In the following, the Committee summarises key errors, shortcomings and risk factors that have been identified in the adoption cooperation with Brazil, on the part of both Brazilian and Norwegian stakeholders.

- The Committee has not received any enquiries or uncovered any specific information to suggest that the release and adoption of children who have been placed with Norwegian applicants through InorAdopt or the two other Norwegian intermediaries have taken place on an unlawful basis.
- In Brazil, the intermediaries 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 help and/or guidance prior to an adoption, and has, to some extent, limited investigations into alternative placements for the children within Brazil.
- The Committee finds that the assessment carried out by the Norwegian authorities prior to the commencement of adoption activities from Brazil was not sufficient 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.

11 Chile

11.1 Introduction and scope

A total of 314[502]adoptions were arranged from Chile to Norway during the period 1985–2016. All were arranged through Adopsjonsforum, which is the only Norwegian organisation to have held a placement licence for Chile.

The period covered by these arrangements overlaps with the period of Pinochet's military dictatorship (1973–1990).

The Chilean authorities have carried out their own investigations into adoptions that took place during this period (both domestic and international adoptions), and have concluded that systematic human rights violations occurred in this field.[503] The practice of removing children from their mothers (often young, poor women without family networks and from indigenous groups) was widespread during the military dictatorship and also took place after 1990.

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502 See note 60.

503 See section 11.4.

A criminal investigation into adoption cases in Chile is currently underway, with a significant proportion of the cases concerning adoptions to Sweden. A smaller number of adoptions to Norway are also covered by this investigation.

In the late 1980s and early 1990s, Adopsjonsforum arranged adoptions almost exclusively through the same juvenile court (*Juzgado de Letras de Menores*, hereinafter the Children's and Youth Court) in the city of Temuco. This court had previously handled a very large number of adoptions to Sweden, and the procedures at the court have been the focus of both the Chilean investigation and the Swedish inquiry.

Chile introduced a new Adoption Act in 1999 and ratified the 1993 Hague Convention at that time. Prior to the 1999 Adoption Act, adoptions from Chile were carried out by having the adoptive parents appointed as guardians for the children and obtaining an exit permit, before the adoption itself was finalised in Norway in accordance with Norwegian law. Between 1988 and 1999, this was the procedure laid down by Chilean adoption law. Prior to 1988, international adoptions were not regulated by Chilean law.

Due to these circumstances, the committee has focused its investigations on the early stages of adoptions from Chile and on the period up to Chile's adoption of a new adoption law in 1999, with particular emphasis on the period 1985–1995.

11.2 General information and background

Chile is a democratic republic in South America divided into 15 administrative regions.[504] In 2022, the country had a population of 19.8 million, of whom 12.8 per cent identified as indigenous.
Chile is traditionally Catholic (74 per cent in 1995, 57 per cent in 2013). Spanish is the dominant language, and there are also a number of minority languages (Mapudungun, Quechua, Aymara, etc.). Only 13 per cent of the population currently lives in rural areas.

On average, Chilean women now have 1.8 children. In the 1950s, the average was 5 children per woman. Infant mortality currently stands at 6.6 per 1,000 live births. Prior to 2017, abortion was completely banned. In 2006, emergency contraception was legalised.[505]

The President, Congress and mayors are elected every four years. According to the constitution, the judiciary is independent of the legislative and executive branches, but the President and the Senate play a role in appointing or approving judges to the Supreme Court and lower courts.[506]

Chile is today regarded as one of the most stable and prosperous countries in Latin America, with low levels of corruption, low illiteracy, relatively good living standards and low levels of poverty compared with other countries in the region.[507] Average per capita income is among the highest in Latin America, but Chile is also one of the countries with the greatest economic inequality in the world. Nevertheless, poverty in Chile has fallen from affecting 38.9 per cent of the population in 1990 to 8.6 per cent in 2017. In 2010, the country became a member of the OECD.

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[504] The account that follows is based on information from Bull, Benedicte and Opsvik, Tor: *'Chile'* in *the Store norske leksikon* at snl.no; Buvollen, Hans Petter, Julsrud, Ottar and Opsvik, Tor: *'The History of Chile'* in *the Store norske leksikon* on snl.no; Ranestad, Kristin and Opsvik, Tor: *'The Population of Chile'* in *the Store norske leksikon* on snl.no. Retrieved April 2024.

[505] Mooney, J.E. (2015). Family Planning and Reproductive Rights in Chile. *Latin American History. Oxford Research Encyclopaedias*. https://doi.org/10.1093/acrefore/9780199366439.013.103

[506] Opsvik, T. *'Chile's political system'* in *the Store norske leksikon* at snl.no. Retrieved November 2024.

