was tasked with reviewing the organisation of international adoption activities and considering whether the organisation should be changed. The conclusion was that the existing organisation was appropriate, that adoptions had become safer and more secure, but that the child rights perspective and legal certainty could be further improved, that the actors could develop their expertise, that there were risks in adoption activities and that the agencies risked closure if the number of adoptions continued to decline.<sup>97</sup>

In February 2021, SVT reported that the Netherlands had halted all international adoptions after a government inquiry found irregularities in adoptions to the country. Tobias Hübinette stated that "The inquiry should make the issue of adoption highly topical in Sweden as well. Sweden has more adoptees than the Netherlands, and they are adopted from the same countries."<sup>98</sup> Shortly thereafter, on 19 February 2021, Dagens Nyheter began its series of investigations into Swedish international adoption practices, *Children at Any Price*, in which several reports in 2021–2022 highlighted irregularities in Chile, Colombia, Ethiopia, China and South Korea. Two associations for adoptees – Chile-adoption and Transnationellt adopterades riksorganisation (TAR) – published an opinion piece on the same day calling on the Swedish government to appoint an independent state inquiry to investigate all transnational adoptions to Sweden. They referred to the fact that both MFoF and AC had stated that an inquiry should be appointed. (<sup>99</sup>) In an interview in DN, Social Affairs Minister Lena Hallengren opened up

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<sup>94</sup> Expressen 11 June 2019.

<sup>95</sup> Riksdagen Documents and Laws 27 May 2020, 24 September 2020, 10 December 2020 and 3 February 2021.

<sup>96</sup> MFoF 17 January 2020 and 4 May 2020.

<sup>97</sup> Swedish National Financial Management Authority (2021) *Organisation of international adoption activities* 2021:1.

<sup>98</sup> SVT 9 February 2021.

<sup>99</sup> Dagens Arena 19 February 2021.



for the government to review international adoption services, and not just for Chile.<sup>100</sup> Moderate Party leader Ulf Kristersson reacted strongly to the information in DN's investigation and stated that he thought a white paper should be produced that got to the bottom of all the allegations. It would consist of a historical section and a section looking to the future. He compared the revelations to when Swedish foster children in the early 2000s testified about abuse and neglect, and the government appointed the so-called Vanvårdsutredningen (Neglect Inquiry). He also stated that in cases where individual adoptees had been subjected to serious crimes or wrongdoing, it was important that the state also contributed to redress and that justice was served. An apology from the state could be an important part of this.<sup>101</sup>

In June 2021, SVT's Uppdrag granskning broadcast a series on Swedish adoption activities in Chile. It once again focused on adoptions from Chile and what Swedish actors knew about them.<sup>102</sup>

In August 2021, an audit report on international adoptions was published in Belgium, followed by investigations in Chile, Denmark, Switzerland and France.

In October 2021, the government decided on guidelines for a special investigator to analyse Sweden's international adoption practices – lessons learned and the way forward.<sup>103</sup> The Swedish investigation was thus in place.

Since the Swedish inquiry was established, several countries have set up inquiries or taken measures in the field of international adoption.

In December 2022, South Korea's Truth and Reconciliation Commission decided to launch an investigation into international adoption practices. This followed a request from the Danish organisation Danish Korean Rights Group (DKRG). In November 2022, the Swedish Korean Adoptees Network (SKAN) submitted a report concerning 21 people who were adopted to Sweden through Korea Welfare Services (KWS). A total of 367 cases are covered, of which 22 are Swedish cases. In March 2025, the commission reported the results of 56 completed cases, one of which concerns Sweden. In April 2025, the commission announced that the remaining 311 cases will not be

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<sup>100</sup> DN 2021-02-22.

<sup>101</sup> DN 26 February 2021.

<sup>102</sup> SVT Uppdrag Granskning. The stolen children.

<sup>103</sup> Ministry of Health and Social Affairs, Dir. 2021:95.

be investigated. These cases may be reopened if the government decides to establish a third truth and reconciliation commission.<sup>104</sup> The commission notes that there have been systematic irregularities in the system and calls for a public apology.<sup>105</sup>

In Norway, in June 2023, the government appointed a state commission of inquiry to review international adoption activities. The inquiry is to be completed by the end of 2025. In January 2024, the Norwegian central authority Bufdir recommended a temporary halt to adoptions from abroad to Norway while the state inquiry is ongoing.<sup>106</sup> No halt was decided, but Bufdir revoked the licences of several adoption countries. In practice, only adoptions from Colombia and Taiwan can now be carried out.

In Denmark, the only remaining adoption agency decided in early 2024 to cease its adoption activities. This followed the decision by the responsible Danish minister in January 2024 to revoke South Africa's licences. The Appeals Board also decided to investigate DIA's other partner countries: the Philippines, India, Taiwan, Thailand and the Czech Republic. The reason was that the organisation had not complied with the conditions and, in some cases, had acted in contravention of the principles of the Hague Convention and the Danish Adoption Act.

In the Netherlands, the government decided in May 2024 to stop all international adoptions to the country.

China decided in September 2024 to end the country's international adoption activities, and Russia decided in October 2024 to do the same.

### 3.4 The child's perspective on adoption

#### 3.4.1 Introduction

The purpose of this investigation is, among other things, to clarify the existence of any irregularities in Sweden's international adoption activities and how various actors have acted and related to

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<sup>104</sup> The Associated Press. *South Korean truth commission halts probe into adoption fraud, hundreds of cases in limbo*. Published 25 April 2025.

<sup>105</sup> Truth And Reconciliation Commission, Republic of Korea. Status of Investigation and Plans to Address Human Rights Violations in Intercountry Adoptions. May 2024.

<sup>106</sup> Bufdir. *Bufdir's recommendation on temporary suspension of international adoption – response to follow-up questions*. 2024.

<sup>107</sup> Danish Broadcasting Corporation (DR). Foreign adoptions to Denmark halted following sanctions. Published on 16 January 2024.

any irregularities based on the responsibilities and roles of the respective actors. According to the directives for the investigation, the starting point for the work should be the rights of the child in accordance with the UN Convention on the Rights of the Child and the 1993 Hague Convention. At the same time, it is stated that the responsibilities and positions of various actors should take into account, among other things, the attitudes and norms that existed in society at the time, i.e. also before the Convention on the Rights of the Child and the Hague Convention came into force.

The emergence and development of international adoption in Sweden is closely linked to how children were viewed and what was considered to promote good living conditions for them. Against this background, it is important to also address how views on children and their living conditions have changed during the period covered by the investigation and how this is reflected in the regulations governing adoption, both nationally and internationally.

### **3.4.2 The interests of the child in adoption**

The starting point for regulating adoption, not least as an alternative to foster care, has long been that adoption is something positive, that it is a way of ensuring the best interests of the child by giving the child parents and a legal family and thus care. Other interests and needs that a child may have, what is described in contemporary terminology as the child's rights, have not been given much attention in the application of the regulations on international adoptions, even though some of the child's other interests were also visible in the earliest regulations. The right to know one's origins was protected when the regulation was first introduced into Swedish law through the population register, whose information was available if one knew where one was born. The child retained certain legal ties to the original parents. Even when the 1917 Adoption Act was introduced, consent to the adoption from the person to be adopted was considered an absolute requirement for the adoption to be granted.

