

Prudence, risk and trust

Review of international adoption to Norway

Report from a commission appointed by Royal Decree on 20 June 2023.

Submitted to the Ministry of Children and Families on 22 June 2026.

To the Ministry of Children and Families

The Inquiry Committee on International Adoptions was appointed by Royal Decree on 20 June 2023 to investigate whether the system for international adoptions to Norway has been sound. The main issues investigated by the Committee are whether the Norwegian authorities have exercised sufficient control over international adoptions and whether any illegalities have occurred in connection with adoptions to Norway. The Committee hereby submits its report.

Oslo, 22 June 2026

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Foreword

The Inquiry Committee on International Adoptions was appointed on 20 June 2023 with a comprehensive mandate that raises significant and serious questions affecting many people in Norway and in the countries of origin from which children have been adopted. The two overarching questions the committee was asked to address are whether

there have been any unlawful or unethical practices in connection with international adoptions to Norway, and whether the system for adoptions to Norway has been sound.

There have been over 20,000 international adoptions to Norway from many different countries over a period of more than 70 years. The mandate does not call for a review and assessment of each of these 20,000 cases, but rather for an investigation at the systemic level. The report provides an overview of how international adoption has been regulated and how the system for international adoption has functioned in Norway over a period of approximately 70 years. Furthermore, it describes the systems and practices for international adoption in twelve countries of origin, from which a total of 80 per cent of those adopted into Norway have come. The Committee assesses the strengths, weaknesses and risks associated with the adoption system in Norway, and with the systems in the countries of origin from which Norway has adopted children.

It is important for the review committee to clarify the distinction between descriptions of errors, illegalities or unethical conduct that have occurred, and assessments of the extent to which there has been a risk of such circumstances. The fact that there has been a risk of errors, illegal acts or unethical conduct in a country, during a particular period or in connection with a specific partner organisation does not necessarily mean that there are faults in every single adoption. Nor is there necessarily any connection between the question of whether everything has been conducted lawfully and whether the adoptee has had a good life in Norway. Every adoptee, their adoptive family and their birth family has their own unique story. This report does not provide a definitive answer for each of these stories.

It is also important to emphasise that the committee's mandate does not call for an assessment of whether international adoption as a system is desirable. The report therefore does not provide an answer to this question.

Access to sources, both individuals and archives, is crucial to the quality of the report. The Committee has encountered goodwill and openness on the part of adoptees, birth parents, adoptive parents, adoption agencies, former and current staff in adoption services and the Ministry, researchers and others, even in cases where it may have been difficult to be open. The Committee is very grateful for this.

The report contains descriptions of aspects of adoption processes in some countries of origin which may be difficult to read for those who are or have been adopted from that country. We recommend that adoptees and adoptive families who are going to read the report, or parts of it, have someone to talk to afterwards. If there is a need to speak to professionals, Bufetat has a counselling service for adoptive families and offers counselling support for all adoptees aged 16 and over. The service can be contacted by telephone on 466 16 603 or via eDialog. See Bufdir's website for further information: <https://www.bufdir.no/adopsjon/>

Part I

Introduction

1 Appointment, mandate and work

1.1 Introduction

The Inquiry Committee on International Adoptions was appointed by the Cabinet on 20 June 2023. The work began at the end of 2023 and was originally due to be completed with a final report by the end of 2025. In June 2025, the deadline was extended by seven months, to 31 July 2026.

The committee submitted one interim report on 22 January 2025. The topics addressed in that report are also included in this main report.

1.2 Mandate

The committee has been given the following mandate:

Background

Introduction

An adoption is a life-changing event for everyone involved and is a lifelong process. In the case of intercountry adoptions, a child is removed from their country of origin and given a new home in another country. Strict requirements must therefore be imposed on the rules and procedures governing intercountry adoptions, and the system must safeguard the fundamental human rights and legal protection of children and families.

In recent years, a number of countries have carried out investigations into their adoption systems, and unacceptable practices have been uncovered in several places. Several of the countries in question are countries with which Norway has had adoption cooperation. In addition, it has been revealed in the press that illegal acts have taken place in connection with adoptions to Norway. Several of the adoptees who have come forward with their stories have reported that they have not received satisfactory follow-up when they have reported their suspicions. It cannot therefore be ruled out that there have been indefensible aspects to the Norwegian system for international adoptions.

Background

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

Nowadays, more cases are referred to the Expert Advisory Committee than was previously the case. These are cases involving either children who have reached the age of five, groups of siblings comprising more than two children, or cases where the child requires special support for other reasons.

Before the Ministry of Family and Consumer Affairs – later the Ministry of Children and Families – was given responsibility for adoption in 1990, the Ministry of Justice, the Ministry of Health and Care Services (formerly the Ministry of Social Affairs) and the Ministry of Consumer Affairs and Administration had all been responsible for this area.

The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir), which is the adoption authority in Norway, was established in 2004. Prior to this, this role was carried out by, amongst others, the State Youth and Adoption Office and the Council for International Adoptions.

The adoption system in Norway

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

International adoption may only take place if the authorities in the child's country of origin have been unable to find a family for the child within that country. Norway currently cooperates only with two countries that are not

the 1993 Hague Convention: South Korea and Taiwan. Norway may maintain such cooperation as long as the country has an adoption system in accordance with the Convention's objectives and principles. Norway has (since 1998) terminated adoption cooperation with countries of origin that cannot demonstrate that their obligations under the Convention are being met.

Normally, the adoption takes place in the child's country of origin. A final decision on adoption by a public authority or court in another country shall be automatically recognised in Norway provided that prior consent has been given. As a general rule, adoptions must take place through organisations that hold operating and placement licences. Bufdir may grant organisations with an operating licence to work with adoption a time-limited licence to place children from specific countries. Bufdir verifies that the country in question (the child's country of origin) has a need for adoptive families abroad, that the country has satisfactory legislation and an adoption system, and that the Norwegian adoption organisation has an understanding of and knowledge regarding the laws, rules and procedures applicable to international adoptions in that country. Bufdir supervises all aspects of the adoption organisation's activities and carries out supervisory visits to partner countries. In addition, the Norwegian Directorate for Children, Youth and Family Affairs (Bufetat) is responsible for approving adoption applicants in Norway.

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

Challenges

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

Such adoptions are based on two sets of national regulations and practices, as well as international rules. For Norway's part, this involves cooperation with various countries, each with different rules and practices. Legislation and practice have evolved, both in Norway and in the relevant countries of origin, and it has been challenging to obtain a comprehensive overview of the systems, rules and practices that have applied to adoptions to Norway up to the present day.

Prior to the Convention on the Rights of the Child and the 1993 Hague Convention, adoption practices were regulated to a limited extent compared with today, and international regulation was not satisfactory from today's perspective. Both receiving countries and some countries of origin have now launched investigations to examine how intercountry adoptions have been carried out over the past decades. These have been organised in various ways. The UN Committee's Joint Statement on Illegal Intercountry Adoptions (2022) recommends that countries should consider establishing an independent commission where appropriate.

The purpose of the inquiry

An overarching aim of this work is to determine whether there have been any unlawful or unethical practices in connection with intercountry adoptions to Norway.

The Committee is to determine whether the system for adoptions to Norway has been sound. This includes issues relating to regulations and practices. The Committee is to examine whether due regard has been paid to the rule of law and human rights obligations, including the best interests of the child.

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

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

The committee's tasks

The committee is to examine adoptions at a systemic level and is to look into a selection of individual cases. The committee is to describe the system that has existed for the control and supervision of international adoptions. The committee shall assess how Norwegian authorities have handled situations where they have received alerts or become aware of circumstances in the countries of origin requiring follow-up. Assessments carried out and measures taken shall be examined, including whether the authorities have suspended cooperation with the country of origin where there have been grounds for doing so. With regard to the obligations of the countries of origin, the committee shall examine whether the Norwegian side has had the opportunity and been encouraged to follow up more closely. This applies to the procedures for matching prospective adoptive parents with adoptive children, verification of information regarding the child's identity and family ties, and consent.

The committee shall also examine whether Norwegian authorities and adoption agencies have had the opportunity and been encouraged to monitor matters more closely with regard to financial transfers in connection with adoptions, both transfers from Norway to the country of origin and between parties in the country of origin.

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

The Committee shall examine whether the assessments have been thorough enough when granting intermediary licences for cooperation with countries of origin. The Committee shall examine whether there are any issues that should have been identified during the processing of applications for intermediary licences.

The committee must also assess the regulations and practices governing the granting of prior consent to adoption applications. In this regard, the committee must assess what criteria have been used in the assessments, whether the best interests of the child have been given sufficient priority, and whether the requirements placed on prospective parents have been stringent enough given the specific context of international adoption.

The Committee should examine findings from studies in other countries where appropriate, and assess whether the circumstances are comparable.

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

Most adoptions take place through adoption agencies, and such adoptions will constitute the main focus of the committee's work. The committee shall also examine adoptions outside the agency system. The committee shall examine both rejections and approvals in order to obtain a representative picture of current practice, and must consider different countries and time periods.

The committee should examine the child's opportunities to learn about their biological origins, the adoptive parents' duty to share information about the adoption with the child, and the child's right of access to their own adoption file. In particular, the committee should examine the practice of anonymous adoption, which is now regulated by the Hague Convention. The committee shall assess how children and families have been supported in Norway following the completion of an adoption.

Further details on countries and time periods

The committee shall examine the adoption system in relation to all countries of origin from which Norway has adopted children. The committee shall review a selection of cases from each country with which Norway has cooperated, in order to assess whether the cooperation has been justifiable. The committee may make its own assessments of how extensively the investigation should cover the various countries. However, as a minimum, the committee must prioritise a more thorough investigation of the following countries (in alphabetical order): Bangladesh, Brazil,

Chile, Colombia, Costa Rica, Ecuador, Ethiopia, Indonesia, China, Sri Lanka, South Korea and Vietnam. There is also reason to examine more closely countries from which adoption agencies or the Norwegian authorities have decided to cease adoption arrangements.

As regards time periods, the committee should itself assess which periods it is necessary and appropriate to examine in relation to each individual country. The committee must, however, ensure that it assesses processes both before and after 1998, when Norway acceded to the Hague Convention, in order to assess, as far as possible, the impact of ratification. Different considerations must be taken into account with regard to the various countries, and the committee is also expected to adapt its approach in light of its own findings as the work progresses. The committee must justify any limitations and the choice of time periods.

About the process

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

The committee shall ensure input from and dialogue with relevant stakeholders, including organisations representing adoptees, adoptees who are not affiliated with an organised group, and adoptive parents. Where possible, the committee may obtain information from biological parents.

The committee shall, in collaboration with the Ministry, establish a reference group to assist it in its ongoing work. The committee is otherwise free to make its own choices regarding participation.

As the committee will also be examining specific adoption cases as part of its work, the Government will put forward a proposal for a temporary Act on access to information for the committee. The Act will grant the committee access to necessary information subject to a duty of confidentiality, and ensure that it can carry out its tasks properly and effectively. Any individual cases mentioned in the committee's report shall be anonymised.

The committee may cooperate with investigative committees in other countries, etc. It falls outside this committee's mandate to assist with foreign investigations into individual cases in the countries of origin.

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

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

The deadline for the committee is up to two years from the start of its work. The committee shall submit one or more interim reports on the situation in individual countries or other relevant topics. Adoption cases from Ecuador and South Korea, and any other relevant countries, shall be given priority. If the committee considers that adoptions to Norway from certain countries should be halted, it shall raise this with the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) and the Ministry.

In a letter from the Ministry of Children and Families dated 22 February 2024, the following addition to the mandate was made, in response to an enquiry from the committee regarding the need to limit the review to the 12 countries given particular priority:¹

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

¹ See section 1.7.2.

1.3 Composition of the Committee and the Secretariat

The committee has had the following composition:

- Camilla Bernt (Chair), Professor of Law at the University of Bergen.
- Rudolf Christoffersen, liaison public prosecutor at Eurojust.
- Ketil Eide, Professor of Sociology at the Faculty of Health and Social Sciences, University of South-Eastern Norway.
- Torunn E. Kvisberg, judge at Eidsivating Court of Appeal.
- Anne Balke Staver, political scientist and researcher at NIBR, OsloMet – Metropolitan University. The committee has been assisted by a secretariat comprising three full-time staff members:

- Jostein Løvoll (Head of the Secretariat), lawyer, on leave from his post as Deputy Head of Department at the Civil Ombudsman's Office.
- Siri Elisabeth Bernssen, a lawyer with a PhD in legal history.
- Vilde Fastvold Thorbjørnsen, social anthropologist with a PhD in medical anthropology.

1.4 Commencement and deadline for the inquiry

Following the appointment of the committee, it took some time to recruit staff and establish the secretariat. The inquiry commenced at the first committee meeting, which was held on 18 December 2023. The committee's original deadline of two years from the start of the inquiry to submit the final report was therefore 18 December 2025.

At a committee meeting in March 2025, the committee reviewed the status of the inquiry following the submission of its interim report in January 2025, and concluded that it would not be possible to fulfil all the requirements of the mandate within the allocated time and resource constraints. On 2 April 2025, the inquiry committee therefore submitted a request to the Ministry of Children and Families for an extension of these time and resource limits. On 6 June 2025, the committee received confirmation from the Ministry that the deadline for submitting the final report had been extended by seven months, to 31 July 2026.

1.5 Committee meetings

The committee has held twenty-two in-person committee meetings, comprising five one-day meetings, fifteen two-day meetings and two three-day meetings. In addition, the committee has held fifteen online meetings lasting around three hours each. The two three-day meetings consisted of a combined committee meeting and a three-day trip to The Hague in May 2025, and a three-day concluding meeting in April 2026. In total, the committee has held 48.5 meeting days (one meeting day is calculated as six hours).

1.6 Reference group

The terms of reference state that the committee was to establish a reference group to assist it in its work.

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

The appointed representatives are as follows:

- John Erik Aarsheim

- Sofie C. V. Florez, Rights Group for People Adopted from Colombia (RACO)
- Sandra V. Z. Borhaug, UTAD
- Vigdis Eckhardt, Norwegian Korean Rights Group (NKRK)
- Ingrid K. Fevåg (from October 2024)
- Diana P. Fynbo Adoption in Transition (AiE)
- Øystein Gudim, Adoption Forum
- Finn Olav Haga, Adoption Norway
- Daniel G. Hatland (until October 2024)
- Young K. Kim, Children of the World
- Erlend P. Nordtorp, Bufetat East
- Line O. Onshus, InorAdopt
- Priyangika Samanthie, Romanticised Immigration
- Guro J. Skåre-Jullum, The China Association
- Kristin U. Steinrem, Norwegian Directorate for Children, Youth and Family Affairs
- Aud Ørnes, RVTS South
- Kirsten Sandberg, Professor at the Department of Public Law, University of Oslo

Three reference group meetings have been held, at which the committee sought the reference group's input on various issues:

The first meeting was held on 18 March 2024 and concerned the following questions relating to the inquiry and the inquiry process:

- What do you think is the most important outcome to achieve from the inquiry?
- Do you have any concerns regarding the inquiry?
- Do you see any particular challenges relating to the conduct of the inquiry? The second reference group meeting was held on 6 February 2025 and focused on the following questions relating to the committee's interim report:

- Do you have any general feedback or reflections regarding the interim report?
- Do you have any comments on the inquiry committee's working methods so far? Is there anything you think should be done or prioritised differently in the final report?
- Do you have any thoughts on the committee's presentation of various findings and assessments relating to the country reviews of Colombia and Ecuador? (It is the presentation we would like feedback on, not the content).

The third reference group meeting was held on 27 October 2025 and concerned the following questions on post-adoption support measures, to be answered on the basis of Bufdir's 2021 report on post-adoption support measures:

- Do you agree with the measures that Bufdir proposes or has initiated?
- Are there any of these that you would like to highlight as particularly important to prioritise going forward?
- Are there any of the measures that you consider to be less appropriate or that have not worked well?
- Are there any measures you feel are missing from Bufdir's proposal?

1.7 The Committee's understanding of the mandate and adjustments to the mandate

This section outlines the main features of the Committee's understanding of the mandate and the adjustments to the mandate made by the Ministry of Children and Families. The Committee's understanding of the content of the questions in the mandate is elaborated on in several places where these questions are addressed in the report.

1.7.1 Time frame

The mandate is not limited in time and, in principle, covers the entire period during which there have been adoptions to Norway from abroad, from the early 1950s to the present day. However, the Committee may make its own assessments of the scope of the investigation into individual countries, and for several of the twelve countries the Committee has prioritised, the investigations have been limited to, or have focused particularly on, specific time periods. The periods under investigation have been determined, amongst other things, on the basis of assessments of when the risk of illegal or unethical practices has been greatest, as well as the volume of adoptions from the country in question during different periods.

1.7.2 Number of countries of origin to be assessed and adjustment of the mandate

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

The Committee shall investigate the adoption system relating to all countries of origin from which Norway has adopted children. The Committee shall review a selection of cases from each country with which Norway has cooperated, in order to determine whether the cooperation has been justifiable.

The Committee may make its own assessments as to how extensively the investigation should be conducted with regard to the various countries. However, the Committee must, as a minimum, prioritise a more thorough investigation of [...]: Bangladesh, Brazil, Chile, Colombia, Costa Rica, Ecuador, Ethiopia, Indonesia, China, Sri Lanka, South Korea and Vietnam.

In principle, the wording of the mandate covers all countries from which adoptions have taken place, including countries where adoptions to Norway have taken place outside the approved intermediary organisations.

Furthermore, the mandate requires the committee to review a 'selection' of individual cases from all countries with which Norway has

'co-operated with', in order to assess whether the co-operation has been sound. Countries with which we have 'co-operated' are naturally understood to mean all countries from which the intermediary organisations have arranged adoptions. The material the committee has received from Bufdir shows that Norway has had 36 such partner countries since 1979. Reviewing a selection of cases from all these countries and assessing the soundness of the cooperation would entail a very extensive undertaking – even though the committee is free to make its own assessments of 'how extensive' the scrutiny relating to individual countries should be.

In addition, 12 specific countries mentioned in the mandate are to be examined even 'more thoroughly' than the 36 partner countries.

At the second committee meeting on 24–25 January 2024, the committee reviewed the remit and discussed how the resources made available for the review should be prioritised in order to fulfil the remit in the best possible way. In its assessment, the committee took into account the experiences of other countries' investigations into international adoptions, both in terms of available resources and the number of countries covered by the investigation. It was particularly natural to compare with Sweden's investigation, as they had

comparable staffing resources, but had concentrated the inquiry on seven countries and had been allocated up to 3.5 years (following several extensions).²

As a result of the review, the inquiry committee decided to ask the Ministry for clarifications or adjustments to the terms of reference. In a letter to the Ministry of Children and Families dated 26 January 2024, the committee wrote, amongst other things:

It is resource-intensive to familiarise oneself sufficiently with the adoption system in another country to be able to assess a selection of adoption cases from there in a responsible manner. The fact that the review covers several time periods, during which different rules and systems may have been in place in each individual country, makes this particularly challenging.

Against this background, the Committee has concluded that it will be difficult to carry out a review of a selection of individual cases from all 36 countries with which there has been adoption cooperation. This would require such a significant amount of resources that it would substantially compromise the ability to carry out a proper review of the 12 countries the Committee has been asked to prioritise specifically. A thorough review of cases from 12 countries is in itself highly ambitious when compared with reviews carried out in other countries.

In the Committee's view, we have not been allocated sufficient resources to carry out a proper review of a selection of individual cases from more than the 12 priority countries. We therefore request that the mandate be clarified so that the review can, as a starting point, concentrate its work on these 12 countries. Should our work at a later stage indicate that there are specific reasons to prioritise other countries more highly than any of the 12 that are specifically prioritised in the mandate, we will return to this matter.

The Committee emphasises that the inquiry may nevertheless have implications for cases from all countries, as it is to assess whether the general system for adoptions to Norway has been sound. Furthermore, when reviewing archives and other material in Norway, the Committee will also take note of any significant information regarding shortcomings in adoptions from countries other than the 12 specifically prioritised in the mandate.

Following the committee's enquiry, the Ministry decided, in a letter dated 22 February 2024, to add the following to the original mandate:

The Committee shall review the adoption system in as many countries as possible with which Norway has cooperated. To the extent that limitations and priorities are necessary, the Committee must justify these, inter alia on the basis of assessments of the risks in the adoption systems of the various countries. The objective of the Committee's work remains unchanged.

Read in conjunction with the committee's request, the committee considers that the adjustment to the mandate provided greater scope to set the necessary priorities and to address the key questions raised by the mandate in the best possible way. The Committee has prioritised the twelve countries specifically mentioned in the mandate, which account for approximately 80 per cent of all international adoptions to Norway. The resources available to the Committee have not made it possible to investigate or review individual cases from countries other than the twelve prioritised ones. Even within these twelve countries, the Committee has had to prioritise with regard to the periods investigated and the scope of the investigations (see section 3.6.3).

1.7.3 Which actors are to be investigated

Given the wording of the mandate, it is natural to regard Norwegian adoption authorities and adoption agencies as the main focus of the inquiry. The Committee is to ascertain, amongst other things, whether Norwegian authorities

² The Swedish inquiry consisted of a lead investigator working part-time and a secretariat comprising three full-time staff members, cf. the Adoption Commission's website. It is stated there that the work was also supported by three experts and a group of ten specialists. The Swedish investigation report is discussed in more detail in section 3.4.1.2.

The Committee is to assess whether the ‘authorities and adoption agencies’ have ‘exercised sufficient control’, and evaluate how they have handled ‘reports or knowledge of circumstances in the countries of origin requiring follow-up’. With regard to the obligations of the countries of origin, the Committee is to assess whether ‘Norwegian authorities’ should have ‘followed up more closely’. The Committee is also to assess whether Norwegian

‘authorities and adoption agencies’ had the ‘opportunity and incentive’ to follow up more thoroughly on money transfers to countries of origin and between actors in those countries.

However, several of the issues to be investigated are formulated in such a way that it is difficult to limit the inquiry to Norwegian authorities and adoption agencies. The overarching purpose of the inquiry is to determine whether there have been illegal or unethical practices ‘in connection with’ adoptions to Norway. One of the main issues is whether any illegal acts have taken place ‘in connection with’ adoptions to Norway. An investigation into such matters cannot be conducted solely on the basis of an assessment of what the Norwegian authorities have done. Illegal acts occurring during the adoption process in the country of origin will also constitute an illegal act ‘in connection with’ the adoption to Norway.

It therefore falls within the remit of this inquiry to assess whether any illegal or unethical acts have occurred in connection with the adoption process, regardless of whether these took place in the country of origin or in Norway, and regardless of who is responsible. However, it is outside the Committee’s mandate to assess the liability of parties abroad. The Committee is only to investigate what actually took place abroad, as far as is possible within the limits of the resources at our disposal.

1.7.4 The inquiry concerns the systems

According to the mandate, the inquiry is to be conducted at the systemic level. Whilst a ‘selection’ of individual cases will be examined, the purpose of this is to shed light on how the systems have functioned. The Committee is not to provide answers as to what happened in individual adoption cases.

The fact that the review is being conducted at a systemic level also means that it falls outside the remit to assess the guilt and responsibility of individuals for any unlawful or unethical conduct.

1.7.5 Overarching political and ethical issues

The Committee is to examine the soundness of the systems for international adoption and assess whether any unlawful or unethical conduct has taken place.

However, the Committee is not to assess whether international adoption, viewed as a whole, has been beneficial or not, nor whether the scheme should continue. These are overarching value-based and, to some extent, political issues, which are not part of the remit.

Several other value-related issues will also fall outside the scope of the committee’s work. When dealing with international adoptions, various ethical dilemmas and situations involving conflicting considerations may arise. Many such dilemmas concern value-based issues which fall outside the Committee’s mandate to address. For example, the Committee will not go into detail on ethical issues relating to global inequality and the fact that international adoptions to Norway have mainly involved children from the poorer sections of the population in the Global South who have been adopted into countries in the Global North. Nor will the Committee assess whether it would have been better and more effective to help children in their countries of origin rather than adopt them into Norway.

Furthermore, when assessing the central consideration in adoption cases – what is in the best interests of the individual child – the balancing of various conflicting considerations may depend on how different values are prioritised. To what extent, for example, will the potential benefits the child gains from growing up in a family in Norway outweigh the disadvantages of losing their native culture and language or any contact with their family of origin? It is also beyond the Committee’s remit to provide any further guidance on how such considerations should be weighed against one another when assessing the child’s best interests, beyond

describing the legal framework governing which considerations are relevant, and any guidelines on how they should be weighed, in national and international legislation on adoption and children's rights.

1.8 Budgetary framework for the review

The Committee was originally allocated a total budget of 10.5 million kroner for the entire project.

Having reviewed the remit and assessed the resource requirements relating to, amongst other things, travel to countries of origin, the Committee requested on 31 January 2024 that the Ministry increase the budget to enable it to carry out the activities the Committee deemed necessary during the review. In a letter from the Ministry dated 27 June 2024, the committee was granted a budget increase of 625,000 kroner.

Without this budget increase, the committee would have had limited opportunities to travel to the countries of origin.

In connection with the extension of the Committee's deadline to 31 July 2025, the Committee's budget was increased by 2.9 million kroner.

1.9 The committee's interim report

In January 2025, the committee submitted an interim report containing the findings from its investigation into adoptions from two of the twelve countries of origin given particular priority in the investigation: Colombia and Ecuador. The interim report also provided a description of the committee's working methods and the progress of the investigation to date. One of the aims of the interim report was for the committee to be transparent about its working practices and methods, partly in order to receive feedback that could be utilised in its future work.

In the interim report, the committee outlined the work carried out up to January 2025 and provided a specific account of the investigation into adoptions from Colombia and Ecuador and the findings made so far in relation to these countries.

The interim report stated that the discussions and assessments relating to Colombia and Ecuador were preliminary and might be adjusted in the final report. This was clarified as follows:

Although the targeted investigations into adoptions from Colombia and Ecuador have been completed, new relevant information may nevertheless come to light during the ongoing review. Furthermore, the ongoing work on the review of adoptions from other countries and of the adoption system may provide the Committee with a better basis for understanding and assessing the adoptions from Colombia and Ecuador. The assessments of the two countries may therefore be influenced by the overall picture.

Accordingly, the Committee's description and assessment of adoptions from Colombia and Ecuador in Chapters 12 and 14 of this report are largely the same as in the interim report. The minor adjustments that have been made relate mainly to Colombia and have arisen as a result of the Committee having come across or been made aware of new information.

1.10 Involvement of children

It follows from Article 104 of the Constitution and Article 12 of the Convention on the Rights of the Child that children have the right to be heard in matters affecting them, and that their views shall be given due weight. Although the number of intercountry adoptions has fallen significantly in recent years, there are still many intercountry adoptees in Norway who are minors.

Following dialogue with the Ombudsman for Children and based on the Norwegian Directorate for Children, Youth and Family Affairs' (Bufdir) 2021 guidance, the committee conducted a consultation process in the spring of 2025. In this context, the committee received submissions from six adopted young people aged between 15 and 18, and held interviews with five of them.³

For the work of the review committee, it has been particularly relevant to gather the views of children regarding those parts of the mandate that concern post-adoption measures. Topics related to this thus formed the main part of the interviews.⁴ The committee also sought input on how the findings of the review could best be communicated to adopted children and young people.