[507] In 2011, Transparency International's Corruption Perceptions Index ranked Chile 22nd out of 178 countries, on a par with countries such as the United Kingdom, Belgium and Ireland (Landinfo (2012). *Factsheet: Chile: Passports, ID and supporting documents*).

Norway has maintained a diplomatic presence in Chile through the Norwegian Embassy in Santiago throughout the entire placement period. In adoption cases, the embassy played an advisory role in connection with the first placement applications, and was also involved at various times in establishing cooperation with the Chilean child welfare authorities.

11.2.1 Recent political history

Chile gained independence from Spanish colonial rule in 1810 and established itself as a nation state.[508] The country gradually moved towards economic and political stability in the period leading up to the 1970s. In 1970, Salvador Allende won the election and introduced a series of socialist reforms.

In 1973, however, the government was overthrown in a military coup led by General Augusto Pinochet, who ruled the country through a military dictatorship until 1990. During the dictatorship, many opposition figures were arrested, tortured and sent to concentration camps, or they disappeared in other ways. Pinochet had a powerful intelligence service which contributed to the repression.

Following the coup, economic policy underwent a drastic shift towards neoliberalism. Unemployment, inflation and social hardship ensued, along with a debt crisis in the early 1980s. Government spending and social investment were cut back. The military dictatorship promoted a conservative view of family life and motherhood, and abortion was criminalised.

During the 1980s, the opposition grew in strength, and in 1986 an assassination attempt on Pinochet led to a state of emergency. Even the modern middle class, which had emerged under the regime, came to regard the dictatorship as a burden. In 1987, Pinochet allowed several politicians in exile to return home to engage in moderate opposition politics. In 1988, a referendum was held on extending the dictatorship until 1996. This was rejected, and Pinochet was pressured into holding democratic elections in 1989, which he lost. The centre-left coalition Concertación then came to power and governed the country until 2010. However, economic policy was largely continued. Although he lost the election, Pinochet remained commander-in-chief of the army until 1998.

Following the rejection of a referendum on a new draft constitution in 2022, the 1980 constitution, introduced under the military dictatorship, remains in force.

11.2.2 More about the judicial system and historical context

Chile's legal system follows a civil law tradition. The judicial system comprises three main levels, as well as various specialised courts. The highest court is the Supreme Court. Below the Supreme Court are the regional courts of appeal (*Corte de Apelaciones*), which hear appeals from courts of first instance. The courts of first instance are called *Juzgados* and exist in large numbers at district level. These specialise in various areas of law, such as family, criminal and civil cases, as well as other types of legal matters. Each court is headed by a single judge and a court clerk/assistant judge. Organisationally, the judicial system resembles a civil service, where judges enter at the lowest level and work their way up.[509]

Prior to the modernisation of the judicial system in the 2000s, the children's and youth courts in Chile were responsible for cases involving minors, in both social and criminal contexts. The courts' approach has since been criticised for being paternalistic, in that they placed greater emphasis on 'protection' than on legal certainty. Judges had considerable discretionary power to determine

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[508] This account is based on Buvollen, H.P., Julsrud, O. & Opsvik, T. *'The History of Chile'* in *the *Store norske leksikon** at snl.no. Retrieved November 2024.

[509] Hilbink, L. (2007). Judges beyond politics in democracy and dictatorship: lessons from Chile (1st ed.). Cambridge University Press.

decisions regarding the future of children and young people were made without a genuine adversarial process, and children could be placed in institutions without a formal court hearing, based solely on the judge's assessment.[510] According to information provided to the Committee by stakeholders in Chile, the posts of juvenile judges were often held by women, and they were not particularly well-paid.

As mentioned, a criminal investigation into adoptions is currently underway in Chile, with some of the cases being investigated as criminal offences linked to the military dictatorship. However, many of the cases under investigation have no such connection (see section 11.4.1.2).

The conduct of the criminal investigation must be understood in the light of several reforms that the Chilean criminal justice system has undergone. Previously, the system followed an inquisitorial model, in which judges played an active role in the investigation. Designated judges, known as investigating judges (*Juez del crimen*), were responsible for gathering evidence, questioning witnesses and making recommendations on whether to bring charges, which could then be decided by a public prosecutor. The investigating judge's role was a sort of hybrid between a Norwegian lead investigator and a judge. The system was modernised between 2000 and 2005, and Chile switched to an adversarial criminal procedure, in which the police and the prosecutor lead the investigation, whilst the courts ensure due process, assess the evidence and determine the question of guilt. However, cases concerning criminal offences committed prior to the reform are dealt with under the previous system, and the investigation of adoptions is therefore led by a judge in the Court of Appeal (*Corte de Apelaciones*), with the title *of ministro*.[511]

11.3 The development of adoption regulations and procedures in Chile

Various laws regulated adoptions in Chile prior to 1965, but a common feature of these was that the adoptions were 'weak', meaning that the adoptee retained a connection to their birth family.