The reason was that adoption had a significant impact on the child's personal circumstances. Adoption should not be carried out against the child's will if the child had reached such a level of maturity that consideration should be given to the child's wishes if the child had reached the age of 12.<sup>108</sup> Since 1995,

the law has included a reminder that even if the child's consent is not required,

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<sup>108</sup> LB II, p. 43.

the court, when assessing whether it is appropriate for the adoption to take place, take into account the child's views, taking into consideration the child's age and maturity.

Another aspect concerning children's rights in adoption is the prohibition of compensation – remuneration – in connection with adoption. When adoption rules were introduced into Swedish law, it was expressly stated that adoption could not be permitted if compensation had been given or promised by any party. This principle has been included in the law ever since. Children should not be subject to trade but should be cared for in their own right.

### **3.4.3 The development of national adoptions**

Soon after its introduction, the adoption agency gained great social significance. It is estimated that approximately 50,000 national adoptions took place between 1918 and 1950. Most adoptions that took place were in practice intended to permanently incorporate the child into the adoptive family. In practice, a procedure of "blanket adoptions" gradually developed, which meant that the child's biological parents gave their consent to the adoption without knowing the name and place of residence of the adoptive parents. The adoptive parents also had no knowledge of the child's origins. Despite certain disadvantages, the procedure was considered to have significant advantages, including that the adoptive parents' sense of security was increased by the fact that the child's relatives did not know their identity. Such security was considered to create better conditions for the adoptive parents to treat the child as their own, which in turn could benefit the child's development. However, this view was questioned by experts on the Inheritance Code, who, in their 1954 report, considered that a system that made it easier for adoptive parents to refrain from telling the child about the adoption was not right, as the child was considered to have an ethical right to know its origins. The experts on the Inheritance Code further argued that it could not be assumed that contact with the biological parents was always negative.

On the <sup>109</sup>contrary, concealing the child's origins could result in both the child and the biological parents losing out on "the values that family ties bring".<sup>110</sup>

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<sup>109</sup> SOU 1954:6 Inheritance Code, p. 165.

<sup>110</sup> SOU 1954:6, p. 167.

Given that adoption had come to be used for the purpose of more permanently incorporating the child into the adoptive parents' family, it was considered urgent in the early 1950s to reform the legal effects of adoption in order to bring it into line with how adoption had come to be used in practice. Reform<sup>111</sup> also appeared necessary because adoption under the 1917 Adoption Act had deliberately been given limited legal effects. Experience with adoption had proved positive, and it was no longer considered necessary to take a cautious approach to reform.

In 1958, the rules on adoption were therefore reformed.<sup>112</sup> Under the new provisions adopted children were treated as equal to the adoptive parent's biological children in terms of inheritance rights if the adoption took place after 1 July 1959. The adopted child's right to inherit from their biological relatives thus ceased. This type of adoption was called strong adoption.

Adoptions completed before 1 July 1959 could be converted to full adoptions by applying to the court. If the application was not made before 1 July 1964, the adoption remained a simple adoption. When converting from a simple to a full adoption, the adoption provisions in the Parenting Code were applied. This meant that the child's biological parents would be heard in the case if possible and the child would give their consent. However, the courts were given fairly broad powers to disregard this.<sup>113</sup> If the biological parents had not had contact with the child and the adoptive home after the adoption, it could be assumed that at the time of the original adoption, it was not intended that the child's biological parents should know who had adopted the child. In such cases, the biological parents did not need to be heard.

In this context, it was emphasised that the courts' application of the transitional provisions should not be contrary to the interests of the adopter.<sup>114</sup> The conversion of weak adoptions into strong ones was carried out in relatively few cases.<sup>115</sup> Many adoptive parents probably saw no reason to initiate a procedure that would not significantly change the actual relationship; most adoptive parents and adoptees were of the opinion that the adopted child had the same legal status as the adopter's own children.

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<sup>111</sup> Prop. 1958 A:144, with proposals for the Inheritance Code, etc., p. 109.

<sup>112</sup> Act (1958:640) amending the Parenting Code.

<sup>113</sup> Prop. 1958 A:144, p. 348.

<sup>114</sup> Bet. LU 1958 B:14 p. 81.

<sup>115</sup> Of the approximately 70,000 adoptions granted in Sweden between 1918 and 1959, only between 3,000 and 4,000 were converted to full adoptions Ds 1970:5 p. 13. This figure differs from that stated above in SOU 1954:6 p. 165.

Many adoptive parents also did not want the child's biological parents to be involved in the adoption process again.<sup>116</sup> It was therefore considered reasonable to make the rules on strong adoption generally applicable to all adoptions, regardless of what applied when they were granted. Such a reform was implemented in 1970.<sup>117</sup>

At the end of the 1950s, it was clear that the adoptive parents' interest in becoming parents without being bothered by competition from the child's original parents had had a clear impact on the regulations. The child's interest in retaining information about their origins was not given decisive importance, as blank adoptions continued to be practised, nor was the consent of the child or the original parents considered an indispensable requirement when weak adoptions were converted into strong adoptions, even though the original consent only applied to weak adoption.

#### **3.4.4 International adoptions – a different kind of adoption**

However, a change in attitude towards children's interests in being adopted emerged in the early 1960s with regard to the adoption of children born in Sweden. Adoption became a last resort to secure the child's rights. Adoption was increasingly seen as too drastic a solution to secure the child's right to good care. Adoption has never been a child protection measure in Swedish law; foster care was always the first step in efforts to protect a child, not adoption.

Great efforts were made, and still are, to ensure that children can be cared for by their original parents. The number of children born in Sweden who were given up for adoption decreased, and attention turned to children born in other countries.

International adoptions increased in scope in the early 1960s. The emergence of international adoption led to a wide-ranging discussion about what stance should be taken on the phenomenon.<sup>118</sup> Towards the end of the 1960s, however, the general view was that international adoption was something that could not be stopped and should not be opposed. On the other hand, this type of adoption should be regulated, which was done through the first law on international adoption from 1971.

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<sup>116</sup> Ds 1970:5, pp. 38–39.

<sup>117</sup> Prop. 1970:186 with proposals for amendments to the adoption legislation.

<sup>118</sup> See section 3.4.2 above.

Although the starting point for the Swedish legislation was to make it easier for Swedish citizens to adopt children from abroad, the underlying idea was ultimately to ensure the best interests of the child.<sup>119</sup> However, no more detailed description of what this meant was provided in the preparatory work for the Act. The starting points for the regulations were largely the same as those established for national adoption: to give the child a family through adoption, and thereby care, something that was seen as crucial for a child. It was also very important to prevent children from becoming objects of trade and to ensure that they had good homes.

Other interests that the child might have were taken into account but do not appear to have had any major impact on the assessment of whether adoption should be granted. The child was still primarily seen as the recipient of adult care and not as an independent legal entity with various interests in addition to the right to good care.

The parents' desire to have children, combined with the child's right to a family, was in many ways decisive for the development. However, it was repeatedly emphasised that adoption is about a child's right to have parents, not the other way around.