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

Since the committee's appointment in June 2023, there have been significant developments in the field of adoption in Norway. The terms of reference state that Norway has ongoing cooperation with ten countries of origin for adoption, but at present, only Colombia has an active authorisation to facilitate adoptions from. As a result, two of the three private adoption agencies in Norway have ceased their placement activities during 2025. Only Adopsjonsforum, which is authorised to arrange adoptions from Colombia, remains.

The decline in the number of country licences since the committee was appointed was partly due to expired licences not being renewed, and partly as a result of a comprehensive review of all licences. In autumn 2023, the Ministry of Children and Families commissioned Bufdir to carry out a review of all placement authorisations for countries of origin in order to ensure legal certainty in adoptions to Norway. Following this, Bufdir has withdrawn or refused to renew placement licences for eight of the countries with which Norway had adoption cooperation agreements. From June 2024, only Colombia had its licence extended to cover new cases, whilst Bulgaria's licence was extended to allow the completion of a case that was already in progress.

All revocations and refusals of placement licences were appealed to the Ministry of Children and Families. The appeals were not granted suspensive effect, so placements had to be suspended pending the Ministry's consideration of the appeals.

During the appeal process, the Ministry upheld most of the refusals and revocations. However, the refusals concerning Taiwan, Hungary and Peru were overturned or revoked by the Ministry.⁵ Adoption mediation from these countries did not, however, resume, mainly because the adoption agencies holding these country-specific authorisations ceased their adoption activities during 2025.⁶

In parallel with the review of licences for individual countries, an assessment was underway as to whether a general temporary suspension of all international adoptions should be introduced. In January 2024, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) recommended, on its own initiative, that such a suspension be introduced pending the committee's investigation. The Ministry asked Bufdir to conduct a further investigation into certain issues, and Bufdir submitted an updated recommendation with the same conclusion on 15 April 2024. On 19 June 2024, the Ministry of Children and Families announced that the Government would not introduce a temporary suspension of international adoptions, but that it would implement risk-mitigation measures to ensure safe adoptions.

³ See the chapter on methodology, section 3.6.6.1.

⁴ See the chapter on post-adoption, section 30.4.1.

⁵ Reversal decisions of 7 November 2024 (Taiwan), 8 October 2025 (Hungary) and 27 November 2025 (Peru), referred to in the Bufdir's Annual Report for 2025, pp. 7–8.

⁶ 'Active authorisations' refer to authorisations that allow for new applicants or adoptions. For some of the countries without active authorisations, permission has been granted to finalise adoptions that have already been allocated.

The Committee has monitored developments in this area but has not received any requests from the Ministry regarding the assessment of the provisional suspension or of the individual placement authorisations. The Committee has played no role in the ongoing assessments carried out by the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) and the Ministry of Children and Families. Nor has the mandate been adjusted as a result of the changes to the country authorisations, and the remit has remained unchanged.

The significant reduction in the number of countries from which adoptions take place, and the fact that the adoption agencies Verdens Barn and InorAdopt ceased their adoption activities in 2025, meant that the Committee had to ensure that all necessary archive searches were carried out whilst the agencies still had a secretariat that could assist. The archive searches were carried out without any problems, thanks to the excellent support provided by the adoption agencies.

2 Summary

2.1 Overview

This chapter provides a summary of the Committee's report. A separate summary for children has been prepared, which is set out in Appendix I

This report consists of four parts.

Part 1 has three chapters. In addition to the summary here in Chapter 2, there is Chapter 1 on the committee's appointment, mandate and work, and Chapter 3 on methodology.

Part 2 contains descriptive chapters that provide a framework and perspectives for the report. Chapter 4 deals with risk factors in international adoption, Chapter 5 with sources of law and key legal principles, Chapter 6 with the organisation of the adoption system past and present, Chapter 7 with adoption agencies, and Chapter 8 with key policy guidelines in the field of adoption.

Part 3 comprises Chapters 9–21, which present the Committee's review of the twelve priority countries specified in its mandate, listed in alphabetical order. These countries are: Bangladesh (9), Brazil (10), Chile (11), Colombia (12), Costa Rica (13), Ecuador (14), Ethiopia (15), Indonesia (16), China (17), Sri Lanka (18), South Korea (19) and Vietnam (20). In addition, we provide some comments on findings from other countries of origin, and a few individual findings that are not linked to specific countries due to the risk of identifying individual adoptees and their families (21).

Part 4 contains the Committee's assessments of various specific and more general themes within the Committee's mandate. Chapter 22 provides a brief introduction to the chapters in Part 4. In Chapter 23, the Committee assesses the significance of the 1993 Hague Convention for adoptions to Norway. In Chapter 24, we assess how the system of adoption agencies has functioned. In Chapter 25, the Committee assesses the Norwegian authorities' work on granting authorisations to adoption agencies and supervising them. In Chapter 26, the Committee assesses the adoption authorities' work on applications for prior consent to adoption, and in Chapter 27, it assesses the authorities' work on the registration of adoptions and adoption orders. In Chapter 28, the Committee examines adoptions arranged outside of adoption agencies. In Chapter 29, the Committee describes the opportunities available to adoptees to access documents relating to their adoption case and to search for their origins. In Chapter 30, the Committee assesses how the need for post-adoption support has been addressed.

Chapter 31 contains the committee's overall conclusions, whilst in Chapter 32 the committee sets out its recommendations for the future.

2.2 Part 1 Introduction

Chapter 1 outlines the committee's appointment, mandate and work. The chapter explains that the mandate is extensive and complex, and that it has been necessary to set limits. In its mandate, the committee was asked to 'examine the adoption system relating to all countries of origin from which Norway has adopted children' and to review 'a selection of cases from each country'. In addition, the committee was to 'as a minimum, prioritise a more thorough review of' twelve countries, see section 1.1. It soon became apparent that reviewing all countries from which Norway has had adoptions would be unrealistic to carry out in a responsible manner. The committee therefore asked the Ministry of Children and Families to limit the country reviews to cover, for the most part, the twelve priority countries specified in the committee's mandate. The Ministry responded by specifying that the Committee should 'review the adoption system from as many countries as possible with which Norway has cooperated', and that the Committee had to justify its priorities and limitations 'inter alia on the basis of assessments of risks in the adoption systems of the various countries'.

Chapter 3 sets out the committee's methods. This review has required the use of several different, complementary methods, including archive searches, interviews, country visits, reviews of individual cases, and searches of news reports and academic literature in relation to various issues. The committee has also received and gathered input from organisations, individuals and the committee's reference group.

The main part of the Committee's work has consisted of mapping the field of adoption, gathering information, and analysing and assessing the facts.

The Committee has carried out field visits to four countries of origin: Colombia, Chile, Ethiopia and South Korea. The Committee met with authorities, birth families, individuals associated with adoption agencies, researchers and various organisations.

Furthermore, the Committee has reviewed archive material from public and private actors in the field of adoption and conducted interviews with more than 80 people. These include adult and minor adoptees, adoptive parents, individuals associated with adoption agencies, and former and current employees of Norwegian adoption authorities. The Committee has received input via the reference group, through enquiries from individuals and organisations, and through meetings.

The Committee's investigations have been subject to certain practical and legal constraints. Some archives have been incomplete, some relevant individuals have not been available for interview, and the Committee has not had the authority to carry out investigations in foreign public archives.

2.3 Part 2 Perspectives and Context

In *Chapter 4*, the Committee provides an overview of key risk factors associated with intercountry adoption. These factors have, in various ways and to varying degrees, influenced the regulation of intercountry adoption in the countries of origin, in international regulations and in Norwegian legislation and practice. The Committee addresses here the lack of effective control mechanisms and other conditions in countries of origin, economic incentives for adoption, competition for available children in countries of origin, corruption, war and states of crisis in countries of origin, poverty, as well as cultural factors and oppressed groups. Finally, the issue of human trafficking in the context of adoption is addressed.

Chapter 5 provides an overview of key legal sources and principles relating to intercountry adoption which are of consistent relevance to the Committee's assessments in both Part 3 and Part 4. Regulations concerning more specific issues and various stages of the adoption process are set out in the relevant chapters.

In *Chapter 6*, the Committee outlines the historical development of the Norwegian adoption system, with particular emphasis on developments within Norway itself, and on the legal and institutional frameworks for intercountry adoptions. The chapter provides an overview of the main features, and the topics covered in the chapter are presented in more detail and discussed elsewhere in the report.

In *Chapter 7*, the Committee describes the organisations that have facilitated adoptions to Norway: the adoption agencies. A general overview is provided of the organisations' origins and development, with particular emphasis on the organisational aspects which the Committee considers central to our descriptions and assessments of the system for intercountry adoptions in general, and for adoptions arranged through these organisations in particular.

Chapter 8 deals with various types of policy guidance in the field of adoption that do not naturally fall under the description of specific regulatory changes or major reforms. The chapter addresses issues that have been raised in the Storting in various formats, policy guidelines on adoption in party manifestos and government platforms, as well as information from the Committee's interviews with ministry staff regarding the key priorities of political leadership in the field of adoption. The Committee's general impression is that there has been relatively broad political consensus that the system of intercountry adoptions should be maintained, and that opportunities for intercountry adoptions should be improved. There has been political consensus on reforms which, amongst other things, have tightened the requirements for legal certainty and oversight in the field of adoption, such as the ratification of the Hague Convention and amendments to adoption legislation. Beyond the political debate on such reforms, political engagement has, for the most part – at least up until around 2020 – been directed towards measures to make it easier and quicker for prospective adopters to adopt.

2.4 Part 3 Country Reviews

This section discusses the findings from the Committee's country reviews.

Chapter 9 describes the adoption process from *Bangladesh*. Between 1973 and 1981, 110 adoptions to Norway were carried out with the assistance of Adopsjonsforum. These are the Committee's main findings:

- The situation in Bangladesh was unclear for several reasons, and the system there was not suited to ensuring effective verification of the identity of the children and the people who handed them over to the authorities or private children's homes.
- Biological mothers received little help or guidance in connection with the decision to place their child in a children's home, and they did not always understand that signing the transfer of guardianship to the children's home could result in the child being adopted abroad.
- The adoptions were carried out in Norway, based on the transfer of guardianship from the children's home to the adoptive parents and the child's Bangladeshi passport. The Norwegian authorities did not have a sufficient basis for assessing whether the conditions of the Adoption Act and other principles governing international adoption had been met in each individual case
- The Norwegian authorities were aware of and accepted the risk of incorrect information regarding the children's background and identity in the release documents on which the adoption decision was based.
- The adoptions from Bangladesh took place at a time when the guidelines and principles governing international adoption were relatively underdeveloped. These are factors that must be taken into account when considering the extent of the criticism levelled at the responsible parties. Nevertheless, the Committee believes that the Norwegian authorities could and should have carried out more thorough investigations into the appropriateness of the adoptions and imposed stricter requirements on the organisations involved.

Chapter 10 examines adoption arrangements from *Brazil*. Between 1990 and 2013, 471 adoptions were arranged to Norway through the agencies InorAdopt, Adopsjonsforum and Verdens Barn. These are the committee's main findings:

- The Committee has not received any enquiries nor uncovered any specific information to suggest that the placement and adoption of children who were placed with Norwegian applicants through InorAdopt or the two other Norwegian agencies took place on an unlawful basis.
- In Brazil, the agencies covered only minor administrative costs, and there were no donations or other fees associated with the adoptions themselves. In the Committee's view, this reduces the risk of unlawful financial gain in connection with the adoption activities.
- The Committee assumes that the resource situation within the Brazilian child welfare system has entailed a certain general risk that not all birth parents have received adequate assistance and/or guidance prior to an adoption, and has, to some extent, limited investigations into alternative placements for the children within the country.
- The Committee finds that the assessment carried out by the Norwegian authorities prior to the commencement of adoption activities from Brazil was insufficient to enable a sound assessment of adoptions from Brazil, cf. the duty to investigate under Section 17, first paragraph, of the Public Administration Act.
- The Committee considers that the adoption authorities did not take sufficient account of the information and warnings that emerged during the dialogue with the Foreign Service prior to the commencement of adoption activities from Brazil.
- The Committee considers it reprehensible that the Norwegian adoption authorities did not themselves ensure that the local social services office in the municipality where the child was settled following adoption to Norway produced the follow-up reports required by the Brazilian authorities in order to finalise the adoption (until Brazil introduced a new adoption law in 1990).
- The Committee emphasises that the practice of bringing children at high risk of trauma-related issues to Norway at an age when one might expect them to have developed language skills, without at the same time ensuring they have the opportunity to express themselves and/or process their experiences in their own language, is particularly reprehensible.

Chapter 11 examines adoption placements from *Chile*. Between 1985 and 2016, 314 adoptions were arranged to Norway through Adopsjonsforum. These are the committee's main findings:

- The Committee considers that the Norwegian adoption authorities did not carry out sufficiently thorough assessments of whether it was justifiable to grant authorisation for adoption from Chile, particularly given that the country was a military dictatorship characterised by a significant degree of corruption, political oppression and serious violations of fundamental human rights.
- The Committee considers that the Norwegian adoption authorities' assessments of the Chilean adoption regulations prior to the granting of the first authorisations (for pilot cases) were inadequate: at that time, the Norwegian adoption authorities permitted a system of adoptions that did not comply with Chilean adoption legislation.
- The Committee considers that the Norwegian adoption authorities did not carry out a proper assessment of the rule of law and the political and social conditions in the country when the general authorisation for placement was granted in December 1988. In the Committee's view, it was not justifiable to grant authorisation for placement in Chile at the time this was granted.
- The Committee considers that the Norwegian adoption authorities' ongoing monitoring of placements from Chile had significant shortcomings, particularly in the document checks carried out prior to the granting of adoption authorisation in Norway (up to 1999). The Committee wishes to emphasise that the Norwegian authorities had a particular responsibility to check the documents when they themselves granted authorisation.

- The Committee considers that Adopsjonsforum acted in a manner open to criticism and demonstrated poor judgement by proposing or accepting several arrangements that carried obvious risks of illegal and/or irregular adoptions.
- The Committee considers it likely that the judge in Temuco with whom Adopsjonsforum collaborated shared, in whole or in part, some of the military junta's prejudices against indigenous peoples and the notion that adoption could be a solution to this 'problem'.
- The Committee has identified one adoption to Norway in which the child is said to have been taken from the mother at birth on the grounds that it was stillborn. The case originates from Temuco.
- The Committee considers that there is a high risk that criminal offences, illegal acts or other irregularities occurred in adoptions from Temuco during the period 1987–1995. This applies to breaches of the requirement for informed consent from the birth parents, the principle of subsidiarity and the prohibition against unlawful financial gain. Adoptions from other parts of the country are also associated with a risk of errors and illegalities, particularly in the period up to 1999.

Chapter 12 examines adoption arrangements from Colombia. Between 1972 and 2025, Adopsjonsforum facilitated 4,096 adoptions to Norway. These are the committee's main findings:

- The Committee considers that Adopsjonsforum's cooperation with several private institutions was structured and developed in a way that contributed to making the institutions financially dependent on placing children for adoption in order to receive donations. This created a risk that financial considerations might take precedence over the best interests of the child, and posed a risk of breaches of, amongst other things, the requirement for informed consent, the principle of subsidiarity and the prohibition against unlawful financial gain from adoptions.
- The Committee is critical of the advance payment agreements that Adopsjonsforum entered into with some of the private institutions, which entailed a risk that considerations other than the best interests of the child might become the guiding factor in each individual adoption.
- The Committee is also critical of the fact that, over a prolonged period, Adopsjonsforum was not entirely transparent about these agreements with the Norwegian adoption authorities.
- The Committee is further critical of the way in which the Norwegian adoption authorities, on several occasions, failed to act on information they received, both regarding the possibility of irregularities in adoptions from Bogotá to Norway in the late 1970s, and regarding the fact that donations to private institutions in the early 2000s were, in some cases, transferred directly to accounts in third countries, which should have prompted further investigations.
- The Committee considers that the risk of irregularities in adoptions arranged through the ICBF has been present throughout the entire period of placement, partly because the ICBF has lacked the resources to investigate the child's background and the family's situation adequately.
- The Committee considers that the manner in which the birth family is notified of the hearing and the decision on release must be regarded as a serious weakness in the Colombian adoption system.
- The Committee considers it reprehensible that, up until 2017, the Norwegian adoption authorities showed limited interest in and had limited knowledge of the case process in Colombia leading up to the decision on release and subsequent adoption, particularly in adoption cases not based on the consent of the birth parents.

Chapter 13 examines the adoption arrangements from *Costa Rica*. Between 1975 and 1992, 101 adoptions were arranged to Norway through Adopsjonsforum. These are the committee's main findings:

- The Committee has not found any evidence in its investigations to suggest that there were any significant issues worthy of criticism at the systemic level relating to Adopsjonsforum's adoption placement services from that country.
- A significant proportion of the children adopted from Costa Rica to Norway were adopted following a care placement process. It is therefore reprehensible that the Norwegian adoption authorities did not obtain thorough information about the stages of this process and its legal basis, and did not assess the soundness of this process before authorising adoption cooperation with the country.
- Information from various sources indicates that there may be a risk that attitudes within the Costa Rican child welfare services towards people from lower socio-economic backgrounds and single parents have contributed to inadequate procedures.

Chapter 14 examines adoption arrangements from Ecuador. Between 1976 and 2004, 185 adoptions were arranged to Norway through Adopsjonsforum. The Committee's investigations have focused in particular on the so-called Moncayo case, but the Committee has also examined certain other matters from the 1980s and the first half of the 1990s. These are the Committee's main findings:

- There is a risk that there may have been irregularities in adoptions to Norway arranged by Amparo y Hogar in the 1980s.
- When lawyer Roberto Moncayo was approved as Adopsjonsforum's contact person in Ecuador in 1986, the authorities and Adopsjonsforum should have requested a detailed explanation of how he intended to identify children suitable for adoption. The fact that this was not done constituted a breach of the adoption authorities' duty to investigate under the Public Administration Act.
- After Moncayo was arrested, the Norwegian authorities should have been far more concerned with clarifying whether any criminal offences had been committed that might give grounds for reversing some of the adoptions, and with expediting the assessment of this in Ecuador.

It is reprehensible that the Norwegian authorities accepted a proposed solution that involved paying money to avoid a demand to return a kidnapped child. This contravenes the fundamental principles that adoptions must be decided in the best interests of the child, and that no one should derive any undue financial gain. The breach of these principles is serious.

Chapter 15 examines adoption arrangements from *Ethiopia*. Between 1990 and 2013, 693 adoptions were arranged to Norway through Adopsjonsforum. These are the committee's main findings:

- When adoption work began in 1991, Ethiopia was a military dictatorship. In general, the committee considers it concerning that the Norwegian authorities permitted adoption cooperation with countries under military dictatorship.
- Between 1998 and 2000, a war was raging between Ethiopia and Eritrea. The committee considers it reprehensible that neither the State Youth and Adoption Office nor the Ministry carried out any investigations or detailed assessments in connection with this.
- The Committee considers that there is a significant risk that the birth parents of children adopted to Norway consented to the adoption without fully understanding the complete severance of ties that such a decision entailed.
- The Committee is aware of two cases of *staged abandonment* involving children adopted to Norway, and believes there is a risk that this has also occurred in several other cases.
- In some cases, birth parents or relatives have only decided to give a child up for adoption after being made aware of the possibility of receiving financial support for any

remaining children or siblings through Adopsjonsforum's sibling project. This constitutes undue influence on the parents' consent and is a breach of fundamental principles of adoption law.

- Staff at Adopsjonsforum's partner children's home, Faya (2009–2013), stated that international adoption was presented as a 'first option' to birth parents who were struggling to care for their children. Such a practice contravenes the principle of subsidiarity.
- The Committee considers that the practice of transferring children to Adoption Forum's transit home before the release process had been completed entailed a risk that the principle of subsidiarity was not adequately upheld.
- The Committee considers that the financial compensation paid to Adoption Forum's first overseas contact (1991–2004) was, on the whole, of such a magnitude that it contravened the principle of undue financial gain in Article 21(d) of the 1989 Convention on the Rights of the Child and the prohibition against unreasonably high fees in Article 32(3) of the 1993 Hague Convention.
- The Committee considers that the agreements on financial support which Adopsjonsforum entered into from 2006 with private organisations/children's homes responsible for placing children for adoption were in breach of principles relating to financial transactions in adoption work, cf. inter alia Article 21(d) of the 1989 Convention on the Rights of the Child.
- The Committee considers it reprehensible that, on several occasions, Adopsjonsforum unilaterally and at short notice withdrew fixed and substantial funding for the running of children's homes and various aid projects.
- The Committee considers it reprehensible that the Norwegian adoption authorities did not carry out further investigations following the information they received during the monitoring visit in 2003. This applies both to information regarding suspicions surrounding a key official in Ethiopia and to information concerning Adopsjonsforum's sibling project.
- The Committee considers that the Norwegian authorities should have questioned and investigated more thoroughly the information in the placement applications stating that Adopsjonsforum provided financial support to the children's homes from which they were allocated children.
- The Committee considers that the Norwegian authorities did not carry out sufficient investigations or take adequate measures to ensure the soundness of adoptions to Norway beyond the 2010s, when several irregularities in the adoption work in Ethiopia were uncovered internationally.

Chapter 16 examines adoption arrangements from *Indonesia*. Between 1977 and 1983, 110 adoptions to Norway were carried out with the assistance of Adopsjonsforum. These are the Committee's main findings:

- During the period when adoptions from Indonesia took place, the country was under military dictatorship. In general, the committee considers it a matter of concern that the Norwegian authorities permitted adoption arrangements from countries under military dictatorship.
- There is a risk that children may have been adopted into Norway on false pretences or under a false identity. The information about the mother in the release documents is often incomplete, and it is likely that the information is not always correct. This applies in particular to adoptions from the Panca Dharma clinic.
- The process for the release of the children has not sufficiently ensured voluntary and informed consent from the birth parents.
- The agreement that Adopsjonsforum's representative entered into with the Panca Dharma clinic regarding a certain number of children per week and advance payment of a fixed sum per child entailed a risk that considerations other than the best interests of the child would take precedence in the adoption process.

- The Norwegian authorities took some positive steps as the situation in Indonesia developed and information about the work came to light. Among other things, it was positive that they sent a representative to the country, established contact with the Indonesian authorities and introduced a temporary suspension. The Committee nevertheless believes that the authorities should have established direct contact with the Indonesian authorities at an earlier stage.
- Adoptions from Indonesia took place at a time when guidelines and principles for intercountry adoption were relatively underdeveloped. The Committee nevertheless believes that the Norwegian authorities could and should have conducted more thorough investigations into the feasibility of carrying out responsible adoptions and imposed stricter requirements on the agencies.

Chapter 17 examines adoption placements from *China*. Between 1991 and 2017, 3,030 adoptions were arranged for Norway through the agencies Verdens Barn, Adopsjonsforum and InorAdopt. These are the Committee's main findings:

- The Committee is critical of the fact that the adoption process and conditions in China were inadequately investigated when the Norwegian adoption authorities granted permission for adoption mediation from that country in the early 1990s.
- The committee believes that the ever-increasing demand from abroad for the adoption of Chinese children, combined with the high fees associated with each adoption, led to a gradually increasing risk of errors in adoption cases.
- The Committee considers that the accumulation of risk factors that came to light through the 'Hunan case' in 2006, suggests that the Norwegian adoption authorities should have suspended adoption placements from that country, or at the very least thoroughly considered a temporary suspension of placements and initiated dialogue with the central authorities of other receiving countries regarding what measures could be proposed or made a condition for continuing the cooperation.
- The Committee considers that, throughout the entire period of adoption placement, there was a risk of a breach of the prohibition on remuneration or profit in adoptions, and a risk that birth parents had not voluntarily surrendered their children. Furthermore, the Committee considers that there is a risk of a breach of the principle of subsidiarity, including in the period after 2006, when the Hague Convention came into force in China.

Chapter 18 examines adoption placements from *Sri Lanka*. Between 1975 and 2015, 222 adoptions were arranged to Norway through Adopsjonsforum. These are the committee's main findings:

- The committee's archival findings show that, from the outset of the placement period, Adopsjonsforum was aware of the risks associated with adoptions from Sri Lanka, but believed that it would be able to navigate the landscape in an ethically sound manner. Nevertheless, at various times, it established arrangements that carried obvious risks of breaching fundamental principles of adoption law.
- Norwegian adoption authorities have been restrictive in authorising independent adoptions. The committee regards this general aspect of Norwegian adoption regulation as highly positive, and in the case of Sri Lanka, it has probably played a significant role in preventing a number of illegal and unethical practices described in investigations from other receiving countries.
- Corruption was a significant social problem in Sri Lanka throughout the entire period of adoption placements. In such a context, it is particularly important to avoid payments or other benefits that may entail undue financial or other gain in connection with adoptions, beyond the coverage of actual costs and reasonable remuneration for services rendered. It was the Norwegian adoption authorities who, in 1985, proposed that adoptions from the religious partner organisations should be accompanied by a fixed donation from Adopsjonsforum. Adopsjonsforum cannot

therefore not be criticised for having followed this recommendation. The situation is different with regard to Adoption Forum's donations to the central authority and Adoption Forum's aid project from 2009 aimed at increasing the number of placements for Norwegian applicants.

- The Committee considers that the Norwegian adoption authorities have, on several occasions, carried out inadequate assessments, and that the supervision of adoption placements from Sri Lanka to Norway has been inadequate. It is reprehensible that the Norwegian adoption authorities have failed to follow up on several reports of irregularities in the processes and have failed to ask relevant questions about the placement work and the adoption process, or to obtain further information on conditions in the country, for example when establishing cooperation in new regions. This is particularly relevant given that the country was embroiled in a civil war for much of the period in question.

Chapter 19 examines adoption placements from South Korea. A total of 6,726 adoptions were arranged from South Korea to Norway during the period 1954–2024. These are the Committee's main findings:

- During its second phase of investigations, the South Korean Truth and Reconciliation Commission (TRC) has uncovered numerous systematic shortcomings in the part of the adoption process that took place in South Korea. The committee draws heavily on the TRC's work and refers to the systemic weaknesses revealed in its report. In March 2026, the TRC was re-established for a third period of investigations and has opened its doors to receive new complaints regarding adoptions from those adopted abroad and their birth parents.
- In South Korea, official oversight of international adoptions and private adoption agencies has been severely lacking. This applies in particular to the period up to 1989. Since then, oversight has gradually improved, but even up until 2012 it remained limited. The situation improved somewhat following reforms in 2012, which, amongst other things, meant that the process of approving adoptions was transferred to the courts. However, regulatory oversight still had weaknesses, and the Hague Convention was not implemented until 2025.
- Until 1989, there was a risk that missing children who had been separated from their parents could be adopted abroad.
- In South Korea, checks to ensure that consent had been given by parents or others with the authority to give consent were extremely inadequate in the 1970s and 1980s.
- As early as the 1980s, Children of the World should have questioned whether channelling all aid to South Korea through the South Korean adoption agency and welfare organisation Holt created a risk that considerations other than the best interests of the individual child might become decisive in adoption cases.
- The Committee considers it likely that the total financial support provided to Holt, both from Children of the World and from other partners competing for funding, has influenced Holt's work on adoptions. There is a risk that, at times, financial considerations have taken precedence over the best interests of the individual child.
- The Committee cannot see that the Norwegian authorities have, at any point, carried out a comprehensive assessment of the support provided to Holt and of how it has influenced the adoption processes. It is reprehensible that this was not done.
- The Committee considers it highly reprehensible that, as late as the end of the 1990s, the Norwegian authorities were unaware that children with known parents were also being registered as having unknown parents in the South Korean family register. The lack of action on the part of the Norwegian authorities has contributed to

a very large number of adoptees mistakenly believing that they had been found as foundlings, with no known biological parents or other relatives.