In 1965, a new Adoption Act (Act No. 16 346) came into force, which remained in effect until the beginning of 1988. The 1965 Act provided for a full adoption in which all legal ties to the birth family were severed. The Act required that any information linking the adopted child to their birth family be destroyed.[512] The authorities involved were the Children and Youth Courts and the National Population Register. Administrative powers were not conferred on any bodies within the central government administration; instead, a number of private institutions and actors emerged who worked on adoptions from various perspectives, such as social workers, lawyers, doctors, midwives, priests and others.[513]

The 1965 Act required that children be in the care of the prospective adoptive parents for at least two years before an adoption could take place.[514] For children over the age of 7, the probationary period was four years. The purpose of the probationary period was to assess whether the adoption would be in the child's best interests. Adoption could be considered for children who were

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[510] See, for example, Castillo-Gallardo, P., Gonzáles-Célis, A. & Rivas-Naranjo, V. (2022). The crisis of subsidiarity in the National Service for Minors: Chile (1994–2021). *Revista Latinoamericana de Ciencias Sociales, Niñez y Juventud*, *20*(2), 273–294. See also: Act No. 16 618, Ley de Menores, Articles 26–50. Ley Chile – Ley 16618 – Biblioteca del Congreso Nacional.

[511] This account is based on information provided to the committee during a field visit to Chile in October 2024. See also, inter alia, Hersant, J. (2017). 'Patronage and Rationalisation: Reform to Criminal Procedure and the Lower Courts in Chile', **Law & Social Inquiry**, *42*(2), 423–449, and *Ley Chile – Ley 19696 – Biblioteca del Congreso Nacional*. See also Ciper. (2025, 21 March). Illegal adoptions of Chilean children have not stopped: one of the most recent cases reported dates from November 2024.

[512] Article 9, Act No. 16 346, *Establishing adoptive standing*. Chilean Law – Act 16346 – National Congress Library. However, the documents relating to children adopted from Chile for overseas adoption during this period have not been destroyed, as their departure was facilitated by legal provisions other than the Adoption Act. See also section 11.8.1.2.

[513] Statement by Susana Tonda, Director of SENAME, in the report of the Chilean Parliamentary Commission of Inquiry (Danish translation), 2019, pp. 38–39.

[514] Section 2(1) of the Act.

abandoned by their parents, who were orphaned, for children whose parents were unknown, or if the child was the child of one of the applicants (stepchild adoption).

The 1965 Act did not regulate international adoptions. Nevertheless, in the 1970s and 1980s, many children were taken out of Chile to be adopted abroad.[515] For this purpose, a law other than the Adoption Act was used: a law of 1967 governing the protection of minors (Act No. 16 618). The procedure for adoptions to Norway during this period was that the Children and Youth Court in the region where the child lived appointed the prospective adoptive parents as guardians and granted the child permission to leave the country.[516] The children could then travel either with an escort (with power of attorney) or together with the prospective adoptive parents. Subsequently, adoption authorisation was granted in Norway in accordance with Norwegian adoption law. However, the Chilean legal provisions on guardianship had not been drafted with international adoptions in mind.[517] Under Chilean law during this period, it is also said to have been possible for the child's biological parents to consent to the child's departure simply before a notary. This is said to have led to many departures and independent adoptions to various receiving countries over which the Chilean authorities had no control.[518]

Specific regulations governing international adoptions were not introduced until 1988, when Act No. 18 703 on the rules for the adoption of minors came into force on 10 May. This Act regulated both domestic adoptions (both 'weak' and 'strong') and the process for children's departure from Chile for the purpose of adoption abroad. In the case of a 'strong' (domestic) adoption, the child had to have been in the care of the prospective adoptive parents for at least one year before the adoption could take place. The child's background information was now to be kept on file with the Chilean Civil Registry (*Registro Civil*).eu

Where the adoption applicants were foreign nationals, the new law provided that the adoption authorisation was to be granted in the receiving country, as had previously been the practice. The process worked in such a way that adoption applicants travelled to Chile and appeared before the Children and Youth Court associated with the child's place of residence to sign the adoption application. As under the previous regulations, the court then appointed the applicants as guardians and granted the child permission to leave the country, but now on the basis of Articles 39–46 of the Adoption Act (Act No. 18 703).