During the 1980s, however, several of the child's interests began to receive attention in a completely different way than before. The child's right to know about their origins was highlighted. The adoptive parents' responsibility to inform the children about their background was emphasised.<sup>121</sup> It also gradually became clear that internationally adopted children were in a special situation that required special attention and measures. The well-being of internationally adopted children was highlighted in a number of studies during the 1980s. At the same time, it was emphasised that relatively few children had serious problems. Renewed studies in the mid-1990s showed that foreign-born adopted children had special needs for psychiatric care. However, the results do not appear to have led to any measures being taken. The compensatory abilities of parents were highlighted and it was emphasised that most adoptees were doing well. It was assumed that widespread information about the difficult aspects of adoption would pose a risk to adoption activities. Requests from adoptees for special support remained unanswered. Studies on internationally adopted children in the early 2000s confirmed earlier conclusions that

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<sup>119</sup> SOU 1967:57, p. 94, Prop. 1971:113 with proposals for legislation on international legal relationships concerning adoption, etc.

<sup>120</sup> See also section 3.4.3.

<sup>121</sup> NIA (1982), *International adoptions. Handbook for social welfare committees*.

Internationally adopted children were at greater risk than the average population of developing mental health symptoms and substance abuse requiring hospital care. However, studies of this kind were considered to show a lack of respect and to stigmatise the group of adoptees by describing them as the worst off.

### 3.4.5 Children as independent legal entities

It is only through the UN Convention on the Rights of the Child that the child as an independent legal entity is explicitly recognised. The best interests of the child thus take on a more complex meaning; it is not just a matter of care. However, such a change in perspective had also been noticeable in Swedish law since the late 1970s. However, it was not until the 1989 Convention on the Rights of the Child that children's own rights, not just their right to care, were explicitly highlighted. Children have the right to have many different interests taken into account in all decisions concerning them. The best interests of the child shall be the primary consideration. The Convention on the Rights of the Child clarifies what these interests are and that they shall be taken into account as far as possible.

However, the Convention on the Rights of the Child is relatively recent. International adoption has existed in Sweden since the 1950s, as a way of giving children a new legal family affiliation and ensuring that their needs for care are met. This approach appears to have continued to characterise international adoption even after the Convention on the Rights of the Child came into force. Other interests of the child, such as maintaining their original family ties, sibling contacts, language and culture, are not given the same importance as in national adoption. Parents' rights to children continue to carry considerable weight, combined with a desire to rescue children from what were in many cases very difficult upbringing conditions.

The view of children as needing legal parents through adoption did not change significantly in practice in a Swedish context with the advent of the UN Convention on the Rights of the Child. Adoption is certainly stated in Article 21 of the Convention to be a last resort when all other means of providing the child with a good upbringing have been exhausted. The possibilities of ensuring that a child's various interests, including alongside

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<sup>122</sup> See, for example, SOU 1978:10 *Children's Rights*, SOU 1979:63 *Children's Rights 2 – On Parental Responsibility, etc.*, SOU 1986:20 *Children's Needs and Parents' Rights*.



care, must first have been examined and found to be impossible to satisfy.

Sweden ratified the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption in 1997. The Convention is based on the principle of the best interests of the child and aims to protect children and their families from the risks of illegal, hasty and ill-prepared adoptions in accordance with Article 21 of the Convention on the Rights of the Child. The possibilities of caring for the child in their own country must be explored before considering international adoption. Responsibility for adoptions between countries that are parties to the Convention is shared between the country of origin and the receiving country. The country of origin is obliged to ensure that the conditions for adoption are met with regard to the child. This means, among other things, that the country of origin is responsible for ensuring that the necessary consents have been given by the persons and authorities concerned. The receiving country is responsible for ensuring that the prospective adoptive parents are suitable and have received counselling. Responsibility for adoptions shall lie with a central authority in each country. Adoptions under the 1993 Hague Convention are based on mutual trust, which means that the receiving country trusts that the authorities in the child's country of origin has fulfilled its obligations. If, for example, the child's documents do not include the consent of the child's mother, the receiving country has generally assumed that such consent has nevertheless been given, even if it is not documented in the documents. Article 17 of the Convention requires, among other things, that the necessary consents have been given and that the central authorities in both countries agree that the adoption procedure may continue. The Convention's aim of ensuring that the best interests of the child are taken into account in every adoption is achieved through provisions on how the process should be conducted. The substantive assessment of whether an adoption is in the best interests of the child is up to the country of origin to decide, and the receiving country has limited opportunities to check this. It can be noted that the child as a legal entity is not visible in the provisions of the Convention.

#### **3.4.6 Concluding comment**

Although adoption has been about ensuring the best interests of the child since the introduction of the institution of adoption into Swedish law, expressed in slightly different ways depending on the time, the child as a legal entity is from

in the contexts in which adoption regulations have been formulated, discussed and applied.

For a long time, children were not seen as independent legal entities with their own rights that they were entitled to have fulfilled, but mainly as objects of adult care. The problems that have been highlighted in adoption practice over the years have rarely led to any measures being taken, perhaps for fear of stigmatising adoptees and adoptive parents and of restricting international adoption.

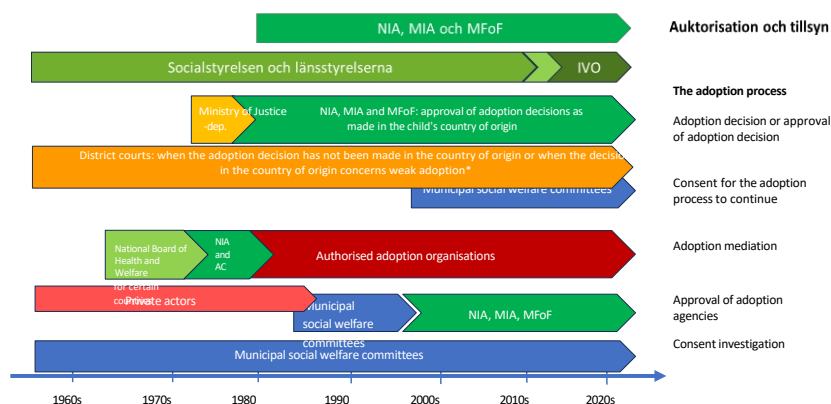
It is only recently that questions have begun to be asked about the different interests that an individual child may have and how and whether these are met in international adoption. The child has begun to take its place as an independent legal entity with its own needs and interests – rights – that must be taken into account, including in international adoption. The Convention on the Rights of the Child stipulates that for an adoption decision to be in the best interests of the child, it must not violate any of the rights established in the Convention if this can be avoided. The possibilities for checking whether the interests of the individual child are really being met through adoption are limited, and the question of whether it is in the best interests of the individual child to be adopted internationally is not always asked. This is something that is important to include in the ongoing discussion on international adoption.

## 4 Actors in Swedish international adoption

### 4.1 Introduction

Several different actors have been involved in Swedish international adoption activities – state and municipal authorities, courts, non-profit adoption organisations and other private actors. In this section, we review the various Swedish actors and describe their roles and responsibilities over time.

**Figure** Division of responsibilities in Swedish international adoption activities over time



Source: own compilation.

## 4.2 National Board of Health and Welfare

Over the years, the National Board of Health and Welfare has had various assignments within international adoption: to arrange international adoptions, to develop guidelines for social services and to supervise the work of social services with international adoptions.

