

---

April 2021

# **Suspicious regarding illegal practices in adoptions from Chile to Denmark 1978– 1988**



Ankestyrelsen

---

# Table of contents

HEADING 1	4
<b>Tasks relating to the citizen's action plan</b>	<b>4</b>

# Chapter 1: Introduction and purpose

## 1.1 BACKGROUND TO THE INVESTIGATION

In spring 2020, the National Social Appeals Board received six enquiries from adult adoptees from Chile, all of whom suspect that something unlawful occurred in connection with their adoptions. The adoptions took place from Chile to Denmark in 1978 and 1979.

In light of the adoptees' suspicion that unlawful acts have been committed in their cases, they have asked the National Social Appeals Board to investigate their adoption cases.

The National Social Appeals Board initially carried out an assessment of the information available to it, including the specific cases. It was then the Board's assessment that there were sufficient grounds to assume that the adoption arrangements from Chile could be linked to unlawful conduct and thus to initiate a general investigation.

In September 2020, following the National Social Appeals Board's assessment, Astrid Krag, Minister for Social Affairs and the Interior (now Minister for Social Affairs and the Elderly), asked the Board to launch a general review of adoptions from Chile to Denmark. The Minister also asked the Board to keep her informed of the outcome of the general review.

## 1.2 PURPOSE OF THE INVESTIGATION

The primary purpose of this review of the historical adoption cooperation with Chile during the years 1978–88 is to safeguard the adoptees' right to know their own history and to support the provision of assistance in this regard. Therefore, in this review, the National Social Appeals Board has sought to gather information on general conditions in adoption arrangements from Chile during the period in question, including any illegal practices. At the same time, the Board has reviewed the information from a total of 31 specific cases of adoption from Chile, including the six cases that prompted the investigation.

Finally, the National Social Appeals Board has investigated whether there are any authorities or organisations in Chile to which adoptees can turn if they wish to obtain further information about their adoption case.

The Appeals Board has compared the information on general placement practices with the information in the total of 31 specific cases that the Board has reviewed (see Chapter 3).

However, as the general review of adoption arrangements from Chile and the six specific adoption cases in which the National Social Appeals Board has received enquiries relate to events that took place more than 40 years ago, it is only possible to a limited extent to establish what actually happened in these cases.

## 1.3 PROCEDURE

In the general investigation, the National Social Appeals Board has chosen to focus on the placements arranged through AC Børnehjælp – one of the adoption agencies operating at the time. AC Børnehjælp was responsible for the vast majority of placements from Chile to Denmark during the period

1977 to 1995. The six adoption cases regarding which the National Social Appeals Board has received enquiries from adoptees were all handled by AC Børnehjælp.

The National Social Appeals Board has chosen to focus on the period from 1978 to 1988. This is because the Board considers that the allegations of possible irregularities in adoptions from Chile to Denmark relate particularly to the period before a new adoption law was passed in Chile, i.e. before 1988. Furthermore, it was during this period that AC Børnehjælp arranged the highest number of adoptions from Chile.

A review has also been carried out of the Danish supervisory authorities' general cases concerning broadcasting from Chile in the 1970s and 1980s (footnote: These are cases identified in physical archives via filing plans. During this period, the archives were held by various authorities, and given the limited search options, it cannot be entirely ruled out that other significant cases exist. End of footnote).

As a Danish authority, the Appeals Board cannot investigate the actions of foreign authorities and is therefore limited to dealing exclusively with Danish adoption services.

This review is based on the documents and information available regarding AC Børnehjælp's handling of adoptions from Chile, and regarding the adoption authorities at the time, namely the Ministry of Justice, the Adoption Board and the relevant state and county authorities. Information on AC Børnehjælp has been obtained from the archives of Danish International Adoption (DIA). The information held by the adoption authorities at the time has been obtained from the archives of the National Social Appeals Board and the National Archives. In addition, information from the Chilean authorities' own investigations, where available, and information from other central authorities and international organisations has been included in the review.

The National Social Appeals Board has followed guidelines for dealing with suspected irregularities in adoption cases, which were drawn up by the Board and endorsed by the Ministry of Social Affairs and Senior Citizens. The guidelines are attached as Annex 1.

The guidelines cover only the investigation of suspected unlawful conduct in one or more adoption cases arising from the current or former organisations' cooperation with sending countries.

## 1.4 THE CURRENT CONTEXT

### 1.4.1 The Hague Convention

The Hague Convention of 29 May 1993 on the Protection of Children and Co-operation in Respect of Intercountry Adoption is the overarching international framework governing international co-operation on adoption and setting a general standard for the structure and content of the adoption process. To date, 101 states have ratified the Convention, which entered into force in Denmark on 1 November 1997.

As this investigation concerns AC Børnehjælp's adoption services during the period from 1978 to 1988, both the specific adoption cases and the adoption services covered by this investigation took place before the rules of the Hague Convention on Intercountry Adoption had been drawn up.

The Convention sets out the framework for all adoptions that take place across national borders. This means that, as a signatory to the Convention, Denmark is obliged to ensure that international adoptions are carried out in accordance with the Convention's principles.

According to the Convention, there should be a structure and a set of rules to ensure that the Convention's principles are followed in all adoption cases, as long as it is possible to carry out an adoption from abroad to Denmark.

The overall purpose of the Convention (Article 1 of the Convention) is that

- establish safeguards to ensure that international adoptions take place in the best interests of the child and with due regard for the fundamental rights recognised in international law,
- establish a system of co-operation between the Contracting States with a view to ensuring respect for these rights, thereby preventing the abduction, sale or trafficking of children, and ensuring the recognition by the Contracting States of adoptions carried out in accordance with the Convention.

#### **1.4.2 Central Authority**

In Denmark, the National Social Appeals Board is the Central Authority under the Hague Convention. As the Central Authority, the National Social Appeals Board is responsible, among other things, for taking all appropriate measures to prevent any practice contrary to the objectives of the Convention (Article 8 of the Convention).

In today's international regulation of adoption, definitions of unlawful adoptions and unlawful conduct in connection with adoption have been developed.

Such definitions were not codified in the 1970s and up until the 1990s.

A suspicion of unlawful conduct in international adoption cases is now considered to exist in situations where there is a suspicion that the child's rights have not been respected, for example, where one or more provisions of the Hague Convention on Intercountry Adoption have been disregarded.

A suspicion may also be based on the fact that the adoption did not comply with the rules and procedures in force at the time, either in the country of origin or in Denmark.

The following definition of an unlawful adoption is set out in the Guide to Good Practice (footnote: "Guide to Good Practice No. 1, the Implementation and Operation of the 1993 Hague Intercountry Adoption Convention", (Guide to Good Practice is a project of post-Convention support initiated by the Permanent Bureau for the purpose of assisting States (whether or not already Contracting States) with the practical implementation of the Convention, in a manner which achieves the objects of the Convention, namely, the protection of children who are adopted internationally). End of footnote) from 2008 (an interpretative contribution to the Hague Convention):

#### **Text box: Illegal adoption**

An adoption that has been or is to be legalised, but which is the result of abuse, such as child abduction, the sale of children, child trafficking, and other illegal or unlawful activities involving children. One of the main aims of the Hague Convention is to prevent such abuses. End of text box.

#### Text box: Illegal circumstances or unlawful conduct

Situations in which a child has been or is to be adopted without due regard for their rights or the safeguards provided by the Convention. Such situations may arise if a person or an organisation/authority has, directly or indirectly, provided false information to the biological parents, falsified documents concerning the child's origin, been involved in child abduction, the sale of children or trafficking in children for the purpose of adoption, or has otherwise used fraudulent means to effect an adoption, regardless of the benefit gained (financial gain or otherwise) (footnote: Australian Discussion Paper, "Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases", October 2012. End of footnote). End of text box.

#### 1.4.3 Danish legislation

An unlawful adoption is described in the Adoption Act as follows: "An adoption may not be granted if any person required to give consent to the adoption gives or receives remuneration or any other form of consideration, including payment for loss of earnings" (section 15 of the Adoption Act).

#### 1.4.4 Supervision and accreditation

In today's adoption system, the supervision of adoption agencies is completely different from that of the 1970s and 1980s.

The National Social Appeals Board currently exercises close supervision over the intermediary organisation, DIA. This supervision involves, among other things, ensuring that adoptions carried out with DIA's assistance are ethically and professionally sound and comply with the Hague Convention and the regulations in both the country of origin and Denmark.

At the same time, DIA is subject to the accreditation terms and conditions in force at any given time, as agreed between the organisation and the National Social Appeals Board. In order to obtain accreditation, it is a requirement, amongst other things, that the organisation has a thorough knowledge of the legislation and fundamental principles governing adoption in Denmark and in the countries with which it cooperates, as well as a thorough knowledge of the principles of, amongst other things, the Hague Convention and the UN Convention on the Rights of the Child.

