
January 2022

Sri Lanka

Memorandum on
adoption
arrangements
with Denmark in
the 1980s



Ankestyrelsen

Table of Contents

CHAPTER 1 INTRODUCTION	3
1.1 Scope	3
CHAPTER 2 INFORMATION FROM THE DUTCH REPORT	6
2.1 General concerns and identified weaknesses in the communication from Sri Lanka to the Netherlands	6
2.2 Relevant issues regarding the transfer to Denmark	6
CHAPTER 3 TRANSFER FROM SRI LANKA TO DENMARK	8
3.1 Denmark's cooperation with Sri Lanka	8
CHAPTER 4 ANALYSIS OF THE TRANSFER FROM SRI LANKA TO DENMARK	11
4.1 The specific circumstances of the Danish transfer compared with the information in the Dutch report	11
4.2 Review of cases from Terre des Hommes	11
4.3 Review of material from DIA	15
4.4 Description of the Danish authorities' information	18
CHAPTER 5 RESULTS OF THE SURVEY	21

Introduction

1.1 SCOPE

Between 1973 and 2012, a total of 996 children were adopted from Sri Lanka to Denmark via AC Børnehjælp, DanAdopt and Terre des Hommes. The vast majority of children were adopted during the period 1979–1986.

As early as 2017, the National Social Appeals Board took the independent initiative to investigate the framework for adoptions from Sri Lanka following information revealed in a Dutch documentary. According to the programme, the Dutch adoptions were suspected of involving illegal conduct. The programme specifically mentioned Denmark, Germany and England as countries to which children were adopted from Sri Lanka during the same period as to the Netherlands.

In 2017, the Board concluded that, at that time, it did not have sufficient information to assess whether any unlawful acts had taken place in the Danish cases or in the Danish placement cooperation. The DIA also carried out an investigation into the placement process and, amongst other things, identified the children's homes from which the children placed by the former placement organisations had come.¹

According to the Dutch report from 2021, there have been instances of unlawful practices in the placement of children from Sri Lanka to the Netherlands, such as baby farms, child trafficking and abduction, document forgery, and the concealment of children's true status, as well as other irregularities. In this investigation, the Appeals Board focuses on the information in the Dutch report that is considered to be of particular relevance to placements in Denmark. This concerns a report from a commission of inquiry in Sri Lanka in 1987, and information about a local contact person who was the subject of investigations in the Netherlands and the United Kingdom on suspicion of involvement in illegal activities. Both aspects are described in further detail in Chapter 2.

In the current investigation, the National Social Appeals Board is comparing the above information from the Dutch report with the background information from 2017. The aim is to assess whether the new information gives cause to amend the Board's conclusion from 2017. At the same time, the National Social Appeals Board is reviewing material

¹ In 2019, the central authority in Sri Lanka and a number of European central authorities adopted a protocol for use in the search for biological relatives. The National Social Appeals Board is not aware that work on the protocol has led to new information regarding adoptions to Denmark from Sri Lanka.

information requested from DIA regarding the arrangements made by the organisations at the time in Sri Lanka, as well as general matters from the Danish authorities during the relevant period. The investigation focuses on adoptions in the 1980s, as the information in the Dutch report relates to that decade.

Information basis

The investigation is based on the documents and information available regarding AC Børnehjælp and Terre des Hommes' placement activities from Sri Lanka in the 1980s. It is also based on information from the Danish supervisory authorities in the field of adoption at the time, namely the Ministry of Justice and its associated adoption authorities, and the Adoption Board.

The information on AC Børnehjælp has been obtained from the archives of Danish International Adoption (DIA).² DIA has submitted all general files and information, including correspondence, concerning the placement of children from Sri Lanka in the 1980s. The information regarding Terre des Hommes' placement activities is based on the National Social Appeals Board's review of 10 sample cases from Terre des Hommes, which the Board carried out in 2017 in connection with its focus at that time on placements from Sri Lanka. These have been obtained from the Board's own archives. It has not been possible to obtain Terre des Hommes Denmark's general case files concerning placements from Sri Lanka.



The National Social Appeals Board has obtained general cases relating to placements from Sri Lanka from the archives of the Ministry of Justice and the Adoption Board. At that time, the Ministry of Justice and the Adoption Board were responsible for supervising international adoption placements.