Under the Act, only children who were orphaned, had unknown parents or had been abandoned (*abandonado*) could be granted permission to leave the country for the purpose of international adoption. Abandoned children first had to be declared as such by the court in accordance with the provisions of the Act. A child could be declared abandoned if they had not received personal, emotional or financial care from their parents for one year (or six months for children under the age of 2), or if the parents had handed the child over to a public or private institution with the clear intention of being relieved of their legal obligations towards the child. Furthermore, if the care of the child had been entrusted to a third party and this had lasted for at least one year (or six months for children under the age of 2), the child was to be presumed to have been abandoned.[519]

The Servicio Nacional de Menores (SENAME), the Chilean child welfare service, was established in 1979. Under the Adoption Act of 1988, SENAME was given a role in the adoption process, namely to receive all applications from abroad and to provide a statement to the court. SENAME was to assess whether there were any Chilean parents who could adopt the child, and it could also provide a statement to the court on whether

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[515] See, for example, p. 214 in Selman, P. (2002). Intercountry adoption in the new millennium; the 'quiet migration' revisited. *Population Research and Policy Review,* 21, 205–225.

[516] The Committee has seen examples of court decisions in which Articles 26, 34, 36, 42 and 50 of Act No. 16 618, *Ley de Menores*, are applied. See Ley Chile – Ley 16618 – Biblioteca del Congreso Nacional.

[517] The Committee was informed of this by, amongst others, Chile's central authority, Mejor Niñez, during a field visit in October 2024. See also section 11.8.1.2.

[518] This is evident, amongst other things, from Chilean news articles from the period (see note 105) and a report from the Norwegian adoption authorities' inspection visit in 1994: 'Report from a trip to Latin America 16 September – 16 October 1994', SAK, undated report.

[519] Articles 39 and 40, as well as Articles 25–30, Act No. 18 703. Ley Chile – Ley 18703 – Biblioteca del Congreso Nacional

it was advisable for the child to leave the country.[520] In practice, much of the preparatory work for an adoption was carried out by social workers attached to the local children's and youth courts.[521]

Once the adoption had taken place in the receiving country, the Chilean Ministry of Foreign Affairs was to receive a copy of the authorisation and then notify the Chilean civil registry authority so that the adoption could be registered in Chile. According to the director of SENAME, who gave evidence to the Chilean parliamentary committee of inquiry in 2019 (see section 11.4.1.1), this was only done in approximately 500 cases in total, which means that a large number of children who were adopted still have dual nationality under the law of their host countries: '[T]hey are Chileans in Chile and exist as such, but at the same time they have another nationality abroad'.[522] This may cause problems for them when they travel to Chile, but according to the information provided to the Committee, this is not necessarily an indication of an irregular or unlawful adoption.

Chile ratified the UN Convention on the Rights of the Child in 1990. At the same time, SENAME established a programme to promote domestic adoptions. In addition, SENAME took over the administration of the Casa Nacional del Niño children's home.[523]

In 1992, the Court of Appeal in Santiago issued a general instruction to the juvenile courts regarding procedures relating to minors travelling abroad for the purpose of adoption. The purpose of the instruction was to address 'irregularities observed in some juvenile courts in the provinces' and to clarify existing doubts regarding the application of the Adoption Act of 1988.[524] Among other things, the instructions emphasised the statutory requirement that parents or guardians should be notified in person once the court had received an application for the adoption of the child. If the parents or guardians were unknown, two notices were to be published in a national newspaper. Parents or guardians then had 15 working days to come forward to the court.[525] The instructions also emphasised the principle of subsidiarity.

In 1999, Chile ratified the 1993 Hague Convention, and in the same year the new Chilean Adoption Act came into force (Act No. 19 620). Unlike previously, international adoptions were now carried out in Chile, and the child left the country as an adopted child. Only the child welfare authority (SENAME and subsequently Mejor Niñez, which became the central authority in 2021) and authorised bodies were permitted to be involved in parts of the adoption programme. Central registers were established for children eligible for adoption and for prospective adoptive parents. The adoption process was divided into two parts. The first part determines eligibility for adoption, and the second is the adoption process itself.[526] Both decisions are made by a family court judge (*Juzgado de Familia*). A child may be declared eligible for adoption if the parents or guardian are not 'physically or morally' qualified to care for the child, or have not provided the child with 'personal or financial care' for two months (or 30 days for children under one year of age), or if the parents or guardian have handed the child over to a third party with the clear intention of being relieved of their obligations

[520] Article 42, Act No. 18 703. Ley Chile – Ley 18703 – Biblioteca del Congreso Nacional,

[521] Report on the Norwegian adoption authorities' visit to Chile in 1988, p. 14, 'Report on the visit to Latin America, 8 October – 30 October 1988'.