The key elements of the supervision of DIA were enshrined in law in 2016. A central instrument in this supervision is the Danish authorities' approval of all specific matching proposals. The National Social Appeals Board reviews the information regarding the child's background to ensure that the case has complied with the applicable rules in the individual country of origin, in accordance with the main principles of the Hague Convention regarding:

- that the adoption takes place on a legal basis
- that international adoption is the only option for the child to be raised in a family environment
- the adoption does not take place with a view to financial or other gain for the parties involved

## 1.5 THE CONTEXT FROM 1978 TO 1988

### 1.5.1 The organisations' cooperation with foreign countries

During the period from 1978 to 1988, which the investigation covers, the intermediary organisations in Denmark were able, following notification to the Danish authorities, to cooperate with various authorities and organisations in, for example, Chile on international adoption.

Against this background, AC Børnehjælp was able to enter into dialogue with the various authorities and organisations in Chile regarding the specific conditions for the placement of children in Denmark without explicit approval of the cooperation from the Danish authorities.

### **1.5.2 The processing of the adoption case in Denmark**

When the Danish authorities processed a matching proposal from abroad, there was, in the period from 1978 to 1988, a greater focus on information regarding the child's health and psychosocial circumstances than on information regarding the child's release.

However, the information regarding the child's health and psychosocial circumstances and regarding the release was, even so, more limited during this period than the information received by the Danish authorities in cases today. With regard to information on the release, the Danish authorities merely verified the authenticity of the documents.

## **1.6 THE COMPETENCE AND RESPONSE OPTIONS OF THE APPEALS BOARD**

**1.6.1 The National Social Appeals Board's remit in pending adoption cases** The National Social Appeals Board – in its capacity both as the central authority and as the supervisory authority in the field of adoption – is obliged to ensure that international adoptions are carried out in accordance with the principles of the Hague Convention.

If there is any suspicion of unlawful conduct in a pending case concerning international adoption, the National Social Appeals Board must take all appropriate measures to address such unlawful conduct. The National Social Appeals Board's approval of all matching proposals in accordance with Article 17c of the Hague Convention is one of the measures that specifically helps to ensure compliance with the Convention in each individual adoption case (see Chapter 1.4.4).

### **1.6.2 The National Social Appeals Board's jurisdiction in historical adoption cases**

The Hague Convention does not address the handling of suspicions of unlawful conduct in adoption cases that have already been finalised. However, the preamble to the Hague Convention states, among other things, that the Contracting States undertake to establish rules that respect the principles of the UN Convention on the Rights of the Child (footnote: Denmark acceded to the UN Convention on the Rights of the Child in 1991. End of footnote).

Article 7 of the UN Convention on the Rights of the Child states that Denmark is obliged to ensure the child's right to know his or her parents. Furthermore, under Article 8 of the Convention, Denmark is also obliged to respect the child's right to preserve his or her identity and to provide appropriate assistance and protection with a view to promptly re-establishing the child's identity.

Article 8 was drafted on the basis of a proposal from Argentina following systematic irregularities in adoptions carried out during the military dictatorship in Argentina between 1976 and 1983. The UN Convention on the Rights of the Child thus establishes a direct link to the handling of irregularities in connection with adoption.

Although the Hague Convention does not address the handling of suspicions of unlawful conduct in adoption cases that have already been finalised (historical adoption cases), there is nevertheless much to suggest today that international bodies such as UNICEF and the Permanent Bureau (footnote: The Permanent Bureau is described on its website as:

The International Organisation for Civil and Commercial Law. The Permanent Bureau in The Hague is responsible, amongst other things, for interpreting the Hague Convention on Inter-country Adoption. (End of footnote) It considers it the duty of states to address unlawful circumstances in adoption cases that have already been finalised, and that this duty has a long history.

The Appeals Board has therefore drawn up the aforementioned guidelines.

### **1.6.3 The Appeals Board's options for action in the event of suspected irregularities in a specific adoption case**

When the National Social Appeals Board receives a report alleging unlawful conduct in an adoption case, or otherwise becomes aware of such conduct, it will review the documents in the specific case with a view to making a preliminary assessment as to whether there is any information that might indicate unlawful conduct. This may concern completed adoption cases from both active and historical placement partnerships.

In cases dating back many years, the number of documents and the information they contain about the child and the child's background in the country of origin is often limited.

When an adoptee contacts the National Social Appeals Board to obtain information about their case, the Board can therefore, as a starting point, only describe the facts of the case based on the information contained in the file, supplemented where necessary by details of the procedures that applied to the specific country of origin at the time in question.

If there are grounds to believe that the adoption process involved unlawful conduct, the National Social Appeals Board may initiate a general investigation.

The Board also has the option of referring adoptees (and any other affected parties) to DIA, which provides assistance in tracing biological relatives in the country of origin.

The Appeals Board can also advise adoptees on the other options available under Danish adoption regulations:

- The option of support in the form of counselling, PAS (Post-Adoption Service) at the Appeals Board
- The options for applying to have the adoption annulled or to have the adoption declared invalid. It is the rules of the country that made the adoption decision that determine whether the adoption can be annulled or declared invalid.

The Appeals Board may also refer adoptees to the central authority of the country of origin or to any other authorities or organisations for further assistance, in accordance with the rules of the country of origin or by agreement with those authorities.

With regard to any other options in Denmark within other areas of law (such as criminal law or the possibility of compensation, legal aid or free legal representation) that may be relevant to the adoptees in the individual case, the Appeals Board can only refer them to the appropriate authority in Denmark.

## 1.7 STRUCTURE OF THE REPORT

Chapter 1 describes the background and purpose of the report. Chapter 2 presents the report's conclusions.

Chapter 3 describes the information basis of the report. In its general review of adoption arrangements from Chile, the National Social Appeals Board has obtained information from various authorities and organisations. These include:

- Danish International Adoption (DIA)
- The Swedish Agency for Family Law and Parental Support (MFoF)
- Chilean Adoptees Worldwide (CAW)

The Appeals Board has attempted, through the Danish Embassy in Santiago, to establish contact with the Chilean central authority, Sename. Unfortunately, it has not yet been possible to establish this contact, but the Appeals Board is continuing its efforts to initiate a dialogue with Sename. The primary purpose of contacting Sename is to gain a better understanding of the options available to adoptees for searching for biological relatives in Chile. The Appeals Board has also reviewed specific adoption cases and cases concerning adoption arrangements from Chile.

Chapter 4 provides an overview of AC Børnehjælp's partners and contacts in Chile. It also examines the Danish authorities' supervision of the adoption process, including their knowledge of suspected irregularities in adoptions from Chile. In addition, there is a brief summary of the parliamentary inquiry from Chile.

Chapter 5 reviews the legal framework in force at the time regarding the adoptions, the court rulings, the biological parents' consent and the child's birth certificate. The chapter also contains information on the financial aspects of the adoptions, on the child prior to adoption and on the parties involved in the adoption process.

Chapter 6 provides an overview of the authorities and organisations in Chile that adoptees can contact if they wish to obtain further information about their adoption case. The National Social Appeals Board can assist adoptees by providing guidance and referrals to these authorities and organisations. This information is also available on the National Social Appeals Board's website.

## Chapter 2: Conclusion

The National Social Appeals Board has carried out a general investigation into adoption arrangements from Chile to Denmark between 1978 and 1988. The investigation was launched following a number of enquiries from adult adoptees in the spring of 2020 regarding suspicions of illegal activity in connection with their adoptions. The adoptees who contacted the National Social Appeals Board were adopted to Denmark in 1978 and 1979.

**On the basis of the investigation, the National Social Appeals Board assesses that it cannot be ruled out that the adoption arrangements from Chile to Denmark through AC Børnehjælp during the period 1978 to 1988 were associated with unlawful conduct in Chile.**

**The Appeals Board has placed particular emphasis on the information contained in the 2019 report by the Chilean Commission of Inquiry, the inadequate framework for international adoption in Chile during the period 1978 to 1988, and the fact that, upon reviewing the information provided regarding adoption placements from Chile to Denmark in general and a number of specific adoption cases, the Appeals Board has found indications of irregularities in the handling of the cases.**

The National Social Appeals Board wishes to highlight the following in particular:

- That it cannot be ruled out that methods of unlawful removal of children, as described in the Chilean parliamentary inquiry, have also been applied in Danish cases.
- That AC Børnehjælp was instructed by the organisation's contact person in Chile not to mention the facilitation of two specific private adoptions, or private adoptions in general, to the Chilean Ministry of Justice.
- That some children were designated to travel to Denmark before they had actually been matched with Danish applicants.
- That it cannot be ruled out that there were financial incentives associated with the arrangements for the parties involved.
- That, in connection with a criminal investigation in Chile, information regarding AC Børnehjælp's contact person in Chile was requested and received.
- That the entries on the children's birth certificates are incomplete, because in several cases the names of the biological parents
- are not listed, and because in several cases the children are listed under the surnames of the Danish adoption applicants.
- That – insofar as the case file indicates that consent was given by the biological parents – it is not possible to establish beyond doubt that the biological mothers or biological fathers were aware that their consent was given with a view to international adoption.
- International adoptions from Chile to Denmark, carried out prior to 1988, were processed under an inadequate set of rules that actually governed a different area of law. Consequently, no actual adoption order was issued in Chile, as the Danish applicants were merely granted (in some cases permanent) guardianship of the child.
- The Appeals Board has also noted the following regarding the case handling in Denmark:
- That the granting of the adoption authorisation in Denmark did not take place on the basis of a clear adoption decision from Chile, as the legislation in Chile, as stated above, did not regulate international adoptions, but guardianship.