The information held by the adoption authorities at the time has been obtained from the National Archives. These are cases identified in physical archives using filing plans. They concern cases relating to general cooperation on adoption placements in the 1980s.

The archives have been held by various authorities, and as search options are limited, it cannot be ruled out that other cases of significance may exist.

The National Social Appeals Board has not reviewed general cases from the period after 1990 and cannot therefore rule out the possibility that cases relevant to this investigation may exist from this period

² DIA holds all international adoption cases except those from the organisation Terre des Hommes. These are held by the National Social Appeals Board.



The Appeals Board has not searched the archives of other authorities and cannot therefore rule out the possibility that such archives may contain information relevant to this investigation.

Information from the Dutch report

2.1 GENERAL SUSPICIONS AND IDENTIFIED WEAKNESSES IN THE PLACEMENT PROCESS FROM SRI LANKA TO THE NETHERLANDS

According to the Dutch report, the legislation and procedures in Sri Lanka from 1979 were, in theory, designed to ensure an ethically and professionally sound adoption process. However, in practice, the system did not function as intended and illegalities occurred.

In addition to the examples mentioned—such as baby farms, child trafficking and abduction, document forgery, and the concealment of children’s true status, as well as other irregularities—the report also describes actual systemic weaknesses.

Several aspects of the system were inadequate and can be described as weaknesses that did not sufficiently prevent illegal practices. For example, the birth register did not function as intended for a number of years, so that information regarding dates and places of birth was often incorrect. A lack of transparency on the part of the Sri Lankan authorities and children’s homes was the rule rather than the exception, and the destruction of documents was a common occurrence. According to the Dutch report, this fact makes it difficult for adoptees from Sri Lanka to search for their biological roots.

2.2 RELEVANT ISSUES REGARDING THE TRANSFER TO DENMARK

2.2.1. Report by a commission in Sri Lanka, 1987

In mid-1987, a Sri Lankan commission of inquiry published a report concluding that most international adoptions were unlawful (illegal). Out of 1,670 cases in 1986, only 37 adoptions were completed through official channels.

Against this background, the Sri Lankan government decided in 3. June 1987 to suspend all applications for international adoption. In September 1988, the process was resumed under stricter conditions. From then on, only children from state-run children’s homes could be adopted internationally, and the Sri Lankan authorities decided where each child would be placed.

2.2.2 Investigations in the Netherlands and the United Kingdom into a local contact person

In 1991, a Sri Lankan lawyer was suspected by the Dutch and British authorities of being involved in child trafficking and of running baby farms in collaboration with two individuals from the Sri Lankan authorities.

According to the Dutch Ministry of Justice, the lawyer was involved in around 300 adoptions to Western countries. However, the report does not specify which countries are involved.

The lawyer had worked for international adoption organisations, including the Dutch organisation Flash, since the 1970s, and in 1986 became the contact person for a Dutch organisation that placed children with British applicants. The lawyer was also the subject of the investigation that led to the findings of the commission of inquiry in 1987.

The British and Dutch authorities suspected the lawyer of helping to arrange the placement of children from baby farms. The lawyer allegedly received 2,250 US dollars on the spot from British applicants as a fee for completing the procedures in Sri Lanka. The Dutch Embassy in Sri Lanka reported in 1991 that, after eight months of pregnancy, Sri Lankan mothers were taken to a home run by the lawyer, where they were persuaded to give up their children for adoption after birth. The embassy also reported that two newborn babies with unknown mothers were found during a search of the home. It could not be ruled out that this constituted child abduction.

However, no charges were ever brought against the lawyer in either the Netherlands or the UK. The Dutch report states that the Dutch Ministry of Foreign Affairs asked the Ministry of Justice to initiate criminal proceedings with the public prosecutor's office in the Netherlands against the Dutch organisation, but the archives do not indicate that this investigation was ever launched. The lawyer continued as the contact person for the Dutch organisation until 1995.

Communication from Sri Lanka to Denmark

3.1 DENMARK'S COOPERATION WITH SRI LANKA

3.1.1. The number of adoptions

Between 1973 and 2012, a total of 996 children were adopted from Sri Lanka to Denmark through AC Børnehjælp, DanAdopt and Terre des Hommes. The vast majority of these children were adopted between 1979 and 1986.