The National Board of Health and Welfare was the consulting body for the first guidelines on adoption aimed at authorities and elected representatives which were published by Allmänna Barnhuset in 1955. From the mid-1950s until 1965 the National Board of Health and Welfare was tasked with facilitating contact between adoption applicants and foreign agencies, particularly ISS.<sup>2</sup> From 1965, the National Board of Health and Welfare provided more active assistance to people who wanted to adopt foreign children and thus took on the role of mediator between adoption applicants and the countries with which Sweden had cooperation agreements, namely Greece and South Korea and, from 1971, also the Philippines.<sup>3</sup>

In January 1972, the Ministry of Social Affairs appointed an advisory committee on the adoption of foreign children at the National Board of Health and Welfare. The advisory committee consisted of representatives from the Ministry of Social Affairs, the Ministry of Justice, the Ministry for Foreign Affairs, the National Board of Health and Welfare, the adoption agency at the Stockholm Child Welfare Board and the Adoption Centre (AC). The chair was a member of the Riksdag. At the same time the Government tasked the National Board of Health and Welfare with facilitating the adoption of foreign children by gathering and disseminating information to the public and authorities, developing advice and guidelines, and exchanging experiences with authorities, institutions and individuals in other countries.

On the recommendation of the advisory committee, the government decided to establish the Board for International Adoptions (NIA) within the National Board of Health and Welfare on 1 July 1973. The advisory role vis-à-vis the municipalities, which primarily involved publishing manuals for social welfare committees, was transferred to the NIA.

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<sup>1</sup> Allmänna Barnhuset (1955). *Adoption. A guide for authorities, officials and representatives who deal with issues relating to adoption*. Stockholm: David Broberg.

<sup>2</sup> C. Lindgren (2010). *International adoption in Sweden. Policy and practice from the 1960s to the 1990s*, Swedish Intercountry Adoptions Authority (MIA), pp. 24–25 and SOU 1967:57 *Adoption of foreign children*, pp. 72–73.

<sup>3</sup> International adoptions. A report from the National Board of Health and Welfare's advisory committee on matters concerning the adoption of foreign children (1973).

<sup>4</sup> Adoption Board, Minutes of the meeting with the Advisory Board for Issues Concerning the Adoption of Foreign Children on 4 April 1973.

<sup>5</sup> The National Board of Health and Welfare's Advisory Committee on Issues Concerning the Adoption of Foreign Children (1973).

Supervision of social services was divided between the National Board of Health and Welfare and the county administrative boards. Supervision was to be advisory and comprehensive, but also included reporting deviations from applicable statutes. The National Board of Health and Welfare supervised social services in the country and was responsible for monitoring and further developing social services. The county administrative boards supervised the social services provided by the municipalities in the county.

Among other things, the County Administrative Board was to provide information on adoption issues to individual adoption applicants, municipal case workers and social welfare committees. The NIA was to consult with the National Board of Health and Welfare on matters relating to the processing of adoption cases in the municipalities.

When the NIA was dissolved and became the Swedish Intercountry Adoptions Authority (MIA) on 1 January 2005, the National Board of Health and Welfare took over responsibility for providing guidance to social services in the processing of adoptions. The National Board of Health and Welfare's Legal Council <sup>(7)</sup> was also given responsibility for issuing opinions on the applicant's state of health. <sup>(8)</sup> From 2010, the county administrative boards' supervisory activities over the municipalities' handling of adoption cases were transferred to the National Board of Health and Welfare. <sup>9</sup> In 2013, this responsibility was transferred to the Health and Social Care Inspectorate (IVO). Responsibility for advising municipal social services on international adoptions was transferred to the Family Law and Parental Support Authority (MföF) in 2017. The National Board of Health and Welfare continues to be responsible for issuing regulations and general guidelines concerning the handling and documentation of social services. <sup>(10)</sup> The National Board of Health and Welfare is also responsible for issues relating to national adoptions and has, among other things, published a handbook for social services. <sup>(11)</sup>

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<sup>6</sup> SOU 1996:137 *International adoption issues*, p. 69.

<sup>7</sup> The National Board of Health and Welfare's Council for Certain Legal, Social and Medical Issues (the Legal Council) is an independent body with its own decision-making powers. Section 18 of the Ordinance (2015:284) containing instructions for the National Board of Health and Welfare states that the Legal Council's tasks include deciding on matters concerning statements on a person's state of health in connection with assessing a person's suitability to receive a child residing abroad for the purpose of adoption.

<sup>8</sup> Prop. 2003/04: 131 *International adoption issues*, pp. 62 and 64, and the National Board of Health and Welfare (2008). *Adoption. Handbook for social services*, p. 3.

<sup>9</sup> Prop. 2008/09:160 *Coordinated and clear supervision of social services*.

<sup>10</sup> Primarily the National Board of Health and Welfare's regulations and general guidelines (SOSFS 2014:5) on documentation in activities conducted with support from the Social Services Act, the Care of Young Persons Act, the Care of Substance Abusers Act and the Act concerning Support and Service for Persons with Certain Functional Impairments, and the National Board of Health and Welfare (2021). *Case management and documentation. Handbook for social services*.

<sup>11</sup> National Board of Health and Welfare (2020), National adoption. Handbook for social services.

### **4.3 The Board for International Adoption Issues (NIA) 1973–2004**

From 1973 to 1979, NIA was responsible for arranging international adoptions, but in 1979 it switched to authorising and supervising the non-profit organisations that arranged international adoptions.

The agency has also been responsible for providing information to social services on international adoption issues. In 1997, NIA became the central authority under the 1993 Hague Convention.

#### **4.3.1 NIA – a committee within the National Board of Health and Welfare**

The Board for International Adoption Issues (NIA) was established within the National Board of Health and Welfare on 1 July 1973. In connection with its establishment, the NIA entered into a temporary agreement with AC, which was approved by the National Board of Health and Welfare. The agreement regulated a trial operation in terms of both cooperation contacts and mediation.

On 1 July 1974, the NIA's mandate was made permanent. According to the instructions, the mandate was to facilitate the adoption of foreign children in Sweden in an appropriate manner. This included monitoring international developments in the field and gathering information on the possibilities for adopting foreign children, forwarding applications for the adoption of foreign children, negotiating agreements with organisations and authorities in other countries, and providing information and support to authorities, organisations and individuals.<sup>13</sup> With the permanent assignment, the NIA also signed a new agreement with AC in 1974. Under the agreement, the NIA would be responsible for official contacts with authorities and institutions in the countries concerned, while AC would take care of the more informal contacts that could be established with institutions and individuals in those countries. AC would follow the Board's recommendations regarding the use of institutions or individuals abroad as contact agencies.<sup>(14)</sup>

From 1973, formal responsibility for the direct placement of adoptive children from abroad was gradually transferred from the Social

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<sup>12</sup> NIA (1980), Report on the activities of the Mediation Committee 1973–1979.

<sup>13</sup> Ministry of Social Affairs 7 June 1974, Instructions for the National Board of Health and Welfare's Committee for International Adoption Issues.

<sup>14</sup> NIA 21 August 1974, Cooperation agreement and memorandum on cooperation between the Committee for International Adoption Issues and the Adoptionscentrum association, Appendix § 7 NIA minutes 16 September 1974.

the board to the NIA. The referral went through the referral committee (FU), which from 1974 selected applicants with preliminary decisions in accordance with Section 47, third paragraph, of the Child Care Act (1960:97). Applicants could submit their applications to both the NIA and the AC. The decisions of the FU or the NIA could not be appealed.

From 1973, the NIA board consisted of nine members: a chairperson who was a member of parliament and one representative each from the Ministry of Social Affairs, the Ministry for Foreign Affairs, the Ministry of Justice, the Swedish Association of Local Authorities, the National Board of Health and Welfare and the adoption agency at the Stockholm Child Welfare Board, as well as two representatives from the AC.<sup>16</sup> Three of the members of the board – the members from the NIA, AC and Stockholm Child Welfare Board – were also members of the NIA's mediation committee (FU), which was responsible for mediation work.