- In 1982, the Danish supervisory authorities became aware that the children's home AC Børnehjælp was collaborating with had a poor reputation, and that in 1999 the Chilean Embassy, at the instigation of the Chilean Parliament, contacted the Directorate of Civil Affairs to obtain information about 12 Chilean adopted children who came to Denmark between 1973 and 1980. It does not appear from the case files reviewed that this information gave rise to any supervisory action.

With regard to the six specific adoption cases that have prompted this investigation, it is not possible, based on the case files, to confirm or refute whether these were illegal adoptions. Such confirmation or refutation would require the information in each individual case to be cross-checked against information from the biological family or other information from the specific handling of the case in Chile.

The Appeals Board has investigated which authorities and organisations in Chile adopted persons can contact if they wish to obtain further information about their adoption case.

The Appeals Board can assist adoptees by providing guidance and referrals to these authorities and organisations. Please refer to the information on this subject in Chapter 6 of the report. The information will also be available on the Appeals Board's website, where it will be updated on an ongoing basis.

## Chapter 3: Basis of information

As the Appeals Board considered it relevant to commence a general review of the placement process from Chile to Denmark, the Board's knowledge of the placement process was based on:

- the details of the specific adoption cases involving the six children adopted from Chile
- a brief summary of the parliamentary inquiry from Chile into the unlawful transfer of children (including through international adoption)
- an initial dialogue with the Swedish central authority
- dialogue with DIA
- an initial review of the information from the Danish supervisory authorities' general supervision of adoption placements from Chile in the 1970s and 1980s.

For the purposes of the general review of adoption placements from Chile, the Appeals Board has obtained a range of additional information from various authorities and organisations.

### 3.1 PARLIAMENTARY INQUIRY FROM CHILE

In November 2018, the Chilean Parliament established a commission of inquiry. The purpose of the commission was to investigate the actions of state authorities in relation to irregularities in adoptions and the registration of minors. The report covers both national and international adoptions in Chile. The parliamentary report is attached as an appendix.

The commission's report was published in the summer of 2019 and is based on a large number of interviews and meetings with Chilean stakeholders, all of whom were involved in the adoption sector during the period in question.

In addition to the completed parliamentary inquiry, a criminal investigation is currently underway at a court in Chile. The investigation concerns child abductions and suspected illegal activities in national and international adoption cases. The criminal investigation into illegal adoptions in Chile has been ongoing since 2018. The work is led by two judges appointed by the Chilean Supreme Court. In practice, the work is carried out under the auspices of the Chilean Investigative Police (PDI).

### 3.2 INFORMATION FROM DIA

In connection with the investigation into Danish adoption arrangements with Chile, the National Social Appeals Board has requested a range of information from DIA. DIA holds the archives of the former Danish intermediary organisation, AC Børnehjælp, whose cooperation with Chile at that time is the focus of this report.

Specifically, the DIA has been asked to provide an account of the adoption placement system in its entirety at that time, and of the various partners with whom the former Danish placement organisations collaborated in Chile. DIA has also been asked to investigate how AC Børnehjælp responded to the allegations of unlawful conduct in connection with the adoptions that were raised in the Chilean press in the early 1980s.

DIA has reviewed AC Børnehjælp's cases concerning the arrangement of adoptions from Chile. DIA has based its review on 109 cases from AC Børnehjælp. The Appeals Board has also received a report from DIA on the conclusions of DIA's case review. In addition, the Board has reviewed a selection of the correspondence between AC Børnehjælp and its Chilean partner. DIA's consultation response is attached as an appendix.

### 3.3 THE LEGISLATION IN FORCE IN CHILE

Through the International Social Service (ISS), the international expert organisation in the field of adoption, the National Social Appeals Board has obtained legislation from Chile covering the relevant period.

### 3.4 COOPERATION WITH FOREIGN AUTHORITIES AND ORGANISATIONS

In connection with its investigation into the recruitment activities from Chile, the Appeals Board has been in dialogue with various authorities and organisations abroad.

#### 3.4.1 MFoF in Sweden

The Appeals Board has been in contact with the Swedish central authority for international adoption, the Swedish Agency for Family Law and Parental Support (MFoF). In recent years, MFoF has received several enquiries from adoptees from Chile regarding suspected irregularities in their adoptions.

The Ministry of Foreign Affairs has not carried out a general review of whether there are any irregularities in adoptions from Chile to Sweden. This is because the Ministry's supervisory responsibilities focus on the organisations' current placement activities and not on historical matters. A review of historical circumstances would require a separate mandate, which the MFoF does not currently hold. The MFoF therefore currently only assists by advising adoptees on the options for searching for biological relatives in Sweden and Chile.

The Appeals Board has received information from MFoF, including details of which organisations in Chile work on historical adoption cases and can, for example, assist adoptees in searching for biological relatives and obtaining further information about their background. In addition, MFoF has provided contact details for Chile's central authority, Sename, and for the criminal investigation currently underway in Chile (see more in Chapter 7).

#### 3.4.2 Chilean Adoptees Worldwide (CAW)

Chilean Adoptees Worldwide (CAW) is a private organisation that works to connect adoptees from Chile and to uncover the facts surrounding the adoptions that took place. CAW is based in the Netherlands but collaborates with adoptees all over the world, including adoptees in Denmark.

CAW has also been working for several years to gather information about adoptions from Chile. The National Social Appeals Board has been in contact with CAW, as CAW represents several of the adoptees who have approached the Board

CAW has made itself available to share its knowledge with the Appeals Board. CAW is also in contact with several adoptees around the world and has thereby gained insight into several adoption cases.

### 3.4.3 Sename in Chile

In order to gain a broader understanding of the criminal investigation in particular, the National Social Appeals Board has, through the Danish Embassy in Santiago, attempted to establish contact with the Chilean central authority, Sename. The primary purpose of this contact was to gain greater insight into what the criminal investigation has uncovered regarding adoption arrangements from that country. Furthermore, the aim was to confirm or refute whether Danish adoption cases are included in the criminal investigation.

The aim was also to gain a better understanding of the options available to adoptees for tracing their biological relatives in Chile and, where appropriate, to have their own adoption case investigated as part of a criminal investigation.

Unfortunately, the National Social Appeals Board has not been able to establish contact with Sename in connection with this investigation. The Board is still awaiting an opportunity to meet with Sename and will therefore continue to follow up on this work in the wake of this report. The Board has therefore relied particularly heavily on information from the Ministry of Foreign Affairs regarding the search for biological relatives in Chile.

## 3.5 REVIEW OF SPECIFIC AND GENERAL CASES

Between 1978 and 1988, AC Børnehjælp had two different types of placement partnerships in Chile. Until 1980/1981, AC Børnehjælp collaborated with the state-run children's home Casa Nacional del Niño. After 1980/1981, AC Børnehjælp collaborated with private actors (in particular one private individual), who assisted AC Børnehjælp and Danish adoptive parents in completing adoptions from Chile. The collaboration with private actors is referred to in this report as "private adoptions".


As part of the investigation, the National Social Appeals Board has reviewed the documents in 31 of AC Børnehjælp's cases.

The 31 cases are broken down as follows:

The Appeals Board has reviewed the six adoption cases in which the adoptees have approached the Appeals Board with suspicions of unlawful circumstances surrounding their adoptions. All six cases concern adoptions arranged through the state-run children's home Casa Nacional del Niño.

To gain a broader understanding of the placement process from Chile, the Appeals Board has also reviewed five cases from the period of private adoptions. In this regard, the Appeals Board has chosen to review the earliest five cases involving private adoptions.

The Appeals Board has also reviewed 10 adoption cases from Casa Nacional del Niño and 10 private adoptions, which span the entire period during which adoptions were arranged. Information from these cases has been used to confirm the patterns which the Appeals Board has assessed as being central to the adoption arrangements from Chile.



The information in the specific cases regarding the adoptees and their backgrounds is very limited. This applies not only to adoptions from Chile, but was also characteristic of adoptions from other sending countries at that time.

The Appeals Board has finally reviewed a number of general cases from the Ministry of Justice, the Adoption Board and the then state offices and counties, which constituted the Danish adoption authorities during the period in question. These relate in particular to cases concerning general cooperation on adoption placements during the period 1978 to 1999. The aim has been to obtain further information of a general nature regarding adoption placements from Chile (footnote: There are a few archival records from the period 1978–82 which it has not been possible to review due to the COVID-19 restrictions on loans from the National Archives in 2021. End of footnote).