In the 1980s, the two former organisations, AC Børnehjælp and Terre des Hommes, facilitated adoptions from Sri Lanka.

Between 1980 and 1989, AC Børnehjælp facilitated 389 adoptions from Sri Lanka, whilst Terre des Hommes facilitated 137 adoptions between 1980 and 1987 (no adoptions in 1988 and 1989).

Adoptions from Sri Lanka to Denmark in the 1980s are distributed as follows:³

Table 1: Adoptions from Sri Lanka to Denmark by facilitating organisation and year

	'80	'81	'82	'83	'84	'85	'86	'87	'88	'89
TDH	15	32	20	15	11	11	20	13	0	0
AC	43	42	37	39	58	53	59	22	3	37
Total	58	74	57	54	69	64	79	35	3	37

3.1.2. Partners

The two Danish organisations had contacts in Colombo and in the Kandy District. These contacts were private individuals who handled the day-to-day communication between the Danish organisations and the Sri Lankan children's homes, lawyers and authorities.

The current adoption agency, DIA, has reviewed the cases previously handled by AC Børnehjælp. Most of the children were staying at the Welcome House and Haven institutions in Colombo, but some children also came from other institutions. In 1988, AC Børnehjælp took over Terre des Hommes' contact person in the city of Kandy.

³ The table does not include international adoptions that may have taken place during the period without the assistance of adoption agencies (private adoptions).

The Appeals Board holds Terre des Hommes' specific cases on file, as these were submitted to the Board (then the Directorate of Civil Law) in connection with the closure of the organisation's adoption department. In 2017, the Appeals Board reviewed 10 random cases from the years 1980–87. According to Terre des Hommes' arrival list, children were brought home until August 1987, after which there was a hiatus until the placement process resumed in 1990.

3.1.3. The context in Sri Lanka

According to the Dutch report, adoption placements from Sri Lanka must be viewed in the context of a country marked by war, poverty and famine, which made it difficult for parents to care for their children. Consequently, many children were abandoned or given up for adoption. At the same time, corruption was and remains a widespread and well-known phenomenon in the country.

Being a single mother was considered taboo in Sri Lanka, and this group was therefore stigmatised and often ostracised by their local communities. The same was true of their children. For this reason, women in this situation often felt compelled to give birth in secret and give up caring for their children. Other reasons why mothers could not keep their children might be that the husband had died in the war, or that the couple had divorced.

3.1.4 The adoption process and regulations in Sri Lanka

Until 1979, international adoption was not regulated by law.

Thereafter, international adoption was permitted on a limited basis. Applicants were required to submit their adoption applications to the Sri Lankan '*Commissioner of Probation and Child Care Services*', together with the biological parents' consent to the adoption and medical information about the child. When the applicants arrived in Sri Lanka, they were interviewed by a staff member from *the Commissioner of Probation and Child Care Services*, after which the case was referred to the court for a decision on the adoption. In Sri Lanka, the applicants were assisted by an intermediary organisation and its local contact person. The biological parents were required to appear in court and confirm their written consent to the adoption. Following the adoption decision, adoption documents and a passport were issued for the child. The procedure was then concluded in Sri Lanka.

However, according to the Dutch report, the system's ability to prevent unlawful conduct was not effectively improved until 1992, when international adoption was subject to an annual quota and national

adoption was given priority. Although the adoption procedure in theory includes a number of relevant safeguards, the Dutch report notes that several instances of the buying and selling of children, kidnapping and document forgery have been observed since 1979.

In 1992, the authorities became responsible for matching, and only children from registered children's homes could be adopted. In 1992, it was also prohibited to detain pregnant women and children (*illegal retention*), and adoptive parents were no longer permitted to pay Sri Lankan intermediaries to assist with adoption arrangements.

Analysis of the placement process from Sri Lanka to Denmark

4.1 THE SPECIFIC CIRCUMSTANCES IN THE DANISH CASE COMPARED WITH THE INFORMATION IN THE DUTCH REPORT

This chapter compares the Danish placement process with the specific suspicious circumstances described in the Dutch report. Firstly, the National Social Appeals Board's review of specific cases from Terre des Hommes' placement process is described in relation to the information in the Dutch report. Next, the material obtained from the DIA is reviewed, and finally the Danish authorities' general cases.