The NIA secretariat had nine employees, including the secretary general.<sup>17</sup>

#### **4.3.2 NIA receives new assignment in the 1979 organisational reform**

On 18 May 1979, the government decided on a new organisation for international adoptions, which meant that non-profit organisations would handle the mediation work for international adoptions instead of the NIA, which was given responsibility for authorising and supervising the non-profit organisations.<sup>18</sup>

The NIA's task was still to facilitate the adoption of foreign children in Sweden, but now by preparing cases for authorisation by the National Board of Health and Welfare, distributing state grants to the authorised organisations and supervising the organisations authorised by the National Board of Health and Welfare. The NIA was also to prepare guidance information for assessing the general suitability of homes as adoptive homes and decide on mediation cases where an organisation or community representative did not wish to provide adoption assistance. Several tasks were also the same as before: to follow international developments in the field, negotiate agreements with authorities and organisations in other countries, and conduct information activities. However, the NIA would no longer be involved in mediation activities.<sup>(19)</sup>

<sup>15</sup> NIA (1980), Report on the activities of the mediation committee 1973–1979.

<sup>16</sup> International adoptions, a report from the National Board of Health and Welfare's advisory committee on matters concerning the adoption of foreign children (1973) and NIA information, December 1973.

<sup>17</sup> NIA (1980), Report on the activities of the Mediation Committee 1973–1979.

<sup>18</sup> Government Bill 1978/79:109 *on the organisation of international adoptions, etc.*

<sup>19</sup> NIA, Activity report 1 July 1979–31 December 1980.

The Board continued to consist of nine members. A member of the Riksdag was the chair, and the other members were, as before, from the Ministry of Social Affairs, the Ministry for Foreign Affairs, the Ministry of Justice, the National Board of Health and Welfare, the Swedish Association of Local Authorities and the adoption agency at the Stockholm Child Welfare Board. The members from AC were replaced by a child psychologist and a paediatrician from the Academic Hospital in Uppsala. The number of employees at NIA remained at approximately nine, including the secretary general.

#### **4.3.3 NIA becomes an independent authority in 1981**

In 1981, the National Board of Health and Welfare was reorganised and, in connection with this, NIA became an independent authority on 1 July 1981 – the National Board for Intercountry Adoptions (NIA).

The assignment was largely the same as that specified in the 1979 instructions. However, the NIA took over some of the Social Board's previous tasks, and certain clarifications were made in the instructions. The NIA was to decide on authorisation in accordance with Section 2 of the Act (1979:552) on International Adoption Assistance, abbreviated LIA, and perform the tasks otherwise incumbent on the supervisory authority under the Act. The NIA was also to perform the tasks specified in the Ordinance on the Review of Foreign Adoption Decisions. In addition, the NIA was to distribute state subsidies to authorised associations and negotiate with authorities and organisations in other countries on agreements within the Board's area of activity and enter into such agreements. The NIA was also to prepare, in consultation with the National Board of Health and Welfare, the specific information needed to assess the suitability of a home for the purpose of adoption. <sup>20</sup> The instructions also regulated the board's handling of cases.

From 1 January 1985, the NIA was tasked with providing opinions to social welfare committees on the reliability of the adoption agency specified by applicants. The aim was to increase control over private adoptions. <sup>22</sup>

In connection with the introduction of a special adoption grant for the adoption of foreign children in 1989, the NIA was given new tasks and a new

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<sup>20</sup> NIA information, August 1979.

<sup>21</sup> Ordinance (1981:681) with instructions for the National Board for International Adoption Issues.

<sup>22</sup> Prop. 1984/85:16 *on certain issues concerning international adoptions*, p. 13.



*Instruction*. In addition to its previous tasks, the NIA was to monitor the development of costs for the adoption of foreign children. The NIA was also to determine the average cost for different countries of origin, which would form the basis for calculating the grant.<sup>23</sup>

From 1993/94, an operational objective was formulated for the authority: "The NIA's task is to facilitate the adoption of foreign children in Sweden. In doing so, the NIA shall strive to ensure that adoptions are in the best interests of the child and in accordance with the legislation in force in the child's country of origin and in Sweden".<sup>24</sup> This operational objective remained in force until 1998.

The board consisted of nine members who were appointed for three years. The representation was roughly the same as before.<sup>25</sup> From 1985, the board was expanded to eleven members. Six of the members were politicians (members of parliament and, for a period, a municipal councillor) who represented the public interest. The other five members met the board's need for expertise in various issues.<sup>(26)</sup> The number of employees at NIA remained at around nine, including the secretary general, and the number of full-time equivalents varied between 8.6 and 9.1.

#### **4.3.4 In 1997, the NIA became the central authority under the 1993 Hague Convention**

In 1997, Sweden ratified the 1993 Hague Convention. The NIA was the role of central authority with the task of performing the duties that followed under the Act (1997:191) due to Sweden's accession to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. The task was to continue to facilitate the adoption of foreign children in Sweden.<sup>27</sup> The operational objective of the authority was to ensure that international adoption activities were conducted to a high ethical standard and that the rights and interests of the child were given priority.<sup>28</sup> One of the tasks of the central authority under the Convention was to take all appropriate measures, either directly or through public bodies, to ensure that

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<sup>23</sup> Regulation (1988:1128) containing instructions for the National Board for Intercountry Adoptions.

<sup>24</sup> NIA Annual Report 1993/94.

<sup>25</sup> NIA, Activity Report 1 January 1981–30 June 1982.

<sup>26</sup> NIA, Activity Report 1 January 1984–30 June 1985.

<sup>27</sup> Ordinance (1988:1128) containing instructions for the National Board for Intercountry Adoptions, amended by SFS 1997:985.

<sup>28</sup> NIA Annual Report 2000.

prevent undue financial or other gain in connection with an adoption and prevent practices that are contrary to the purposes of the Convention.<sup>29</sup> In 1997, the NIA took over the task from the social welfare committees of assessing whether the method of mediation in private adoptions was acceptable.

The Board continued to consist of eleven members, including six politicians and five experts. The NIA Secretariat had nine employees, with the number of full-time equivalents varying between 7.3 and 8.6.<sup>30</sup>

#### **4.4 The Swedish Intercountry Adoptions Authority (MIA) 2005–2015**

On 1 January 2005, the Authority for International Adoption Issues (MIA) replaced NIA as the central administrative authority for issues relating to international adoption mediation.

According to its instructions, MIA's mission was to ensure high quality in international adoption activities in Sweden. MIA had largely the same tasks as NIA: to act as the central authority under the 1993 Hague Convention, allocate state subsidies, monitor international developments in the field, monitor cost developments, negotiate with authorities and organisations in other countries, and conduct information activities. However, the supervisory task had been clarified. MIA was to supervise that the work of Swedish authorised organisations involved in international adoption mediation was carried out in accordance with the law and the principle of the best interests of the child under the UN Convention on the Rights of the Child and the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and in an otherwise ethically acceptable manner.

MIA, as a single-authority agency, was now headed by a director-general. The former board was replaced by an advisory council whose role was to monitor the agency's activities and advise the director-general. The advisory council was to consist of no more than six members, with the director-general as chair. All employees of NIA, except for the former director,

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<sup>29</sup> Act (1997:191) on Sweden's accession to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, Appendix Chapter III Central Authorities and Authorised Organisations, Article 8.