## Chapter 4: General information on adoption placements from Chile to Denmark, 1978 to 1988

### 4.1 DENMARK'S COOPERATION WITH CHILE ON ADOPTION PLACEMENTS

AC Børnehjælp was the first Danish adoption agency to establish a partnership with Chile in 1978. Between 1978 and 1995, AC Børnehjælp facilitated the adoption of a total of 108 children into Denmark. In 1977, AC Børnehjælp assisted a Danish family in an adoption case where the family had a prior relationship with the specific child (a private international adoption). This adoption preceded any formal placement cooperation with Chile. The table below therefore shows a total of 109 adoptions facilitated by AC Børnehjælp.

In addition, the other two Danish organisations at the time, DanAdopt and Terre Des Hommes, facilitated two and one adoption to Denmark respectively between 1979 and 1990.

Until 1988, children adopted from Chile were escorted to Denmark. This was standard procedure at the time.

	AC Børnehjælp	DanAdopt	Terre Des Hommes	I alt
1977	1	0	0	1
1978	5	0	0	5
1979	19	0	1	20
1980	25	0	0	25
1981	20	0	0	20
1982	4	0	0	4
1983	7	0	0	7
1984	7	0	0	7
1985	9	0	0	9
1986	4	0	0	4
1987	0	0	0	0
1988	0	0	0	0
1989	2	1	0	3

1990	2	1	0	2
1991	3	0	0	3
1992	0	0	0	0
1993	0	0	0	0
1994	0	0	0	0
1995	1	0	0	1
<b>I alt</b>	<b>109</b>	<b>2</b>	<b>1</b>	<b>112</b>

AC Børnehjælp and DanAdopt merged in 2015 to form the organisation Danish International Adoption (DIA), which holds all completed adoption cases from the two organisations.

As mentioned in Chapter 3.5, the National Social Appeals Board has reviewed a total of 31 cases concerning adoptions via AC Børnehjælp.

All the adoption cases reviewed by the National Social Appeals Board generally consist of three parts.

- The first part concerns the child's documents and information about the child prior to and during the adoption process.
- The second part concerns the applicants' approval to adopt.
- The third part concerns the period following the adoption, e.g. follow-up reports, passport applications, etc. In addition, the cases contain a case file in which AC Børnehjælp has noted the organisation's case progress.

The information that is particularly relevant to the investigation of any unlawful practices in adoptions is the first section, which concerns the child prior to and up to the adoption. However, in the field of international adoption in general, there were different and fewer documentation requirements in cases in the 1970s and 1980s than there are today. Consequently, the files usually contain only the child's medical records, a birth certificate and a guardianship order.

#### **4.1.1 AC Børnehjælp's partners and contacts in Chile**

AC Børnehjælp began collaborating with the state-run children's home Casa Nacional del Niño in Santiago in 1978. There is no formal cooperation agreement between AC Børnehjælp and Casa Nacional del Niño, but according to information from DIA, the cooperation was reported to the Ministry of Justice, which at that time was the supreme adoption authority in Denmark.

At that time, it was standard procedure for intermediary organisations simply to notify the supervisory authority of such collaborations. Today, the National Social Appeals Board or the responsible minister must formally approve the collaboration.

Until 1980/1981, AC Børnehjælp worked primarily with Casa Nacional del Niño. In January 1980, Casa Nacional del Niño was placed under the Chilean Ministry of Justice. DIA has stated that from 1980/1981 onwards, the adoption landscape changed, and adoptions were, as a rule, private adoptions.

In 1982, the local Chilean press published a series of articles on the trafficking of children and international adoption. According to the DIA, there was a hiatus in placements from early 1982 to 1983. In November 1982, the Casa Nacional del Niño was transferred to the Chilean aid organisation Corporación de Ayuda al Menor (CORDAM). CORDAM had been established by the Chilean police with support from public and private foundations. Later, in 1990, Casa Nacional del Niño was placed under the central authority, El Servicio Nacional de Menores (Sename).

After Casa Nacional del Niño was handed over to CORDAM, the placement of children from there to Denmark declined. During this period, AC Børnehjælp began working with a social worker who arranged adoptions (private adoptions). The social worker had previously been employed at Casa Nacional del Niño, where they had also served as AC Børnehjælp's contact person. This collaboration continued until 1986. It is not clear from the documents to which the National Social Appeals Board has had access why the collaboration with the social worker ceased.

In 1987 and 1988, there were no adoptions from Chile to Denmark, presumably due to the revision of legislation in Chile. In 1988, a new adoption law came into force in Chile. This strengthened the regulation of adoption services (see section 5.1). AC Børnehjælp's actual partner from 1990 was Sename, which was established in 1988 and subsequently designated as the central authority when Chile acceded to the Hague Convention in 1999.

Subsequently, the number of adoptions to Denmark from Chile fell. Between 1989 and 1995, AC Børnehjælp collaborated with a lawyer who assisted with the few adoptions arranged through AC Børnehjælp from Chile during this period.

Whilst this cooperation was ongoing, AC Børnehjælp had a number of contact persons in Chile. These contact persons were employees of children's institutions who either managed the adoption process themselves or assisted with it. Later in the period, AC Børnehjælp had paid contact persons in Chile who were employed by AC Børnehjælp.

Following the legislative changes in Chile in 1988 and up until 1996, AC Børnehjælp was represented by three different local representatives. The number of adoptions from Chile continued to fall after 1988, and the last adoption to Denmark took place in 1995.

Chile acceded to the Hague Convention on 1 November 1999. Children are still being adopted from Chile to countries such as Germany, France, Italy, Belgium, Norway and New Zealand.

## 4.2 SUPERVISION OF ADOPTION AGENCIES BY THE DANISH AUTHORITIES

### 4.2.1 The organisations' cooperation with foreign countries

During the period from 1978 to 1988, to which the investigation relates, intermediary organisations in Denmark were able, following notification to the Ministry of Justice, to cooperate with various authorities and organisations in, for example, Chile on international adoption.

Against this background, AC Børnehjælp was able to enter into dialogue with the various authorities and organisations in Chile regarding the specific conditions for the placement of children in Denmark without explicit approval of the cooperation from the Danish authorities.

#### **4.2.2 The handling of the adoption case in Denmark**

When the Danish authorities processed a matching proposal from abroad, there was, in the period from 1978 to 1988, a greater focus on information regarding the child's health and psychosocial circumstances than on information regarding the child's release. Furthermore, the information regarding the child's health and psychosocial circumstances and regarding the release of the child during this period was more limited than the information received by the Danish authorities in such cases today.

#### **4.2.3 Adoptions from Chile**

The competent adoption authority in Denmark at the time was the Ministry of Justice and, subsequently, the Directorate of Civil Law under the Ministry of Justice. An examination of the documents relating to specific cases reveals that, in a specific case from 1995, the Directorate of Civil Law considered a court order granting irrevocable guardianship to the adoptive parents, together with a birth certificate from Chile, to be sufficient documentation to demonstrate that the conditions for issuing a Danish adoption order had been met.

The Appeals Board has been unable to find any examples of specific cases from Chile in the records of the Directorate of Civil Law dating back further than 1995. The Board is therefore unaware of whether the documentation requirements differed in previous years.

At that time, the Danish authorities focused primarily on the authenticity of the documents when issuing a Danish adoption order. When issuing the authorisation, the Danish authorities usually examined the child's original birth certificate, the original foreign adoption order and any subsequent registration of the adoption. These documents were examined to determine whether they were genuine, i.e. issued by the correct authority with the correct stamps and signatures.

The fact that Chilean legislation did not regulate international adoptions (see Chapter 5.1) has therefore not prevented the Danish authorities from finding that the adoption was properly documented and that the grounds for issuing a Danish adoption order were met.

#### **4.2.4 The Danish authorities' supervision of general Danish adoption placement from Chile**

In its review of cases from the Danish authorities concerning general adoption arrangements from Chile, the Appeals Board has identified information regarding two specific briefings/enquiries that could give rise to suspicion of unlawful conduct in adoption cases from Chile during the period 1978 to 1988.

In April 1982, the Adoption Board, in its capacity as the supervisory authority, received a briefing on Chile from AC Børnehjælp. Along with the briefing, AC Børnehjælp sent a note from the Danish Embassy in Santiago, Chile. The note states that AC Børnehjælp had been in Chile in March 1982, when seven adoption cases from Casa Nacional del Niño had stalled.

The memo also states that, during their trip to Chile, AC Børnehjælp attended a meeting at the Chilean Ministry of Justice, where they were informed that the Casa Nacional del Niño children's home had a poor reputation within the Ministry. The reason for this poor reputation was not entirely clear, but AC Børnehjælp understood that Casa Nacional del Niño had been involved in arranging adoptions, including to the USA, which had attracted the attention of the local authorities. The Chilean Ministry of Justice therefore advised AC Børnehjælp not to deal exclusively with Casa Nacional del Niño. Instead, AC Børnehjælp was advised to find a

a representative (such as a lawyer) who could look after the organisation's interests in Chile by liaising with children's homes that had children available for adoption.