4.2 REVIEW OF CASES FROM TERRE DES HOMMES

In the following section, the National Social Appeals Board's review of the cases is compared with the procedural description from the Dutch report. The aim is to determine whether the Danish cases followed the official procedures or not – in accordance with the description in the 1987 report by the Sri Lankan Commission of Inquiry.

The National Social Appeals Board's review of the 10 sample cases from Terre des Hommes for the period 1980–1987 was carried out in 2017 in connection with the focus at that time on placements from Sri Lanka. As mentioned, Terre des Hommes' arrival list shows that children were repatriated until August 1987, after which the placement programme resumed in 1990. This presumably reflects the fact that the Sri Lankan authorities introduced a moratorium on new applications in June 1987, and that the placement programme was reopened under stricter conditions in the autumn of 1988.

4.2.1. General information about the cases

The children were born in government hospitals in towns such as Kandy, Teldeniya and Peradeniya. One child was born in a hospital in Colombo. The children have been staying at either St. Bernard's Nursing Home in Padiwatte, Kundasale, or the Mother-Aid Nutrition Centre in Kandy. The children were very young at the time of adoption. One child, however, is six months old. A few of the cases concern families who have adopted children from Sri Lanka on two occasions. Two of the children in the cases reviewed were adopted in 1980, three in 1981, one in 1982, two in 1985, two in 1986 and one in 1987.

These are adoptions in which the children were given up with the consent of their biological mothers. All the biological mothers were single. The children stayed with their mothers from when they were four days old until they were five or six weeks old. In one case, the mother and child stayed together at the Abeysekera Nursing Home in Kandy, where the mother waited for the applicants to arrive so that she could hand over the child and leave. This mother comes from a more affluent family and, according to the information provided, has been the victim of rape.

Otherwise, all the mothers are poor, unmarried and have had little or no schooling. Several of them have worked as maids since they were young children, and their employers have either helped them in hospital or thrown them out when they became pregnant. A few mothers have lived with the father, but he has disappeared after the pregnancy. Their own families have sent them away when they became pregnant, so that others would not discover the shame.

4.2.2. The procedure in the cases

Several of the cases indicate that Terre des Hommes sent the family's application to the Sri Lankan Embassy in Sweden. The Embassy then forwarded the application to the Commissioner, Department of Probation and Child Care Services in Colombo, Sri Lanka. The Embassy stated that the Commissioner would contact the parties concerned directly regarding a decision on the application.

All cases contain the following documents, which appear to have been drawn up using Terre des Hommes' template:

- "Medical report for the adoption in Denmark of a foreign child" (medical information about the child, as well as date of birth, name, placement, etc.)
- "Information for the adoption in Denmark of a foreign child" (information regarding the child's mother's circumstances and the child's place of birth)
- "Information for the adoption in Denmark of a foreign child" (information about the child's father, if available).

The documents are signed by Terre des Hommes' contact person, whilst the second part of the "medical report" is signed by a doctor.

The documents contain information about the biological mother's background, and in some cases there is also information about the biological father.

In several cases, there is also health information from various medical centres or information sheets from the children's home.

According to the information in the documents, all the children were released with the consent of their biological mother. It is not clear whether the biological mother was required to confirm her consent before the court.

There are no birth certificates, court orders or other documents regarding, for example, the release of the child from the authorities in Sri Lanka in any of the cases. It is therefore not possible to ascertain how and to what extent the information regarding the child's background has been verified. Several cases contain information regarding an adoption order from a court in Sri Lanka, but there is no copy of the order in the files.

In several of the cases, the contact person has drawn up a matching letter and completed the child's paperwork. One matching letter states explicitly that the child and family were matched by the contact person. The National Social Appeals Board assumes that this was also the case in the other cases, as there is no information to the contrary. There is not a matching letter for all cases.

A case file (from 1987) indicates that the family attended a meeting with the Commissioner. During their stay, the family wrote to Terre des Hommes, stating that "The meeting with the Commissioner took place on the 26th, but this time without the mothers and children. According to [name of contact person], the mothers are to meet with the local Commissioners."

Once the consultation in Denmark had approved the match, the families travelled to Sri Lanka shortly afterwards.

It generally appears that the families stayed in Sri Lanka for around four weeks. Several cases indicate that they were awaiting a decision from the court – the Family Court or the District Court – regarding adoption.