<sup>30</sup> NIA Annual Report 2002.

<sup>31</sup> Regulation (2004:1145) with instructions for the Authority for International Adoption Issues.

was transferred to the new authority. MIA had between 10 and 13 employees, but the number of full-time equivalents is not stated.<sup>32</sup>

#### **4. The Authority for Family Law and Parental Support (MFoF) 2016–**

On 1 September 2015, MIA took over certain child and family law issues from the National Board of Health and Welfare and the Public Health Agency of Sweden, and the

On 1 January 2016, MIA changed its name to the Swedish Authority for Family Law and Parental Support (MFoF).

In addition to the new tasks within family law issues concerning custody, residence and access within social services and issues concerning preventive support, the tasks within international adoptions remained the same. However, MFoF took over the National Board of Health and Welfare's responsibility for issues concerning consent investigations and support for parents in connection with international adoption.

Like MIA, MFoF is the central authority under the 1993 Hague Convention and authorises and supervises adoption organisations. According to its instructions, the MFoF shall in particular supervise that the work of Swedish authorised associations with international adoption mediation is carried out in accordance with the law and the 1993 Hague Convention and in an otherwise ethically acceptable manner.

The authority shall monitor international developments and costs for the adoption of foreign children and gather information on issues relating to the adoption of foreign children. The MFoF is also responsible for the tasks incumbent on the authority under the 1993 Hague Convention, the Act (1997:192) on international adoption mediation, the Ordinance (2008:1239) on state subsidies to authorised adoption associations and national organisations for adoptees, and the Ordinance (2018:1296) on adoption in international situations. The MFoF is also responsible for disseminating knowledge.

in matters concerning social welfare committees' family law cases relating to parental preparation, consent investigations and support for children and parents in international adoptions.<sup>33</sup> MFoF is an official statistics authority and, as of 15 October 2021, also has regulatory powers.<sup>34</sup>

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<sup>32</sup> MIA annual reports.

<sup>33</sup> Ordinance (2017:292) with instructions for the Authority for Family Law and Parental Support.

<sup>34</sup> Regulation (2021:845) amending the Social Services Regulation (2001:937).

Among other things the MFoF has issued general advice to municipalities on the handling of international adoption cases.<sup>35</sup>

In June 2017, the government decided that MFoF would be relocated to Skellefteå. The relocation was to be completed by 1 September 2018. Only the Director-General and one case officer moved with the agency to Skellefteå, which meant a loss of expertise and that the agency subsequently had to rebuild its expertise in areas such as international adoptions. Today, around ten people work at the MFoF on issues relating to international adoptions.

## **4.6 The Government Offices and the Foreign Service**

Several ministries within the Government Offices have played and continue to play a role in international adoption activities. The Ministry of Health and Social Affairs is and has been the ministry responsible for adoption issues and is responsible for governance in this area. The Ministry of Justice has had both an operational and an advisory role, as has the Ministry for Foreign Affairs. Foreign representations through embassies have been involved in various ways in activities in the countries from which Sweden has adopted children.

### **4.6.1 Ministry of Health and Social Affairs**

The Ministry of Social Affairs is responsible for issues relating to people's welfare. One of the ministry's areas of responsibility is individual and family care. This includes, among other things, the social services' work with national and international adoptions. The ministry is also responsible for issues relating to children's rights.

The Ministry of Health and Social Affairs is responsible for the governance of the authorities within its area of responsibility. The Ministry of Health and Social Affairs has been responsible for the governance of NIA, MIA and MFoF. Governance is mainly carried out through the Government's decisions on instructions for authorities and the annual appropriation directions in which the authorities' appropriations are allocated. The Government may also assign special tasks to authorities

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<sup>35</sup> The Swedish Agency for Family Law and Parental Support's general guidelines (HSLF-FS 2022:25) on the social services committee's handling of cases concerning international adoption.

<sup>36</sup> <https://www.regeringen.se/sveriges-regering/socialdepartementet/> retrieved on 16 March 2025.

The authorities report on their activities in their annual reports, and their activities are followed up through dialogue with the authorities.

Representatives of the Ministry of Health and Social Affairs have on several occasions participated in supervisory visits to various countries of origin, as well as other types of visits related to international adoption activities.

#### 4.6.2 Ministry of Justice

The Ministry of Justice is responsible for legislation in the areas of constitutional law and general administrative law, civil law, procedural law, criminal law, and migration and asylum law. The Ministry of Justice also includes the Central Authority, which is tasked with providing information on the content of foreign law at the request of Swedish courts and certain authorities. <sup>(37)</sup>Until 1981 this task was the responsibility of the Ministry for Foreign Affairs.

Until 1977, it was the Ministry of Justice that assessed whether an adoption decision made abroad could be approved in Sweden. In 1977, responsibility was transferred to the NIA.

#### 4.6.3 Ministry for Foreign Affairs

The Ministry for Foreign Affairs (MFA) is responsible for Sweden's relations with other countries and international organisations, as well as for aid policy and international trade policy. Together with the foreign service, the MFA forms part of the <sup>foreign</sup> administration.

Until 1981, the Ministry for Foreign Affairs was responsible for providing information on the content of foreign law at the request of Swedish courts and certain authorities. The Ministry for Foreign Affairs also published compilations of information on the legislation of the countries from which Sweden adopted children. <sup>(40)</sup> The compilations were based on information obtained by Swedish embassies and consulates from authorities and lawyers in the countries concerned.

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<sup>37</sup> Regulation (1981:366) on the right to request information on the content of foreign law in certain cases.

<sup>38</sup> Ordinance (1976:834) on the review of foreign adoption decisions.

<sup>39</sup> <https://www.regeringen.se/sveriges-regering/utrikesdepartementet/utrikesdepartementets-organisation/> retrieved 2025-03-16.

<sup>40</sup> Ministry for Foreign Affairs, *International Adoption Cases*, published in 1961, 1966, 1972 and 1975.

From 1986 onwards it was the NIA that compiled information on other countries' adoption legislation, which was sent out in binders to district courts and courts of appeal.

Officials at the Ministry for Foreign Affairs have been involved in various types of issues relating to international adoption, for example in connection with the discovery of irregularities or when there have been changes or ambiguities in foreign legislation or in other matters of principle.

#### 4.6.4 Foreign representation

Foreign representation consists of just over 100 foreign authorities (embassies, representations, delegations and consulates). The task of the foreign authorities is to represent Sweden and to monitor and promote Swedish interests. Their tasks include, for example, maintaining dialogue with public representatives and civil society, monitoring and reporting on the country's political and economic development, promoting a positive image of Sweden and trade between Sweden and other countries.

The foreign authorities have assisted the Ministry of Justice, NIA, MIA and subsequently MFoF, as well as Swedish courts, with information on foreign adoption legislation. Where appropriate, foreign authorities have also granted entry visas and temporary residence permits for children adopted to Sweden. In some cases, foreign authorities have also been involved in individual adoption cases.

Since 2005, the Swedish adoption authority has been obliged to consult with the Swedish foreign authority in a country before deciding on authorisation for that country. The purpose is to give the adoption authority access to objective information about conditions in a country of origin.<sup>43</sup>

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<sup>41</sup> Swedish National Court Administration, *Swedish National Court Administration Information 1986/6*.