The memo further states that AC Børnehjælp had understood that the Chilean Ministry of Justice was in the process of drafting an adoption law, as the area had hitherto lacked a statutory framework. Finally, the memo states that AC Børnehjælp had held a meeting with the Danish Embassy in Santiago. The Embassy offered AC Børnehjælp assistance in clarifying the reasons behind Casa Nacional del Niño's poor reputation. At the same time, the Embassy would attempt to obtain information regarding the draft of a Chilean adoption law.

The case files reviewed by the National Social Appeals Board do not contain any information as to whether the memo prompted any action on the part of the Danish authorities.

It emerges from another supervisory case from 1999, which the National Social Appeals Board has reviewed, that the Chilean Embassy, at the request of the Chilean Parliament in 1999, contacted the Directorate of Civil Law to obtain information about 12 Chilean adopted children who came to Denmark between 1973 and 1980. The 12 Chilean adopted children arrived in Denmark in 1978 together with a specific Chilean adopted child whose case was well known in Chile. It is not clear from the enquiry why the Chilean authorities sought this information about the 12 Chilean adopted children. However, an internal memo on the case indicates that the Directorate of Civil Law assumed it had something to do with "child trafficking". In connection with its response to the enquiry, the Directorate of Civil Law consulted AC Børnehjælp, and the Directorate of Civil Law was also in dialogue with the Danish Ministry of Foreign Affairs.

In its response to the consultation by the Directorate of Civil Law in 1999, AC Børnehjælp referred, amongst other things, to a specific adoption case from 1978. In the Chilean adoption case, which is identical to the one specifically mentioned by the Chilean Embassy in its letter to the Directorate of Civil Law, the biological mother had had her three children placed at the Casa Nacional del Niño. When the biological mother later contacted the children's home, the youngest child was no longer there.

The biological mother had stated that she did not know the child had been given up for international adoption. She therefore believed that the child had been stolen.

It further emerges from the case file that a local newspaper in Denmark had published an article in 1998 about the specific adoption case from Chile dating from 1978. Finally, it is apparent from another internal note in the case file that, in connection with this, AC Børnehjælp had informed the Directorate of Civil Law that AC Børnehjælp had confidence in their partner organisation in Chile.

The case file contains no information regarding the Danish authorities' follow-up on this information. It should be noted that, formally speaking, the cooperation was still in place in 1999, but that there was no active mediation at the time of the enquiry.

In light of the information now available regarding the Chilean adoption system from 1978 to 1988, the above information supports the suspicion of unlawful conduct in adoptions from Chile to Denmark, and such information would, under the current framework for the supervision of international adoption mediation, have led to a response from the National Social Appeals Board as the supervisory authority.

As previously noted, however, the supervision of international adoption in the 1970s and 1980s was of a different nature, and the framework for such supervision was also different.

### 4.3 INFORMATION FROM THE CHILEAN PARLIAMENTARY INQUIRY

In November 2018, the Chilean Parliament established a commission of inquiry. The aim was to investigate the actions of state authorities in relation to irregularities concerning the processing of adoptions and the registration of minors. The commission's report was published in the summer of 2019 and is based on a large number of interviews and meetings with Chilean stakeholders, all of whom were involved in the field of adoption.

According to the report, it is a fact that irregular and illegal adoptions, including violations of fundamental rights, took place in Chile between 1950 and 2000. This was a recurring practice that occurred against a backdrop of unsatisfactory conditions in hospitals, incorrect birth registration and the presence of groups which, in a coordinated effort and with financial gain in mind, took the initiative to remove children from, in particular, poor women in vulnerable situations. The typical victims were single women, who in some cases had many children, lived in rural areas and had no access to support networks.

Various methods were used to deceive biological mothers into parting with their children. The most common method involved leading the mother to believe that her son or daughter had died, so that she could not subsequently lodge a complaint. The biological mother was thus convinced that this was an irrefutable fact that could not be questioned.

At the same time, the mother was not given the body of her newborn child and did not receive a birth certificate, birth registration or death certificate.

A wide range of organisations were involved in these arrangements, including medical staff, civil registries and various organisations. These organisations coordinated efforts outside the hospitals, making it possible to place the children with their adoptive parents. Thus, both public authorities and private organisations were involved in a joint effort.

The report describes how the various stakeholders formed a network in which social workers, healthcare staff and court officials in particular played a key role by acting as so-called 'case finders'. These collectors focused on vulnerable women – typically young, single mothers aged between 14 and 17, where the fathers were absent and family support was limited. The collection process itself could take place in three stages: during pregnancy, immediately after birth, or at children's homes, where social workers, for example, explained that they were offering support to the mothers so that they could find work. Once the children had been placed in an institution or temporary foster care, they were removed, after which the mothers were told directly that they would never see their children again.

According to the report, the referral mechanism became widespread and, in 1979, took the form of a formal set of guidelines for social workers. The guidelines outlined a series of procedures that social workers were required to follow in order to identify young, single mothers who found themselves in a vulnerable situation. The aim was to persuade the mothers to give their children up for adoption.

According to the report, it is essential to understand the context in which the aforementioned events took place. In addition to the adoption legislation in force since 1978, Chile began to

implement a National Plan for Children (Plan Nacional de la Infancia). The National Plan for Children was administered by the then Ministry of Justice.

The plan introduced a new understanding of children in difficult circumstances. People began to talk about difficult social circumstances, mainly linked to poverty. In child policy, adoption played an important role as an obvious solution for children who did not have a home. One of the objectives of child policy was, among other things, to achieve a significant increase in the number of adoptions. To support this, two mechanisms were developed. Firstly, a public movement was established to promote the idea of adoption, and secondly, an international campaign was launched in support of children and childhood.

A government policy was thus introduced that focused on the adoption of children. The report refers to interviews with social workers who, amongst other things, were involved in the removal of children from their homes. They state that everything they did was within the bounds of the law and the applicable regulations, and that they did so in the belief that they were saving children from a life of poverty. According to the report, in addition to financial gain for the parties involved, there was a political and ideological conviction that they were saving poor children at a time when Chile and Latin America were experiencing one of the worst economic crises the region had seen in modern history.

According to the report, the abduction of children was a practice that took place over several periods and did not occur solely during Pinochet's military dictatorship from 1973 to 1990. It appears to have been a highly lucrative business for the organisations involved, which for long periods exploited the lack of legislation to arrange adoptions of children to foreigners.

International adoption, and consequently the removal of children from Chile for the purpose of adoption, was not subject to regulation until 1988. The lack of legislation meant that many children who had been removed from their biological mothers could be sent out of the country. The actual adoption assessment was carried out by the authorities in the receiving country, where approval was granted on the basis of the process in Chile.

As early as the 1960s and 1970s, the Chilean media reported on allegations of organised groups involved in the illegal trade of newborn children, but this did not prompt the Chilean state to intervene at the time.

The report does not establish the exact scale of the illegal adoptions, as the registration system in Chile was inadequate. However, a Chilean NGO called Hijos y Madres del Silencio, which works to help people trace their biological relatives, estimates that around 10,000 people have contacted the organisation. These individuals have stated that they are victims of illegal adoption.

As a result of the report's findings, the Chilean commission proposed, amongst other things, that private organisations be excluded from the processing of adoption cases, both national and international, in future. These private organisations have been the main source of child trafficking, as they receive a fee for their services in one way or another. At the same time, it was proposed to improve the system for tracing biological relatives and to allocate more resources to the courts' ongoing investigation into irregular adoptions – also known as the criminal investigation.

# Chapter 5: The Appeals Board's examination of AC Børnehjælp's adoption services from Chile

## 5.1 THE LEGAL FRAMEWORK FOR ADOPTIONS

The Appeals Board has, via the international expert organisation ISS (International Social Service), obtained and translated the legislation governing adoption in Chile from 1965 onwards. The Board has identified two laws that were in force between 1978 and 1988 and which provide an insight into how the adoption process to Denmark operated. In the investigation, these laws have provided a framework for the assessment of the available documentation in the cases reviewed and the information gathered in general.

The Act, known as Act No. 16,346, was in force between 1965 and 1988 and was intended to establish the framework for adoption. Chile therefore had an adoption law that made it possible to carry out legal adoptions, but according to the parliamentary report, the Act did not regulate international adoption.

The provisions of the Act concern:

- requirements regarding the marital status and age of applicants
- the child's maximum age and status (including a definition of an abandoned child)
- requirements for the adoption order itself and the conditions for it
- the legal effects of the adoption
- the judge's powers
- requirements for the registration of the adoption in the register of births

The other relevant legislation is Act No. 16,618 on the protection of minors. The Act came into force in 1967 and regulated national measures for the protection of minors.

### 5.1.1 Judgments from Chile

As all the cases covered by the Appeals Board's review relate to adoptions carried out before 1988, the placements took place before there was a law regulating international adoption in Chile.

Following a review of specific cases, the Appeals Board assesses that adoptions prior to 1988 were instead processed in accordance with the rules on the protection of minors.

According to the parliamentary inquiry, this meant there was a risk that many children who had been removed from their biological mothers could be placed for adoption abroad.