[522] The Chilean Parliamentary Commission of Inquiry (Danish translation), 2019, p. 39.

[523] The Chilean Parliamentary Commission of Inquiry (Danish translation), 2019, p. 39. See also p. 205 in Agoglia, I.S. & Alfaro Monsalve, K. (2019). 'Irregular adoptions' in Chile: New Political Narratives About the Right to Know One's Origins. *Children & Society*, *33*(3), 201–212.

[524] Auto Acordado S/N, Regulations on Procedures Relating to the Departure of Minors Abroad for Adoption, 2 July 1992. https://bcn.cl/3nij0

[525] Articles 27 and 28, Act No. 18703.

[526] Act No. 19 620, *Laying down rules on the adoption of minors*: Chilean Law – Act 19620 – National Congress Library

towards the child, or if the child has been abandoned in a public place.[527] The Act specifies that a parent's lack of financial resources is not sufficient grounds for declaring a child eligible for adoption.[528]

11.3.1 Search for origins

During its country visit to Chile, the Committee was informed that adoptees seeking information about their origins may contact the central authority in Chile, Mejor Niñez, which is responsible for providing support and advice to adoptees throughout the process. Depending on the information the adoptee has, the central authority searches for the birth family in various registers. If they find relevant documents, they review these together with the adoptee. This can be done via video conference, but the adoptee must arrange for an interpreter themselves if one is required. At this stage, only the first names of the birth parents are shared with the adoptee, unless their full names are already apparent from the documents the adoptee holds. If the adoptee wishes to proceed after viewing the documents, Mejor Niñez will convey their request for contact. This is usually done through a face-to-face visit to the birth family. If the birth family declines contact, Mejor Niñez waits for a specified period before asking again. If the birth family still declines, they close the case. If the birth family wishes to establish contact, Mejor Niñez begins the reunification process. If Mejor Niñez suspects that the adoption was irregular, the case is referred to the police and a criminal investigation is launched. In October 2024, Mejor Niñez reported that, over the past 21 years, it had received a total of 980 enquiries from people adopted abroad, and that the number of enquiries was rising.

Children adopted from Chile to other countries do not lose their Chilean citizenship.[529]

11.4 Investigations into adoptions from Chile

11.4.1 Public inquiries in Chile

11.4.1.1 Parliamentary Commission of Inquiry, 2018–2019

In November 2018, the Chilean Parliament established a commission of inquiry. The aim was to investigate the actions of state authorities in connection with irregularities in adoptions. The inquiry covered both national and international adoptions. The report was submitted in 2019.[530]

During its field visit to Chile in October 2024, the committee met with the chair of the commission of inquiry, Member of Congress Boris Barrera, who outlined the background to the commission, its work, and the conclusions and outcomes of its work.

The commission was initiated by Barrera after he had been contacted by the organisation Hijos y Madres del Silencio. According to Barrera, before organisations and the media began working more actively to raise awareness of the issue from 2014 onwards, irregular adoptions were 'a secret everyone knew about',

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[527] Article 12, Act No. 19 620, Laying down rules on the adoption of minors.

[528] Article 12, Act No. 19 620, laying down rules on the adoption of minors.

[529] HCCH (2022). *Nationality and Intercountry Adoption*. Info. Doc. No. 3 of June 2022: https://www.hcch.net/en/publications-and-studies/details4/?pid=6668

[530] This account is based on the translation of the report by the Ankestyrelsen (the Danish Central Authority); see Annex 3, the parliamentary inquiry from Chile (submitted on 24 July 2019): 'Report from the Special Commission of Inquiry into the actions of state authorities in connection with possible irregularities relating to the processing and registration of adoptions and the monitoring of these children's departure from the country'. All translations from Danish into Norwegian are by the committee.

but the extent of which was unknown to anyone.[531] The purpose of the Commission was to investigate what had been and was the responsibility of the state – including child welfare services, health authorities, judicial authorities, etc. – for the events. The thirteen-member commission was composed of individuals from various political parties, with the same proportional party representation as in parliament.