- Overall, the Norwegian authorities should have ensured significantly more thorough supervision of the adoption cooperation, particularly given that South Korea was, for many years, the country from which by far the most adoptees came. It is therefore particularly reprehensible that the Norwegian authorities had not acquired more knowledge about the adoption process in South Korea and, at times, appear to have been in the dark about the background of the children who were adopted to Norway.
- The Committee has concluded that it was particularly reprehensible that, right up until 2012, it was standard practice for the Norwegian authorities to make decisions on adoptions from South Korea without independently assessing whether the conditions for adoption under the Norwegian Adoption Act had been met, and without obtaining documentation that would have made it possible to assess these conditions.
- In 1978, the Korea Association assisted a married couple in bringing a child from South Korea, despite the fact that their application for prior consent to adopt from abroad had been rejected. The Korea Association deliberately provided false information to the South Korean authorities, stating that the parents had been approved by the Norwegian authorities. The Committee considers the Association's conduct to have been particularly reprehensible.

Chapter 20 describes adoption arrangements from *Vietnam*. A total of 228 adoptions from Vietnam were arranged over three periods. Between 1968 and 1975, 137 adoptions to Norway were carried out with the assistance of the Committee for South-East Asia, the Norwegian-Vietnamese Association and the Parents' Association for Children from Vietnam. Between 1991 and 1999, 80 adoptions to Norway were arranged through Adoption Forum. Between 2016 and 2021, 11 adoptions were arranged through Adoption Forum. These are the committee's main findings:

1968–1975

- The committee believes that there was a significant risk of irregularities and errors in the adoptions from Vietnam during the period 1968–1975. Among other things, this concerns the reliability of information regarding the children's background and identity, and whether the release procedures were carried out correctly.
- Between 1968 and 1975, a civil war was raging in Vietnam. The Committee generally considers it reprehensible to permit adoptions from a country at war, as it is difficult to make sound assessments of what is in the child's best interests. Based on current knowledge and guidelines on the adoption of children in war and crisis situations, the Committee believes it is clear that children from Vietnam should not have been adopted during the period in question. However, given that international cooperation and guidelines on international adoption were far less developed around 1970, the committee considers that there are no grounds for strong criticism of the Norwegian authorities for having permitted adoption placements under the conditions that were set for this.
- The committee considers it a matter of concern that authorisation to act as intermediaries was granted to a group of young politicians without specific expertise in the legal and social aspects relevant to international adoption.
- To the extent that this was possible in a country at war, the conditions laid down by the Norwegian authorities in the placement licence granted to the Committee for South-East Asia ensured that the children were lawfully released for adoption. In the Committee's view, the fact that the conditions regarding the number of children, information about the children and the adoption processes carried out were not complied with is not something for which the Norwegian authorities can be directly blamed.

- In 1971, the leader of the Norwegian-Vietnamese Association brought ten children from Vietnam to Norway without authorisation. He circumvented the Norwegian authorities' explicit ban on this, partly by obtaining visas for Germany. The Committee finds no reprehensible acts or omissions on the part of the Norwegian authorities in this situation.
- The Committee has not prioritised an in-depth investigation into the adoptions arranged by the Parents' Association for Children from Vietnam between 1973 and 1975. Nevertheless, the Committee considers it generally concerning that, in the spring of 1975, the Norwegian authorities allowed the Parents' Association to bring several dozen children from Vietnam before the adoption process had been completed in the country of origin.

1991–1999

- The Committee considers it reprehensible that the Norwegian authorities did not take greater steps to ensure that Adopsjonsforum was capable of guaranteeing lawful and responsible adoptions before granting permission to carry out five 'pilot cases' from Vietnam in 1990.
- The Committee considers it reprehensible that the Norwegian authorities permitted adoptions from Vietnam when the country's own authorities had pointed to a lack of legislation, systems and specialised bodies.
- It is reprehensible that the placement licence for Vietnam was not withdrawn, or that a temporary suspension was not introduced, when the Norwegian authorities were made aware in the mid-1990s of uncertainties surrounding the financial transactions in Vietnam.
- A high level of corruption and the 'buying and selling' of children for *private adoptions* was a well-known problem in Vietnam. The Committee believes there is a risk that children adopted via children's homes and intermediary organisations could also have been part of such transactions, but has not found any information on specific cases concerning adoptions to Norway.
- The Committee also considers that the circumstances uncovered during the inspection visit in 1998 – including corruption, power struggles between various ministries and reports of the 'buying and selling' of children – were so serious that the Norwegian adoption authorities should have withdrawn the placement authorisation. The Committee finds it particularly reprehensible that the Norwegian authorities continued to permit adoptions to Norway until the summer of 1999, despite the highly problematic conditions in Vietnam.

2016–2021

- In the period up to 2021, Bufdir's practices and understanding of its role changed. Among other things, it devoted more resources than before to processing adoption authorisations and conducted more independent investigations into adoption regulations and practices in Vietnam. In the Committee's view, this improved the basis for assessing the soundness of the adoption work.

Chapter 21 describes two individual cases from the 1980s involving circumstances open to criticism; for reasons of privacy, we do not disclose the country of origin. Furthermore, a brief account is given of certain circumstances relating to adoptions from Guatemala.

The first case concerns a situation where an adoption went ahead despite the Norwegian adoption agency's view that it would not be in the child's best interests. The second concerns a case in which a Norwegian married couple, having been advised on how to adopt in the country where they were temporarily resident, had registered a child as their own and brought the child with them to Norway. When the Norwegian authorities followed up the case, they did not contact the authorities in the country of origin to investigate the case and the child's background in more detail.

Furthermore, section 21.3 provides a brief description of certain aspects of adoptions from Guatemala.

2.5 Part 4 The Committee's assessments of the adoption system

This section presents and discusses the Committee's assessments of the adoption system. The assessments in this section are based on findings from the country reviews and the Committee's investigations into regulations, systems and practices at a more general level. Key methods used in this part of the review include legal analysis, archive research and interviews. Here, we examine both documents of a more general nature, such as instructions and placement authorisations, and documents relating to individual adoptions.

Chapter 22 serves as an introduction to the Committee's assessments in Part 4, which describe certain overarching principles underpinning the assessments, including, in particular, the principle of reasonableness.

Chapter 23 addresses the question set out in the terms of reference regarding 'how the ratification of the 1993 Hague Convention led to changes in the regulations and practices governing adoptions to Norway'. The chapter has three main sections. The first outlines the background to the Convention and its main features. The next main point sets out and discusses how the Norwegian authorities have dealt with Article 17(c) of the Hague Convention. This provision stipulates that a decision in the State of origin to place a child with the prospective adoptive parents may only be made if the central authorities in both States consent to the adoption proceeding. Until 2021, the Norwegian authorities' view was that the checks carried out by the Norwegian side were limited to assessing whether the child matched the prospective adoptive parents' prior consent. Responsibility for these checks was delegated to the adoption agencies. The Committee considers that the Norwegian authorities' previous interpretation was incorrect, and that the checks also included a responsibility to assess the process in the country of origin regarding the release of the child for adoption. In the Committee's view, the Norwegian authorities' interpretation of the Convention has meant that significant shortcomings in the documentation of the release processes in individual adoptions have not been identified.

The third section of the chapter assesses the changes the Hague Convention has brought about for adoption placements to Norway. It first provides an overview of whether, and if so when, the twelve priority countries of origin specified in the Committee's mandate have ratified the Hague Convention. The next question concerns the impact the Hague Convention has had on regulation and practice in Norway. The Norwegian authorities took the view that only minor changes were necessary to meet the Convention's requirements. This meant, amongst other things, that no changes were made at the time of ratification with regard to the processing of individual adoptions, cf. in particular the issue of Article 17(c). Furthermore, the Norwegian authorities made no significant changes to the support measures available to adoptees and their families following adoption (post-adoption support).

However, upon ratification of the Convention, the Norwegian authorities adopted a recommendation from the Hague Conference that receiving countries which had ratified the Convention should only arrange adoptions from countries where the procedures were in accordance with the fundamental principles of the Convention.

This had implications for the processing of applications for authorisation to act as an intermediary from new countries. Furthermore, in the Committee's view, the Hague Convention has contributed to the tightening of procedures in both the processing of individual cases and applications for authorisation to act as an intermediary over the past five years.

Later in the chapter, the Committee discusses the impact the Hague Convention has had in the various countries of origin, followed by the Hague Conference's own assessment of the Convention's significance.

Finally, the Committee presents its overall assessment of the Convention's significance. The Committee considers that the Hague Convention has contributed to stricter controls over intercountry adoptions, both in Norway and in the relevant countries of origin. In Norway's case, however, the view that Norwegian law and practice were in line with the Convention's requirements meant that the reforms to the Norwegian adoption system resulting from the Convention were delayed and implemented in several stages. Until 2021, the Convention had limited significance for Norway's oversight of the conditions relating to the child in individual cases, which were left almost entirely to the country of origin.

In *Chapter 24*, the Committee assesses the system of adoption agencies and their activities. The Committee's overall assessment is that there have been, and continue to be, significant weaknesses in the system of adoption agencies in Norway. On the one hand, it is positive that the intermediary organisations have consisted of members, staff and board members with a personal commitment to the field and are not commercially motivated enterprises. On the other hand, this personal connection to adoption entails a risk that strategic choices, decisions and assessments may be influenced, consciously or unconsciously, in undesirable ways.

The Committee considers that the Norwegian authorities should have ensured more thorough control and supervision of the intermediaries' organisation and work. Furthermore, the responsibility for issuing consents under Article 17(c) of the Hague Convention should have been assigned to the Central Authority and not delegated to the adoption agencies. The fact that the Norwegian authorities assumed responsibility for this assessment in 2025 was an important step towards strengthening legal certainty in adoption processes.

The Committee further considers that adoption agencies should not derive the majority of their funding from parental payments in individual adoption cases, but should receive a high proportion of public funding.

Chapter 25 addresses issues relating to the Norwegian authorities' processing of applications for adoption agency licences and the renewal of such licences, as well as the approval of contact persons. It also examines issues relating to the adoption authorities' supervision of adoption agencies. The investigation has revealed that there were significant weaknesses in the authorities' work on adoption licences and the approval of contact persons prior to the Hague Convention coming into force. The processing of agency licences for new countries appears to have become considerably more thorough, and the criteria for granting licences stricter, following the Hague Convention. As regards the renewal of licences for existing partner countries, the Hague Convention appears to have had a significantly lesser impact up until around 2019.

The supervision of intermediaries and adoption arrangements from various countries of origin has had clear weaknesses. This applies, first and foremost, to the monitoring of financial aspects of adoption mediation. The Committee considers that the Norwegian authorities did not sufficiently investigate risk factors related to the financial aspects of adoption mediation, such as high fees paid to contact persons, and failed to impose conditions in mediation licences regarding the level of such fees. Furthermore, the supervision of aid work was highly inadequate. The supervision was primarily focused on verifying that agencies in Norway maintained separate accounts for aid and adoption placement, whilst the crucial question of how the link between aid and adoption placement was perceived by cooperation partners in the countries of origin was entirely overlooked.

There were also clear weaknesses regarding monitoring visits to countries of origin. On the one hand, particularly after 2000, there were few visits compared with the number of countries of origin from which adoptions were arranged; and throughout much of the period during which adoptions were arranged to Norway, some of the visits appear to have been more in the nature of fact-finding missions than monitoring visits. Another weakness in the Norwegian authorities' supervision of adoption arrangements is that the Norwegian Foreign Service has not fulfilled the role envisaged by the Norwegian authorities as a source of information on matters of significance for adoption arrangements.

The Committee also notes that there has been a clear mismatch between the adoption authorities' staffing and financial resources and the tasks they were required to carry out.

Despite the fact that, since 1987, the processing of individual cases concerning prior consent, the registration of adoptions and the granting of adoption authorisations has been the responsibility of the same body that has processed applications for placement licences, the approval of contact persons, etc. and which has supervised adoption mediation, there have been no systems in place for sharing lessons learnt from the processing of individual cases with the adoption authorities' work on mediation licences and supervision. This has meant that significant weaknesses have not been investigated or taken into account.

Chapter 26 sets out the Norwegian adoption authorities' handling of cases concerning prior consent to adoption. The Committee describes developments in regulations and practice and provides its assessment of these. It is pointed out that known weaknesses, such as persistent variations in the quality of local authorities' assessments of adoption applicants, were not rectified until 2015. The same applies to the lack of compulsory pre-adoption preparation courses.

In Chapter 27, the Committee provides a description and assessment of the Norwegian authorities' handling of the adoption case after the child has been placed with the adoptive parents and has arrived in Norway.

Under the Norwegian Adoption Act, the Norwegian authorities' responsibilities at this stage have depended on whether the adoption was finalised in the country of origin or in Norway. In most countries of origin, the children were adopted there before arriving in Norway. In such cases, the processing of the case in Norway consisted of determining whether the adoption should be recognised and registered in Norway (registration cases). In some countries of origin, however, children were merely placed for adoption with Norwegian adoptive applicants, whilst the adoption itself was finalised in Norway through the Norwegian authorities granting an adoption authorisation (authorisation cases).

In accordance with long-standing practice, registration cases and authorisation cases have been handled in virtually the same way in Norway. The process has mainly consisted of verifying that the correct authority or body in the country of origin has made a final decision on adoption (registration case) or authorisation for adoption (authorisation case), respectively. The Committee has concluded that this practice has been incorrect in the case of authorisation cases.

An adoption authorisation is the final decision in an adoption case. Although the decision may and should be based on a case assessment carried out at earlier stages of the adoption process, the Norwegian authorities have had a duty to take an independent view of the conditions for adoption under the Norwegian Adoption Act at the time of the decision. In the Committee's view, the handling of authorisation cases has therefore been in breach of the requirements of the Norwegian Adoption Act and the Public Administration Act.

Chapter 28 provides an account of adoptions not arranged through an adoption agency. This includes both adoptions with prior consent (independent adoptions) and adoptions where prior consent from the Norwegian authorities has not been required (recognition cases). In addition, the report discusses some cases where prospective adopters have independently carried out adoption processes or similar arrangements for taking a child into care in contravention of Norwegian law. The Committee describes developments in legislation and practice and presents its assessment of these.

Chapter 29 deals with the rights of those adopted from abroad and their opportunities to gain knowledge about their own adoption process, its background and their origins. It provides an overview of the regulations governing adoptees' right to information and access to records, including rules on anonymous adoptions and the duty of adoptive parents to share information about the adoption with the child. Furthermore, it describes administrative practices regarding access to Norwegian adoption records, as well as existing public assistance for searches for biological origins. The chapter also contains a summary of key findings from the twelve countries the committee has examined, regarding adoptees' ability to learn about their own origins. The issue of birth families' right to information about the adoptee is also discussed. Finally, the committee sets out its recommendations regarding the support that should be available to adoptees.

In Chapter 30, the committee examines issues relating to post-adoption support during the period of adoption placement to Norway. The term 'post-adoption' encompasses the help and support provided to adoptees and adoptive families following the completion of the adoption. In this chapter, the Committee outlines and assesses post-adoption services during various periods. The Committee takes a critical view of the fact that no review or strengthening of post-adoption services was carried out in connection with the ratification of the Hague Convention. The Committee believes that the services introduced by the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) in 2023 represented a significant improvement, but that weaknesses remain. In this chapter, the Committee also makes a number of recommendations regarding measures that should be introduced.

Chapter 31 sets out the Committee's overall conclusions. The Committee assesses risk factors, as well as the soundness of various parts of the adoption system during different periods and the extent to which fundamental principles of adoption law have been upheld. The Committee's overall assessment is that there have been clear shortcomings in the adoption system in Norway throughout the entire period of international adoption until the Committee began its work. However, the Committee believes that the soundness of the system has been strengthened in several respects over time.

In the Committee's view, it has been of crucial importance for the oversight exercised over international adoptions that, right up until very recent years, the Norwegian adoption authorities have, to a limited extent, considered themselves responsible for monitoring that part of the adoption process taking place in the country of origin, beyond ensuring that the adoptions could formally be carried out in a valid manner. The handling of individual adoption cases, both authorisation and registration cases, was inadequate until Bufdir revised its understanding of the checks to be carried out as part of the consent to be given under Article 17(c) of the Hague Convention and, in 2022, instructed the intermediaries that they also had a responsibility to assess the release process. The checks were further strengthened when Bufdir took over the task of issuing consents under Article 17(c) from 2025.

The placement process and adoption systems in the countries of origin were not assessed with sufficient rigour when processing placement authorisations prior to the entry into force of the Hague Convention in 1998. With regard to placement authorisations from new countries, the Committee notes a clear improvement in case investigations and assessments following the entry into force of the Hague Convention. However, with regard to the renewal of placement authorisations, the Committee considers that, in several cases, the assessments have not been sound, and that a clear improvement only occurred from around 2019.

The Committee considers that the resource situation, particularly from the time the State Adoption Office was established in 1987, limited the ability to carry out sufficiently thorough supervision of release processes and other matters in countries of origin. The resource situation did not improve significantly throughout the 2000s and was in line with the view at the time that the Norwegian authorities had only a limited responsibility for monitoring that part of the adoption process which took place in the country of origin.

With regard to the processing of cases concerning prior consent, there were long-standing weaknesses in the assessment of prospective adoptive parents, including a lack of statutory requirements (until 2015) and of adequate written guidelines for the exercise of discretion. Furthermore, it was a weakness that, until 2015, the assessment of applicants was carried out by the applicants' home municipality rather than by a specialised unit. The Committee is also critical of the fact that there were no compulsory pre-adoption preparation courses prior to 2015. With regard to post-adoption support measures, there has been a significant development during the period of adoption placement to Norway, from services provided solely by adoption agencies to gradually increasing public involvement and funding. The Committee takes a critical view of the Norwegian authorities' general stance, right up until the last decade, that adoptive families should not be singled out as a special group, but should instead be supported through the general public service provision. This may have meant that adoptees and adoptive parents have not received the help they needed.

The Committee believes that the Norwegian authorities and adoption agencies have clearly underestimated the risk factors associated with international adoptions and have exercised insufficient control. Nor has the system for international adoptions been suitable or been allocated the necessary resources to exercise adequate control over the risk factors in all the various partner countries.

In *Chapter 32*, the Committee sets out its recommendations. Here is a summary of the recommendations:

If the Norwegian authorities continue with the arrangement whereby private adoption agencies act as key players in the adoption process, the following must be done:

- It must be investigated whether organisations authorised to arrange adoptions may be member organisations or must have a different organisational form. In addition, the requirements regarding the composition of the board and professional competence should be investigated.

- The fixed proportion of public funding allocated to agencies must be significantly increased, so that their operations and core staffing are less dependent on the number of adoptions.
- The scheme introduced in 2025, whereby the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) itself carries out checks in accordance with Article 17(c) of the Hague Convention, must be continued so that the Norwegian authorities can ensure due diligence and legal certainty in adoptions to Norway.
- The regulatory provision on placement licences should specify which factors relating to the country of origin and the cooperating partners are to be assessed when granting and renewing a placement licence.
- The Norwegian authorities should continue the current practice regarding the processing of applications for placement licences and their renewal, involving a thorough case review in which a range of sources are examined.
- The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) must be provided with sufficient resources to ensure the proper processing of applications for placement licences, as well as supervision and monitoring.
- No more placement licences should be granted than Bufdir has the resources to follow up with proper supervision and monitoring.
- The Norwegian authorities must exercise close control over financial matters relating to adoption mediation, including arrangements for remuneration of contact persons and legal representatives, and over how the relationship between development aid and adoption is perceived by partners in the countries of origin.

The following measures are recommended regarding access to adoption files in Norway, as well as searches for origins:

- New and improved guidance should be developed for adoptees who wish to access foreign archives and who wish to search for their origins.
- A counselling service should be established for adoptees in connection with searches for their origins, return visits or reunification with their birth families.
- The Committee believes that the adoption authorities should be able to provide advice to adoptees on DNA testing, including on the risks, consequences and privacy considerations. A more detailed investigation of this issue should be carried out, including the possibilities for financial support for DNA testing.
- New and improved guidance should be developed for adoptees in connection with enquiries from their birth families.
- It should be investigated whether, in certain cases, access to records should be granted to birth families who contact the Norwegian adoption authorities.
- Norwegian adoption authorities should compile a comprehensive overview of adoption documentation held by private individuals and others, and then assess the need to retrieve this and make it available to adoptees seeking access.

The following recommendations are made regarding post-adoption measures:

- Peer support services should be established under public auspices in consultation with private organisations.
- A centre of expertise on adoption should be established.
- A tailored programme of courses or counselling sessions should be set up to address conflicts or other challenges in adoptive families that are related to adoption-specific issues.
- Adopted children should have the right to mother-tongue education at school in order to learn and/or maintain the language of their country of origin, regardless of their proficiency in Norwegian.

- Adult adoptees should be entitled to free language tuition in the language of their country of origin.
- NIBR's 2021 recommendations on preventing and combating racism and discrimination against internationally adopted people should be followed up.
- Compulsory courses for adoptive parents should be introduced following adoption.
- Mandatory follow-up of adoptive families following adoption should be introduced, in the form of home visits, etc.
- Adoption applicants must be required to have basic language skills in the child's mother tongue prior to adoption.
- Standardised tools for assessing and evaluating adoptive applicants' mental health and ability to form attachments should be used when assessing cases involving prior consent for international adoption.

Measures should be taken to address the health of adopted children:

- Several of the measures recommended in the 2013 FHI report on the health of adoptees should be followed up.
- Measures should be implemented to enhance the expertise of healthcare professionals, including in relation to adoption-specific trauma, attachment issues and identity development among adoptees.
- Genetic counselling should, as far as possible, be offered to adoptees who lack information about their biological background.
- Research into the physical and mental health of adoptees should be strengthened so as to improve the evidence base for interventions.

In light of the scale and seriousness of the shortcomings identified in this review, the committee also recommends the following measures:

- The Ministry should ensure that the report is translated into English. The report may be of interest both in the countries of origin and in other receiving countries. When only the summary is available in English, the report's accessibility is limited, including for birth parents and their support networks.
- Greater emphasis should be placed on Norway's international obligations to combat corruption, including in the field of adoption.
- It should be investigated whether illegal adoptions should be included as a specific form of exploitation in the criminal provision on human trafficking.
- The Norwegian authorities should take a positive stance towards cooperation with countries of origin in their investigations and criminal proceedings, provided this is carried out in accordance with fundamental guarantees of legal certainty.

3 Method

3.1 Legal basis

The Committee is an administrative body (see Section 1 of the Public Administration Act) and is therefore subject to the provisions of, amongst others, the Public Administration Act, the Freedom of Information Act and the Archives Act, as well as unwritten principles regarding the requirements for sound administrative procedure. The Committee must also act in accordance with the requirements of good administrative practice, cf. Section 12(1)(a) of the Civil Ombudsman Act.

As the Committee's assessments and recommendations do not determine anyone's rights or obligations, the specific rules on case handling for individual decisions set out in Chapter IV–

VI of the Public Administration Act do not apply. However, some of the procedural rules for individual decisions may be regarded as an expression of the statutory principles of administrative procedure and will therefore still apply to the Committee's work.

There are no specific statutory rules governing the activities of public inquiry committees, but certain guidelines do exist. In 1975, the Ministry of Justice issued a circular (G-48/75) setting out guidelines on the conduct of proceedings in publicly appointed inquiry committees and commissions. Like other inquiry committees in recent years, this committee has followed the guidelines in the circular insofar as they are relevant to our remit. More recently, a draft bill on public inquiry commissions was drawn up in NOU 2008:09. This work has not been followed up, but the committee has taken into account the views set out in the report. The committee has also taken into account the practice of previous inquiry committees with mandates similar to our own.

Both the guidelines and the practices of other committees are based on the principle that the conduct of proceedings in each individual inquiry must be adapted to the specific remit, as there are significant variations between the remits of different inquiry committees. There are several distinctive features of this committee's remit that are relevant to how proceedings should be organised, including the following:

- The remit is to investigate whether international adoption to Norway has been sound at a systemic level, not whether individuals have made mistakes. At the same time, we are to determine whether any unlawful or unethical practices have occurred in connection with adoptions to Norway.
- The remit is extremely wide-ranging. The Committee is to investigate and assess the activities of the authorities and adoption agencies across an entire field of activity over a period of more than 50 years. According to the terms of reference, the Committee is, in principle, to assess adoptions from all countries from which children have been adopted, but the investigation is largely limited to twelve countries, see section 1.7.2.

These countries have different languages, cultures and legal systems.

- There has been extensive and polarised debate in the media regarding the matters we are investigating.
- Information has emerged in both the national and international press regarding very serious issues relating to individual adoptions.
- Many of the cases under consideration date back a long time, and the passage of time makes the investigation more difficult.
- The documentation we are gathering cannot be used as evidence in criminal or civil proceedings.

The Committee's investigations have not been directed at the actions of individuals, and it is therefore not appropriate for the Committee to direct criticism at individuals. No individuals have therefore been regarded as 'parties' to the case. Nevertheless, the Committee has taken into account the roles played by the individuals interviewed in the adoption process, and has adapted the conduct of the interviews accordingly (see section 3.6.6).

3.2 Act on Access to Information

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

Under Section 2 of the Act, any person may provide the committee with information necessary for its work, notwithstanding any duty of confidentiality. However, the committee cannot compel anyone to provide information.

Information received by the Committee pursuant to Section 2 of the Act may not be used as evidence in any subsequent criminal or civil proceedings, cf. Section 5 of the Act.

The Committee's members, the secretariat and others who have carried out work or performed duties for the Committee are subject to a duty of confidentiality under Sections 13 to 13f of the Public Administration Act, cf. Section 3, first paragraph, of the Act. To the extent that committee members or others who have carried out work or provided services for the Committee have received information subject to a stricter duty of confidentiality than that laid down in the Public Administration Act, the stricter duty of confidentiality shall apply.

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

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

In its report, the committee must take into account international legal provisions, Norwegian legal provisions and the legal provisions of the various countries of origin. Furthermore, the committee must take into account the historical legal provisions that applied during the relevant periods under investigation.

Norway is bound by several international treaties which, in various ways, provide guidance in the field of adoption. These treaties impose obligations on the Norwegian State, but must be implemented in Norwegian law in order to have effect on Norwegian legal subjects. The Convention on the Rights of the Child currently has direct effect in Norwegian law through the Human Rights Act and takes precedence over other Norwegian laws. Other key treaties, such as the Hague Convention on Intercountry Adoption and the Council of Europe Convention on Adoption, have been implemented in Norway through amendments to Norwegian legislation. International law may, irrespective of its implementation in Norwegian law, be relevant to the interpretation of Norwegian sources of law through the principle of presumption.⁷ An overview of relevant international law is provided in Appendix 5.

The interpretation of Norwegian sources of law is carried out in accordance with general legal methodology. Legislation in Norway on intercountry adoptions was for a long time rather vague, and much of the regulation was left to guidelines and practice, which can be difficult to trace and analyse today.