The Appeals Board has reviewed a total of 31 specific adoption cases from Chile, comprising 16 from the Casa Nacional del Niño and 15 private adoptions. A common feature of the judgments in the 31 specific cases reviewed by the Board is that Act No. 16,618 of 1967 on the protection of minors has been applied by the Chilean courts.

It is clear from the judgments in the 31 cases that the Danish applicants (later adoptive parents) are granted guardianship of the child and that the child is granted permission to leave the country. Some of the judgments

, it is also stated that the transfer of guardianship and departure from the country take place with a view to adoption.

It is thus the provisions of Law 16.618 concerning the court's powers to determine who is to act as guardian for minors and to authorise the departure of minors from Chile that form the basis for the judgments. According to the parliamentary inquiry, prior to 1989, Chilean children could leave the country without their parents if a guardian had been appointed for the child.

### **5.1.2 Consent from the biological parents**

Consent to adoption from the biological parents is normally a key part of the process of releasing the child. In the cases reviewed by the National Social Appeals Board, the judgments indicate that consent was mentioned in 13 of the 15 cases concerning private adoptions. In the 16 cases reviewed by the National Social Appeals Board from Casa Nacional del Niño, there is no indication that the biological parents have given consent to guardianship, either in the judgment or in the other case documents.

In cases where consent has been given, some of the Chilean court judgments state that consent was given for guardianship. In other judgments, it is not specifically stated what consent was given for, but the judgment concerns guardianship.

It is the National Social Appeals Board's assessment that, in the vast majority of cases, it is not possible to conclude whether the biological parents were aware that their consent to guardianship was given with a view to adoption abroad.

Based on the documents in the cases reviewed, it is not possible to determine whether, when giving their consent, the biological parents were advised of the actual consequences of their consent, which led to the international adoption of the child.

In only one case concerning private adoption is there a consent document stating that the biological mother consents to the child being placed for adoption with a specific Danish couple, that the biological mother's consent is irrevocable, and that the biological mother also consents to the child travelling to Denmark.

### **5.1.3 The child's birth certificate**

In its review of the cases, the Appeals Board has also found that the entries on the children's birth certificates in Chile were incomplete.

The review shows that, in some cases, the names of the child's biological parents appear only on the birth certificate, even though the biological parents' names are known and appear in the child's medical records (see section 5.3.2). This is an issue highlighted in, amongst other things, the parliamentary inquiry, which indicates that there may have been falsification of documentation in adoption cases, including birth certificates. Similarly, CAW has stated that, based on its experience, the absence of the biological parents' names on the birth certificate gives rise to suspicion of unlawful conduct.

In some of the earliest private adoptions, the child had already been given the Danish applicants' surnames on the birth certificate. This suggests that, even before the guardianship order was issued, it had been decided that the child in question would be placed with the applicants in question.

## 5.2 THE FINANCIAL ASPECTS OF ADOPTIONS

Between 1978 and 1988, financial arrangements in international adoption were not regulated by Danish legislation or by the Danish authorities. It cannot therefore be ruled out that there may have been financial incentives for the parties involved, as there were no rules governing AC Børnehjælp's potential remuneration of contact persons or the payment of fees in sending countries.

In international adoptions, it is common practice, both today and historically, for applicants or organisations to cover certain costs associated with the processing of the case abroad. These may include, for example, expenses for translation, medical examinations, legal assistance, the issuance of specific certificates, etc.

However, it may be important to clarify whether any individuals in Chile have gained personal benefit from facilitating adoptions from Chile and thus had an incentive to contribute to the continued facilitation of such adoptions.

According to DIA's consultation response, AC Børnehjælp paid fees to Casa Nacional del Niño and later to AC Børnehjælp's representatives and contacts in Chile. The amount of the fees varied over time. What the fees have in common is that they have covered, for example, legal costs, medical certificates, the child's care, donations (e.g. to a children's home) and a fee for the representative. However, it is not specified in detail how the total fee was allocated to the individual expenses, including how much of the fee the representative received personally.

It is clear from the correspondence between AC Børnehjælp and the contact person in Chile that, for a period, donations from AC Børnehjælp to Casa Nacional del Niño were made directly to the contact person. It also appears that AC Børnehjælp paid a fee directly to the doctor at Casa Nacional del Niño, and that AC Børnehjælp made a donation to the children's home for every child adopted to Denmark. Later, this donation was made directly to the social worker who was AC Børnehjælp's contact person.

As previously described, following the transfer of Casa Nacional del Niño to CORDAM in 1982, the agency's work came to consist mainly of private adoptions. In the correspondence regarding the transition to private placement, it is stated that AC Børnehjælp, via their contact person, paid a total of 3,500 USD for the adoption of two children prior to their births.

The payment was intended to cover the costs of the maternity clinic and the children's accommodation and care.

The two children were adopted during the initial phase of private adoptions. The adoptions were arranged by AC Børnehjælp's contact person as private adoptions through AC Børnehjælp, bypassing the Casa Nacional del Niño (see section 5.4).

The parliamentary inquiry reveals that as early as the 1970s and 1980s, articles about illegal adoptions were appearing in national and local newspapers in Chile. The articles dealt with child trafficking, including stories and statements from individuals who had been arrested for child trafficking. At that time, it was reported that between 800 and 1,000 children left Chile illegally each year. The price for a child was estimated to be no more than USD 6,500.

In its consultation response, DIA has outlined the fees, expenses and donations associated with the adoption cases. In cases involving Casa Nacional del Niño, the costs amounted to approximately 250–650 USD per

adoption, whilst the costs were approximately USD 2,500 in private adoption cases. DIA points out that, in its review of the cases, it has not found any accounts or similar documents that provide a more detailed insight into the financial aspects of the cooperation.

The parliamentary inquiry also reveals that, at that time, Chile was among the countries from which the highest number of children were sent abroad for international adoption. The parliamentary inquiry links this to Chilean legislation which did not adequately regulate the placement of Chilean children abroad for adoption.

### 5.3 INFORMATION ABOUT THE CHILD BEFORE ADOPTION

When adoptions from Casa Nacional del Niño were suspended, AC Børnehjælp switched to collaborating on private adoptions. Through private adoptions, AC Børnehjælp was able to meet Danish applicants' wishes to adopt young children and infants.

According to information from DIA, the children adopted from Casa Nacional del Niño were aged between 2 and 6 at the time the guardianship order was issued. Most of the children were around 4 years old. The children adopted to Denmark through private adoption arrangements were mainly infants when the guardianship order was issued.

DIA states that, given today's views on children, the adoption of infants may attract attention, but that attitudes towards children and adoption were different 40 years ago. It was therefore not uncommon for infants to be given up for adoption, which also occurred in other countries where the former organisations operated and in domestic adoptions in Denmark.

#### 5.3.1 The children's place of residence prior to adoption

According to the parliamentary inquiry, it is a fact that irregular and illegal adoptions, including violations of fundamental rights, took place in Chile between 1950 and 2000.

This was a recurring practice that arose against a backdrop of unsatisfactory conditions in hospitals, incorrect birth registration, and groups which, in a coordinated effort and with financial gain in mind, took the initiative to remove children from poor women in particular who were in a vulnerable situation. The typical victims were thus single women, who in some cases had many children, lived in rural areas and lacked access to the necessary support network.

The most common method was to give the mother the impression that her breast had died. The biological mother was thus convinced that this was an irrevocable fact that could not be questioned. At the same time, the mother was not given the body of her newborn child and did not receive a birth certificate, birth registration or death certificate.

Given the very limited information available about the children prior to adoption, it cannot be ruled out that the methods of unlawful removal of children described in the parliamentary inquiry may also have been used in Danish cases. The National Social Appeals Board is unable to either confirm or refute this pattern in the Danish cases.

The information from the parliamentary inquiry concerns the whole complex of illegal and irregular adoptions in Chile and is therefore not specifically focused on adoptions from Chile to Denmark.

The Appeals Board is only aware that, in all cases from Chile between 1978 and 1988, the children were placed with foster families prior to adoption; however, in the vast majority of cases, no information is provided as to why the children were placed in care or where in the country the foster families lived.

Furthermore, there is no or very little information about the biological mother.

In the cases reviewed where the adoption was arranged through Casa Nacional del Niño, the children had been living with private foster families. Before the children were escorted to Denmark, they were moved to the children's home in Santiago.

In the cases reviewed concerning private adoptions, in the majority of the cases examined by the National Social Appeals Board, infants were placed in foster care with a view to adoption.

In some of the cases reviewed by the National Social Appeals Board, it also appears that various adoptive parents in Denmark asked about the children's circumstances prior to the adoption and about the biological mothers. These questions were not answered by the contact person, but the adoptions went ahead nonetheless.

### **5.3.2 Information on the children's health**

In the cases reviewed by the National Social Appeals Board, there is information regarding the child's physical and psychosocial condition. This information is contained in a single document, which together constitutes the 'Medical Report'.

The Medical Report was completed on a form that AC Børnehjælp sent to the contact person in Chile. One section of the report was completed by a doctor (concerning the child's physical health). The other part was completed by a social worker, typically AC Børnehjælp's contact person (regarding the child's psychosocial condition). The Medical Report generally appears standardised and contains little specific information about the children. This means that much of the information and notes in the reports are repeated from child to child and appear very uniform.