Letters from early 1987 from Terre des Hommes to families on the Sri Lanka waiting list state, among other things, that "We have heard from Kandy that these baby farms are operating again. The courts are working very slowly because each individual case must be investigated thoroughly. ...", and "The government has appointed a commission to investigate the cases there. It consists of people from the relevant ministries and is headed by a retired judge...".

It is not clear whether the reference to Kandy is to be understood as meaning that it is in that area that there are baby farms, or whether the information comes from the contact person in Kandy.

Letters from October 1988 relating to some of the cases indicate that the placement service had been closed and had now reopened, but only for children from state-run children's homes, of which there were seven.

This information reflects the work of the Commission of Inquiry in 1987 and its consequences.

4.2.3 The procedure in the Danish cases in relation to the official procedure

According to the official procedure, as outlined in the Dutch report (see Chapter 3), all applicants were required to submit their adoption application to the Sri Lankan '*Commissioner of Probation and Child Care Services*', together with consent to the adoption from the biological parents and health information about the child.

It is apparent from several of the cases reviewed that this was done via the Sri Lankan Embassy in Sweden. It therefore appears that the Danish cases have followed this procedure, although this is not evident from all the cases. Based on the case review, the Agency cannot determine whether *the 'Commissioner of Probation and Child Care Services'* also received consent from the biological parents and health information about the child, as we do not have their cases at our disposal. However, according to the information in the cases, all the children were released with the consent of the biological mother, and health information about the child is available in all cases.

The next step in the procedure was that, upon arrival in Sri Lanka, the applicants were interviewed by a staff member from *the Commissioner of Probation and Child Care Services*, after which the case was referred to the court for a decision on adoption.

Only one of the cases indicates that the applicants attended a meeting with this authority. At the same time, several of the cases indicate that the applicants were awaiting a court decision on adoption, even though no copy of the judgment is available. Several of the cases also contain information regarding an adoption order from a court in Sri Lanka.

The final procedural step was for the biological parents to appear in court and confirm their written consent to the adoption. On the basis of the adoption decision, adoption documents and a passport were issued for the child.

It is not clear from the specific cases whether the biological mother confirmed her consent to the court. The Agency is therefore unable, on the basis of the case review, to determine whether this has taken place or not.

Overall, there is no information to confirm whether or not the official procedures have been followed. On the basis of the case review, the Appeals Board is therefore unable to confirm or refute whether the Danish cases followed the official procedures or not. This also applies to the reviewed cases from 1986, which relate to the year that was the focus of the 1987 Commission of Inquiry.

It should be noted, however, that according to the Commission of Inquiry, only 37 adoptions from Sri Lanka were carried out through official channels out of a total of 1,670 adoptions in 1986. In the same year, 79 adoptions were carried out to Denmark, which in itself suggests that, according to the Commission, a proportion of these did not follow official channels.

The Appeals Board is unable to comment further on this matter, as we do not have access to the Commission's report itself⁴ and are therefore unable to clarify or elaborate on the information, including what is meant by 'the official channels'. The same applies to whether the Commission of Inquiry's investigation covers all adoptions carried out or a sample of the adoptions in 1986.

4.3 REVIEW OF MATERIAL FROM DIA

This section examines whether the cases obtained from DIA concerning AC Børnehjælp's placements from Sri Lanka contain information that can confirm or refute whether the Danish cases were among the illegal placements described in the Dutch report.

DIA has submitted all general files and information, including correspondence with the contact persons, concerning the adoption placements from Sri Lanka in the 1980s. The material shows that AC Børnehjælp had a total of three contact persons during this period. Two of them arranged adoptions from Colombo, with one taking over from the other from around 1987. The third arranged adoptions from Kandy and had previously been a contact person for Terre des Hommes.

⁴ The Appeals Board is currently investigating whether the report can be obtained.

4.3.1. The Commission of Inquiry in Sri Lanka 1987

A transcript of a telephone conversation between the director of AC Børnehjælp and the contact person, dated 2 February 1987, indicates that the authorities in Sri Lanka have more or less halted all adoptions. Probation (the relevant supervisory authority, ed.) “has been ordered to investigate all adoptions thoroughly and has no deadline to meet.