The Committee has had limited opportunities to examine other countries' adoption regulations during the various periods in question. This is due to the scope of the work and the number of countries involved, as well as the fact that the Committee and the secretariat do not possess any specific expertise in the languages or legal systems of the twelve countries under closer scrutiny. The accounts have largely had to be based on available secondary sources, such as regulatory descriptions from other countries' reviews or descriptions found in the archives of Norwegian adoption authorities. For these reasons, the possibility of isolated errors in the presentation of foreign law cannot be ruled out.

The level of detail in the Committee's descriptions of the regulatory frameworks in countries of origin will vary, depending, amongst other things, on priorities and the circumstances and periods under investigation.

3.4 Choice of methodology

The choice of methods for investigating the facts was made on the basis of an assessment of the mandate and available resources. Consideration was also given to the methods used in reviews and investigations in other recipient countries and their available resources. Review reports and investigations from the Netherlands, Switzerland, Belgium, Denmark and France were examined,⁸ and an analysis was carried out of the methods, material and conclusions.⁹

⁷ The principle that Norwegian law is presumed to be in accordance with international obligations.

⁸ In addition, a brief report from 2022 on adoptions from Sri Lanka to Iceland was obtained, as well as a report from Finland (2022) which mainly summarises findings from studies in other receiving countries.

⁹ The Committee's review of studies from other countries is based partly on an overview prepared by Bufdir, which was forwarded to BFD at the start of the Committee's work, and partly on the Committee's own investigations. It should be noted that

Meetings were also held at an early stage with the Swedish inquiry commission, which explained its methodological choices. The Committee has also met with researchers who worked for the Dutch inquiry commission.

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

3.4.1 Inquiries and investigations in other receiving countries

Among the investigations into international adoptions carried out in other receiving countries to date, it is particularly the mandates and terms of reference of the Dutch and Swedish inquiries that resemble those of this committee.

These will therefore be presented first. This is followed by an account of studies carried out in Switzerland, Belgium, Denmark and France.

3.4.1.1 *The Netherlands*

The Dutch inquiry commission operated from May 2019 to February 2021. Commission members, who were partially seconded from their regular duties, and a secretariat received assistance from, amongst others, a research team at Utrecht University.

The investigations were conducted at a systemic level and were intended to determine the extent of irregularities and how the Dutch authorities acted in various situations and periods. Five countries were specified in the mandate.¹⁰ In addition, the commission noted irregularities¹¹ it encountered in 18 other countries.¹²

The work consisted largely of document reviews in relevant public and private archives, as well as approximately 160 qualitative interviews with various stakeholders (adoptees, adoptive parents, public officials, various stakeholders in different countries of origin, researchers and other interested parties, etc.). The Commission did not investigate individual cases with the aim of providing answers to individuals regarding their specific cases.

The Commission undertook field visits to Colombia and Sri Lanka. It carried out an extensive search of historical news databases. It also compiled an overview of research in relevant fields and wrote a summary of 40 selected publications. Furthermore, CBS (Centraal Bureau voor de Statistiek, Statistics Netherlands) was commissioned to conduct a survey among a random and representative sample of internationally adopted individuals (n = 3,454), which addressed illegalities and unethical practices relating to the respondents' adoption, as well as other life experiences related to the adoption, whether the respondents had sought or intended to seek their biological origins, and any difficulties encountered in this process.

The Commission's work drew on the principles of peer review and methodological triangulation, whereby archive material was cross-checked against material from other archives, and findings were contextualised using material

it is possible that studies have been carried out of which the committee is unaware. The review did not include independent research projects on intercountry adoption.

¹⁰ Sri Lanka, Colombia, Bangladesh, Brazil and Indonesia. All of these overlap with the countries prioritised in this committee's mandate. See 'Rapport Commissie onderzoek interlandelijke adoptie' (2021).

¹¹ In the unofficial English translation of the report, the term 'abuses' is used. In Dutch, the word 'misstanden', which can be translated as 'abuse', 'injustice' or 'reprehensible conduct'. The Commission defines the term as follows: 'an act or omission contrary to applicable national and international legislation, as well as an act or omission which, strictly speaking, is not contrary to applicable national and international legislation, but which is ethically irresponsible' (2021), p. 11.

¹² **Chile, Ethiopia, South Korea**, India, Guatemala, **China**, Peru, Romania, Thailand, South Africa, Poland, Haiti, Greece, Congo (DRC), Taiwan, Uganda, Hungary, USA. Countries marked in bold overlap with those prioritised in the Norwegian Inquiry Committee's mandate. It is unclear from the report what the basis is for the recorded irregularities in these 18 countries, as the source material is not clearly specified (for example, whether the cases were recorded on the basis of news articles, archive findings, interviews with adoptees, investigations or legal proceedings in the countries of origin, etc.).

Information was drawn from news articles and parliamentary documents. Qualitative interviews were used, amongst other things, to investigate how the system functioned in practice. The questionnaire survey was used, amongst other things, to provide recommendations on post-adoption support services. They had no reference group, but interim reports were peer-reviewed, and a draft of the report was assessed by an external expert committee.

A key conclusion of the Dutch inquiry report is that the Dutch authorities were aware of irregularities in connection with adoptions dating back to the 1960s and continuing into more recent times, but did not intervene when, in the Commission's view, there were grounds for doing so. The commission further recommended abolishing an adoption system that involved private intermediary organisations.

The report has been criticised for failing to distinguish between general irregularities in countries of origin and irregularities specifically linked to adoptions to the Netherlands. It has also been criticised for a lack of clarity regarding the sources on which it bases its conclusions about the extent of the irregularities.¹³

The Committee will discuss the findings of the Dutch investigation report in more detail in connection with specific issues in relevant countries of origin.

3.4.1.2 Sweden

The Swedish Commission of Inquiry was established in October 2021 and submitted its report, 'SOU 2025:61 Sweden's international adoption activities – lessons learnt and the way forward', in June 2025. A lead investigator, Professor of Law Anna Singer, supported by a secretariat of three full-time staff members, had primary responsibility for the inquiry. The inquiry covers seven countries: Chile, Colombia, Ethiopia, China, Poland, Sri Lanka and South Korea, and consists of two volumes totalling just over 1,500 pages.¹⁴

The Commission was tasked with clarifying the occurrence of any irregularities ('irregularities') in Sweden's international adoption activities. It was also to examine how authorities, authorised associations, non-profit organisations and other private actors acted and responded to any irregularities in accordance with their respective responsibilities and roles. Furthermore, the Commission was to propose how current regulations, organisation and processes could be amended and strengthened. The need for post-adoption measures was also to be investigated.

The Commission carried out extensive document reviews in public and private archives. A large number of historical news articles were examined. The Commission conducted a series of interviews with relevant stakeholders (public officials, adoptees, etc.) and undertook field visits to Chile, Colombia, Poland and South Korea. Relevant research was reviewed. The investigation into post-adoption measures included focus group interviews conducted by an external team.

Initially, the Commission was not authorised to review individual cases, but the regulations were amended whilst the inquiry was ongoing to enable this. The purpose of the review of individual cases was to examine the adoption system.

The inquiry had an expert group comprising representatives from the authorities, adoption agencies and various professionals. In addition, it had a reference group with representatives from organisations for adoptees.

The report concluded that 'irregularities' had occurred in adoptions to Sweden, that the Swedish adoption system had been characterised by a high degree of trust between the parties involved, and that the parties had not

¹³ See, for example, van Ijzendoorn, M. H. and Bakermans-Kranenburg, M. J. (2022). 'Intercountry Adoption is a Child Protection Measure. Some comments on "Investigating Historical Abuses" by Balks, Frerks and De Graaf, 2022'. *Journal of Applied History* 2022 (1–10).

¹⁴ SOU 2025:61 Sweden's international adoption activities – lessons learnt and the way forward.

had paid sufficient attention to the risks involved. The report proposed phasing out adoption placements from abroad to Sweden.

The committee will discuss the findings of the Swedish inquiry report in relation to specific issues in relevant countries of origin.

3.4.1.3 *Switzerland*

In Switzerland, no plans have been made for a major, comprehensive external inquiry, but in the wake of a 2020 report on Sri Lanka, the authorities have initiated various activities, including legal investigations, the development of post-adoption support services and the facilitation of further research. In December 2020, an investigative report was published on adoptions from Sri Lanka to Switzerland during the period 1973–1997. This included a historical review comprising a documentary analysis of various public archives, carried out by researchers at the Zurich University of Applied Sciences (ZHAW), and concluded that there were several shortcomings at every stage of the adoption process.¹⁵ The report showed that the Swiss authorities received information on the cases from their embassy, but that a suspension of adoptions was not considered. The historical investigation was carried out in consultation with an advisory group comprising representatives from the Swiss central authority, various stakeholders and other government representatives. The group ensured that the mandate was followed and that the work progressed, and provided comments prior to final publication. Following the report's publication in 2020, an independent expert group was established to analyse specific needs for measures and changes to legislation and practice.

In November 2023, researchers at ZHAW submitted a report on adoptions from ten countries between the 1970s and the 1990s,¹⁶ based on document analyses in Swiss federal archives. This is described as an 'inventory' (an overview and summary) of the contents of the archives, the aim being to facilitate further, independent research projects on the subject.¹⁷ The material indicated that unlawful practices and irregularities took place in all ten countries of origin, albeit to varying degrees. It was not possible to determine exactly how many people might be affected. The Swiss authorities were aware of these practices.

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

In January 2025, the Swiss authorities decided to ban international adoptions by the end of 2026.¹⁸

Other findings and relevant points from the Swiss studies will be discussed in relation to specific countries of origin and issues.

¹⁵ These include: inadequate assessment of prospective adoptive parents, lack of consent from birth parents, superficial assessment of the child's documents, and a profit-driven system in Sri Lanka linked to a network of lawyers and adoption agencies operating without adequate supervision. See Bitter, Bangerter and Ramsauer (2020) 'The Adoption of Children from Sri Lanka in Switzerland 1973–1997. On the Practices of Private Placement Agencies and the Authorities'.

¹⁶ Chile, Colombia, South Korea, India, Bangladesh, Brazil, Guatemala, Peru, Romania and Lebanon. See Ramsauer, Bühler and Girschik (2023) 'Evidence of illegal adoptions of children from ten countries of origin in Switzerland, 1970s to 1990s. An inventory of documents held in the Swiss Federal Archives.'

¹⁷ Since then, a research team affiliated with the University of St Gallen and Bern University of Applied Sciences, amongst others, has conducted research into adoptions to Switzerland from India between 1973 and 2002. Research Project Adoptions 1973–2002 ZH/TG

¹⁸ The Federal Council, 29 January 2025: 'Federal Council to stop international adoptions', www.ad-min.ch/en/nsb?id=103957, accessed 4 May 2026.

3.4.1.4 Belgium

In July 2019, the government of the Flemish-speaking part of Belgium set up an independent, multidisciplinary expert panel to investigate past international adoptions.¹⁹ The panel was tasked with providing a thorough analysis of the development of international adoption, focusing on what had gone wrong and inadequate practices, but also on positive experiences. The aim was to provide policy recommendations for a new framework for international adoption, including the organisation of post-adoption care, counselling, support and redress. At the same time, the Flemish central authority was asked to investigate adoptions from Ethiopia, prompted by several news reports concerning problematic issues relating to adoptions from that country.

The panel collaborated with three Flemish universities, where research teams produced a total of four sub-reports analysing and discussing the legal, ethical, historical-social and psychological aspects of intercountry adoption respectively. These reports formed the basis for the panel's discussions, which took place approximately once a month.

In August 2021, the panel submitted its report containing recommendations. This is primarily forward-looking and provides advice on restructuring and improving the system and practices. The report recommends a 'passive' rather than an 'active' approach to international adoption: adoption agencies should not actively seek out new partner countries or organisations. Instead, adoptions should be initiated by the country of origin as and when required.

The report also recommends making adoption mediation the responsibility of the central authorities. In countries where there is a high risk of errors in the process, support for local child welfare services should be prioritised over adoption cooperation.

In April 2026, the Flemish authorities in Belgium agreed on new legislation under which international adoptions to Flanders will be phased out by the end of 2027.²⁰

3.4.1.5 Denmark

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

The investigations comprised, amongst other things, document reviews in selected archives held by the Danish authorities, material obtained from Danish adoption agencies, relevant secondary literature—including information from the central authorities of other countries and international organisations—and a review of individual cases.²¹

With regard to adoptions from Chile, Colombia and Bangladesh during the periods under investigation, the National Social Appeals Board cannot rule out the possibility that they were associated with illegal activities in the countries of origin. With regard to the investigation into adoptions from Sri Lanka, the information suggests that 'illegal activities have been part of the placement process to Denmark'. As for Indonesia, the National Social Appeals Board considers that the available information points to an unregulated, but not illegal, placement process during the period under investigation. As regards South Korea, they consider that the placement process was characterised by an unregulated placement system that facilitated the concealment of the adoptee's background, and an unfortunate incentive structure involving large financial transfers between the Danish and South Korean organisations.

¹⁹ See p. 6, 'Experts' Panel on Intercountry Adoption, Final Report'. Published 14 August 2021.

²⁰ The Brussels Times, 27 April 2026: 'Flanders passes new regulation on intercountry adoptions'.

²¹ 31 cases from Chile, 6 from Colombia, 28 from Bangladesh, 10 from Sri Lanka, 13 from Indonesia and 60 from South Korea.

In Denmark, intercountry adoptions have effectively ceased because the sole intermediary organisation, DIA, ceased operations in 2024. There is currently no solution in place to continue the scheme.²²

An independent study of international adoptions to Denmark during the period 1964–2016 has been initiated. It will cover adoption placements from all 70 countries from which Denmark adopted during that period.²³

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

3.4.1.6 France

A report on investigations into adoptions to France was published in March 2024. The investigations were carried out by four inspectors from various French supervisory bodies. The mandate was to identify past unlawful practices in order to strengthen the system for the future. No specific time period or specific countries were designated. Methodologically, the investigations consisted of document reviews of relevant guidelines and legislation, and 179 interviews with various officials, adoption intermediaries, adoptees, adoptive parents, researchers and professionals, as well as representatives in other receiving countries and diplomatic staff in selected countries of origin. Furthermore, a questionnaire was distributed to various public bodies in several regions of France. Four field visits were carried out to Romania, Togo, Colombia and Sri Lanka. In each country, the inspectors examined the various stages of the adoption process and met with relevant stakeholders.

The report clearly states that the inspectors did not seek to uncover wrongdoing or determine the extent of any such wrongdoing; rather, it assumes that illegal practices²⁴ have been an undisputed reality,²⁵ and takes a forward-looking rather than a retrospective approach. The focus is on identifying improvements at the systemic level. The report concludes that France currently has a robust adoption system, although some weaknesses can nevertheless be identified. These weaknesses are mainly linked to countries of origin and the processes leading up to the placement of children for adoption.

Other findings and relevant points from the French studies will be discussed in relation to specific countries of origin and/or issues.

3.4.2 The methods used in this review

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

Table 3.1 below provides a schematic summary of the methods considered relevant to different parts of the mandate.

²² Ministry of Social Affairs and Housing, 4 June 2025. 'New agreement on a coordinated effort in the field of adoption'.

²³ Ministry of Social Affairs and Housing, 4 June 2025. 'New agreement on a coordinated approach to adoption'.

²⁴ In French, the report refers to 'pratiques illicites', defined as: 'practices leading to situations where a child has been adopted without respect for their rights or the safeguards provided for in the [Hague] Convention'.

²⁵ Here, it draws, amongst other things, on findings from a historical study conducted in French government archives (Denéchère Y. and Macedo F. [2023]. *Historical Study of Illicit Practices in International Adoption in France*. Université d'Angers – TEMOS. hal-04130830), investigations carried out in other countries, reports from The International Social Service and the Hague Conference on Private International Law, various news articles, and reported incidents from adoptive parents and adoptees who have investigated their own cases, etc. (p. 39, *Interministerial Mission on Illicit Practices in International Adoption in France. Final Report*. October 2023).

In order to obtain the broadest possible knowledge base and ensure sufficient insight into the subject matter, the committee decided to employ several different, complementary methods. The following section provides a more detailed account of the course of the investigation and the methods used in the review process.

Table 3.1 Selected methods in relation to the issues/themes in the terms of reference

Topic/research question	Ar- kiv	Interviews, reference- group and meetings	New health- search	Resear- ch/ secondary- literature	Individua- l- aker	Country- search
Assess whether any unlawful or unethical conduct has occurred in connection with foreign International adoptions to Norway	x	x	x	x	x	x
Whether the adoption system has been sound	x	x	x	x	x	x
Assess regulations and practices to ensure Prior consent for adoptions	x	x	x	x	x	
Adoptions outside an organisation – on rejections and approvals	x	x		x	x	x
Adoptees' opportunity to gain knowledge on biological origins	x	x	x	x	x	x
How children and families have been cared for in Norway following the completion of the adoption pre-adoption/post-adoption	x	x	x	x	x	
The need for forward-looking measures and advice on the system for the future	x	x	x	x		x

The committee also considered conducting a survey among adoptees, which could, amongst other things, provide representative perspectives on the need for and design of post-adoption support measures, as well as adoptees' ability to, and desire for, knowledge of their biological origins. A survey based on a random and representative sample of people adopted from abroad is beyond the Committee's resource constraints. Following consultation with Statistics Norway (SSB) and other relevant stakeholders, it became clear that it would also be difficult to carry out a survey based on self-selection and open recruitment in a satisfactory manner without tying up too large a proportion of the committee's resources. Following an assessment, the committee concluded that a questionnaire survey would therefore have to be deprioritised. The committee announced this upon publication of the interim report (see section 3.6.9) and emphasised at the time that anyone wishing to do so could submit comments and enquiries to the committee.

3.4.3 Regarding the time periods under investigation

The committee's terms of reference state that 'With regard to time periods, the committee itself should assess which periods it is necessary and appropriate to examine in relation to each individual country' and that the committee 'shall justify any delimitations and the choice of time periods'.

The Committee's delimitations in its investigations of the twelve priority countries specified in its mandate are discussed and justified in the various country chapters.

At a general level, the fact that the Committee's mandate is primarily retrospective has influenced its prioritisation of different periods. Furthermore, since the Committee began its work, significant changes have taken place in the field of adoption in Norway: two intermediary organisations have been wound up, the number of international adoptions to Norway has fallen further, and the Norwegian adoption authorities have made significant changes to their supervisory and monitoring work, including by taking over responsibility for issuing Section 17c declarations (see Chapter 23).

For these reasons, the committee has not carried out a systematic investigation into events that took place in 2025–2026, although certain matters from recent years have been discussed and/or assessed (this applies, amongst other things, to the placement licence granted to Adopsjonsforum for Colombia in 2025, the South Korean Truth and Reconciliation Commission's report from 2025 and the criminal investigation into Chile's indictments from 2025; see Chapter 12, Chapter 19 and Chapter 11).

On anonymisation and naming

The Committee's work is based on access to material that is largely subject to statutory confidentiality obligations and contains sensitive information. This requires particular care in the handling of the information and a trust that the Committee has been committed to managing in a responsible manner.

As a general rule, the Committee has endeavoured to describe circumstances with as high a degree of precision as possible. In cases where there may be a risk of identifying the parties involved when referring to matters subject to confidentiality, the Committee must anonymise the information. This means that certain details, such as specific years and countries, are in some cases stated at a general or approximate level. In some cases, it has also been necessary to omit elements from the description of the facts so that parties involved in matters subject to confidentiality cannot be identified. This primarily concerns details that have not been crucial to understanding or the assessments. The Committee has carried out specific assessments in each individual case as to which information may be made public.

Chapters 21 and 28 discuss matters relating to countries of origin other than the Committee's twelve priority countries, as well as individual cases which, for data protection reasons, cannot be linked to a specific country.

In contrast to the majority of the Committee, a minority – Committee member *Rudolf Christoffersen* – considers that there are no sufficiently compelling reasons to anonymise a country of origin where the events in question took place over 40 years ago. Stating a country of origin does not in itself constitute identifying information about the adoptee or other third parties. It is a matter of geographical and historical information of a general nature – comparable to specifying the decade in which an event took place. The privacy risk must therefore be regarded as minimal, whilst the benefit to society's understanding of the history of adoption may be significant. Both Norwegian law and the EU's General Data Protection Regulation (GDPR) recognise that considerations relating to historical documentation, research and the individual's right to self-knowledge may justify the disclosure of information that would otherwise be subject to data protection. Furthermore, the parties involved in the case in question are at a stage in their lives where any potential adverse effects of disclosure are significantly reduced compared with more recent cases.

3.4.3.1 On the naming of individuals in the investigation report

With regard to the discussion of matters *not* subject to confidentiality, such as aspects of individuals' professional practice, the committee has decided not to name individuals in the report – for example, employees of Norwegian adoption authorities or intermediary organisations – but instead to refer to their role or position. This is because the inquiry focuses on the system level, not on the actions of individuals, and reflects a desire to ensure that the people interviewed by the committee

to speak openly and without reservation. However, this does not imply complete anonymity, as individuals may in some cases be indirectly identifiable through context, role or the nature of the case.

The minister responsible is exempt from this practice. This is justified by the minister's special responsibility and role in the overall management of the public administration's activities in this area.

In some cases, actors in the country of origin are also mentioned when they are already publicly known, for example through media reports.

Contrary to the majority of the committee, a minority – committee member *Rudolf Christoffersen* – believes that there are not sufficiently compelling reasons in this investigation report for not naming individuals who, whilst serving as Norwegian ambassadors, have committed reprehensible or unethical acts relating to adoption processes. An ambassador is Norway's highest-ranking representative abroad. When the reprehensible acts relate to the performance of official duties on behalf of the Norwegian state, the considerations of transparency regarding the identity of the ambassador in question and the role they played in the specific adoption processes outweigh the consideration of privacy.

3.5 Comments on the adoption statistics in the report

Both in the general historical account (Chapter 6) and in the various country chapters, reference will be made to statistics on the number of children adopted per year and from different countries. The Inquiry Committee has neither the expertise nor the resources to compile its own statistical overviews and has therefore had to rely on available sources. However, it has been a challenge that different sources use different methods of calculation and present varying figures for the number of adoptions completed. A brief explanation is therefore provided here of the nature of the challenges associated with the statistics and how the Committee has addressed them in its work.

The Committee has primarily obtained adoption statistics from three sources: adoption agencies, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) and Statistics Norway's (SSB) public reports.²⁶

In the adoption agencies' own records, the child's arrival in Norway is the cut-off point for determining the year in which the adoption is considered to have been finalised. Depending on the adoption procedures in different countries, adoptions may therefore be included in the agencies' statistics for a year earlier or later than when the adoption authorisation was granted (in Norway or the country of origin).²⁷ This applies in particular to adoption processes that were finalised at the end of a calendar year, but also to adoptions from countries where authorisation was granted only after a period during which the adoptive parents were required to provide foster care for the child.

The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) has provided the Directorate's internal statistics on adoptions arranged through organisations between 1979 and 2022.²⁸ The overview is stated to be based on reports from the intermediary organisations and largely corresponds with their publicly available statistics.²⁹ However, particularly in the 1980s, there are some minor discrepancies in the figures from individual countries, the cause of which is unknown to current staff at Bufdir. It is further noted that Bufdir does not hold statistical overviews of adoptions

²⁶ In addition, the committee has obtained an extract from the adoption register by year and country; however, the extract was not immediately suitable for statistical presentation.

²⁷ In Colombia, for example, there were several instances where it took several years before confirmation that the adoption decision had become final was sent to Norway (see section 12.7.2.1).

²⁸ The Committee has included these statistics in Appendix VII. It should be noted that the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) has stated that the statistics have not been quality-assured. The reason they are nevertheless included is that the Committee is not aware of any other overview showing figures for mediated adoptions by country of origin per year.

²⁹ Taken from the adoption agencies' website or sent to the Committee by the agencies themselves.

which have been carried out outside the framework of an approved adoption agency, the so-called *independent* adoptions (see Chapter 28).

Statistics Norway's figures, for their part, occasionally show significant discrepancies from the figures provided by the agencies and the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir).³⁰ The figures for certain years are higher than the total number of adoptions arranged through organisations as reported by Bufdir and the agencies, whilst for other years they are lower. In 1980, for example, SSB states that a total of 275 adoptions were completed, whilst Bufdir states that 384 were completed through adoption agencies alone (any independent adoptions would then be in addition to Bufdir's figures). In 2005, SSB reports that 704 international adoptions were completed, whilst Bufdir reports that 582 were arranged.³¹ The discrepancies are likely due to several factors. Firstly, SSB's statistics do not distinguish between adoptions arranged through adoption agencies and independent adoptions. Secondly, SSB's statistics are not based on the year of arrival, but on when the adoption authorisation was granted abroad, or when the adoption was registered or authorisation was granted in Norway.³² Thirdly, as far as the committee is aware, SSB works primarily with aggregate files from the adoption register that are sent to them by Bufdir.³³ According to information provided to the committee, much of the information in the Adoption Register is entered as free text, and typing errors and duplicates are potential sources of error in a statistical context.³⁴

In addition to these more comprehensive overviews, the committee has also, through source and archive searches, come across a number of less comprehensive tables, for example those stating the number of adopted children from a few countries and/or a few years. These generally differ both from one another and from the overviews already mentioned.³⁵

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

In this report, the Committee has chosen to base its analysis of adoptions arranged through adoption agencies on the agencies' own statistics. This decision is based on the fact that the agencies have been closest to the individual adoption cases and have had the greatest need to clarify the number of adoptions per year, for example in connection with the calculation and allocation of adoption costs. The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) states that more recent figures are based directly on information from the adoption agencies, but that there is some uncertainty as to what these figures were based on in the past. Statistics Norway's (SSB) register extracts also have the disadvantages mentioned above.

³⁰ Statistics Norway Table 04766: Adopted children by type of adoption, nationality, year and statistical variable. ³¹ There cannot have been more than one hundred independent adoptions in 2005; see section 6.2.2.2. ³² The data extract varies from country to country.

³³ The Adoption Register contains information on adoptions that have been finalised or approved in Norway dating back to 1917. Adoptions that have been carried out entirely in and by other states – for example, because the adoptive parents are resident in or are nationals of those states – are not entered in the Adoption Register, even if they have subsequently been recognised by the Norwegian authorities. See section 6.2.2.3.

³⁴ Statistics Norway (SSB) provides information on procedures for checking for possible discrepancies, but the Committee has no basis for assessing how reliable these methods are. As SSB's statistics are based on the child's nationality, it is unclear whether they include children who were granted Norwegian nationality before the adoption order was issued.

³⁵ One example is the table reproduced in section 6.2.2.2, which RIA compiled at the request of the Swedish authorities in 1982. This does not correspond with the figures from SSB, Bufdir or the Norwegian Korea Association. Furthermore, NOU 1976: 55, p. 10, contains a table that largely corresponds with RIA's overview from 1982, but which nevertheless lists two fewer children in 1975. It is worth noting that the working group itself points out several possible sources of error in these statistics; see NOU 1976: 55, pp. 10–11.

3.6 The course of the study

The bulk of the committee's work has consisted of mapping the field of adoption and gathering information, as well as analysing and assessing the facts. The circumstances under investigation span many decades, and the committee's investigations involve many different bodies, including those in other countries. It therefore became clear at an early stage that the factual basis would be extremely comprehensive. The factual basis on which the committee's assessments are founded consists partly of documents sent or obtained from the relevant bodies, agencies and countries, and partly of information that has emerged through interviews with individuals and organisations.