The Commission gathered testimony from various responsible bodies that had been involved in the events and affected by them.

The Commission's conclusions were unanimous, apart from one member who dissented on a single point. The report was also put to a vote in Congress, where it was adopted almost unanimously. It must therefore be assumed that there was broad, cross-party consensus in Chile on the report's conclusions, which are essentially as follows (see the Commission of Inquiry's report, point V):

It is accepted as a fact that irregular and/or unlawful adoptions, including violations of fundamental rights, took place in Chile during the period 1950–2000. This is described as a recurring practice, which occurred against a backdrop of a lack of legal regulation, unsatisfactory conditions in hospitals, incorrect birth registration and groups which, in a coordinated effort, took the initiative to remove children from their families, particularly from women in vulnerable situations. The mothers were often poor, without a support network and single; in some cases they had many children, and they lived in rural areas.

According to the report, various methods were employed. The most widespread was to give the mother the impression that the child had died. The mother was not allowed to see the child and received neither a birth declaration, a birth certificate nor a death certificate. According to the accounts given to the Commission of Inquiry, many people were involved in this practice: healthcare staff, paramedical staff, the population register authority, and organisations which, through a coordinated effort outside hospitals, were responsible for handing the children over to families who subsequently became their adoptive parents. The practice was apparently a lucrative business for 'mafia-like organisations' which, for long periods, exploited the lack of legislation regarding the international adoption of children.[532]

The report concludes that the abduction of children was a practice that took place both before and after Pinochet's military dictatorship. Among other things, a mother who testified before the commission of inquiry explained that in 1992 she was drugged during childbirth, but that she remembers giving birth to a daughter and that the child cried. The child was then taken from her; she was not allowed to see her again and was later told that the child had died and been donated to science.

It is pointed out that several media reports in Chile in the 1960s and 1970s concerning organised groups involved in the illegal trade in newborn babies were not adequately followed up by the state.[533]

The report concurs with the assertion by the Chilean Institute of Human Rights that there is no doubt that the 'widespread and systematic practice associated with the disappearance of children constitutes a crime against humanity'. [534]

The report also contains testimonies from experts describing the ideological and political landscape that shaped attitudes towards child welfare and adoption: From 1978, a National Plan for Children (*Plan Nacional de la Infancia*) was implemented in Chile, administered by the Chilean Ministry of Justice, which introduced a new conception of children in 'irregular situations', understood primarily as being related to poverty. A significant increase in adoptions was a specific objective of this child policy

[531] See also pp. 207–208 in Agoglia, I.S. & Alfaro Monsalve, K. (2019). 'Irregular Adoption' in Chile: New Political Narratives About the Right to Know One's Origins. *Children & Society*, *33*(3), 201–212.

[532] Report of the Chilean Parliamentary Commission of Inquiry (Danish translation), 2019, p. 132.

[533] Report of the Chilean Parliamentary Commission of Inquiry (Danish translation), 2019, p. 133.

[534] Report of the Chilean Parliamentary Commission of Inquiry (Danish translation), 2019, p. 134.

In Chile, a public campaign was launched to promote the idea of adoption. During this period, newspaper advertisements were published in which judges from children's and youth courts and other officials in Chile publicly encouraged adoption, both nationally and internationally. One advertisement described in the report stated: 'You can adopt a Chilean child in two or three days.' According to testimonies reproduced in the report, this policy led to a practice that emphasised 'removing poor children and children from poor families', often carried out with a political and ideological conviction that one was saving poor children.[535] The practice was driven by civil servants, social workers, judges and professionals, in both private and public organisations.

Testimonies in the report also describe how these actors formed networks, in which social workers, healthcare staff and court officials in particular played a key role as 'recruiters' (*captadores*). These individuals tended to focus on young, single mothers aged between 14 and 17, where the fathers were absent and family support was limited. The recruitment itself could take place either during pregnancy, immediately after birth, or at children's homes where, for example, social workers offered the mothers respite care so they could go to work, and subsequently removed the children once they had been admitted to the institution.[536]

According to testimony from historian Karen Alfaro Monsalve, the round-up mechanism became so widespread that in 1979 it resulted in guidelines for social workers on how to approach young, single mothers in a vulnerable position and persuade them to give their children up for adoption.[537] Several of those involved have stated in media interviews that they believe what they did was within the bounds of the law, and that they helped to save poor children at a time when Chile was undergoing one of the country's worst economic crises in modern times.[538]

The report is unable to determine the exact scale of the illegal adoptions, which is primarily attributed to a lack of state registration. The organisation Hijos y Madres del Silencio stated that 10,000 people have contacted them and declared themselves to be victims of illegal adoption.[539]

Among other things, the report recommended that private organisations be excluded from handling adoption cases, both nationally and internationally, and called for improvements to the system for tracing biological relatives, as well as for increased resources to be allocated to the ongoing criminal investigation into adoptions (see below).