Many people involved in adoption have been called in for questioning, including a Swedish woman who ran a children’s home, and everything is simply in complete chaos”.

This is also evident from a letter dated 20 August 1987 from AC Børneto a host at one of the places where Danish applicants are staying in connection with the adoption of a child, that the government of Sri Lanka has suspended all international adoptions for the time being, and that any resumption will depend on the outcome of a commission’s work.

It also appears from the minutes of a telephone conversation between AC Børnehjælp and the contact person dated 7 October 1988 that the ban has been lifted and that adoptions may once again be arranged by private voluntary organisations registered with the authorities (e.g. Haven and the Nutrition Centre in Kandy). The contact person states that the sole purpose of the new rules is to prevent individuals from arranging adoptions privately.

It is clear from the correspondence between AC Børnehjælp and the contact person that a commission was set up in Sri Lanka in 1987 to investigate all adoptions. It is also clear that all international adoptions were suspended for a period as a result of the commission’s work. However, there is nothing in the material reviewed to suggest that the commission focused specifically on placements to Denmark, including that parties involved in the Danish placement process were summoned for questioning.

4.3.2. Investigation of local contact person

The name of the lawyer used by AC Børnehjælp and later Terre des Hommes in Sri Lanka is stated in a letter dated 28 March 1990.

According to the Board’s information, AC Børnehjælp’s lawyer is not the same person as the contact person and lawyer who, according to the Dutch report, was suspected of being involved in child trafficking and of running baby farms in collaboration with two individuals from the Sri Lankan authorities.

There is nothing in the material the Board has received from DIA to suggest that the contact person in question played a role in the placement in Denmark.

4.3.3. The financial aspects of the placement

A letter from AC Børnehjælp dated 13 January 1987 states that the contact person received 40,000 rupees per case (equivalent to 14,000 Danish kroner at the time). AC Børnehjælp also paid the contact person's rent. A written agreement dated 4 December 1986 states that half of the amount went towards covering placement costs for a child, and the other half was a fee that went directly to the contact person.

Under the agreement, the contact person was to aim to place five children per month, amounting to 60 children over a period of one year (from May 1986 to May 1987). If the contact person was unable to place five children in a month, they were to be compensated with 20,000 rupees per case, up to five. If the contact person placed more than 60 children during the year, 20,000 rupees to AC for each child placed after the 60th.

The correspondence also shows that AC Børnehjælp regularly donated sums of varying amounts to several of the different children's homes with which the contact person collaborated. For example, a letter dated February 1987 from the director of the Haven children's home states that AC donated 20,000 rupees directly to the children's home.

4.3.4. Information suggesting that illegal activities were part of the arrangements with Denmark

A transcript of a telephone conversation between the director of AC Børnehjælp and the contact person on 6 November 1986 shows that the director is very impressed that so many children are now coming forward and asks how the contact person manages to do it. The contact person replies, "It's because these people were waiting for us to confirm that we would give them extra money; otherwise, they wouldn't have brought their children and documents or anything."

A letter from the AC Børnehjælp contact person dated 8 December 1986 indicates that it has been difficult to get biological mothers to appear in court after they have handed their children over to children's homes, because they have returned to their home villages. There is a great deal of media attention surrounding the adoptions, and the contact person does not wish to be seen as responsible for child export or for working with fictitious mothers. The contact person writes that she therefore does not wish to have anything to do with

deal with anyone other than genuine biological mothers who come to 'us' with their children and all the necessary paperwork. She goes on to write that she no longer wishes to use an acquaintance's house as a "dumping ground" for women whose identity and documentation are open to question. She further writes that the acquaintance's house must be kept out of the media spotlight, otherwise they risk a police raid on the premises.

In the same letter, the contact person writes that the agreement with AC Børnehjælp must be revised after May 1987. She will no longer promise to take in five children a month, and she can cover the household expenses herself. However, AC Børnehjælp is still asked to pay the rent. In future, the contact person will cover all adoption and household expenses herself using the fee of 40,000 rupees she receives from the families per case. The contact person then writes that she no longer wishes to deal with dubious characters, and will no longer fill an acquaintance's house (with people, ed.) beyond its capacity. The associated security risk, the risk of children perishing, or of the house being raided, is too great. The contact person writes that she is horrified by the thought of what might have happened over the last two months, during which she focused on the number of children and ignored these other factors.