The initial stages of the review involved mapping, gathering and analysing documents relating to regulations and practices in the field of international adoption. Early in the process, meetings were held with various stakeholders (see Appendix 3). Written submissions to the committee's work from organisations and individuals were reviewed and systematised on an ongoing basis. An analysis was carried out of investigation reports and studies from other countries. Media searches were also carried out in the National Library's newspaper database to identify any public awareness of illegal or unethical practices relating to international adoption to Norway. Recent cases recorded in the Retriever news database were also retrieved. The media searches continued in connection with investigations into individual countries.

3.6.1 Input, reference group and enquiries to the committee

Chapter 1 describes the committee's reference group and how it was used to provide input to the inquiry.

In addition to the reference group, the committee received ongoing input from organisations, stakeholders and individuals. The input was categorised by country of origin and/or topic. The input was provided in writing and, in several cases, also in the form of meetings with the secretariat and/or all or part of the committee.

The input received by the committee has been of great significance to the review process, and the committee wishes to acknowledge the work carried out on a voluntary basis by organisations and individuals to shed light on various aspects of international adoptions to Norway.

3.6.2 Website

The committee had its own website: www.utenlandsadopsjonsutvalget.no. The website was used to provide information about the committee's ongoing work. It also contained information on how to submit enquiries, information and comments to the committee. All comments received by the committee were taken into account in its work and assessments. See also section 3.6.6.

3.6.3 Country-specific investigations

From March 2024, the secretariat began conducting structured archive searches at adoption agencies and public authorities. The Act on Access to Information for the Inquiry Committee came into force on 12 April 2024. From this point onwards, work on reviewing individual cases could also begin.

Document and archive reviews have been carried out with regard to the twelve priority countries in the mandate at Bufdir, the Ministry of Children and Families, the National Archives, the County Governor of Østfold, Buskerud, Oslo and Akershus, the Ministry of Foreign Affairs, as well as at the adoption agencies Adopsjonsforum, Verdens Barn and InorAdopt.

A general template was drawn up for each specific country review, comprising the following steps:

1. Collection and review of general information about the country and international adoptions from the relevant period. Reports from foreign investigations, Landinfo, ISS and independent NGOs will be relevant.
2. Collection and review of placement licences and applications. These typically provide information on partners and stakeholders in the country, as well as on regulations and practices. Risk factors and matters where doubts have arisen may also be highlighted.
3. Media searches regarding adoptions from the country. (Any relevant findings may be followed up through further archive searches.)
4. Search for relevant literature and research.
5. Review of general information on adoptions from the country in the archives of Bufdir, the Ministry of Children and Families, adoption agencies, the National Archives and, where applicable, the Ministry of Foreign Affairs.
6. Obtaining documents relating to individual cases from Bufdir/state administrators.
7. Interviews with people who have worked with the country at adoption agencies, and possibly also with government officials.
8. Interviews with individuals, primarily adoptees, adoptive parents and birth parents.
9. Possibly further rounds of the activities listed in 1–7.
10. Consider contacting sources in the country of origin, such as birth parents, NGOs, professionals or authorities.
11. Possibly a field visit.

For the most part, the various steps in the template were followed in the investigations of each country, but with necessary adjustments based on preliminary findings, resource constraints, available sources and the need for coordination with other areas of inquiry within the mandate. The investigations carried out in each country are described in the respective country chapters.

The twelve priority countries in the mandate differ greatly in terms of general social conditions, the number of international adoptions, the periods during which the adoptions took place, and the agencies that facilitated the adoptions. The amount of information that could be obtained through the various research methods varied from country to country. For example, the pool of informants tended to be smaller for adoptions that took place in the 1970s and 1980s than for later years. The country studies therefore had to be adapted to the specific circumstances in each country, and methodological choices and assessments had to be adjusted according to what was uncovered and what it was practically possible to obtain answers to. This is in line with the principles of qualitative research,³⁶ and is also specified in the terms of reference.³⁷

In practical terms, this means, for example, that information from an interview could influence the subsequent course of the archival research, or vice versa. Furthermore, it has not, for instance, been appropriate to examine the same number of individual cases from each country, as individual cases from some countries proved to provide a great deal of information relevant to the study, whilst individual cases from other countries provided far less relevant information. It could also happen that the examination of individual cases provided indications that there were patterns in the adoption cases, which warranted further investigation by looking at more cases.

Resource constraints have had an impact on how deeply the investigations could delve into individual countries. Limitations were imposed as the investigations progressed, based both on resource considerations and assessments of the specific circumstances of the cases: What risk has there been of unlawful or

³⁶ See, for example, Maxwell, J. A. (2013) *Qualitative research design: an interactive approach* (3rd ed., vol. 41) Sage; Grønmo, S. 'Qualitative method' in *Store norske leksikon* at snl.no. Accessed: 31 October 2024.

³⁷ 'Various considerations must be taken into account with regard to the different countries, and the research team is also expected to adapt in line with their own findings as the research progresses.'

unethical practices: how serious are the circumstances in question, and what opportunities were there to obtain sufficient information to make an assessment? Priorities and limitations inevitably led to differences in the resources that could be allocated to each of the twelve priority countries, and in the level of detail of the report for each country.

Although the committee took the twelve priority countries set out in its mandate as its starting point, some information on significant illegal or unethical practices relating to other countries of origin was also recorded.

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

The following section will provide a more detailed account of the empirical methods employed in the review, and will discuss the issues and limitations associated with them.

3.6.4 Archival research

A significant part of the review work has consisted of examining the archives of public and private organisations that have worked in the field of adoption. This work has been resource-intensive. The Committee has carried out searches and collected documents from the archives of Bufdir, the Ministry of Children and Families, several government agencies, the Ministry of Foreign Affairs, the National Archives, the State Archives, the National Library, Adopsjonsforum, Verdens Barn and InorAdopt. Nevertheless, the Committee has not been able to carry out exhaustive searches of all archives containing relevant material.

During the archive searches, the secretariat went through boxes containing extensive quantities of paper documents or digital files. The secretariat made ongoing discretionary assessments of which documents were relevant to the inquiry and retrieved these for the Committee's own digital archive.

The Committee notes that there is variation in whether and how older material has been preserved. The archives are not always complete, and we have seen examples where documents and information we expected to find have not been archived or have not been archived in the correct location.

3.6.4.1 Public authority archives

Government archives, primarily from the adoption authorities – Bufdir and its predecessors (BUFA, SUAK, SAK and RIA), as well as the responsible ministry – have been central to our searches. Due to the many changes in which public bodies have been responsible for adoption, it was important to identify which documents were located where. Archives relevant to the inquiry have been scattered across many locations (Bufdir, the National Archives, the state administrators, etc.).

At the start of the investigation, Bufdir handed over a package of documents that the Ministry had requested for the investigation. It contained placement applications and placement authorisations from 2000 to the present day, an overview of the adoption authorities' travel activities from 1988 to the present day, an overview of rejected placement applications since 2000, and a description of the background to the termination of country-specific cooperation that ceased after 2004. The Committee subsequently submitted requests in batches to Bufdir's archive, mainly sorted by country. At Bufdir, physical archive boxes organised by body, time period and/or country were reviewed by the Committee's secretariat. The Committee was also granted access to Bufdir's electronic case management system, enabling it to search directly for cases and correspondence from 2004 onwards. The types of documents reviewed include: travel reports, communication between adoption authorities and placement organisations, internal communication, communication with the responsible ministry, placement licences, applications for placement authorisation and for the approval of contact persons and contact networks, general country information, and dialogue between Norwegian adoption authorities and various stakeholders and individuals.

From the archives of the Ministry of Children and Families, the committee requested an extract of all cases with ‘adoption’ in the subject field for the period 1990–2016. Extracts of cases linked to relevant archive codes were also requested. On the basis of these extracts, selected cases were requested for closer examination. The archivist has also forwarded a number of cases relating to placements from specific individual countries that were considered particularly relevant to the committee’s work. Furthermore, the committee has requested the forwarding of specific cases up to 2025, relating to particular issues in the investigations.

Until 1990, responsibility for adoption matters lay with the Ministry of Justice and the Ministry of Social Affairs. The archive material from the period in question has been transferred to the National Archives, and the committee has reviewed parts of it. The types of documents reviewed in the ministries’ archives largely correspond to those described above regarding Bufdir’s archives, and cover adoption work in general, individual countries and correspondence relating to individual cases.

The Secretariat has also carried out searches in the Ministry of Foreign Affairs’ archives with regard to certain individual countries. The archives from Norwegian diplomatic missions abroad have been reviewed to a limited extent. In some cases, these archives have been transferred to the National Archives; in others, they have been held in off-site storage in Norway; and for some countries, the physical archives are still located at the relevant diplomatic missions. In Chile, the committee was able to carry out a search of the physical archives at the embassy in Santiago. Archivists at the Ministry of Foreign Affairs have also assisted by forwarding specific files from various countries of origin at the committee’s request.

It is important to emphasise that the committee has not had access to the official archives of other countries. In some cases, however, the Committee has received information following specific requests to foreign authorities or institutions. This includes, amongst other things, documentation sent from Costa Rica’s National Archives, information relating to the ongoing criminal investigation in Chile, and a draft report from the Truth and Reconciliation Commission in South Korea.

The Committee has also carried out searches in the main register of the Storting’s digital archive of historical cases.

Further details on access to individual cases

Documents relating to international adoptions carried out after 1987 are held in the archives of the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir). Documents relating to international adoptions carried out before 1987 can be found in the archives of the local authority responsible for the adoptive applicants’ place of residence at the time of adoption. The latter category has been far more resource-intensive for the committee to review. In these cases, the committee first had to contact Bufdir to obtain a list of individual cases from the relevant years and countries of origin. The cases could then be requested from the local authority. In some cases, however, due to errors in registration meaning that the cases do not appear with the correct year and country in the adoption register, it has been necessary to examine old card index lists of adoption applicants held by adoption agencies in order to identify older individual cases from the relevant countries with the correct state administrator. Furthermore, based on the information in the adoption register, it has not been possible to extract cases, for example, based on which children’s home or institution the child came from. See also section 3.5 regarding ambiguities generally associated with adoption statistics.

The Committee also notes that there are differences between different county governors and/or time periods regarding the information that has traditionally been retained in individual cases. In particular, the Committee observes a difference between different county governor’s offices regarding the volume of documents relating to prior consent. The Committee has also found examples of individual cases held by the State Administrator that are entirely lacking in release or court decision documents from the authorities in the country of origin, as these were returned to the adoptive parents after the adoption was registered or authorisation was granted in Norway. See Chapter 29 for a more detailed discussion of this.

3.6.4.2 *The adoption agencies' archives*

All adoption agencies (Adopsjonsforum, Verdens Barn and InorAdopt) have made their physical and digital archives available to the Committee.³⁸ The Parents' Association for Children from Other Countries has also made its archive available. However, the Committee was unable to prioritise a review of these.³⁹ Archive reviews have been carried out at Adopsjonsforum, Verdens Barn and InorAdopt, with particular focus on the twelve priority countries specified in the Committee's mandate, but also with a view to obtaining general information about the work of the adoption agencies.

Adopsjonsforum has a relatively large paper archive. Nevertheless, the amount of material the Committee found on individual countries and time periods varied. However, at Adopsjonsforum we found many details relating to the placement process, such as agreements with local actors, which we did not find in the public sector archives.

The committee has not examined more recent electronic correspondence beyond what may have been printed out and placed in physical folders or on shared digital platforms. From Adopsjonsforum's shared digital platforms, we have retrieved country-specific folders and other general information about its operations.

Verdens Barn had a considerably smaller physical archive, as they had disposed of most of the old archive material during various relocations. Correspondence, project files and so on had not been preserved to the same extent as at Adopsjonsforum. From Verdens Barn's digital shared areas, the committee retrieved the country files for relevant countries of origin, as well as other general information about the organisation's operations.

InorAdopt had carried out a review of its archives prior to the committee's archive review, and had, amongst other things, organised the material and disposed of duplicates. InorAdopt's archive was far less extensive than that of other adoption organisations. Among other things, correspondence had not been preserved to the same extent, and reports from many of InorAdopt's trips to partner countries were also missing. To some extent, this may be linked to the fact that, according to a former managing director, InorAdopt did not always produce written reports following trips to countries of origin, and that the board was instead briefed verbally. From InorAdopt's shared digital folders, the committee retrieved country files and other general information about its operations.

One challenge with the committee's source material in its assessment of the adoption agency system is therefore that there are significant differences in the types of general documents that the three adoption agencies have retained. Adopsjonsforum's archives contain substantially more material on the organisation's activities beyond individual cases than the archives of InorAdopt and, to some extent, Verdens Barn. There are particularly marked differences between Adopsjonsforum's and InorAdopt's archives. Adopsjonsforum's archives contain a far greater volume of internal correspondence of both an informal and a more formal nature, including correspondence with staff and partners in countries of origin. This has contributed significantly to the Committee's factual basis. InorAdopt's archive generally appears to be incomplete compared with the archives of the other two agencies. The Committee finds reason to point out that Adopsjonsforum's extensive archive material has been crucial to many of the findings relating to this agency. The Committee has not had a comparable basis for its investigation of the other agencies.

The Committee has not investigated the specific archiving obligations that each intermediary has had regarding the archiving of different types of information during various periods. It is clear that the authorities have provided limited

³⁸ The Committee has not had access to the agencies' digital case management systems, nor has it requested such access.

³⁹ One reason for this is that the number of adoptions from priority countries arranged through the parents' association is low compared with the other agencies. The Parents' Association for Children from Vietnam (formerly the Parents' Association for Children from Other Countries from 1975) facilitated a total of 50 adoptions from Vietnam between 1973 and 1975; see section 20.5.4. See also section 29.8 on the Committee's recommendations regarding material that should be examined and, where appropriate, incorporated into the archives of the Norwegian adoption authorities.

guidelines for this, and has thus largely left it up to each individual agency to interpret the applicable legislation and draw up procedures and systems. In addition to regulations on archives, the adoption agencies have also had to comply with data protection legislation that restricts access to the storage of personal data concerning staff, prospective adoptive parents and adoptees.

The Committee acknowledges that the assessment mediators have had to make regarding what must, should, may and may not be archived is not equally straightforward in all areas. It is not within the Committee's mandate to assess whether individual mediators have acted in accordance with the legislation governing their archiving obligations during the various periods under investigation. Nevertheless, the Committee finds reason to note that the nature of the organisation's activities calls for a more thorough and systematic documentation of its general work than that found at InorAdopt. There may be several different situations – not just a public inquiry – where there will be a need to be able to evaluate and review specific aspects of the work. In this context, it would be problematic not to have access to written and contemporary sources documenting, amongst other things, the sequence of events and the assessments made. Relying on the memory of individuals appears to be highly vulnerable.

The Committee would also like to emphasise that we have encountered openness and goodwill from all adoption agencies in connection with carrying out archive searches.

3.6.5 System-level and individual cases

In accordance with its mandate, the Committee was to examine adoptions at system level, and we were also to look into a selection of individual cases. It is important to clarify that the purpose of examining individual cases was to assess the adoption system, cf. section 1.7.4.

The review of individual cases initially involved obtaining an overview of which documents were contained in the case files, what information could be gleaned from them, and how this might change over time and as a result of regulatory changes in the country of origin. We also noted which documents or information were not included in the case files but which one might have expected to find. As mentioned, the information contained in the case files varies both between countries and over time. The information found by the committee was systematised, and an assessment was then made of how any further case review should proceed. The selection criteria for the sample of individual cases can therefore be described as strategic, rather than random.

In total, the committee has reviewed over 500 individual cases. Further details regarding the reviews of individual cases relating to specific countries are discussed in the respective country chapters; see also section 3.6.4.1 on access to individual cases.

3.6.6 Meetings, discussions and interviews

The Committee has held a number of meetings and discussions. Several initial meetings were held to get to know the stakeholders in the field and to gather input on the inquiry. Among other things, we held meetings with Bufdir, the three adoption agencies and several organisations representing adoptees from different countries and with different views on adoption. We have also held meetings with various groups of adoptive parents. Some of these meetings were attended by all or some members of the Committee, whilst others were attended by the secretariat. An overview of the stakeholders the Committee has met is provided in Appendix 3. The stakeholders the Committee met during country visits are listed in the individual country chapters.

In addition to the meetings, we have conducted a number of discussions and interviews with individuals. These include people who have worked in the field of adoption in the public or private sector, or who have been involved in an adoption as an adoptee, birth parent or adoptive parent. We have also spoken to researchers and people who have been engaged in issues relevant to the committee's mandate, such as searches for biological origins, post-adoption support and prior consent.

The Committee has conducted in-depth interviews with 30 adult adoptees about their adoption histories. This is in addition to several meetings with organisations for adoptees and other channels for receiving input, such as telephone enquiries, meetings in connection with the field visits, written submissions and reference group meetings. The total number of adoptees the Committee has consulted is therefore considerably higher. Furthermore, the Committee has interviewed 11 adoptive parents. Here too, the total number of adoptive parents the Committee has consulted – including in connection with meetings with organisations, interviews with staff at adoption agencies and reference group meetings – is considerably higher.

The committee has conducted interviews with 12 people associated with Adopsjonsforum i Norge (country contacts, former staff members and three former chairpersons), six people associated with Verdens Barn (former staff members and two former chairpersons), one person associated with InorAdopt (as a staff member and board member), and 2 people associated with the Parents' Association for Children from Other Countries.

The number of people interviewed is related to the duration of the adoption agency's operations and the number of the twelve countries in the committee's mandate with which the adoption agency has collaborated on adoptions. Adopsjonsforum has facilitated adoptions from eleven of the priority countries in the committee's mandate, Verdens Barn from three, InorAdopt from two and the Parents' Association for Children from Other Countries from one.

The Committee has also interviewed 15 former or current employees of Norwegian adoption authorities, of whom 5 were at ministerial level and 10 at directorate level (Bufdir and its predecessors).

The selection of the individuals we interviewed from the adoption agencies and the authorities was based on information the committee had gathered regarding current and former staff members and their areas of responsibility within the adoption agencies and the authorities. In addition, we have taken into account information we found through archive searches. We have had to select interviewees to cover different countries and periods, and have prioritised speaking to those presumed to have the most experience and knowledge of matters relevant to the inquiry. Speaking to the Committee was voluntary, and some indicated that they were unable to speak to us due to age, health or other circumstances. In some cases, these individuals were provided with the committee's questions and given the opportunity to respond in writing.

Following interviews with individuals who have worked on adoptions within public authorities or adoption agencies in Norway, they were provided with the minutes for review, with the opportunity to submit comments. Although they are not considered parties to the inquiry, as the investigations focus on the adoption systems, it was natural to conduct these interviews in a manner that ensured the right to be heard and transparency.

Many adoptees have approached the Committee wishing to contribute to the inquiry by sharing their stories. The Committee has also encouraged this, including via various organisations and interest groups which have passed on this message to their members and followers. Many have come forward, and unfortunately the Committee has not had the resources to speak to everyone. The Committee has sought to speak to a selection of adoptees from each of the priority countries, and where there have been many volunteers, we have, amongst other things, prioritised adoptees who have significant information about their adoptions beyond what is evident from the adoption documents in Norway.

The Committee has also conducted interviews with several adoptive parents, who were selected in a similar manner to the adoptees. Furthermore, we have spoken to some birth parents or birth families. Most of the interviews with birth parents took place during the Committee's four country visits. This is because, during these visits, we were able to make contact more easily with parents who wished to speak to the Committee. In Colombia and Chile, the interviews were conducted with the assistance of local organisations, which provided support and follow-up for the parents in connection with the interviews. In many cases, it was also preferable for such interviews to be conducted in person, both because of the informants' limited access to digital platforms and reliable internet connections, and to ensure a positive and safe environment for the conversation.

The purpose of the interviews conducted by the committee was to gather insights into the interviewees' experiences and perspectives. The material obtained through the interviews is therefore regarded

as the informants' own accounts of events and experiences, as they themselves perceive and remember them.

No one was under any obligation to provide evidence to the committee. Nor did the committee have any means of imposing sanctions should anyone choose to give deliberately false evidence

The procedures for conducting the interviews were as follows:

- Participants received an information sheet explaining the inquiry, how the interviews would be conducted, and the rules regarding confidentiality and archiving, as well as the principles governing the recording of statements and anonymisation.
- It was made clear that participation in the inquiry was voluntary.
- The committee drew up interview guides for various stakeholders to assist with the discussions. The committee is aware that discussions about one's own adoption history can, in some cases, be challenging. Unfortunately, the committee did not have the resources to offer follow-up support to those we spoke to. We encouraged those who needed it to ensure they had a support person available afterwards. In connection with the interviews, we also provided information about Bufetat's free counselling service, where adoptees can call in and book a session with a therapist bound by professional confidentiality. In dialogue with Bufetat East, we received confirmation that adoptees who had had conversations with the committee would be offered this service regardless of whether they had already used up the recommended six sessions with a therapist.

3.6.6.1 Counselling sessions with minors and young adoptees

As mentioned in section 1.10, it follows from Article 104 of the Constitution and Article 12 of the Convention on the Rights of the Child that children have the right to be heard in matters affecting them, and that their views must be given due weight.

The Committee also received input from the reference group regarding the importance of children's participation in the inquiry.

Against this background, a dialogue was initiated with the Ombudsman for Children, who provided expert advice on how such participation could best be organised. The Committee drew up a plan for the participation and began seeking participants in the first half of 2025. A total of six minors and young adoptees aged 15–18 came forward, and the Committee conducted interviews with five of them. See also section 30.4.1.

The topics of the interviews were experiences of being adopted into Norway and post-adoption. The Committee also received valuable input on how the inquiry's findings could best be communicated to adopted children and young people.

3.6.6.2 Meetings in The Hague, 6–8 May 2025

In May 2025, the committee travelled to The Hague to hold meetings with the following stakeholders:

- The Central Authority for Adoptions in the Netherlands
- The Secretariat of the Hague Conference on Private International Law
- Hans van Loon, former Secretary-General of the Hague Conference and a key figure in the establishment of the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

The purpose of the meetings was, amongst other things, to gather information on and discuss the division of responsibilities and control mechanisms under the 1993 Hague Convention. This included, in particular, the relationship between the responsibilities of the countries of origin and the receiving countries, the implementation and effects of key provisions of the Convention, the division of roles between public authorities and private actors, as well as the need for strengthened supervision, legal certainty and further development of the regulatory framework in light of identified risks and international experience. The meetings also addressed the background to and the development of the Hague Convention, how the Convention has functioned in practice, how its effects have been evaluated over time,

and recent developments. Furthermore, issues relating to post-adoption services, vetting processes for prospective adopters and the follow-up of national investigations in receiving countries were discussed.

3.6.7 Media searches

Historical news searches have been used by most investigations in other countries to identify or uncover known cases of illegal or unethical practices relating to intercountry adoptions.

The Committee has conducted searches in Norwegian archives (the National Library's newspaper and periodical archive and the Retriever news database) to identify relevant cases.⁴⁰ These then guided the archival investigations and, where relevant, also the interviews. The media searches also provided contextual information on the public debate surrounding international adoption and how it has evolved from the 1950s to the present day.

With regard to international news stories, the selection was based on overviews and searches carried out by other investigations (the Netherlands, France), as well as our own searches relating to individual countries (see section 3.6.3), and stories referred to in reports from relevant bodies/actors concerning individual countries and in the research literature.

3.6.8 Country visits

At the reference group meeting on 18 March 2024, concerns were raised by organisations representing adoptees and by adoption agencies regarding whether the committee would be able to carry out sufficient investigations in countries of origin (see section 1.6). In light of these comments, and following advice from the Swedish inquiry commission and the Dutch inquiry, the committee decided to prioritise carrying out four country visits. The country visits were extremely resource-intensive, and any further visits would have taken too much time away from other activities necessary for the inquiry.

Field visits were carried out to Colombia (7–13 October 2024) and Chile (14–20 October 2024), Ethiopia (27 January to 3 February 2025) and South Korea (24–29 March 2025).⁴¹

3.6.8.1 Choice of countries

It was decided at an early stage to prioritise field visits to Colombia and South Korea. Together, adoptees from these two countries account for approximately 52 per cent of all adoptees (placed through an adoption agency) to Norway. Furthermore, placements from both countries have been taking place over long periods; there has been media attention regarding illegal or unethical practices linked to adoptions from both countries; and the committee had also received several enquiries on this matter.

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

- a. Countries with a high number of adoptions should be prioritised.
- b. The visits should cover several continents.
- c. The visits should cover all adoption agencies.
- d. A satisfactory security situation.
- e. Good opportunities for dialogue with the relevant authorities in the country.

⁴⁰ Searches were organised by date and country. In total, over 100 news articles were recorded. Furthermore, more targeted searches were carried out in connection with investigations into individual countries.

⁴¹ Committee Chair Camilla Bernt took part in all country visits. In Colombia, committee member Ketil Eide also took part. In Chile and Ethiopia, committee member Rudolf Christoffersen also took part. In South Korea, committee member Torunn Kvisberg also took part. Two members of the secretariat also assisted during each country visit.

- f. In countries from which Norway has not adopted for a long time, it can be difficult to obtain information or find anyone to speak to who is relevant to the Norwegian adoptions. (This applies to Bangladesh, Costa Rica, Indonesia and Ecuador.)
- g. Ideally, some research into historical international adoptions in the countries we are to visit should have been carried out, either by the authorities themselves or by private individuals or organisations, so that we have people to meet or contact.
- h. For budgetary reasons, one additional trip must be made as an extension of the trip to Colombia. This presupposes that the trip is to another country in South America.

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

The main arguments for choosing these over other relevant countries were the number of adoptions from those countries and the recent history of adoptions to Norway. In the case of Ethiopia, another factor was that it is the only country in Africa prioritised in the committee's mandate. In the case of Chile, a key factor was that there have been several public inquiries into adoptions in the country, and that the conclusions of these inquiries gave rise to suspicions that irregularities had occurred at a systemic level.

3.6.8.2 *Input for country visits*

In connection with planning the trip, the Committee sought input from a wide range of stakeholders. The Committee has drawn on the experiences of the country visits carried out as part of the Swedish and Dutch inquiries, and has sought input from the Norwegian embassies in the countries concerned and from organisations representing adoptees. We also reviewed the Norwegian authorities' supervisory reports, consulted researchers and conducted our own investigations into potentially relevant stakeholders. In addition, information about the travel plans was published on the Committee's website, so that anyone wishing to do so could submit input to the Committee in connection with the visits.

3.6.8.3 *Meetings during country visits*

An overview of the various stakeholders the committee met during its country visits is set out in the country chapters.

3.6.9 Interim report

On 22 January 2025, the committee's interim report was published. The report presented findings from the committee's investigations into Colombia and Ecuador, and provided information on methodological choices and priorities. The report also gave a preliminary historical overview of international adoptions to Norway and some key legal principles.

A key aim of the interim report was to ensure transparency regarding the committee's work and methods, partly in order to gather feedback that the committee could utilise in its future work.

The interim report was the subject of the committee's second reference group meeting on 6 February 2025. At this meeting, the committee received important input for its further investigations and assessments, including regarding working methods, presentation and content.

3.6.10 External commission

In connection with the Committee's investigations into the legal regulation of the work of the adoption authorities, the Committee has also commissioned a report from Tarjei Ellingsen Røsvoll, Associate Professor of Law at the University of Innlandet, on the division of labour, governance, supervision and control within the field of adoption

field.⁴² The report was submitted to the Inquiry Committee on International Adoptions on 7 November 2025 and is included as a digital appendix. Røsvoll also attended a committee meeting where he presented the report and discussed its content with the committee. This report has been a useful contribution to the committee's working process and discussions.