<sup>42</sup><https://www.regeringen.se/sveriges-regering/utrikesdepartementet/utrikesrepresentationen/>  
Retrieved 16 March 2025.

<sup>43</sup> Section 6a of the Act (1997:192) on International Adoption Services.

## 4.7 Municipalities

Swedish municipalities have been responsible for investigating and assessing prospective adoptive parents and for providing ongoing support after an adoption. The municipalities have also been responsible for submitting opinions and conducting adoption investigations to the courts as a basis for the court's decision on the adoption of children under the age of 18 and, since 1997, for decisions on consenting to the adoption process to continue. Between 1985 and 1997, the municipalities were tasked with approving the mediation route for private adoptions in connection with consent investigations.

Before international adoption activities were established At the end of the 1960s, municipal child welfare boards were responsible for conducting foster home assessments and submitting opinions to the court in connection with national adoptions. The child welfare board was to form an opinion on the applicant's "personal suitability to care for and raise the child".<sup>44</sup> From 1969 this responsibility also applied to international adoptions. The local authority was responsible for deciding on the preliminary approval of applicants who wanted to adopt a foreign child, and the child welfare board had to assess whether the applicants were suitable to take in a foster child or adopted child. Once the board had given its consent and the applicants had found a child, the prospective adoptive parents applied to the municipality for a foster home permit before the child could be brought to Sweden. The adoption application was then submitted to the district court for review, where the child welfare board would submit a statement with a summary assessment and recommendation on whether to grant or deny the adoption.

From 1979, special rules were introduced for the adoption of foreign children, which meant that consent from the social services committee had to be obtained before the child left their home country. This meant that no new permit review by the social welfare board was required once the child had arrived in Sweden. <sup>(46)</sup> According to the Social Services Act, the social welfare board was also to contribute to ensuring that adopted children received good care and upbringing and otherwise favourable growing-up conditions. The board was to provide guardians with advice, support and other assistance they needed. <sup>(47)</sup>

<sup>44</sup> Allmänna Barnhuset (1955), p. 78 ff.

<sup>45</sup> Allmänna Barnhuset (1969). *Adoption. A guide for authorities, officials and elected representatives who deal with issues relating to adoption*, p. 89 ff. Socialstyrelsen (1974), p. 4–5.

<sup>46</sup> Prop. 1979/80:1 on social services, pp. 9 and 320.

<sup>47</sup> NIA (1982). *International adoptions. Handbook for social welfare committees*, p. 60.

The recommendation was that the child welfare board should maintain relatively close contact with the adoptive parents during the initial period. The board must also actively monitor that the child was adopted, i.e. that an adoption decision was made, as the child had no legal connection to its family until the adoption process was complete. From 1 January 1985, the social services committee was tasked with assessing the reliability of the method the applicant intended to use to come into contact with a child for adoption. The social services committee could decide not to grant consent for the adoption of a foreign child if they feared that the child had not been made available for adoption in a reliable manner. An opinion on the reliability of the mediation method was to be obtained from the NIA. In the event of a positive decision on consent to adoption, the mediation method to which the consent applied was to be specified.

When Sweden ratified and implemented the 1993 Hague Convention in 1997, certain changes were made to the municipalities' responsibilities. The NIA took over responsibility for assessing the placement method in individual adoptions. The social welfare committee could revoke consent if the applicant reported changes that affected the conditions for consent. Consent could only be given if the person or persons wishing to adopt had satisfactory knowledge of children and their needs and had been informed of the implications of the planned adoption. In accordance with the 1993 Hague Convention, the social welfare committee was also required to give its consent for the adoption procedure to continue once the applicants had been appointed as parents of a child. In addition to assessing the applicants' eligibility and suitability to adopt the proposed child, the assessment had to include a legal check to ensure that there were no discrepancies between the laws of the countries concerned that could prevent the adoption from going ahead, for example with regard to the requirement for consent to adoption.

In 2005, new requirements were introduced for prospective adoptive parents and it was clarified that consent for international adoption could only be given if the applicant was suitable to adopt.

The Social Services Act specified the knowledge and qualities that the social welfare board should take into account when assessing applicants.

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<sup>48</sup> NIA (1982), p. 50.

<sup>49</sup> NIA (1986). *International adoptions. Handbook for social welfare committees*, p. 22.

<sup>50</sup> Prop. 1996/97:91 *International adoption issues*, p. 50 ff., p. 60–61, 67, 72–73 and 91–92.



Anyone wishing to adopt a child from another country would also have to participate in parent training as directed by the municipality.<sup>51</sup>

The latest legislative changes concerning the social services' handling of applications for international adoption came into force on 1 September 2018 and clarify that the social services committee must make an overall assessment of the applicant's suitability when granting consent for adoption. In cases where the decision on adoption is made in a Swedish court, the social services committee's investigation must be conducted in the same way as a custody investigation. The court instructs the social welfare committee to appoint someone to carry out the investigation. This means that the social welfare committee is responsible for the adoption investigation and for ensuring that an investigation is carried out in accordance with the court's request, but the social welfare committee does not examine the content of the adoption investigation or submit its own opinion to the court. Instead, it is the investigator who reports directly to the court and submits a proposal for a decision.<sup>(52)</sup>

## 4.8 The courts

Swedish courts can handle cases involving international adoption for various reasons. In cases of international adoption, it is usually the authorities in the child's country of origin that make the decision on adoption. There are various grounds on which a foreign adoption decision may be valid in Sweden. However, if no decision has been made in the child's home country, a Swedish court must decide on the adoption. The basic substantive provisions on adoption are found in Chapter 4 of the Parenting Code. These provisions shall be applied in all adoption cases in Swedish courts. This means that the same substantive rules apply regardless of whether it is a national or international adoption. The court hearing an application for adoption shall ensure that the case is sufficiently investigated. If the application concerns the adoption of a child, the court shall instruct the social welfare committee to appoint someone to carry out an adoption investigation. The court's responsibility for investigation in adoption cases where a Swedish adoption decision is required has remained largely unchanged since international adoptions began in the 1960s. The court that examines an application for

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<sup>51</sup> Prop. 2003/04: 131 *International adoption issues*, pp. 17 and 57 ff.

<sup>52</sup> Prop. 2017/18:121 *More modern adoption rules*, pp. 1, 18–19, 68 ff. and 99.

adoption must ensure that the case is sufficiently investigated (Chapter 4, Section 13 of the Parenting Code). In the case of child adoption, the duty to investigate is largely fulfilled through the social services' adoption investigation.

In addition to the district courts, the administrative courts may also handle certain cases concerning international adoption, but they do not deal with issues concerning the adoption itself, but rather appeals against, for example, a social welfare committee's decision not to grant consent to adoption or the MFOF's decision not to grant individual adoption.

## **4.9 Authorised associations (adoption organisations)**

### **4.9.1 The role and responsibilities of associations**

Since the organisational reform of 1979, non-profit associations (adoption organisations) have been responsible for the placement of children in international adoption. The adoption organisations have developed contacts and cooperation in the countries of origin where they have been authorised. Before 1979, only AC, through its cooperation agreement with NIA, had a similar role.

According to the LIA, the NIA was to grant authorisation through an authorisation procedure to non-profit organisations that wished to provide international adoption assistance. The NIA was also to supervise the authorised organisations. Only non-profit organisations authorised by the NIA were allowed to provide adoption assistance.