A further letter from the contact person, dated 15 December 1986, indicates that the contact person has terminated their collaboration with the acquaintance, as the latter has proved content to fill his house with 'dubious cases', and since the contact person can no longer count on his loyalty.

The above information suggests that, for a period of time, AC Børnehjælp's contact person collaborated with individuals who would only propose children for placement, along with the relevant documentation, after the contact person had confirmed that they would receive additional payment. The information also suggests that, for a period, the contact person arranged for children to be placed in Denmark in collaboration with women who claimed to be biological mothers, and whose identities could not be established. Finally, the information suggests that the financial incentive associated with the contact person's agreement with AC Børnehjælp to place five children a month involved collaboration with dubious actors, as well as safety and health risks for the children.

4.4 DESCRIPTION OF THE INFORMATION PROVIDED BY THE DANISH AUTHORITIES

This section examines whether the Danish authorities' general case files on the referral from Sri Lanka contain information

which may confirm or refute whether there have been irregularities in the Danish cases.

4.4.1. Review of a selection of the Adoption Board's general cases from the 1980s

It is apparent from a case before the Adoption Board that, in December 1987, AC Børnehjælp reported that several individuals in Sri Lanka had been imprisoned and interrogated regarding their involvement in the establishment and operation of baby farms. It also appears that in June 1987, the Sri Lankan authorities suspended all international adoptions, with the exception of cases that had, at that time, been received by the Commissioner of Probation in Colombo. AC Børnehjælp also stated that the organisation could say with certainty that AC Børnehjælp's placement services had at no time been implicated in the authorities' investigations. Finally, it appears from the case that the office manager of AC Børnehjælp visited Sri Lanka in March 1987 to clarify the many conflicting reports that had emerged at that time. In August 1987, a judge from Sri Lanka visited Denmark to enquire about the conditions for adoption.

This person also visited the Directorate of Family Law. The judge was to report to a committee tasked with considering the conditions for reopening international adoption. There are no minutes of meetings or similar documents relating to the case, but following the visit, AC Børnehjælp was informed that the judge's report on conditions in Denmark was very positive.

4.4.2. Review of the Ministry of Justice's general cases in the 1980s

AC Børnehjælp aware of unethical practices in other countries' mediation

A case from 1984 shows that the Directorate of Family Law received an annual report from AC Børnehjælp. The annual report states that "increasing the number of placements from Sri Lanka is made difficult by the fact that other countries are attempting to implement a practice involving unethical methods, which AC Børnehjælp distances itself from." The annual report further states the annual report that "AC is currently investigating the possibility of increasing the number of placements without resorting to the methods for which other countries are being criticised."

A similar case concerning AC Børnehjælp's 1986 annual report shows that AC Børnehjælp "regrettably has to note that some countries place such great emphasis on the placement of children from Sri Lanka that a number of adoption placements take place in such a way that it must give rise to considerations as to whether it is ethically justifiable to continue the placements should the same situations arise with regard to placements to

Denmark". The same annual report indicates that AC Børnehjælp had such confidence in their contact person that the organisation intended to continue placing children with their assistance.

The information from AC Børnehjælp's contact person, which suggests that illegal activities were part of the placement process to Denmark, is not reflected in the Ministry of Justice's general case files.

Terre des Hommes' contact person reports on illegal practices

It is evident from a letter dated 1986 from Terre des Hommes' contact person, which the organisation forwarded to the Family Law Directorate, that it is difficult to place children in the "right way", because there are so many private adoptions where people secretly contact the mothers directly in hospitals and pay them for their babies. The contact person is frustrated by this, as the number of children placed through Terre des Hommes is falling as a result, and is "considering" reporting it to the authorities.

No overlap between the Danish organisations' contact persons and the Sri Lankan lawyer under indictment

A list from the Directorate of Family Law of all contact points shows which contact persons AC Børnehjælp and Terre des Hommes had in Sri Lanka in the 1980s.

The Appeals Board has cross-checked the names of the contact persons against the name of the female lawyer who, according to the Dutch report, was suspected of child trafficking and running 'baby farms'. Based on the information available to the Board, there is no overlap between this lawyer and the contact persons of the Danish organisations or the lawyer used by the Danish organisations. Nor does her name appear in the cases reviewed by the Appeals Board.