3.6.11 Written presentation of facts to the adoption agencies

Prior to the publication of the committee's report, the adoption agencies Adopsjonsforum, Verdens Barn and InorAdopt were provided with selected extracts containing key factual information about their adoption placement activities relating to adoptions from the committee's twelve priority countries. Adopsjonsforum received such extracts in connection with the interim report on 3 January 2025 and the final report on 5 March 2026, whilst Verdens Barn and InorAdopt received extracts on 5 March 2026. The organisations were given the opportunity to comment on the information.

The Committee received Adopsjonsforum's comments on 10 January 2025 (regarding the interim report) and 31 March 2026. InorAdopt's and Verdens Barn's comments were received on 18 and 26 March 2026 respectively.

These comments were taken into account and are referred to where the Committee considers it appropriate.

3.7 Limitations

The Committee's investigations have been subject to both practical and legal limitations. These are described in this chapter. Among other things, some archives have been incomplete, relevant individuals have in some cases been unavailable, and no one has been under an obligation to give evidence to the Committee. Furthermore, it has been beyond the Committee's resources to investigate the legal systems of other countries, and the Committee has not had the authority to conduct investigations in foreign public archives. Limitations that arose in connection with the various country-specific investigations are described in more detail in the relevant chapters.

It must also be emphasised that the Commission's remit has been to conduct an inquiry at the systemic level, and that such an inquiry does not provide a basis for quantifying the extent of legal violations and unethical practices in adoptions. Nor would it have been possible for a Norwegian inquiry to examine individual cases in a way that would have made such a quantification possible, as this would have required in-depth investigations of individual cases in the countries of origin. Where it has been possible to provide an indication of the extent, however, the Committee has endeavoured to do so.

Part II

Perspectives and framework

⁴² Tarjei Ellingsen Røsvoll (2025). Report on the division of labour, governance, supervision and control in the field of adoption.

4 Risk factors in international adoption

4.1 Introduction

In this chapter, the committee will provide an overview of the most significant risk factors associated with intercountry adoption. These factors have, in various ways and to varying degrees, influenced the regulation of intercountry adoption in countries of origin, in international regulations, and in Norwegian legislation and practice. In Chapter 5, the Committee will provide a more detailed account of the sources of law and key legal principles relating to adoption. The aim of this chapter is to provide a more general overview of risk factors – irrespective of the legal framework in force at any given time.

4.2 Risk factors

There are several risk factors that are central to the Committee's assessments of adoption placements from the twelve countries of origin under investigation, as well as to the supervision and monitoring that the Norwegian authorities should have carried out. Some of the most significant of these will be described here.

Lack of effective control mechanisms and other circumstances in the country of origin

Carrying out adoptions in a safe environment requires that there are systems and control mechanisms in place in the country of origin to ensure that children are placed for adoption following a sound process. Such a process should ensure that the child's best interests are the overriding consideration, that other possible care arrangements within the child's family and country of origin have been assessed, and that informed and free consent has been given by the birth parents where necessary.⁴³ Where a state lacks robust oversight bodies, either wholly or in part, or for other reasons fails to carry out proper oversight, the risk of errors and irregularities in intercountry adoptions increases. This risk is particularly pronounced when weak oversight mechanisms occur in combination with other risk factors, including financial incentives for adoption, poverty, armed conflict, natural disasters or internal unrest.

The quality of the legal system, and the extent to which citizens are afforded fundamental legal safeguards, are significant factors, as is whether the country has developed a public framework to safeguard children's rights. In particular, the country's child welfare systems and its systems for registering births and family relationships will be crucial to ensuring safe adoptions. A lack of child welfare services and/or a lack of support for vulnerable families may, amongst other things, mean that too little is being done to help families retain custody of their children and to secure alternative care arrangements in the country of origin, as required by the principle of subsidiarity.⁴⁴ A birth register with a high level of public awareness, in which children are registered immediately after birth in accordance with Article 7(1) of the Convention on the Rights of the Child, is crucial, amongst other things, to ensuring that others do not pose as parents when a child is placed for adoption.

Financial incentives for adoption

The best interests of the child must be the overriding consideration in adoptions. Various financial incentives in adoptions may entail a risk that this is not always the case. The Convention on the Rights of the Child and the Hague Convention set out rules prohibiting improper financial gain in international adoptions. The risks associated with financial incentives have also been central to the Hague Conference's work on adoption

⁴³ Basic requirements and principles regarding intercountry adoptions are described in more detail in section 5.4.

⁴⁴ The principle of subsidiarity is described in more detail in section 5.4.

following the adoption of the 1993 Hague Convention, and this has led to several recommendations, including in the Guide to Good Practice 1 and 2.

Financial incentives can influence an adoption process in many different ways. The most serious cases involve the buying and selling of children, either through payment to the child's parents or to third parties who have abducted the child. In other cases, there are situations where, for example, a desire to maintain the running of a children's home – which is funded by adoptions – influences the advice given to pregnant women considering adoption. Any organisation that is largely funded by international adoption may face a risk that a desire to increase revenue, or to maintain its own operations or jobs, could influence decisions – large or small – regarding adoptions.

At the national level, the economic benefits that countries of origin derive from placing children for adoption in other countries, rather than providing alternative care arrangements within their own country, may also pose a risk that the country will fail to develop its own systems for the care and support of children and parents in need. Such an incentive may be particularly strong in countries with weak public finances and may help to undermine the principle of subsidiarity.⁴⁵

In some cases, donations made in connection with adoptions have funded services for other children. This may, for example, involve services for other children living in the same institution from which children are placed for adoption, and who cannot be adopted due to their age or other circumstances.

Norwegian adoption agencies have also carried out development aid work, both in the countries from which they have facilitated adoptions and, on some occasions, in other countries. This has been funded, amongst other things, by fundraising or from accumulated funds. Some countries of origin have also stipulated that foreign adoption agencies must have, or support, aid projects in the country. Aid work is described in more detail in sections 24.3.6 and 25.9.5.

It is clear that donations, support and aid work have helped many children in need. At the same time, it is vital that there are no links whatsoever between aid and adoptions, and that institutions in countries of origin are not dependent on facilitating adoptions to fund their operations. Such financial dependence can adversely affect adoption work, a point which has been emphasised in the follow-up work on the Hague Convention.

During the work of the Contracting States and the Hague Conference on the follow-up to the Convention, there has been some disagreement regarding these considerations and as to whether, as part of an adoption, contributions should be provided or required to improve the country of origin's child protection services. However, at the Special Commission in 2000, the following recommendation was agreed upon:

Receiving countries are encouraged to support efforts in countries of origin to improve national child protection services, including programmes for the prevention of abandonment. However, this support should not be offered or sought in a manner which compromises the integrity of the intercountry adoption process, or creates a dependency on income deriving from intercountry adoption. In addition, decisions concerning the placement of children for intercountry adoption should not be influenced by levels of payment or contribution. These should have no bearing on the possibility of a child being made available, nor on the age, health or any characteristic of the child to be adopted.

Competition for children available for adoption in countries of origin

One risk factor is competition between different receiving countries and adoption agencies for children who are available for adoption in their country of origin. Such competition between private agencies from different receiving countries has been observed in several of the twelve countries examined by the committee.

⁴⁵ See section 5.4.

This type of risk was a key factor behind the work on the 1993 Hague Convention, which was specifically aimed at counteracting commercialisation, pressure and competition between agencies, and at establishing a clear framework for cooperation between states through central authorities. This is also elaborated upon in *the Hague Conference's Guide to Good Practice No. 2* (2012), which emphasises that accreditation and oversight schemes must help to prevent competition that could compromise ethical standards or undermine the best interests of the child, particularly in countries of origin with limited institutional capacity.

Corruption

Corruption is often defined as the abuse of entrusted power for personal gain, and can occur in both the public and private sectors.⁴⁶ The most common form is bribery – either giving or receiving bribes – but corruption can also take other forms.

In countries with high levels of corruption, there is a real risk that decisions by public authorities are influenced by private financial considerations rather than legal and professional criteria. In the field of adoption, this may mean that the best interests of the child are not given sufficient weight, or that they are completely disregarded. In countries with widespread corruption, however, the extent and severity may vary significantly between different sectors and regions. In adoption cases, corruption within the courts and amongst other decision-makers in the adoption process is particularly serious, as this can directly affect the content and legitimacy of decisions.

A specific form of corruption is so-called ‘facilitation payments’, where public officials routinely demand an informal payment in return for carrying out routine official duties. Such payments are particularly widespread in countries with low public sector pay levels. Although facilitation payments do not always influence the actual outcome of a decision, this can be difficult to ascertain retrospectively. The existence of such payments nevertheless increases the risk that the outcome of decisions may also be influenced in return for payment.

Until the 1990s, there was a certain degree of acceptance that Norwegian companies operating abroad resorted to bribery to some extent where this appeared to be a prerequisite for being able to operate in the country in question. Such practices were tolerated and, until 1995, were even regarded as tax-deductible in certain cases, provided that the payment was not a criminal offence under local law.⁴⁷ If corruption of this nature was capable of influencing the outcome of adoption cases, this must nevertheless be regarded as ethically unacceptable and contrary to Norwegian legal standards, regardless of the practice at the time.

War and crisis situations

Adoptions must not be carried out during or shortly after crisis situations caused, for example, by natural disasters or war and conflict. This follows, amongst other things, from statements by the UN Committee on the Rights of the Child in 2005⁴⁸ and from recommendations by the Hague Conference issued during the 2005 Asian tsunami, the 2010 earthquake in Haiti and at the outbreak of war in Ukraine in 2022.⁴⁹

In such situations, children may become separated from their families and may require emergency aid such as food, clothing and shelter, as well as care. Such situations can attract unscrupulous actors and increase the risk, not only of illegal adoptions but also of outright child trafficking. The authorities' capacity may also be affected by a disaster, making it impossible to carry out adoptions in

⁴⁶ Transparency International Norway, <https://www.transparency.no/hva-er-korrupsjon?>

⁴⁷ See, inter alia, Parliamentary Bill No. 76 (1995–1996), Chapter 1.

⁴⁸ The Committee on the Rights of the Child's *General Comment No. 6* (2005), paragraph 91.

⁴⁹ The Hague Conference's website.

in a safe and legally secure manner. In such circumstances, priority must be given to helping the children in their country of origin and reuniting them with their families.

Poverty

Poverty and hardship make families vulnerable to exploitation. A family with many children living in extreme poverty may feel compelled to consider placing a child for adoption if this provides them with a financial benefit, or if they fear that the child will otherwise not survive.

Poverty in itself should not constitute grounds for removing children from their parents. This follows, amongst other things, from the right to respect for family life under Article 8 of the European Convention on Human Rights.⁵⁰ The UN *Guidelines for the Alternative Care of Children* (2010) state the following on this matter:

Financial and material poverty, or conditions directly and uniquely attributable to such poverty, should never be the sole justification for removing a child from parental care, for placing a child in alternative care, or for preventing his or her reintegration, but should be seen as an indication of the need to provide appropriate support to the family.⁵¹

These guidelines primarily apply to placements carried out by the public authorities (child welfare services), but the principle of subsidiarity and the child's right to know and be cared for by their parents under Article 7 of the Convention on the Rights of the Child also entail an obligation to help families retain their children where purely financial circumstances cause them to feel compelled to consent to placing a child up for adoption.

Cultural factors and marginalised groups

In several countries of origin, mothers with children born out of wedlock are not socially accepted for cultural and/or religious reasons. Both the mothers and the children may be stigmatised. In such countries, single mothers may experience significant pressure from society and/or their families to give up their child.

Certain population groups in countries of origin are particularly vulnerable to exploitation because they belong to an ethnic or cultural minority. Adoptions from such groups may involve a particular risk. Mothers from indigenous groups often live in rural areas and may speak a different mother tongue and have a lower level of education than the majority population. Such circumstances make it more difficult for them to assert their own rights and those of their child. Conflicts between ethnic groups can further increase the risk.

According to a report by the UN Special Rapporteur on the sale and sexual exploitation of children (2016), many of the families who have been subjected to illegal adoptions have found themselves in vulnerable socio-economic situations, for example because they were from rural areas or belonged to an indigenous group.⁵²

4.3 Special note on human trafficking and adoption

In some contexts, human trafficking is highlighted as a serious risk in international adoptions. The term 'human trafficking' is then used to describe the abduction and sale of children for the purpose of adoption. Although these are serious criminal offences, the concept of human trafficking in the criminal law sense has not covered this under Norwegian law.

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

⁵⁰ See NOU 2016: 16, section 4.4.3.

⁵¹ Paragraph 15.

⁵² *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography* (2016), paragraph 55.

, in particular women and children, known as the Palermo Protocol. The Norwegian provision on human trafficking is based on the Palermo Protocol and covers exploitation for specific purposes – such as prostitution, forced labour or illegal organ trafficking. Paying a fee for a child with a view to adoption is not mentioned as a purpose of exploitation in the Norwegian provision, nor is it mentioned in the international criminal law definition of human trafficking as set out in the Palermo Protocol and in the 2005 Council of Europe Convention on Action against Trafficking in Human Beings. The Committee therefore takes the view that illegal adoptions and the buying and selling of children for the purpose of adoption are, in principle, not covered by the Norwegian criminal provision on human trafficking.

In 2024, agreement was reached in the EU between the European Council and the European Parliament to include illegal adoptions in the EU's new Anti-Trafficking Directive (Directive (EU) 2024/1712) as a specific form of exploitation to be covered by EU anti-trafficking legislation. However, the EU Directive does not apply to Norway, and consequently the buying and selling of children for the purpose of adoption is not criminalised as human trafficking in Norway.

5 Sources of law and some key legal principles

5.1 Introduction and scope

This chapter sets out the sources of law and some key legal principles in the field of intercountry adoption.

The Committee's mandate is primarily retrospective. The primary purpose of this chapter is not to provide an account of current law (neither present nor past) but to provide an overview of the legal framework during various periods, as well as the development of certain key principles. The focus of this review is on the legal sources and principles that are most relevant to fulfilling the Committee's mandate.

The Committee will examine in greater detail the substantive rules governing the various stages of the adoption process and related issues in Part IV. This includes, amongst other things, the regulation of adoption agency licences and supervision (Chapters 24 and 25), prior consent (Chapter 26), registration and authorisation cases (Chapter 27), adoptions outside of adoption agencies (Chapter 28), adoptees' rights of access to and knowledge of their origins (Chapter 29) and post-adoption (Chapter 30). A more comprehensive description of the 1993 Hague Convention is provided in connection with the Committee's assessments of its significance (Chapter 23).

The Norwegian regulations apply to adoptions carried out in Norway and therefore do not apply directly to adoptions carried out abroad.⁵³ In such cases, Norwegian rules will not govern the actual decision on adoption, but will, amongst other things, apply to the registration and legal effect of the adoption in Norway. The rules and principles also provide a framework and basis for assessing the organisation and implementation of adoption work in practice.

⁵³ Where the prospective adoptive parents have their habitual residence in Norway, the rules on prior consent under Norwegian law apply even if the adoption is carried out abroad, cf. Section 43 of the Adoption Act 2017.

5.2 Sources of law in the field of adoption

5.2.1 Introduction

International adoptions have been carried out in an organised manner since the 1950s. As in other areas of society, the legal framework surrounding adoption and adoption placement has developed considerably since then and up to the present day. The following section provides a brief overview of the various sources of law that have been applicable in this field.

The establishment of legal rules in the field of adoption follows general legal methodology and the theory of sources of law. The sources of law discussed in this chapter are international conventions, Norwegian law (including regulations) and circulars.⁵⁴

Other relevant sources of law that will not be dealt with specifically here include preparatory works, case law and administrative practice. Such sources are mentioned as and when they are relevant.

5.2.2 International conventions

There are a number of international conventions, statements and declarations that have been significant in the field of adoption. Many international human rights instruments contain, amongst other things, general provisions on children's rights, the right to family life and the protection of parents/mothers and children, which may be relevant in circumstances prior to or in connection with an adoption process.⁵⁵

This section will outline the conventions that explicitly deal with adoption.⁵⁶ Several international sources are discussed in the account of key legal principles in section 5.3, and elsewhere where they are relevant to the review.

Different international conventions have different statuses under Norwegian law. The European Convention on Human Rights (ECHR) and the UN Convention on the Rights of the Child, for example, apply directly as Norwegian law and, in the event of a conflict, take precedence over other legislation.⁵⁷ The 1993 Hague Convention, on the other hand, is not directly incorporated into Norwegian law, but is binding under international law. This means that the Norwegian authorities are obliged to comply with the Convention, *inter alia* by adapting national regulations and interpreting legislation in accordance with the Conventions.⁵⁸

⁵⁴ See further details in the methodology chapter, section 3.3.

⁵⁵ For example, the UN Universal Declaration of Human Rights of 10 December 1948, the European Convention on Human Rights of 4 November 1950, the UN Declaration on the Rights of the Child of 20 November 1959, the UN International Covenant on Economic, Social and Cultural Rights of 16 December 1966, the UN Convention on the Elimination of All Forms of Discrimination against Women (the Women's Convention) of 18 December 1979, the UN Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, of 3 December 1986. The UN Convention against Transnational Organised Crime and the Palermo Protocol, 15 November 2000.

⁵⁶ SOU 2025: 61, Volume 2, provides a relatively detailed account of a number of conventions and other international instruments with direct or indirect relevance to adoption.

⁵⁷ See the Human Rights Act 1999, sections 2 and 3, cf. Act No. 86 of 1 August 2003.

⁵⁸ Principles of interpretation in international law are set out in the 1969 Vienna Convention. Norway has not signed or ratified this Convention. However, the principles set out therein are regarded as customary international law, by which Norway is bound.

Nordic Convention on Family Law 1931 (ratified in 1931)

The Convention was concluded between Norway, Denmark, Finland, Iceland and Sweden. Its purpose was to harmonise the provisions of private law relating to marriage, adoption and guardianship. However, it primarily concerned domestic matters, and cross-border adoption was not specifically addressed.

The Hague Convention of 1965 (not ratified)

The first Hague Convention, which aimed to regulate cross-border adoption, was adopted in 1965. The Convention contained rules on the jurisdiction of the authorities, the choice of law and the recognition of decisions in adoption cases. However, the Convention was ratified by only three states.⁵⁹ Although the Convention thus did not acquire any formal status, it was nevertheless part of a growing international focus on the specific challenges posed by cross-border adoption.

The 1967 Council of Europe Convention on Adoption (ratified in 1972), revised in 2008 (ratified in 2010).

The 1967 Council of Europe Convention was a so-called legal harmonisation convention, which contained common rules on the conditions and minimum requirements for adoption, procedural matters, legal effects, and requirements for thorough social investigations of prospective adopters for member states.

In 2008, the Convention was revised. Among other things, the principle of the best interests of the child was clarified, the possibility of adoption by a wider range of people (same-sex couples and cohabiting partners) was introduced, and further requirements regarding consent and case processing were introduced.

The UN Convention on the Rights of the Child 1989 (ratified in 1991)

In 1991, Norway ratified the 1989 Convention on the Rights of the Child. In addition to a number of general provisions that may be relevant in the context of an adoption, Article 21 of the Convention contains specific rules on adoption, including cross-border adoption. Among other things, the provision explicitly sets out rules on consent, the prohibition of undue financial gain and the principle of subsidiarity.

The Convention on the Rights of the Child has been directly applicable as Norwegian law since 2003 and, in the event of a conflict, takes precedence over other legislation.⁶⁰

The 1993 Hague Convention (ratified in 1997)

The 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption has been a key instrument in the regulation of intercountry adoptions. The purpose of the Convention is, amongst other things, to safeguard children's rights and to establish a system of co-operation between contracting states.⁶¹ The Convention sets out a number of basic conditions for intercountry adoptions and a division of responsibilities between the country of origin and the receiving country.

⁵⁹ The United Kingdom, Austria and Switzerland.

⁶⁰ The Human Rights Act 1999, sections 2 and 3, cf. Act No. 86 of 1 August 2003.

⁶¹ See Article 1 of the Convention.

Assessing the significance of the 1993 Hague Convention forms part of the Committee's mandate. This Convention is therefore dealt with separately in section 5.3 of this chapter, as well as in Chapter 23.

5.2.3 Legislation and regulations

The institution of adoption, including the right to adopt a foreign child, was introduced into Norwegian law by the Adoption Act of 1917. Since then, the Act has been replaced twice, first by the Adoption Act 1986, and subsequently by the Adoption Act 2017. In addition, several amendments have been made to these Acts. Since the 1980s, a number of regulations have also been adopted.

The following section outlines some of the main features of the adoption legislation and key amendments. The focus will be on rules that have been of particular significance for intercountry adoptions. It should be noted that the legal situation prior to 1950 is of limited relevance in this context, as the organised adoption work which the committee has been asked to assess only began in the post-war period.⁶²

Adoption Act of 2 April 1917 No. 1.

In the first Norwegian Adoption Act, international adoption was regulated in Section 29. This provision stipulated that Norwegian nationals had to obtain prior consent from the Norwegian authorities before they could adopt a foreign child. The adoption could take place in the child's country of origin or in Norway.

The Act otherwise lacked provisions on jurisdiction and the choice of law for cross-border adoptions, which were first introduced following a revision in 1980 (see below).

Child Welfare Act of 17 June 1953 No. 14.

In 1953, a new Child Welfare Act came into force, which also had implications for the field of adoption. Firstly, because Section 24 stipulated a requirement for a social assessment for the approval of foster homes, which in practice was also interpreted as applying to prospective adoptive parents applying for prior consent to adoption. Secondly, Section 26(b) of the Act imposed a general ban on private individuals acting as adoption intermediaries. Organisations, however, could apply for a licence to act as such intermediaries.

Revision of the Adoption Act. Act No. 32 of 13 June 1980 (inter-legal matters)

In 1980, the Adoption Act was revised, particularly with regard to international adoptions. Sections 29–35 of the revised Act included provisions regulating inter-legal matters that had previously been unclear. Among other things, this concerned rules on when an adoption case could be dealt with in Norway, conflict-of-law rules, and rules on the legal effects of adoptions carried out abroad.

A key and fundamental change brought about by this revision was the shift from the Act applying to all Norwegian nationals (the nationality principle) to it applying to all persons resident in Norway (the domicile principle). An exception to the main rule, however, was that adoptions carried out by foreign nationals in their country of nationality were to be automatically recognised in Norway, regardless of whether the adoptive parents had obtained prior consent to the adoption.

⁶² See, however, some key features of this development in section 6.3.

Adoption Act (No. 8 of 28 February 1986).

In 1986, a new Adoption Act was enacted. The bill was drafted by the Ministry of Justice without a prior public consultation. The preparatory work specifies that the Act did not represent a comprehensive review of the principles governing adoption, and that it was for technical legislative reasons that the proposal was drafted as a new Act rather than a revision.⁶³

The legislative amendments mainly concerned the situation following the completion of the adoption, including, amongst other things, the equal treatment of adopted children and biological children, and the right of adoptees to information about their biological origins. The special provisions relating to international adoption were largely retained, and the inter-legal provisions from the 1980 revision remained virtually unchanged.

Revision of the Adoption Act. Act of 11 June 1999 (adoption placement and approval of adoptive homes)

In 1999, the Adoption Act was revised once again, and a new Chapter 3A was introduced into the Act (Sections 16a–16f) regulating adoption agencies and prior consent to adoption. These matters had previously been regulated under the Child Welfare Act, but were transferred to the Adoption Act as part of this revision.

The requirements for adoption agencies were clarified in a separate regulation that same year.⁶⁴

Revision of the Adoption Act. Act No. 18 of 4 June 2010 (recognition of adoptions carried out in and by other states).

In 2010, a revision was carried out which was of particular significance for foreign nationals resident in Norway. The 2010 revision repealed the 1980 rule on the automatic recognition of adoptions carried out in the country of nationality.⁶⁵

Amendment to the Adoption Act. Act No. 10 of 25 April 2014 (prior consent)

In 2014, a minor revision was carried out, which, amongst other things, granted the Ministry the authority to draw up regulations relating to the provision on prior consent for international adoption, Section 16(e). Such regulations were drawn up, and this resulted, amongst other things, in the responsibility for assessing adoption applicants – which had previously rested with the local authority – being transferred to the regional offices of the Norwegian Directorate for Children, Youth and Family Affairs (Bufetat).⁶⁶

Adoption Act (No. 48 of 16 June 2017).

The current Adoption Act was adopted in 2017 and came into force on 1 July 2018. The background to the Act was the need for greater systematisation, as well as a desire to codify the practices and guidelines of the adoption authorities.⁶⁷

⁶³ Parliamentary Bill No. 40 (1984–85), p. 3.

⁶⁴ Regulations on requirements for organisations mediating the placement of children from foreign states for the purpose of adoption, laid down by the Ministry of Children and Families pursuant to Section 16d of the Adoption Act of 28 February 1986 No. 8, 30 November 1999 No. 1195.

⁶⁵ To avoid legal uncertainty, it was nevertheless still possible after this to apply for recognition of such an adoption, but this was then decided on the basis of a discretionary assessment. See section 28.2.2.

⁶⁶ Regulation No. 72 of 30 January 2015 on the adoption of children from abroad.

⁶⁷ Government Bill No. 88 L (2016–2017), p. 11.

A significant change was the requirement that intermediaries had to apply for a general operating licence, in addition to an intermediary licence for each individual country. Another new rule was that, under certain conditions, descendants of adoptees may also be granted access to information about the adoptee's biological origins. In addition, an explicit prohibition was introduced against offering remuneration that could influence decisions in the adoption process. Such a prohibition was already in force through conventions to which Norway is a party; see section 5.4.6.

In addition to the Act, new joint regulations were drawn up to accompany the Adoption Act, replacing the regulations from 1999 (requirements for adoption agencies) and 2015 (on prior consent).⁶⁸

5.2.4 Circulars and other guidance

Adoption legislation has primarily regulated the field of adoption at a more general level. For example, the Act stipulates that adoption applicants must obtain prior consent for adoption, and that organisations must apply for authorisation to arrange adoptions, but contains few detailed guidelines on the assessments the adoption authority is required to make in this context. Since 1999, regulations have been adopted to govern certain aspects of the adoption process, but to a large extent the specific content of various conditions and assessments has been set out in circulars. Although circulars, strictly speaking, carry limited weight as a source of law, they have thus played a significant role in the field of adoption in practice.

Over the years, there have been a number of circulars dealing with various aspects of adoption, issued by different ministries:

- Circular from the Ministry of Social Affairs dated 20 May 1954, Special Protection Measures – Child Welfare Circular No. 3
- Circular from the Ministry of Social Affairs dated 13 July 1954, 'On Foster Children and Foster Homes' – Child Welfare Circular No. 5
- Ministry of Social Affairs circular of 1 November 1964, Adoption services – Child Welfare Circular No. 36
- Circular from the Ministry of Social Affairs dated 4 November 1968 on the adoption of foreign children – Child Welfare Circular No. 47
- Circular from the Ministry of Justice dated 26 January 1973 (G-34/73) on the European Convention of 26 January 1967 on the Adoption of Children 123
- Circular from the Ministry of Social Affairs dated 24 May 1976 to the child welfare committees on the adoption of foreign children
- Circular from the Ministry of Social Affairs dated 25 September 1978 on the adoption of foreign children, Circular I-9/78
- Circular from the Ministry of Justice dated 17 June 1983 (G-133/83) on the adoption of stepchildren
- Circular from the Ministry of Social Affairs dated 26 June 1987 concerning the State Adoption Office, Circular I-20/87
- Circular from the Ministry of Social Affairs dated 13 October 1989 on guidelines for the processing of adoption applications, Circular I-15/89
- Circular from the Ministry of Children and Families dated 14 January 1994 (Q-6/94) Supplement to Circular I-15/89, in which the period of validity for prior consent to the adoption of a foreign child is limited

⁶⁸ Regulations on Adoption No. 959 of 22 June 2018. See Repeal Regulations No. 1920 of 14 December 2018.