11.4.1.2 Criminal investigation in Chile

A criminal investigation is also currently underway (2026) in Chile concerning irregular adoptions.

As early as 2014, the Chilean Investigative Police (Policía de Investigaciones de Chile, PDI) launched investigations following reports of cases in which children were alleged to have been taken from public hospitals

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[535] Statements by Professor Karen Alfaro Monsalve, reproduced in the report of the Chilean parliamentary commission of inquiry (Danish translation), 2019, pp. 65–68. See also Alfaro Monsalve, K. & Morales, J.L. (2021). Chilean children adopted by Swedish families. Diplomatic proximity in times of the Cold War (1973–1990). *Historica Critica,* 81, 71–94, and Decree 405, *Approving the National Plan for Minors 1978–1982*: https://www.bcn.cl/leychile/navegar?idNorma=1085062

[536] Report of the Chilean Parliamentary Commission of Inquiry (Danish translation), 2019, p. 64.

[537] Report of the Chilean Parliamentary Commission of Inquiry (Danish translation), 2019, p. 65.

[538] *La Tercera*. (25 February 2018). 'Captadora' in case of irregular adoptions: 'we saved all those children; they are alive and with families': https://www.latercera.com/nacional/noticia/captadora-caso-adopciones-irregu-lares-salvamos-todos-ninos-estan-vivos-familia/79387/. The case is also referred to in Alfaro Monsalve (2021), p. 3.

[539] The report of the Chilean parliamentary commission of inquiry (Danish translation), 2019, pp. 131–143.

and certain private clinics.[540] After approximately two years of investigating individual cases, the PDI found that certain names – those of midwives, doctors and a social worker – recurred in many of the cases.

In 2017, on the initiative of the unit investigating human rights violations during the dictatorship, led by the then judge of the Court of Appeal (*ministro de la Corte de Apelaciones*) Mario Carroza, a separate working group was set up to conduct interviews, gather facts and gain an overview of what had taken place in connection with the irregular adoptions. According to witness statements from the PDI, in 2018, having seized and systematised large quantities of documents, the PDI was able to draw a general conclusion as to what had happened.[541]

In the cases that had been investigated, a pattern had been identified which, according to the PDI, first emerged in the capital region but subsequently recurred in other regions, primarily towards the south.[542] The pattern was as follows:

- A family contacted a social worker, a lawyer or an organisation to ask for help in locating a child.
- The children in question were typically the children of vulnerable mothers.
- On many occasions, the mothers were told that their children had died at birth. The parents were not provided with any documentation to this effect, nor were they told where their deceased child was located or had been buried. They may have been told that the child's body had been donated to science.
- Foster mothers (*guardadoras*) looked after the child before it was transferred to a private individual or organisation that cared for it until the case had been processed and it could leave the country under guardianship or protective measures.
- In many cases, social workers wrote reports that were notoriously inaccurate, containing information that the child had been abandoned or that the mother was a drug addict. On this basis, the court issued a decision and a declaration regarding protective measures.
- Often, the child's identity was also altered by not using the child's original birth certificate for registration, but instead registering the child in the presence of two witnesses.
- The children then left Chile with a view to being adopted abroad.[543]

In 2019, the PDI had information on approximately 8,000 cases from the courts, but expected that not all of these involved irregular or illegal adoptions. In addition, in 2018 the PDI had received 168 direct reports as well as approximately 350 reports that were already with Carroza.[544]

In 2019, the parliamentary commission of inquiry recommended that more resources be allocated to the investigation with a view to improving and streamlining it, so that the more than 8,000 cases could be investigated.[545] In the summer of 2019, the investigation was split into two parts: one investigating human rights violations during the dictatorship, and the other investigating adoption practices from the 1970s onwards.[546] Judge Jaime Balmaceda Errázuriz was appointed to lead the latter

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540 This is evident from the testimony of a PDI commissioner who worked on the cases, as reproduced in the report of the Chilean parliamentary commission of inquiry (Danish translation), 2019, pp. 46–51.

541 The report of the Chilean parliamentary commission of inquiry (Danish translation), 2019, pp. 46–54.

542 The report of the Chilean parliamentary commission of inquiry (Danish translation), 2019, p. 52. 543 The report of the Chilean parliamentary commission of inquiry (Danish translation), 2019, pp. 53–54. 544 Report of the Chilean Parliamentary Commission of Inquiry (Danish translation), 2019, p. 85.