International adoption assistance referred to activities aimed at facilitating contact between those wishing to adopt a foreign child and authorities, organisations or individuals in the child's home country. Adoption assistance also included providing other assistance needed by applicants to enable an adoption to take place.

Authorisation was granted to associations whose main purpose was to provide international adoption assistance and which had statutes, a board of directors and auditors. The association was to provide mediation assistance in a judicious and professional manner, without profit motive and with the best interests of the child as its primary benchmark. To cover the costs of its activities, an authorised association was allowed to charge fees to those seeking international adoption assistance. The associations also received government grants by decision of the NIA.

The authorisation was time-limited and only covered the countries in which the association was allowed to operate. All authorised associations had to have a mediation committee to handle mediation cases. The NIA appointed one or two community representatives to participate in the mediation work within the authorised associations.

From 1997, authorised associations were required to provide international adoption services to applicants who had been approved for adoption. Under this provision the organisations were no longer allowed to conduct a further assessment of the applicants' suitability after such an assessment had been carried out by the social services committee.

The requirements for associations were tightened in 2005 when MIA was formed and given a stronger supervisory role, and changes were made to the LIA. The associations were granted authorisation in two stages: authorisation to act as intermediaries for international adoptions (known as Sweden authorisation) and authorisation to operate in a specific country (known as country authorisation). For country authorisation, the association had to report costs and cost distribution for adoptions from the respective country. The associations were also not allowed to engage in other activities that could jeopardise confidence in the adoption process. Taking into account the cost situation and other circumstances, the MIA assessed whether it was appropriate for the association to initiate or continue adoption cooperation with the other country. Furthermore, authorised associations were required to promptly notify the MIA of any changes in the association's activities in Sweden and abroad, as well as any changes in political, legal or other conditions abroad that could be of significance to the mediation activities.

Another requirement that was introduced was the so-called documentation requirement, which means that the associations must document their mediation activities. The documentation must be kept for as long as it can be assumed to be of importance to the person who has been mediated for adoption through the association, or to persons close to him or her.

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<sup>53</sup> Prop. 1996/97:91, p. 75.

<sup>54</sup> Act (1997:192) on international adoption services.

**4.9.2      Authorised associations over time**

The number of authorised associations has varied over time. In connection with the 1979 reform, a number of new associations were formed with the aim of providing adoption assistance. Eight associations were authorised between 1979 and 1981, which is the highest number of associations in a single period. At the end of the 1980s, only four associations were authorised, but this number increased to seven in 1997. The number of authorised associations then decreased, but increased again and in 2009 there were once again seven authorised associations. In 2014, FFIA ceased its mediation activities and La Casa ceased its activities in 2015. This left three active organisations: AC, BFA and BV. In 2021, the annual meeting of BV decided to cease operations, which was implemented in May 2022. In August 2024, the board of BFA decided to begin winding up the association, and in September 2024, BFA's annual meeting decided to initiate a process to wind up the association. This leaves only one association remaining: AC.

Table 4.1 shows the associations that have been authorised, the period during which they have conducted mediation, the number of countries for which they have been authorised and the number of mediations. The table is sorted by the number of mediations.

**Table 4.1 Authorised associations involved in international adoption and their mediation activities from 1979 to the present day**

Authorised association	Period of mediation	Number of authorising countries	Number of adoptions arranged up to 2024 (approx.)
Adoption Centre (AC)	1979	54	25,500
Family Association for International Adoption (FFIA)	1980–2014	14	3,500
Children First (BFA)	1979–2024	19	3,300
Friends of Children (BV)	1980–2022	7	2,300
The Swedish Association for Adoptive Children's Welfare (SAW)	1980–1988	2	290
Indo-Swedish Intercountry Adoption Association (ISIA)	1981–1988	1	165
La Casa	1997–2015	1	120
Adoption & Child Care Association (ACCA)	1994–2000	1	1
Adoption Group Skaraborg (AGS)	1992–2000	1	1
Swedish Association for Intercountry Adoptions (SAICA)	1981–1984	1	90
The Friends of All Children Association (FABV)	1980–1983	4	30
Association for South Indian Adoptions (FSA)	1979	1	6
Frösunda Solidarity Foundation – International Adoptions	2003	8	6
Children of the World Foundation – International Adoptions (SBIV)	2007–2008	1	0
African Hope Adoptions (AHA)	2008–2009	1	0

Source: Own compilation.

When the first authorisations were granted in 1979/80 AC had approximately 8,900 members and 5,600 applicants, compared with the five other newly formed organisations, which together had approximately 1,800 members and just under 1,200 applicants.

In addition to their placement activities, several associations (e.g. AC, FFIA and BFA) have also been involved in membership activities.

<sup>55</sup> NIA, Annual Report 1979/80.

aid activities and, in some cases, support and counselling services for adoptees and adoptive parents. Since 1995, AC has been offering assistance to adoptees through its Resor och Rötter (Travel and Roots) programme, which provides help with interpreting adoption documents, support in searching for birth families, and assistance with travelling back to the country of origin. This support is offered to members. BFA offers advice and support to adoptive parents and adult adoptees, for example with regard to adoption documents. FFIA was reorganised in 2022 into the FFIA Foundation for Internationally Adopted Persons, which awards grants for return trips, contributions for root searches and DNA searches, primarily to those adopted through FFIA and secondarily to other internationally adopted persons in Sweden.

#### 4.10 Private actors and intermediaries

In addition to authorities and authorised adoption organisations, private individuals and private intermediaries have also been active in Swedish international adoption, especially during the 1960s and up until the 1980s. There is no summary of these actors, and it is therefore difficult to know how many there have been.

According to the 1960 Child Welfare Act, individuals or associations were not permitted to engage in mediation activities concerning foster children without permission from the National Board of Health and Welfare. According to the National Board of Health and Welfare, the legal effects of the provision were limited to Sweden. The National Board of Health and Welfare was therefore unable to prevent persons residing abroad from mediating foster children or prospective adoptive children to persons residing in Sweden without a permit. However, this was remedied when the Act (1979:552) on International Adoption Assistance came into force. Private mediation was still permitted to a limited extent. However, it was not uncommon for children to be mediated without a permit. After 1985, applicants were required to specify the method of adoption and to have it approved by the social welfare board after consultation with the NIA.

Initially, it was private individuals who lived or had lived abroad who helped relatives and friends to adopt foreign children. Some worked for or accompanied employees of Swedish companies abroad. In several countries, missionaries from various Christian

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<sup>56</sup> [www.ac.se](http://www.ac.se), [www.bfa.se](http://www.bfa.se), [www.ffia.se](http://www.ffia.se). Retrieved 29 October 2024.

religious communities helped to adopt children to Sweden. In Africa, and especially in Ethiopia, adoption activities were initiated early on by Swedish missionaries working in the country. Some of these private individuals also collaborated with established Swedish adoption organisations such as AC. There were also individuals with origins in a particular country who helped with contacts for adoption from that country, such as Poland.

In the vast majority of cases, this was not large-scale mediation activity. In some cases, the mediation developed into a more organised activity through the formation of a non-profit association, such as AC. There are also examples of private individuals in Sweden who acted as private mediators on a larger scale without authorisation. These individuals often collaborated with a contact person abroad and were hired by individuals in Sweden to assist with the placement of a foreign child for adoption. Private Swedish intermediaries have, for example, placed children from Sri Lanka, Thailand, and Vietnam.