- Circular from the Ministry of Children and Families, September 1998 (Q-0972), on international adoption, containing guidelines for the assessment and approval of adoptive homes, revised in March 2009
- Circular from the Ministry of Children and Families, December 2000 (Q-1013), containing guidelines for the award of a one-off grant in connection with the adoption of children from abroad
- Circular from the Ministry of Children and Families, December 2002 (Q-1045), containing guidelines for the processing of applications for domestic and international adoption, with particular reference to the exercise of discretion in domestic adoption, revised March 2009
- Ministry of Children and Families guidance, December 2002 (Q-1046), on the preparation of social reports in connection with adoption applications, revised March 2009
- Circular from the Ministry of Children and Equality, published on 5 January 2006, on amendments to Section 4–20 of the Child Welfare Act and Section 1 of the Adoption Act.
- Supplementary circular from the Ministry of Children and Equality dated 12 May 2006 amending the guidelines in Circular Q-1045 on the adoption of stepchildren in registered partnerships
- Circular from the Ministry of Children, Equality and Inclusion dated 24 September 2014 (Q-1225 B): Guidelines on amendments to the Adoption Act
- Circular from the Ministry of Children, Equality and Inclusion dated 2 February 2015 (Q-2015-28) Regulations on the adoption of children from abroad – with comments
- Circular from the Ministry of Children, Equality and Inclusion dated 3 March 2016 (Q-1045) Case handling for applications for domestic and international adoption
- Circular from the Ministry of Children, Equality and Inclusion dated 8 March 2016 (Q-1046) Guidance booklet on the preparation of a social report for adoption applications
- Circular from the Ministry of Children and Equality dated 29 June 2018 (Q1245) Guidelines issued by the Ministry of Children and Equality in June 2018 pursuant to the Adoption Act of 16 June 2017 No. 48 (in force from 1 July 2018) – Case processing for applications for domestic and international adoption
- Circular from the Ministry of Children and Equality dated 16 June 2018 (Q1246) Guidance booklet on the preparation of a social report in connection with adoption applications
- Circular from the Directorate for Children, Youth and Family Affairs, August 2020 (BUFDIR-2020-9002) Case processing for applications for domestic and international adoption

In addition to circulars, instructions have also been issued in other ways, including through letters from the Ministry to subordinate bodies. Such letters will be referred to as and when relevant in the report, but are not listed here.

5.3 In particular, regarding the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption

5.3.1 Introduction

The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption was adopted in 1993. The Convention was ratified by Norway on 18 July 1997 and entered into force on 1 January 1998.

The Hague Convention is binding on Norway under international law.⁶⁹ This means that the Norwegian authorities are obliged to comply with the Convention, including by adapting national legislation and interpreting the law in accordance with the Convention.⁷⁰ In the government bill that formed the basis for ratification in 1997, the Ministry took the view that no legislative amendments were necessary for the Convention to enter into force in Norway.⁷¹ The Storting endorsed this assessment.⁷²

The Committee's terms of reference state the following regarding the Hague Convention:

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

The following section provides a brief overview of the Convention's background and content. A more detailed description of this, together with the Committee's assessments relating to the task set out in the terms of reference, is set out in Chapter 23.

5.3.2 Background to the Convention

The background to the work on the Hague Convention on Intercountry Adoption included, amongst other things, Article 21 of the UN Convention on the Rights of the Child. The Convention on the Rights of the Child obliges States that permit adoption to ensure that the best interests of the child are the paramount consideration. Subparagraph (e) of the article states that, for this purpose, States may enter into bilateral or multilateral agreements and endeavour to ensure that the placement of a child in another country is carried out by competent authorities or bodies.

During the drafting of the Adoption Convention, a number of countries of origin that were not members of the Hague Conference were invited to participate in the negotiations, so that the Convention's provisions and obligations could be adapted to the circumstances in both countries of origin and receiving States.⁷³

There is no international monitoring or enforcement body associated with the Hague Convention. Every few years, the Conference organises Special Commissions at which representatives from the Contracting States and international organisations meet to discuss issues relating to the Convention.

Key sources for interpreting the Convention include an Explanatory Report, written by Professor G. Parra-Aranguren, and two guides to the Convention prepared by the Hague Conference Secretariat.⁷⁴ The Hague Conference has also published the 'Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption' (2023).⁷⁵

Neither the Hague Conference Secretariat, the Special Commissions nor the working groups have the authority to amend the text of the Convention or to provide binding guidance on its interpretation. The guides and other documents published following the adoption of the Convention are not legally binding on the Contracting States. However, in practice, these documents are of great significance in the Contracting States' work on intercountry adoption.

⁶⁹ By way of comparison, the ECHR and the UN Convention on the Rights of the Child, for example, apply directly as Norwegian law, cf. the Human Rights Act 1999.

⁷⁰ Principles of interpretation in international law are set out in the 1969 Vienna Convention. Norway has neither signed nor ratified the Convention. However, the principles set out therein are regarded as customary international law, by which Norway is bound.

⁷¹ Parliamentary Bill No. 77 (1995–96), p. 5.

⁷² Innst. S. No. 267 (1995–96).

⁷³ Norway participated in the negotiations on the Convention through representatives from the Ministry of Children and Family Affairs and the State Adoption Office.

⁷⁴ Guide to Good Practice No. 1: The Implementation and Operation of the 1993 Intercountry Adoption Convention (2008) and 'Guide to Good Practice No. 2: Accreditation and Adoption Accredited Bodies' (2013).

⁷⁵ The Hague Conference has also set up a working group to address 'The Financial Aspects of Intercountry Adoption'.

5.3.3 The content of the Convention

The three main objectives of the Convention are set out in Article 1: It shall (a) ensure that intercountry adoptions ‘take place in the best interests of the child’ and with respect for his or her fundamental rights, (b) establish a system of co-operation between the Contracting States to ensure that these guarantees are respected and thereby prevent the abduction of or trafficking in children; and (c) ensure that the Contracting States recognise adoptions carried out in accordance with the Convention.

The scope of the Convention is defined in Articles 2 and 3: it applies where a child habitually resident in a State Party (the State of origin) ‘has been removed, is being removed or is to be removed’ to another State Party (the receiving State), either after he or she has been adopted in the State of origin by spouses or a person resident in the receiving State, or where the purpose is such an adoption in the receiving or State of origin. The Convention applies only to adoptions that establish a permanent parent-child relationship. It applies to the adoption of children under the age of 18.

Chapter II of the Convention sets out the conditions for international adoption. It also defines the roles of the State of origin in Article 4 and the receiving State in Article 5. Generally speaking, it is the responsibility of the State of origin to investigate and assess the circumstances of the child, whilst the receiving State is to investigate and assess the circumstances of the prospective adoptive parents.⁷⁶

Chapter III of the Convention regulates central authorities and publicly accredited bodies.

Conventions drawn up at the Hague Conference traditionally include a system whereby each State Party is to designate a central authority which plays an important role both in the State’s internal handling of Convention cases and in cooperation between States. The Adoption Convention regulates central authorities in Articles 6 to 9. It distinguishes between measures which the Central Authority must carry out itself (Article 7(1)), measures which the Central Authority shall carry out ‘itself or through public authorities’ (Article 8) and measures which the Central Authority shall carry out ‘itself or through public authorities or other bodies officially recognised in their State’ (Article 9).

A distinctive feature of the Adoption Convention, compared with other Hague Conventions, is that it contains provisions on ‘publicly authorised bodies’, which allow parts of the central authorities’ duties to be delegated to adoption agencies. The Convention sets out the conditions for such ‘publicly authorised bodies’ in Articles 10–12.

A body that is publicly authorised in one State may act in another Contracting State only if the authorities in both States have authorised it to do so.

Chapter IV of the Convention governs the procedures for international adoptions. Article 14 stipulates

that prospective adopters wishing to adopt a child resident in another State Party

Convention State, must submit their application to the Central Authority in the State where the applicant resides. Under Article

15, the Central Authority must satisfy itself that the applicants meet the conditions and are suitable to adopt, and must then draw up a report on the applicants to be forwarded to the Central Authority in the State of origin.⁷⁷

Article 16 stipulates that the central authority in the State of origin must satisfy itself that the child is eligible for adoption.⁷⁸

The authorities in the child’s country of origin shall then draw up a report containing ‘information on the child’s identity, whether the child is eligible for adoption, their background, social environment and family and health circumstances’, take due account of the child’s upbringing and background, and satisfy themselves that there is

⁷⁶ See Articles 14–16. See Chapter 23 for further details. ⁷⁷ This obligation must be viewed in conjunction with Article 5. ⁷⁸ This obligation must be viewed in conjunction with Article 4.

consent has been obtained in accordance with Article 4. Under Article 16(1)(d), the central authority shall then ‘in particular, on the basis of the reports on the child and the prospective adoptive parents, determine whether the proposed placement is in the best interests of the child’. It is this assessment that is referred to as *the matching* of the child and the applicants.

The next step in the adoption process is for the Central Authority in the State of origin to forward to the Central Authority in the receiving State its report on the child, evidence that the necessary consents have been obtained, and the grounds for its decision on placement. The parents’ identity shall not be disclosed if this is not permitted in the country of origin, cf. Article 16(2).

Before the authorities in the State of origin can decide that the child is to be placed with the prospective adoptive parents, Article 17 of the Convention sets out a number of requirements for the central authorities in both the State of origin and the receiving State. Among other things, the central authorities in both States must consent to the adoption taking place, cf. subparagraph (b).

The central authorities in both States must then take all necessary steps to ensure that the child is permitted to leave the State of origin and move to the receiving State, cf. Article 18.

Article 19 specifies that the transfer of the child to the receiving State may only take place if the requirements of Article 17 are met.

Under Article 20, the central authorities shall keep each other informed of developments in the adoption case. Article 21 regulates the situation where an adoption is to take place in the receiving State after the child has arrived there, and the adoption is not in the best interests of the child. The Central Authority in the State of origin must then be consulted before a new placement is arranged, or, as a last resort, the child must be returned. Article 22 provides that the Central Authority’s duties may be delegated to another public authority or an accredited body.

Chapter V of the Convention concerns the recognition of the adoption and its effects. The main rule is that where the authority in the State in which the adoption took place certifies that an adoption has been carried out in accordance with the Convention, the adoption shall be recognised in all Contracting States, cf. Article 23.

At the end of the Convention, there are two chapters containing general and final provisions.

5.4 Some key legal principles

5.4.1 Introduction

In this chapter, the committee will review some key principles governing adoption, which are central to both Norwegian law and international regulations. These principles have evolved over time.

This chapter reviews the following principles:

- *The best interests of the child*: Article 21 of the Convention on the Rights of the Child stipulates that the best interests of the child shall be the paramount consideration in adoption. This is both an independent condition for adoption and is also relevant to the interpretation of other conditions.
- *Requirements for consent from the birth parents*: The substantive and procedural requirements that have been imposed on the birth parents’ prior consent to adoption.
- *The child’s right to be heard*: The rules governing a child’s right to be heard during the adoption process, and the rules regarding when an adoption requires the child’s consent.
- *The principle of subsidiarity*: The development of the principle that suitable care alternatives in the child’s country of origin should take precedence over international adoption.

- *The prohibition against undue financial gain*: Developments relating to the regulation of financial compensation in the adoption process, and how this has become more strictly regulated over time.
- *The right of adoptees to preserve their identity and know their origins*: Developments in the view of, and regulation of, rights relating to the child's origins.
- *Special rights for children from indigenous communities*: What significance does it have that the adoptee has an indigenous background, and what special rights does this entail?

In this review, the main emphasis is placed on the principles that are most central to fulfilling the committee's mandate.

5.4.2 The best interests of the child – the overriding consideration

The principle of the best interests of the child is central to international law and constitutes a fundamental starting point in adoption cases.

Under Article 3 of the UN Convention on the Rights of the Child, the best interests of the child shall be a primary consideration in all actions affecting children, whether undertaken by public or private institutions, courts, administrative authorities or legislative bodies.

In adoption cases, the best interests of the child must be given even greater weight than in other cases. This is set out in Article 21, which emphasises that States permitting adoptions must ensure that the best interests of the child are *the overriding consideration* in adoption decisions. The Committee on the Rights of the Child holds that this means the best interests of the child must be the determining factor in decisions on adoption.⁷⁹

In adoption cases, the best interests of the child are thus both an independent condition and an overarching principle. The general rule regarding the best interests of the child is described by the Committee on the Rights of the Child as a three-part concept, which both confers substantive rights, provides guidance for the interpretation of legislation and sets out requirements for procedural safeguards.⁸⁰

The Convention further stipulates that adoption shall only be permitted when competent authorities, on the basis of relevant and reliable information, find that the adoption is justifiable and in the best interests of the child.

The Convention on the Rights of the Child thus regulates, amongst other things, the weight to be given to the best interests of the child in decisions taken in adoption cases. However, the specific content of assessments of the best interests of the child was not further specified at the time of adoption. The Hove Committee wrote the following on this matter (in 2009):

When the UN Convention on the Rights of the Child was drawn up, discussions regarding the substance of the principle did not feature prominently. Neither the substance of the principle nor possible conflicts between the best interests of the child and the specific rights set out in the Convention were discussed in any great detail. The fact that the content was taken somewhat for granted may be due to the fact that the term 'the best interests of the child' was already well established in the legislation of the individual countries, as well as a desire to allow scope for the best interests of the child to be interpreted in different ways and more in line with the culture of each country. Regardless of this, it is accepted that the best interests of the child must be understood in the context of the other rights enshrined in the Convention on the Rights of the Child. These rights give expression, in various ways, to interests or solutions that are regarded as beneficial or necessary for children, and thus to interests that are generally considered to be in the best interests of the child.⁸¹

⁷⁹ Committee on the Rights of the Child, General Comment No. 14 (2013), CRC/C/GC/14, paragraph 38.

⁸⁰ General Comment No. 14 (2013) of the Committee on the Rights of the Child, CRC/C/GC/14, paragraph 6.

⁸¹ NOU 2009: 21, p. 31.

In 2013, the UN Committee on the Rights of the Child issued a *general comment* on how the ‘best interests of the child’ should be interpreted. The Committee’s general comments are not binding, but are ‘valuable guidelines for the interpretation and application of the Convention on the Rights of the Child’.⁸² Paragraph 32 states, amongst other things, the following:

The concept of the best interests of the child is complex, and its content must be determined on a case-by-case basis. It is through the interpretation and implementation of Article 3, paragraph 1, in line with the other provisions of the Convention, that legislators, judges, and administrative, social or educational authorities will be able to clarify the concept and make concrete use of it. Consequently, the concept of the best interests of the child is flexible and adaptable. It should be adapted and defined on an individual basis, in accordance with the specific situation of the child or children concerned, taking into account their personal context, circumstances and needs. In the case of individual decisions, the best interests of the child must be assessed and determined in the light of the specific circumstances of the child in question.⁸³

The duty to give due weight to the best interests of the child also follows from other international law. For example, Article 8 of the European Convention on Human Rights (ECHR) protects the right to private and family life. In its case law, the European Court of Human Rights (ECtHR) has held that the best interests of the child must be given considerable weight in cases concerning children, whilst at the same time states must carry out a specific balancing of the child’s interests against the parents’ rights under Article 8. The Court has emphasised that the child’s need for stability, security and a predictable care environment will often be key factors, particularly where the child has lived for a long time in an established care situation.⁸⁴

In the Norwegian context, the principle that adoption must be in the best interests of the child has been enshrined in law since 1917, albeit with somewhat varying wording. Section 8 of the Adoption Act 1917 stipulated that authorisation for adoption could not be granted unless there was ‘reason to believe that the adoption will be to the benefit of the child’. In the Adoption Act 1986, the wording was tightened somewhat, and authorisation was to be granted only ‘when it can be assumed that the adoption will be to the child’s benefit’.⁸⁵ The Convention on the Rights of the Child, including the provision that the best interests of the child should be the ‘primary consideration’ in adoption, was ratified in 1991 and incorporated into Norwegian law in 2003.⁸⁶

Although the wording of earlier adoption acts attaches somewhat less weight to the best interests of the child – or what is ‘in the best interests’ of the child – than is apparent from the Convention on the Rights of the Child, this has been upheld as an overriding principle in the Norwegian context since the 1970s. When the Hagen Committee submitted its report in 1976, it proposed three guiding principles for adoption placement, the first of which was that ‘[t]he best interests of the child and its future development must be an overriding principle for all adoption placement’.⁸⁷ The Storting endorsed these principles in 1977.⁸⁸

An assessment of what is in the best interests of the individual child must always be based on a concrete and comprehensive assessment of the child’s situation.⁸⁹ Adoption, not least when it takes place across national borders, is a far-reaching and lifelong measure that will have major consequences for the child, including in terms of their care situation, sense of belonging and identity. The assessment will inevitably be characterised by considerable uncertainty, as one must not only consider the child’s current situation, but

⁸² <https://www.regjeringen.no/no/tema/familie-og-barn/innsiktsartikler/fns-barnekonvensjon/generelle-kommentarer-fra-fns-barnekomit/id573909/> (accessed 12 May 2026).

⁸³ The Committee on the Rights of the Child’s General Comment No. 14 (2013), CRC/C/GC/14. Translated into Norwegian by BFD.

⁸⁴ NOU 2009: 21, p. 31.

⁸⁵ The wording was amended to ‘it can be assumed that the adoption will be in the best interests of the child’ by Act No. 13 of 25 April 2014.

⁸⁶ See section 5.2.2.

⁸⁷ NOU 1976: 66, p. 31.

⁸⁸ On the basis of St.prp. No. 210 (1976–77). The principles are further set out in Innst. S. No. 430 (1976–77), which was unanimously adopted on 4 June, cf. S.tid. (1976–77) *Debates in the Storting*, pp. 4291–4296.

⁸⁹ This follows, inter alia, from the Committee on the Rights of the Child’s General Comment No. 14 (2013), see above.

also carry out a forward-looking assessment in which two potentially very different life trajectories must be weighed against one another. This involves, amongst other things, assessments relating to the child's need for long-term care, opportunities for development, attachment and stability, as well as the right to identity and culture. This complexity means that it is neither possible nor appropriate to have exhaustive or detailed statutory regulation of what constitutes the best interests of the child. Instead, the assessment must be based on broad discretion, whereby relevant factors are identified and weighed up specifically in each individual case.

When assessing the understanding and observance of the best interests of the child in the review within a historical context, it is a key point that the understanding of what constitutes the best interests of a theoretical or specific child has changed. This is linked to the fact that, since the 1950s, there have been major developments in attitudes towards children in general, both nationally and internationally. For example, it appears that external factors (e.g. financial security and growing up in a nuclear family) played a greater role in assessments of the best interests of the child early in the period, whilst internal factors (e.g. identity and a sense of belonging) have gradually come to be given greater weight.

5.4.3 The child's right to be heard

5.4.3.1 Introduction

Children have the right to express their views and to have a say in matters that concern them. This fundamental right is a human right enshrined in Article 12 of the UN Convention on the Rights of the Child:

States Parties undertake to 'guarantee to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, and to give due weight to the views of the child in accordance with the child's age and maturity'. It is specified that the child shall, in particular, be given the opportunity to be heard in any judicial or administrative proceedings affecting the child.

In Norway, the child's right to be heard was incorporated into the Constitution during the 2014 revision and is now set out in Article 104 of the Constitution.

In adoption legislation, a distinction is often made between rules concerning a child's right to express their views and be heard in an adoption process, and rules stipulating that adoption requires the child's consent.

5.4.3.2 International law

Article 4(d) of the Hague Convention on Adoption sets out rules on a child's right to express their views and on the requirement for the child's consent. Under this provision, an adoption may only take place if the competent authority in the country of origin:

having regard to the child's age and maturity, has satisfied itself that:

- (1) he or she has received counselling and has been duly informed of the consequences of the adoption and of his or her consent to it in cases where such consent is required,
- (2) the child's wishes and views have been taken into account,
- (3) the child has voluntarily given their consent to the adoption where such consent is required, and that the consent has been given in the manner prescribed by law, and that it has been expressed or attested in writing,
- (4) such consent has not been induced by payment or remuneration of any kind. The Hague Convention does not set a fixed age limit for the child's right to be heard or to give consent. It is the authority in the State of origin – where the child is resident – that must ensure that the child has received advice and information, and that the child's views have been taken into account. In cases where adoption requires the child's consent, this must be given voluntarily and documented in writing.

The Convention also stipulates that the child's consent must not be induced by payment or any other form of remuneration.

In the Council of Europe Convention, the provision on the child's consent to adoption is set out in Article 5(1)(b) – between the provisions on the consent of the natural parents (point (a)) and the consent of the adoptive parent's spouse (point (c)). Under the Convention, an adoption requires the child's consent where the child 'has sufficient understanding in accordance with the law; a child shall be deemed to have sufficient understanding when they reach the age required by law, which shall not be set higher than 14 years'. The Convention thus requires that the adoption legislation of the Contracting States must contain provisions on the child's consent to adoption, and the age limit may not be set higher than 14 years.

Article 6 of the Council of Europe Convention contains a provision regarding the child's right to be heard in cases where the child's consent is not required. The child shall be heard as far as possible, and due weight shall be given to the child's views and wishes in accordance with the child's maturity. It is possible to disregard the requirement that the child be heard if doing so would clearly be contrary to the child's best interests.

5.4.3.3 Norwegian law

Under Norwegian law, it is a condition of adoption that the child must *consent* to the adoption once he or she has reached the age of 12, cf. section 6, second paragraph, of the Adoption Act. However, this does not apply if, due to a mental disability or mental or physical illness, the child is clearly unable to understand what consent entails.

The rule requiring consent from the age of 12 was already enshrined in the Adoption Act of 1917, but in such a way that exceptions could be made to the consent rule, for example where there was reason to believe that it would be harmful to the child to be asked about the adoption.

In section 6, second paragraph, of the Adoption Act 1986, the rule was set out without exception. There was little discussion of the rule, even though the Ombudsman for Children had been critical of it during the consultation process.

In NOU 2014: 9, the Adoption Act Committee proposed that the age limit be raised to 14 years. This was not followed up in the Ministry's bill, which retained the 12-year-old age limit.

The Act further stipulates that, before the child gives their consent, they must be provided with information about what it means to be adopted. Consent must be given in writing and voluntarily, without the child having received or been promised any remuneration or other benefit in return. Only a public official may receive or confirm the consent. The official must ensure that the child has understood the information. The local authority must assist in providing information on the matter and obtaining consent if the adoption authority so requests.

The rule that consent must be informed and given without consideration is modelled on the rule in the Hague Convention. This was proposed by the Hove Committee in NOU 2009: 21, and was followed up by the Adoption Law Committee in NOU 2014: 9.

In addition to the rule on consent, the Act contains provisions on *a child's right to be heard* in Section 9, first paragraph:

If the child has reached the age of 7, they shall be given the opportunity to express their views before a decision on adoption is made. The same applies to children under the age of 7, provided the child is capable of forming their own views. The child shall be given information about what an adoption entails, and guidance tailored to the child's ability to understand. The child's opinion shall be given due weight in accordance with their age and maturity.

The Adoption Act thus has both a fixed age limit – children who have reached the age of 7 must be given the opportunity to express their views – and a provision stating that younger children must be given the opportunity to express their views following an assessment of whether the child is capable of forming their own views. These children, too, are entitled to information about what adoption entails, and the guidance must be tailored to the child's level of understanding.

5.4.4 Requirements for consent from the birth parents

5.4.4.1 Introduction

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

5.4.4.2 International law

The first international legal framework in the field of adoption law is the 1967 Council of Europe Convention.⁹⁰ Article 5 of the Convention regulated consent and stipulates, amongst other things, that the child's parents – or the person or authority entitled to exercise parental responsibility in their stead – must consent to the adoption. Of particular significance for the understanding of Norwegian law was paragraph 4 of the article, which stipulated that the mother could give her consent to adoption no earlier than six weeks after the birth.⁹¹

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

States Parties which recognise and/or permit adoption shall ensure that the best interests of the child shall be the paramount consideration, and they shall ensure that [...] the persons concerned, where necessary, have given their consent to the adoption after having been provided with full information and such counselling as may be necessary.

The Convention on the Rights of the Child does not lay down explicit requirements as to who must give consent to an adoption, and leaves the assessment of when and from whom consent is to be required to the States themselves, cf. the wording 'where necessary'.⁹² What the Convention requires is that those who are to give consent must be provided with full information and the necessary advice.

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

1. the persons, institutions and authorities required to give their consent to an adoption have received the necessary advice and have been duly informed of the consequences of their consent, in particular whether an adoption will result in the termination of the legal relationship between the child and his or her original family,
2. they have given their consent voluntarily in the manner prescribed by law and that this has been expressed or attested in writing,
3. the consents have not been induced by payment or compensation of any kind and have not been withdrawn, and
4. that the mother's consent, where required, has been given only after the child's birth [...].'

Here too, it is left to the States themselves to determine from *whom* consent must be obtained.⁹³

As regards the timing of the consent of the natural parents, the mother's consent may only be given after the child's birth. Beyond this, the Convention does not specify any timeframes for when consent may

⁹⁰ Further details on the implementation can be found in the Ministry of Justice's circular of 26 January 1983 (G 34/73).

⁹¹ See section 5.2.3.

⁹² Kvalø, K.K. *Karnov Commentary* on the Human Rights Act – 1999, note 1 to Article 21, Lovdata.no (retrieved 14 January 2025). In light of Article 8 of the ECHR on the right to private and family life, it must nevertheless be assumed that this will, as a starting point, include the child's parents (see, inter alia, NOU 2009: 21, p. 77).

⁹³ The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention Guide No. 1: Guide to Good Practice 2008 (Guide to Good Practice (2008)), pp. 34–35, refers to the 'legal custodian or guardian of the child' and provides further guidance on obtaining consent.

The reason no further time limit was proposed was that this was deemed impracticable; when mothers, due to hardship or poverty, were forced to give up a child, this often took place immediately after or shortly following the birth.⁹⁴ In many cases, the mother would subsequently disappear, and it would not be practically possible for the country's authorities to contact her again to obtain fresh consent.⁹⁵

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

The persons required to give their consent to an adoption must have received the necessary advice and be duly informed of the consequences of their consent, in particular as to whether an adoption will result in the termination of the legal relationship between the child and its family of origin. Consent must be given freely and in the manner prescribed by law, and must be given or attested in writing.

Article 5(4) provides that, where the mother or father does not have parental responsibility or the right to consent to adoption, national legislation may stipulate that such consent is not required for the adoption to proceed. Article 5(5) governs the mother's consent to the adoption of a newborn child. A mother's consent to the adoption of her child shall not be recognised unless it is given after the expiry of a statutory period of not less than six weeks, or, where no such period is prescribed, at a time when, in the opinion of the competent authority, the mother has had sufficient time to recover from the birth.