Based on the review of the general case files from the Adoption Board and the Ministry of Justice, it can be concluded that the Danish authorities were aware that, according to the Danish organisations, there were unethical practices in other countries' mediation activities involving Sri Lanka.

However, the Appeals Board has not found any information in the Danish authorities' general case files concerning the 1987 Commission of Inquiry or the lawyer under suspicion that would suggest that the Danish adoption cases were subject to illegalities.

Results of the investigation

By today's standards for international adoption placement, there were undoubtedly insufficient safeguards in the Sri Lankan adoption system of the 1980s, or in the Danish placement process, to ensure that the best interests of the child were the guiding principle in each individual adoption. This is reflected, among other things, in the fact that there was insufficient regulation of international adoption, and that there is generally scant information in the specific adoption cases regarding, for example, the child's background and release. At the same time, during the period in question, there was no regulation of the financial flows associated with the adoptions, which may have created an inappropriate incentive structure.

In 2017, the National Social Appeals Board concluded that, at that time, the Agency did not have sufficient information to assess whether any unlawful acts had taken place in the Danish cases or in the Danish cooperation with Sri Lanka on the placement of children.

The current investigation gives the Agency cause to expand upon and refine its previous conclusion. The results of the investigation are set out below.

Information suggesting that illegal activities were part of the placement in Denmark

A review of general case files from the DIA concerning placements from Sri Lanka in the 1980s shows that, for a period, AC Børnehjælp's contact person collaborated with individuals who, according to the contact person, acted unethically and would only provide children and documents after the contact person had confirmed that they would receive additional payment.

The information suggests that, for a period, the contact person arranged for children to be sent to Denmark in collaboration with women who claimed to be biological mothers.

Finally, the information suggests that the financial incentive associated with the contact person's agreement with AC Børnehjælp to place five children a month involved collaboration with dubious actors, as well as safety and health risks for the children.

The information provided by AC Børnehjælp's contact person, which suggests that illegal activities were involved in the placement of children in Denmark, is not reflected in the Danish authorities' general case files.

Regarding the 1987 report by the commission in Sri Lanka

The Appeals Board's review of the cases from 2017 shows, overall, that there is no information documenting whether or not the official procedures were followed. On the basis of the case review, the Appeals Board is therefore unable to confirm or refute whether the Danish cases followed the official procedures or not. This also applies to the reviewed cases from 1986, which relate to the year that was the focus of the 1987 Commission of Inquiry.

It should be noted that, according to the Commission of Inquiry, only 37 adoptions from Sri Lanka were carried out through official channels in 1986. In the same year, 79 adoptions to Denmark were completed, as shown in Table 1. This in itself indicates that a proportion of the adoptions to Denmark did not follow official channels. The Appeals Board is unable to investigate this further, as we do not have access to the Commission's report itself and are therefore unable to clarify and elaborate on the information, including what is meant by 'official channels', and whether the Commission's investigation covers all adoptions completed or a sample of the adoptions in 1986.

It is clear from the correspondence between AC Børnehjælp and the contact person that a commission was set up in Sri Lanka in 1987 to investigate all adoptions. It is also clear that all international adoptions were suspended for a period as a result of the commission's work. However, there is nothing in the material reviewed to suggest that the commission focused specifically on placements to Denmark, including that parties involved in the Danish placement process were summoned for questioning.

Regarding the investigation of the local contact person

Based on the information available to the Board, there is no overlap between the contact persons and solicitors of the Danish organisations and the Sri Lankan female solicitor who was suspected of child trafficking and of running baby farms. Her name does not appear in either the specific cases reviewed by the National Social Appeals Board or in the material requested from DIA.

Based on the review of the general case files from the Adoption Board and the Ministry of Justice, it can be concluded that the Danish authorities were aware that, according to the Danish organisations, there were unethical practices in other countries' adoption arrangements involving Sri Lanka. However, there is nothing in the Danish authorities' general files to suggest that the Danish authorities had specific information indicating that there were unethical practices or illegalities associated with the specific Danish adoption cases. The Appeals Board has therefore found no

in the Danish authorities' general files concerning the 1987 Commission of Inquiry or the lawyer under suspicion that would suggest the Danish adoption cases were subject to illegalities.