The date on the medical records suggests that they were completed in connection with the adoption. However, it is not possible to know whether the child's file in Chile at that time contained additional medical information that was not sent to Denmark as part of the matching process.

Several Medical Reports state the name of the biological mother and, in some cases, also that of the biological father. In some cases, the document also contains details of the course of the birth, for example that it was a normal birth, but does not include information on where the child was born, such as which hospital or clinic.

From today's perspective, detailed information about the child's origins is essential. This may include, for example, information about the biological family's background and circumstances, details of the birth and place of birth, or a police report and evidence of an unsuccessful search for the biological family (in the case of a foundling).

### **5.3.3 Matching**

In the majority of the cases reviewed by the National Social Appeals Board, there is a short interval between the issue of the child's birth certificate and the child's entry into Denmark (generally between three and ten weeks). It

means that the process was very condensed, particularly given that in the 1970s and 1980s it was not possible to send documents and information to and from abroad as quickly as it is today.

From the cases reviewed, the Appeals Board cannot ascertain what information the Danish authorities possessed at the time of the matching.

The Appeals Board notes that some of the children were designated for adoption in Denmark before they had actually been matched with Danish applicants. Furthermore, it has not been possible, based on the cases reviewed, to ascertain how AC Børnehjælp's contact person made contact with the biological mothers during the period of private adoptions.

In the cases reviewed by the National Social Appeals Board, it is not clear who was responsible for the matching process. However, there are several examples indicating that the actual matching was carried out by AC Børnehjælp. Among other things, some cases reveal that there was a list of children whom the contact person in Chile expected to be adopted. Based on this list, AC Børnehjælp matched the children with Danish applicants.

Furthermore, the cases show that the dates on which the children were due to travel to Denmark were often decided before the placement had been approved by the county council. In one case, for example, AC Børnehjælp had to quickly place the child with other applicants because the original applicants could not be approved, and the child's arrival date in Denmark had already been scheduled.

Correspondence between AC Børnehjælp and the contact person in Chile shows that the contact person was aware of two unborn children who were to be given up for adoption (see sections 5.2 and 5.4). AC Børnehjælp paid the costs associated with the births in advance and, at the same time, informed their contact person which two Danish applicant couples the children were to be adopted by. The children were subsequently placed via AC Børnehjælp as private adoptions. This shows that the specific children were matched by AC Børnehjælp. In this case, before the children were born.

From today's perspective, the matching of a child should not take place until the child has been born. According to the Hague Convention, an adoption can only be finalised if the authorities in the country of origin have ensured that the biological mother's consent is given only after the child's birth (footnote: The Hague Convention of 29 May 1993 on the Protection of Children and Co-operation in Respect of Intercountry Adoption, Article 4(c)(4). End of footnote). This is intended to prevent the risk of unlawful conduct.

From a modern perspective, a match made before the birth may indicate that the child has been trafficked, and that the applicants have paid for the biological mother's expenses in exchange for a child. It may also indicate that the biological mother's circumstances (e.g. poverty) are being exploited for the purpose of obtaining a child. Regardless of whether the intention in the specific situation may have been to help the biological mother, international adoption, viewed from a modern perspective, should not be a means of providing such help.

Furthermore, the placement of a child should only take place once the biological mother is genuinely capable of understanding the consequences of the consent she gives, for example, to adoption. From today's perspective, such an understanding can only be fully achieved once the child has been born and the actual facts regarding the child and the mother are known (the condition of the child and the mother after the birth, any

complications associated with the birth, etc.). The child should be matched with the applicants deemed best able to care for the child.

## 5.4 PARTIES INVOLVED IN THE ADOPTION PROCESS

There are several key figures involved in the adoptions from Chile to Denmark. According to the parliamentary inquiry, the judge presiding over the ongoing criminal investigation requested information from the Chilean Association of Social Workers regarding AC Børnehjælp's contact person and eight other social workers. The criminal investigation received the information regarding AC Børnehjælp's contact person in April 2018. However, the National Social Appeals Board cannot conclude from this that the adoptions to Denmark were unlawful.

The parliamentary inquiry reveals that, in the 1960s and 1970s, the Chilean media reported on allegations concerning organised groups involved in the illegal trafficking of newborn babies; however, this did not prompt the Chilean state to intervene at the time. The scheme to separate biological mothers from their children was carried out by, amongst others, medical staff, civil registries and various private organisations.

The parliamentary inquiry also reveals that it was a lucrative business for those involved, who exploited the lack of legislation to arrange adoptions of children to foreigners.

In its response to the National Social Appeals Board, DIA points out that there are several key figures involved in the cases, including case workers, doctors, judges and lawyers. DIA is aware that several of these individuals are the subject of the criminal investigation currently underway in Chile.

It is clear from the correspondence between the contact person and AC Børnehjælp in May 1979 that Casa Nacional del Niño is being portrayed negatively in the Chilean press. In this connection, the contact person states that this coverage is affecting their work at the children's home. The contact person therefore intends to begin arranging adoptions on a private basis, thereby meeting the need for the adoption of more young children and infants.

The AC Børnehjælp contact person at the Casa Nacional del Niño, who later oversaw the private adoptions, appears in most cases. This individual has acted both as a contact person for AC Børnehjælp and as a social worker in Chile – and thus signs the medical report on the children's psychosocial condition – as well as, in some cases, as the applicants' representative in court. This person has performed these functions within a system that was not regulated by law. From a modern perspective, it is worrying that a single person is involved in all aspects of such an unregulated system, as it is difficult in such cases to distinguish whose interests the person actually represents.

### 5.4.1 Specifically regarding private adoptions

The general information regarding AC Børnehjælp's placement work in Chile shows that AC Børnehjælp's partner and contact person were actively working to facilitate private adoptions, and that the Danish adoption applicants expected AC Børnehjælp to be able to assist with such adoptions.

From AC Børnehjælp's correspondence with its contact person in Chile, it is clear that adoption applicants generally sought young children and infants. AC Børnehjælp therefore often wrote to the social worker at Casa Nacional del Niño to enquire about the possibilities of adopting young children (as opposed to the often slightly older children who were adopted from Casa Nacional del Niño).

The then director of AC Børnehjælp travelled to Chile in early 1980 and, whilst there, made contact with the social worker at the Casa Nacional del Niño. The social worker, in collaboration with a lawyer, offered to arrange adoptions of very young children and infants to Denmark. During the trip to Chile, the director of AC Børnehjælp was also specifically offered the opportunity to arrange the adoption of five specific children as pilot cases for the new collaboration. AC Børnehjælp informed potential applicants of this in letters following their return in April 1980.

It is clear from the correspondence that, in December 1979, AC Børnehjælp was informed that the Chilean Ministry of Justice would assume responsibility for all adoptions from January 1980. In 1980, the Chilean Ministry of Justice visited AC Børnehjælp in Denmark, where a representative from the Ministry was to meet with AC Børnehjælp's then director and an adoptive family who had adopted a child from Chile.

In two letters prior to the visit, AC Børnehjælp's contact person asked the director of AC Børnehjælp not to mention the two specific cases (see sections 5.2 and 5.3) to the Chilean Ministry of Justice, as they concerned private adoptions. The contact person also asked the director of AC Børnehjælp to show and discuss only those children who had been placed via Casa Nacional del Niño with the representative from the Chilean Ministry of Justice. The contact person also stated that, at that time, the Chilean Ministry of Justice was focusing on international adoptions and that more detailed regulations were likely on the way. These regulations might mean that private adoptions would no longer be permitted.

The subsequent correspondence following the visit by the Chilean Ministry of Justice to Denmark does not appear to contain any information as to whether AC Børnehjælp raised the issue of private adoption arrangements with the representative of the Chilean Ministry of Justice. However, other topics discussed during the visit are described.

The arrangement of private adoptions via AC Børnehjælp's contact person continued until 1986, when, as mentioned, the cooperation with that specific contact person ceased.

## Chapter 6: The search for biological relatives in Chile

The Appeals Board has investigated the options available to adoptees for obtaining assistance from authorities and organisations in Chile in their search for further information about their background and their adoption case, including the search for biological relatives. Several organisations are involved in helping people search for their biological relatives in Chile. Below is a brief description of these organisations, along with information on how adoptees can contact each of them. This information will also be available on the National Social Appeals Board's website, where it will be regularly updated.

Finally, the options for obtaining assistance from the Post-Adoption Service (PAS) in Denmark through either the National Social Appeals Board or DIA are also described.

### 6.1 SENAME

According to Sename's website, adopted persons aged 18 or over can receive assistance in searching for their biological relatives and obtaining information about their background. They must complete and submit a form containing a range of details to Sename. Beyond this, the process and outcome of Sename's assistance are not described in further detail. However, the Appeals Board has been informed that communication with Sename should take place in Spanish. The Appeals Board has telephoned and written to Sename to seek further clarification on the above options. At present, the Board is awaiting an opportunity to meet with Sename virtually.