5.4.4.3 Norwegian law

When international adoption became a serious issue following the Second World War, adoptions were governed by the Adoption Act 1917. Consent from the biological parents was regulated in Section 6:

A person under the age of twenty-one may not be adopted without the consent of their parents. If one of the parents is deceased or missing, mentally ill or has no share in parental responsibility, the consent of the other parent is sufficient. If both parents are in any of the aforementioned circumstances, the consent of a guardian or curator is required.

However, the father or mother who does not have parental authority shall, as far as possible, be given the opportunity to express their views before a decision is made. If anyone other than the father or mother has been appointed as guardian or curator for the person to be adopted, the guardian or curator shall also be given the opportunity to express their views.

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

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

In 1964, a circular was issued stating that the mother could not give valid consent to adoption *before* the child was born, and that she should also be given guidance and the opportunity to carefully consider the matter in the period following the birth. Consent could also be withdrawn right up until the adoption order was issued. Separate forms were also drawn up for birth parents

⁹⁴ However, the Guide to Good Practice (2008), p. 35, states that the mother's consent should first be obtained 'some time after the birth of her child'.

⁹⁵ Hognestad and Steenberg (2000), p. 199; cf. St.prp. No. 77 (1995–96), p. 9.

were to be completed and signed, and the signatures were to be confirmed by witnesses.⁹⁶ For domestic adoptions, formal requirements were thus in place in practice from 1964 onwards to ensure informed and written consent.

In 1972, Norway acceded to the 1967 Council of Europe Convention. Norwegian law was considered to be in conformity with the Convention, and ratification therefore did not lead to any legislative amendments. Nevertheless, the Ministry of Justice and the Police drew up a circular containing comments on the various provisions of the Convention, with some clarifications as to how the Norwegian provisions should be interpreted in the light of it.⁹⁷ Of particular significance for the understanding of Norwegian law was Article 5(4) of the Convention, which stipulated that the mother could give her consent to adoption no earlier than six weeks after the birth. In the circular, the Ministry pointed out that, under the Norwegian system, consent to adoption was only accepted after the mother had had the opportunity to carefully consider the matter, and that it would therefore, in any event, take more than six weeks in most cases. In light of the Convention, however, it was necessary to ensure that the time limit was observed. At the same time, they pointed out that six weeks was a minimum requirement, and stated that ‘consent should generally not be obtained until at least 2–3 months have elapsed since the child’s birth’.⁹⁸

In 1986, a new Adoption Act was passed. In the preparatory work for this Act, there was discussion as to whether the Act should specify more clearly that, in certain cases, the parents’ lack of consent could be disregarded, for example where the parents had been deprived of parental responsibility.⁹⁹ It was argued, amongst other things, that in such cases there should also be provision for a full judicial review in a manner that was straightforward for the parents, which would enhance their legal certainty. Opinions were divided during the consultation process as to the need for and appropriateness of such a provision, and it was ultimately decided to retain the wording from 1917, albeit with some linguistic modernisation. Nevertheless, on the basis of the 1967 Council of Europe Convention, a new second paragraph was introduced stating that ‘the parents’ consent may not be given until two months after the child’s birth’.¹⁰⁰

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

In principle, this requirement will also apply to international adoptions. This is also the case under current practice [...] and under the European Convention. The fact that, in practice, it may be difficult to verify compliance with the requirement in international adoption cases must simply be accepted.¹⁰¹

In its 2009 report on the field of adoption, the Hove Committee considered that the rules on consent in force at the time largely safeguarded the important and necessary considerations in an adoption case. They nevertheless pointed out that certain tightening of the rules should be introduced and that some more specific formal requirements should be incorporated into the Act itself.¹⁰²

In 2017, the current Adoption Act was enacted. In the preparatory work for the Act, the rules on consent were reassessed. The Law Committee largely followed up on the 2009 report by the Hove Committee and proposed enshrining the formal requirements for consent in law, which until then had only been set out in circulars, practice and forms. The current Adoption Act now states that ‘[b]efore consent is given, parents and any guardians shall be informed of what consent entails. Consent must be in writing and given voluntarily without

⁹⁶ Circular from the Ministry of Social Affairs dated 1 November 1964, pp. 11–15. The consent form is attached as Appendix 8.

⁹⁷ Circular from the Ministry of Justice dated 26 January 1983 (G 34/73).

⁹⁸ Circular from the Ministry of Justice dated 26 January 1983 (G 34/73), p. 2.

⁹⁹ Parliamentary Bill No. 40 (1984–1985), pp. 12 ff.

¹⁰⁰ Section 7(2) of the Adoption Act 1986.

¹⁰¹ Parliamentary Bill No. 40 (1984–85), p. 15.

¹⁰² NOU 2009: 21, p. 78.

consideration. Only a public official or a solicitor may receive or confirm the consent', cf. Section 10, second paragraph.

A further amendment was the restriction of the scope for waiving the requirement to obtain consent from parents with reduced cognitive function, or statements from parents without parental responsibility. In the former case, the term 'mental illness' has been abandoned, and under Section 10, first paragraph, consent may now only be waived from parents 'who are manifestly incapable of understanding what consent entails'. And whereas previously statements were only to be obtained from parents without parental responsibility 'as far as possible', this right was formulated in the fourth paragraph as follows: 'A father or mother who does not have parental responsibility shall be notified and given the opportunity to express their views before a decision is made on the adoption application, cf. Section 16 of the Public Administration Act'.

The Adoption Act 2017 also enshrined in law a conflict-of-laws rule regarding parental consent to adoption: in the case of the adoption of a child under the age of 18 who is habitually resident in another country, the question of consent from parents or guardians shall be assessed in accordance with the law of that other country, cf. section 44, second paragraph, of the Adoption Act. This choice-of-law rule was proposed by the Adoption Law Committee¹⁰³ and was incorporated into the Ministry's bill.¹⁰⁴

5.4.5 The principle of subsidiarity

5.4.5.1 Introduction

A key principle in the regulation of intercountry adoption is that children may only be adopted across national borders if they cannot be raised by their birth family and no other suitable care arrangements have been found in the child's country of origin. This fundamental principle is known as *the principle of subsidiarity*. The principle emerged primarily through international cooperation in the post-war period and was set out in various guidelines and declarations before being enshrined in the UN Convention on the Rights of the Child and the Hague Convention. The development of the principle is described in more detail below.

5.4.5.2 International law

From the 1950s onwards, several international organisations and associations were involved in efforts to ensure that cross-border adoptions took place in an orderly manner and that the best interests of the child were safeguarded, including the World Health Organisation (WHO), the International Union for Child Welfare (IUCW) and International Social Service (ISS).¹⁰⁵ ISS raised the issue with the UN, which responded by setting up a group of experts in 1957.¹⁰⁶

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

That sufficient consideration should be given to possible alternative arrangements for the child within his own country before a decision is taken on intercountry adoption, since there are various risks inherent in transferring a child from one culture to another.¹⁰⁷

¹⁰³ See NOU 2014: 9, p. 359.

¹⁰⁴ See Prop. 88 L (2016–2017), p. 203.

¹⁰⁵ Denéchère, Y. (2014) Regulating a particular form of migration at the European level: the Council of Europe and intercountry adoptions (1950–1967). *Peoples and borders: movement of persons in Europe, to Europe, from Europe (1945–2015)*, Padua, Italy, pp. 5 and 8.

¹⁰⁶ NOU 1976: 55, p. 13.

¹⁰⁷ Fundamental principles in intercountry adoption (as amended at the seminar) 1960, appendix to NOU 1976: 55.

In the 1970s, several initiatives were taken within the UN to discuss and coordinate work on intercountry adoptions.¹⁰⁸ In 1978, a group of experts was set up to draw up social and legal principles on adoption and foster care, which resulted in a declaration on the protection of children that was endorsed by the UN General Assembly in 1986.¹⁰⁹ Here, it was again emphasised that the child should primarily be cared for in their own country, and secondarily through international adoption.

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

States Parties which recognise and/or permit adoption shall ensure that the best interests of the child shall be the paramount consideration, and they shall:

[...]

b) recognise that adoption from one country to another may be regarded as an alternative form of care for a child, if the child cannot be placed in a foster family or adopted, or if it is not possible to care for the child in any suitable manner in their country of origin.

Following on from the work on the Convention on the Rights of the Child, the Hague Conference on Private International Law established a special commission to work towards a convention on the protection of children and co-operation in international adoption. As early as its first meeting in June 1990, the Special Commission established that the child's best interests would generally be best served if the child were allowed to grow up within their own biological family, or alternatively with another family in their own country. During the meetings in the following years, there was discussion as to whether the principle of subsidiarity should be interpreted to mean that temporary arrangements – such as placement in foster care or in institutions – should also be preferred to intercountry adoptions.¹¹⁰ It was, however, concluded that permanent solutions would be in the child's best interests, and the preamble to the Convention emphasises that 'international adoption may provide a child with the benefit of a permanent family where no suitable family is available in the State of origin'. In the text of the Convention itself, the principle of subsidiarity is formulated as follows in Article 4(b):

Within the framework of this Convention, an adoption shall take place only if the authorities of the State of origin

[...]

b) after having carefully examined the possibilities of placing the child in the country of origin, find that the child's best interests are best served by an intercountry adoption.

The Hague Convention has been interpreted to mean that intercountry adoption, as a general rule, is to be preferred to institutional care or temporary placements in the child's country of origin.¹¹¹ Some have raised the question of whether the Hague Convention's prioritisation of permanent solutions conflicts with the Convention on the Rights of the Child, which may be interpreted to a greater extent as meaning that intercountry adoptions should be a 'last resort'. Others, including ISS, emphasise, on the other hand, that the application of the principle of subsidiarity

¹⁰⁸ NOU 1976: 55, p. 13.

¹⁰⁹ Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption, Nationally and Internationally: revised draft resolution / Netherlands, UN, 20 Nov. 1986.

¹¹⁰ Dambach M. (2019). *Principle of subsidiarity*, International Social Service, p. 11.

¹¹¹ Hognestad and Steenberg (2000), p. 96. Section 51 of the Guide to Good Practice (2008) states, amongst other things, that 'National adoption or other permanent family care' is to be preferred to intercountry adoption. 'Other permanent family care' will presumably also apply to more long-term placements, for example arrangements corresponding to 'upbringing placements' in Norway.

The application of this principle in practice will depend on specific assessments of what is in the best interests of the individual child.¹¹²

In 2008, the Hague Conference published ‘The Implementation and Operation of the 1993 Intercountry Adoption Convention: Guide to Good Practice’, in which the principle of subsidiarity is addressed in paragraphs 46–52. The Hague Conference’s Guide has not been adopted by the States Parties to the Convention and is not legally binding. Nevertheless, it is important in practice for the interpretation and application of the Convention and is therefore referred to in this report.

The 2008 Guide emphasises, amongst other things, that ‘effort should be made’ to ensure that the child can remain with or be returned to their family of origin. Furthermore, the authorities must consider other domestic placement options before proceeding with intercountry adoption.¹¹³ The Guide maintains that intercountry adoption should be an integral part of a comprehensive child welfare system. The importance of permanent solutions is nevertheless emphasised, and if intercountry adoption is the means of achieving this, the child’s country of origin should not formulate policies and regulations that hinder this. The authorities should also avoid unnecessary delays in the process. It is made clear that, in practice, it is not possible to require that all possibilities for domestic placement have been exhausted, both because investigating this would place a burden on the authorities and because it would lead to significant delays in the process of finding a permanent home for the child abroad where there is a need for this. It is emphasised that the principle of subsidiarity must be interpreted in the light of what is in the child’s best interests, and paragraph 51 lists examples of how these considerations can be weighed against one another:

- It is true that keeping a child in his or her family of origin is important, but it is not more important than protecting a child from harm or abuse.
- Permanent care by an extended family member may be preferable, but not if the carers are motivated by the wrong reasons, unsuitable, or unable to meet the needs (including the medical needs) of the particular child.
- National adoption or other permanent family care is generally preferable, but if there is a lack of suitable national adoptive families or carers, it is, as a general rule, not preferable to keep children waiting in institutions when there is the possibility of a suitable permanent family placement abroad.
- Finding a home for a child in their country of origin is a positive step, but in most cases a temporary home in the country of origin is not preferable to a permanent home elsewhere.
- Institutionalisation as an option for permanent care, whilst appropriate in special circumstances, is not, as a general rule, in the best interests of the child.

5.4.5.3 Norwegian law

In Norway’s case, subsidiarity was upheld as a key principle in NOU 1976: 55. The Hagen Report proposed guiding principles for adoption placement, including consideration of the child’s best interests and the Norwegian authorities’ responsibility to ensure sound procedures. The Storting endorsed these principles in 1977.¹¹⁴ Regarding subsidiarity, it states:

¹¹² Dambach (2019), p. 12.

¹¹³ Guide to Good Practice (2008), paragraph 48.

¹¹⁴ On the basis of St.prp. No. 210 (1976–1977). The principles are further set out in Innst. S. No. 430 (1976–77), which was unanimously adopted on 4 June; see S.tid. (1976–77) *Debates in the Storting*, pp. 4291–4296.

The primary aim should be to provide assistance to the child in their own country of origin. The adoption of children from abroad should not take place unless there is reason to believe that the child cannot be provided with satisfactory conditions in which to grow up in their own country of origin.¹¹⁵

From 1 October 2003, the principle of subsidiarity set out in the Convention on the Rights of the Child applies to cross-border adoptions as Norwegian law taking precedence over other legislation, cf. the Human Rights Act, section 2(4), cf. section 3.

In the Adoption Act 2017, the principle of subsidiarity is enshrined in law for adoptions of children with whom the applicant has a connection. Section 21(d) states that prior consent to adopt a child who is habitually resident abroad may only be granted if the child lacks security and permanent carers. The principle of subsidiarity implies that the country of origin must have investigated the possibilities of raising the child in the country where the child is habitually resident. It is clear from the preparatory work that if the child has secure care arrangements in the country where the child has their habitual residence (their home country), the child shall remain in their home country and not be removed through adoption. It is not sufficient that the child's material circumstances would improve as a result of a move to Norway.¹¹⁶

5.4.6 The prohibition against undue financial gain

5.4.6.1 Introduction

The prohibition against financial gain is today a central principle in the regulation of intercountry adoptions and is intended, amongst other things, to prevent considerations other than the best interests of the child from becoming decisive in the adoption process.

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

5.4.6.2 International law

It was not until the 1960s that specific rules relating to remuneration in connection with adoption were introduced. Article 15 of the 1967 Council of Europe Convention states that 'Provisions shall be introduced to prevent anyone from deriving undue financial advantage from the adoption of a child'. When implementing this in Norway, the Ministry of Justice noted that it was assumed that the provisions in Section 9 of the Adoption Act and Section 26b of the Child Welfare Act provided sufficient protection against the circumstances addressed in Article 15.¹¹⁷

Similar wording was subsequently included in Article 21(d) of the 1989 UN Convention on the Rights of the Child, which specifically prohibited the making of unjust enrichment from intercountry adoptions. The provision stipulates that States shall 'take all appropriate measures to ensure that intercountry adoption does not result in improper financial gain for those involved in the adoption'.

In the Optional Protocol on the sale of children, child prostitution and child pornography of 2000 (ratified by Norway on 2 October 2001), Article 3(a)(ii) states that 'to act in an improper manner, as an intermediary, to obtain consent to the adoption of a child in contravention of applicable international legal instruments on adoption' shall be regarded as the sale of a child within the meaning of the Convention.¹¹⁸

The 1993 Hague Convention also contains provisions on remuneration. Article 32 states the following:

¹¹⁵ Parliamentary Report No. 430 (1976–77), p. 2.

¹¹⁶ Government Bill No. 88 L (2016–2017), p. 228.

¹¹⁷ See the Ministry of Justice's circular of 26 January 1983 (G 34/73). See also section 5.4.3.

¹¹⁸ See also NOU 2014: 9, pp. 94–95.

1. No one shall derive any unlawful financial or other gain from activities connected with an international adoption.
2. Only costs and expenses, including reasonable fees for professional assistance from persons involved in the adoptions, may be claimed or paid
3. Managers, case officers and staff of bodies involved in an adoption shall not receive remuneration that is unreasonably high in relation to the services rendered.

Furthermore, under Article 4(c)(2), adoption shall only be permitted if the State of origin has satisfied itself that the consents of persons, institutions and authorities 'have not been induced by payment or remuneration of any kind and that they have not been withdrawn'. Similarly, the child's consent – where required – must not be 'induced by payment or compensation of any kind', cf. Article 4(d)(4). It also follows from Article 8 of the Convention that the authorities in the Member States shall 'take all necessary measures to prevent any unlawful financial or other gain in connection with adoption'.

In light of developments in the field of adoption, the Council of Europe Convention was revised in 2008 (ratified by Norway in 2011). Article 17 of the revised version states: 'No person shall derive any undue financial or other benefit from activities relating to the adoption of children.'

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

In 2014, the Conference published a '*Note on the financial aspects of international adoption*'. In 2023, the Conference published a '*Toolkit for Preventing and Addressing Illicit Practices in Inter-country Adoption*'. This is a review offering practical advice to States Parties to the Convention on how to avoid unlawful practices and breaches of the Convention and to ensure that the best interests of the child are safeguarded. The Conference currently has a working group comprising representatives from both countries of origin and receiving countries, which is working to update the 2014 note on the financial aspects of intercountry adoption. The working group has drawn up a document entitled 'Note on the Financial Aspects of Inter-country Adoption' and a draft 'Roadmap of Cooperation Between States to Transition to "No Contributions, Donations and Cooperation Projects in the Context of Adoption"'.¹¹⁹

5.4.6.3 Norwegian law

Although various legislative initiatives have sought to establish a system in which financial gain does not motivate adoptions, there was originally no prohibition on remuneration in the context of adoption under Norwegian law. The explicit prohibition on offering remuneration to influence the adoption process was introduced into Norwegian law through international conventions and was first incorporated into the Adoption Act in 2017.

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

Before authorisation is granted, enquiries shall be made as to whether any consideration has been paid or is to be paid by either party, and, if so, the amount thereof.

If remuneration has been paid or is to be paid to the adopter, the granting of authorisation may be made conditional upon the remuneration being ensured, in whole or in part, to be used for the best interests of the adopted child.

The provision did not impose any prohibition on the payment of remuneration in connection with the adoption process, either to the adoptive parents or from the adoptive parents to the birth parents.¹¹⁹ In the preparatory work

¹¹⁹ See *Draft Act on Adoption: submitted by the Norwegian delegates to the Scandinavian Family Law Working Group*, p. 24. Firstly, the committee considered it reasonable that remuneration could be paid by the birth parents 'partly because it may be easier for the father or mother to pay a lump sum once and for all than to take on the child's upbringing themselves, and partly because the father or mother wishes to settle their relationship with the child definitively through an adoption, so that the child's care is not subject to change at any time

it is apparent that, in practice, the payment was rarely given as any consideration for the child, but rather as compensation to the adoptive parents for the expenses incurred in bringing up the child. The provision in the second paragraph was intended to ensure that any payment from the birth parents would benefit the child – and not just the adoptive parents – by allowing certain conditions to be imposed in connection with the adoption order. Payment to the birth parents was regarded as a matter of little practical relevance. Nevertheless, the legislature chose to retain this possibility. As Section 9 required transparency regarding any remuneration, the legislature considered that the authorities would be given cause to conduct thorough investigations should transactions occur that bore the hallmarks of the buying and selling of children.

The Adoption Act 1917 did not regulate the ability of intermediaries and agents to receive remuneration. However, the Act on the Supervision of Foster Children of 29 April 1905 stipulated that private individuals acting as intermediaries for the placement of children in return for payment were required to obtain authorisation from the police.¹²⁰ Section 26b of the Child Welfare Act 1953 introduced a ban on private individuals ‘placing children with or without a view to adoption’, but retained the possibility for organisations to apply for a licence to do so. The issue of remuneration in connection with such activities was not addressed.

During the drafting of the 1986 Adoption Act, there was discussion as to whether an explicit ban on remuneration in connection with adoptions should be introduced. The Council for International Adoptions (RIA) recommended such a ban in its consultation response, to ensure that adoptions did not take on the character of ‘business and “child trading”’.¹²¹ The Ministry agreed that the provisions were outdated and needed to be amended. However, it considered that a total ban could give rise to some difficulties in defining the scope of the ban in practice, for example with regard to covering expenses related to adoption and the possibility of making donations to children’s homes. They took the view that ‘an assessment of any agreements regarding remuneration must be able to form part of the overall assessment of whether an adoption licence should be granted, and that any conditions regarding the use of the remuneration must be able to be imposed without specific statutory authority’.¹²² The Act therefore contained no specific provision on remuneration, and no explicit prohibition was introduced.

Since 1 October 2003, the prohibition in the Convention on the Rights of the Child against improper financial gain in intercountry adoptions has applied as Norwegian law, taking precedence over other legislation, cf. Section 2(4) of the Human Rights Act, cf. Section 3.

An explicit prohibition on remuneration in connection with adoptions was first included in the Adoption Act in 2017. The Law Committee noted that, since the legislative work of the 1980s, Norway had acceded to several conventions which, using various formulations, prohibited such remuneration.¹²³ Two provisions were proposed: one aimed at parties directly involved (children, parents, guardians), and one aimed at external parties and adoption agencies. The provisions were adopted as

Sections 11 and 33, with the following wording:

Section 11. Prohibition on remuneration

It is not permitted to offer or promise remuneration or any other benefit in order to influence a person who is required to consent to an adoption or to give an opinion on an application for adoption or on prior consent to adopt.

Section 33. Prohibition on offering remuneration to influence the arrangement of an adoption

‘fall back on them’. Secondly, in other cases, it might ‘be reasonable for the biological parents to receive a sum in compensation for the loss of a child who is handed over to adoptive parents, who will fill the void left by the absence of their own child’.

¹²⁰ The Adoption Law Committee referred to this Act in its report, Draft Act on Adoption: Report by the Norwegian delegates to the Scandinavian Family Law Project, p. 24.

¹²¹ Parliamentary Bill No. 40 (1984–85), p. 24.

¹²² Parliamentary Bill No. 40 (1984–85), p. 25.

¹²³ NOU 2014: 9, p. 233.

It is not permitted to provide remuneration or any other benefit to organisations, individuals within organisations or others who arrange an adoption where the purpose is to influence an adoption process or the outcome of an adoption case.

5.4.7 The child's right to preserve their identity, language and culture and to know their origins

Children's right to identity and to know their origins is enshrined in international human rights law. In 1959, the UN adopted a declaration setting out 10 principles relating to children's rights, one of which was that every child should have the right to a name and a nationality from birth.¹²⁴ This was reiterated in the UN International Covenant on Civil and Political Rights (ICCPR) of 1966, which included a requirement that children should be registered immediately after birth.¹²⁵

The 1989 Convention on the Rights of the Child further strengthened the child's right to an identity and to know their origins.

Article 7 of the Convention stipulates that the child has the right 'as far as possible' to know their parents. States are required to 'ensure the implementation of these rights in accordance with their national legislation and their obligations under relevant international instruments in this field'. The right is not, however, absolute. In addition to practical limitations (the parents are unknown or documentation is lacking), birth parents may have a conflicting right to anonymity. The right to know one's origins/birth parents is addressed in Chapter 29, and the Committee provides a more detailed account of various issues there.

As regards a child's right to preserve their identity, language and culture, this is addressed in various provisions of the Convention on the Rights of the Child.¹²⁶ Article 8 stipulates that '[t]he Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law, without unlawful interference.' It further states that '[i]f a child is unlawfully deprived of his or her identity, in whole or in part, the Parties shall provide appropriate assistance and protection with a view to the prompt re-establishment of his or her identity'.

Furthermore, Article 20 states that when considering possible solutions for alternative care placements for children entitled to protection by the State, including adoption, 'due regard shall be paid to the desirability of continuity in the child's upbringing and to the child's ethnic, religious, cultural and linguistic background'.

The right to language and culture is further enshrined in Article 30 of the Convention on the Rights of the Child, which states that children belonging to an ethnic, religious or linguistic minority shall be able to preserve and practise their culture, religion and language.

Adoption entails a severing of the legal ties to the child's family of origin, whilst at the same time establishing new family ties with the adoptive family. Particularly in the case of intercountry adoption, the adoptive family will often belong to a different culture and religion and speak a different language from the child. In many cases, the adoption may take place at a time when the child's independent connection to their original culture, religion and language is limited.

¹²⁴ See SOU 2025: 61 Vol. 1, p. 119.

¹²⁵ See Article 24. The Convention now forms part of Norwegian law; see the Human Rights Act 1999, Sections 2 and 3.

¹²⁶ Similar provisions are also found, to some extent, in other conventions. For example, the rights of minorities to language, religion and culture are also addressed in Article 27 of the UN International Covenant on Civil and Political Rights.

5.4.8 Special rights for children belonging to indigenous peoples

Under international children's rights law, children belonging to a minority or an indigenous people enjoy special protection of their cultural, linguistic and religious identity. This follows, amongst other things, from Article 30 of the Convention on the Rights of the Child, which states that:

In States where there are ethnic, religious or linguistic minorities or persons belonging to an indigenous people, a child belonging to such a minority or indigenous people shall not be denied the right, together with other members of his or her group, to live in accordance with his or her culture, to profess and practise his or her religion, or to use his or her own language.

The provision does not specify which groups are covered, but the UN Committee on the Rights of the Child has stated that the fundamental criterion for the existence of an indigenous people is self-identification.¹²⁷

6 A historical overview of the Norwegian adoption system

6.1 Introduction

6.1.1 Introduction to the chapter

Intercountry adoption is a social and legal phenomenon closely linked to, amongst other things, cultural, political, religious and economic conditions, both within individual countries and at a global level. The Committee is aware of the diversity of perspectives from which intercountry adoptions can be described and explained. At the same time, given its mandate and resources, the Committee must set certain priorities and impose certain limitations on its report. The following account of the historical development of the Norwegian adoption system focuses primarily on developments within Norway, and in particular on the legal and institutional frameworks governing adoption from other countries.¹²⁸ Developments in the various countries of origin, and Norway's cooperation with them, will be described in more detail in the separate country chapters. The account in this chapter is intended as a descriptive introduction, and the topics covered here will, to a large extent, be dealt with in greater detail elsewhere in the report. The Committee's assessment of the adoption system in different periods is set out in Part 4.

Historically, various forms of placement of children in care have been regarded as a private matter. However, throughout the 20th century, the public child welfare system gradually became more developed, and legislation was enacted which meant that the authorities assumed ever greater control over children's upbringing. The system for – and public oversight of – adoption has likewise developed considerably, including after international adoption began in earnest in the second half of the 20th century.

In the post-war years, cross-border adoption gradually became a more prominent issue, both internationally and in Norway. At the same time, both the regulatory framework and the various public institutions had been established and organised primarily with a view to what was still a relatively high volume of domestic adoptions. The organisation and implementation of international adoptions therefore had to be fitted into a system that was largely ill-suited to the specific challenges posed by this form of adoption.

Throughout the 1970s, the number of international adoptions increased, eventually becoming the most common form of adoption. Several private adoption agencies were established, and the number of partner countries and adoptions rose considerably. The need for better public oversight of these activities resulted, amongst other things,

¹²⁷ See the discussion of this in SOU 2020: 63 Vol. 2, pp. 1174–1175.

¹²⁸ Parts of the following account are based on an internal/unpublished report, **The History of Adoption in Norway**, which Knut R. Steenberg prepared on behalf of Bufdir in 2011.