The National Social Appeals Board has been informed by the Swedish central authority, MFOF, that only a few Swedish adoptees have sought assistance from Sename, and that they have not yet been contacted by Sename.

The organisation Chilean Adoptees Worldwide (CAW) has stated that it advises adoptees that they can submit their case to Sename with a view to searching for biological relatives in cases where CAW itself is unable to assist. According to CAW, Sename has access to archives that have not been lost, which may contain relevant information.

Contact details:

Link to information on searching for biological relatives on [Sename's website](#)

[Link to request assistance from Sename in tracing biological relatives](#)

### 6.2 CRIMINAL INVESTIGATIONS IN CHILE

According to information from, among others, the Swedish Central Authority (MFOF), an adoptee may receive information about their own case directly from the criminal investigation if the case is part of the investigation. In such cases, the adoptee must contact the criminal investigation service themselves. In August 2020, the Swedish Central Authority was informed by the criminal investigation authorities that, at that time, a total of 584 specific adoption cases were included in the investigation, and that a significant proportion of these are Swedish.

The criminal investigation comprises both a general investigation into illegalities associated with adoptions from Chile and an investigation into individual cases. The Ministry of Foreign Affairs assumes that the criminal investigation reviews all complaints and applications received, but it can take up to two years from the PDI receiving a case until the investigation is initiated due to the large number of enquiries.

The Agency has been unable to ascertain whether each adopted person will receive a personal response to their enquiry. However, the criminal investigation has informed the Ministry of Family Affairs that, once the investigation period has ended or the case has been closed, the requested information may be provided, provided this does not hinder the court's normal operations. The Agency has consulted a number of stakeholders regarding when the criminal investigation is expected to conclude its work. However, this is not known at present.

According to information the Agency has received directly from the criminal investigation, the procedure works in such a way that a biological parent may lodge an official complaint with the PDI, quoting case number 1044-2018. The same applies to an adoptee. The PDI will then attempt to match the complaints and gather information on those involved with a view to possible criminal proceedings.

The complaint itself can either be submitted in person at one of the PDI's offices in Chile or via a form available online (see below). According to CAW, this procedure, whereby the PDI's information from the biological family is cross-referenced with the information in the case files, is the only method of shedding light on the actual course of events in each individual case.

The MFoF website contains information about the criminal investigation and an official link to a form that adoptees can complete and email directly to the PDI in Chile.

The Appeals Board has confirmed that all adoptees can use this link. The website also contains information on how to receive confirmation that the case has been received and the case number from the criminal investigation department.

The form linked to has been verified by the PDI and can be sent directly to an individual email address or to a group email address at the criminal investigation department. As with Sename, communication with the criminal investigation department is generally conducted in Spanish.

Contact details:

Main email address for the Criminal Investigation Department:  
[adopcionesirregulares@investigaciones.cl](mailto:adopcionesirregulares@investigaciones.cl)

A link to the application form can be found on the National Social Appeals Board's website, ast.dk.

## 6.3 CHILEAN ADOPTEES WORLDWIDE

Chilean Adoptees Worldwide (CAW) is a platform for adoptees from Chile all over the world. The organisation's aim is to help adoptees from Chile to be reunited with their biological families. Furthermore, the organisation aims to uncover the facts surrounding the adoptions that took place in the 1970s, 80s and 90s. The organisation's position is that most adoptions from Chile during those decades were illegal.

CAW is based in the Netherlands but works with adoptees all over the world, including adoptees in Denmark.

CAW has an extensive network in Chile, including direct cooperation with Sename and the criminal investigation service. If you wish to seek CAW's assistance in searching for biological relatives, you must use a form available on their website. The process for obtaining assistance is not described in further detail, but CAW has stated that they are best placed to help if a Chilean name appears in the case files. On the website, you can also find the form to be used if you wish to submit your case to the criminal investigation service.

Contact details: [CAW contact details](#)

[Form for searching for biological relatives \(and other forms\)](#)

## 6.4 NOS BUSCAMOS

Nos Buscamos ("We Are Looking"), is a Chilean organisation based in Santiago, whose mission is to reunite biological families separated by adoption, as well as to support and guide adoptees from Chile. The organisation works, among other things, with searches for biological relatives via its own DNA database. Nos Buscamos also has a Swedish branch, which focuses on Swedish cases.

If you would like Nos Buscamos to help you search for biological relatives, you must use the form available on their website. The process for obtaining assistance is not described in further detail.

Contact details: [Nos Buscamos contact details Form for searching for biological relatives](#)

The Appeals Board is aware that there is another Chilean organisation called Hijos y Madres del Silencio, which works on searching for biological relatives. However, in the course of its investigation, the Appeals Board has not obtained any information about this organisation's work.

## 6.5 OPTIONS FOR HELP IN DENMARK

### 6.5.1 The Appeals Board

The Appeals Board can provide relevant guidance to the adoptee (aged 18 or over), the adoptive parents and any biological parents. This may, for example, include guidance on the options for tracing biological relatives in the country of origin, access to one's own case file in the country of origin, etc.

The National Social Appeals Board can always advise adoptees on the options available under Danish adoption regulations:

- The possibility of support in the form of counselling, PAS (Post-Adoption Service) at the National Social Appeals Board

- The options for applying to have the adoption revoked or seeking to have the adoption declared invalid. It is the laws of the country that granted the adoption that determine whether the adoption can be revoked or declared invalid.

The Appeals Board is responsible for providing the state-funded PAS services. Currently, PAS services consist of the following elements:

- Mandatory counselling immediately before and after the child is brought home (phase 4)
- Counselling until the child reaches the age of 18 (20 hours of counselling for adoptive parents)
- Counselling for adult adoptees (hours are granted following an application to the National Social Appeals Board)
- Children's groups (group sessions for children led by two PAS consultants)
- Groups for adult adoptees over the age of 18 (who are not parents themselves)
- Groups for adult adoptees (who are parents themselves)
- Groups for single adopters
- Groups for single adopters and single parents
- Themed afternoons
- Training for professionals (schools, local authorities, etc.) The

National Social Appeals Board's PAS services are currently managed by a total of 22 consultants and a clinical psychologist.

If you would like to find out more about or make use of a PAS service, please contact the National Social Appeals Board.

Contact details: <https://ast.dk/blanketter/kontakt/kon-takt-ankestyrelsen>

About the National Social Appeals Board's PAS services: <https://ast.dk/born-familie/hvad-handler-din-klage-om/adoption/radgivning-til-adop-tivfamilier>

### 6.5.2 DIA

Under the current accreditation terms, DIA is obliged to provide PAS to adoptees and adoptive families who wish to search for information about the adoptee's background and history, provided the adoption was arranged through DIA, AC Børnehjælp, DanAdopt or Glemte Børn.

The accreditation terms state that DIA must ensure that information about the adoptee's background is accessible. DIA is also obliged to provide the necessary assistance to adoptees and adoptive families, including assistance in obtaining information and establishing contact with the foreign partner organisation that facilitated the adoption.

DIA has informed the National Social Appeals Board that the organisation is focused on assisting adoptees from Chile who, in light of this investigation and the concerns regarding the arrangements during the period 1978 to 1988, wish to receive DIA's assistance in gaining insight into their own history.

The organisation's PAS services can be divided into five main categories:

- Access to one's own case file

The adoptee or adoptive family wishes to access the specific adoption file. DIA is responsible for storing a total of more than 20,000 adoption files relating to adoptions handled by Glemte Børn, AC Børnehjælp, DanAdopt and DIA.

- Search for further information

The adoptive family wishing to search for further information about the child's history prior to adoption or wishing to have information about the child verified, or the adoptee who wishes to search for further information about their life prior to adoption or have already available information verified.

- Establishing contact

Adoptive families wishing to establish contact with the child's biological family or any foster family, or adoptees wishing to establish contact on their own initiative, as well as biological family members wishing to establish contact with the adoptee, or adoptive families who have adopted one or more children with biological siblings in another adoptive family.

- Return journeys

The adoptive family wishing to return with the child, or the adoptee themselves wishing to return.

- Other

For example, adoptees who wish to explore the possibility of undertaking a work placement at the children's home where they lived prior to adoption, are seeking information on opportunities for further advice and support, seek help in clarifying the adoptee's citizenship in the country of origin, and requests from adoptive families and adoptees to get in touch with other adoptive families and adoptees.

DIA advises and guides adoptees and their families on where, how and from whom adoptees can seek assistance abroad, as well as on the cultural conditions in the individual countries. DIA monitors the opportunities for and development of PAS abroad through its ongoing cooperation with the countries of origin and acts as a link to authorities and children's homes, as well as to other family groups, country groups and other advisory services run by local and central government. DIA also regularly organises country-specific meetings for adoptees and adoptive families from the individual countries of origin.

Contact details: [mail@d-i-a.dk](mailto:mail@d-i-a.dk)

About DIA's PAS services: <https://www.d-i-a.dk/adoptionsproces-sen/efter-adoption/>