545 Report of the Chilean Parliamentary Commission of Inquiry (Danish translation), 2019, p. 141.

546 SOU 2025:61, vol. 2, p. 175.

investigation and held this post until the summer of 2024. Balmaceda did not bring charges against anyone during his tenure. In an interview with the Chilean press in March 2024, he stated that he had investigated 650 out of 1,114 cases and had closed all of them, either due to a lack of evidence or because the individuals who appeared most involved in any criminal offences were now deceased. For the same reason, the cases were often extremely difficult to investigate. Balmaceda also claimed that misleading a mother into believing her child had been stillborn was not a criminal offence.[547] Following this assertion, Balmaceda's leadership came under criticism from several quarters, including the Chilean Human Rights Institute.[548]

In July 2024, Judge Alejandro Aguilar Brevis took over as head of the investigation.[549]

A news report in the Chilean press from August 2024 stated that public court records showed that 1,187 cases were included in the investigation. Of these, 648 had been closed, but could be reopened if new evidence warranted it, and 539 were still under investigation.[550]

During the Committee's field visit to Chile in October 2024, we met with the investigation team and Judge Aguilar. The Committee was given a briefing on specific aspects of the investigation and a description of some of the hypotheses being explored. It was confirmed that a small number of cases involving children who had travelled to Norway with a view to Norwegian adoption were included in the investigation. The investigation team was unable to share any further information about the cases with us at that time.

In June 2025, the Chilean criminal investigation service issued its first indictment. Five people were charged with various offences, including child abduction (*sustracción de menores*). One of the accused was a former judge at the Children's and Youth Court in San Fernando, for whom an extradition request was made from Israel. The investigation has concluded that, in the early 1980s, there was a network in San Fernando comprising lawyers, priests from the Catholic Church, members of social organisations, health authorities and a judge, which identified children of mothers with limited resources and arranged for the children to be adopted by foreign couples in return for a payment of up to 50,000 USD.[551] The network is said to have pressured the mothers into placing their children in temporary care, after which the arrangement was, without the parents' knowledge, made permanent and converted into adoption.[552] These acts are considered crimes against humanity.[553]

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[547] El País. (9 March 2024). The judge in the Chilean baby-snatching case: 'In five years of investigation, I have not been able to establish that a crime has been committed'.

[548] El País. (2 July 2024). Guillermo de la Barra, the new judge who will investigate the theft of babies and illegal adoptions in Chile.

[549] Judiciary News, 9 July 2024: 'Supreme Court appoints Alejandro Aguilar as new full-time visiting judge for cases of illegal adoptions', https://www.pjud.cl/prensa-y-comunicaciones/noticias-del-poder-judicial/111982

[550] BBCL. (2024, 12 August). Illegal adoptions: the stagnation of a major investigation in which only seven PDI officers are working, https://www.biobiochile.cl/especial/bbcl-investiga/noticias/reportajes/2024/08/12/adopciones-ilegales-el-letargo-de-una-mega-investigacion-en-la-que-solo-trabajan-7-pdi.shtml

[551] Noticias del Poder Judicial, 2 June 2025, 'Minister Alejandro Aguilar issues first indictment in child abduction case and requests Israel to extradite the accused', https://www.pjud.cl/prensa-y-comunicaciones/no-ticias-del-poder-judicial/126552; Judiciary News, 28 July 2025, 'Supreme Court rules that a request to Israel for the extradition of a defendant charged with child abduction is admissible'.

[552] El País. (2025, 15 June). The Chilean judiciary uncovers a horrific network of baby theft and illegal adoptions 42 years after the allegations were first made.

[553] Judiciary News, 2 June 2025, 'Minister Alejandro Aguilar issues first indictment in child abduction case and requests Israel to extradite the accused', https://www.pjud.cl/prensa-y-comunicaciones/no-ticias-del-poder-judicial/126552; Judiciary News, 28 July 2025, 'Supreme Court rules that a request to Israel for the extradition of a defendant charged with child abduction is admissible'.

The Chilean criminal investigation authorities have informed the committee that this set of cases is not linked to the cases under investigation concerning children who have arrived in Norway.[554]

In June 2025, the investigation took place in Temuco, where witness statements were taken from the parties concerned.[555]

11.4.1.3 Report from Chile's National Human Rights Institute

In the 2023 annual report from Chile's National Institute for Human Rights (Instituto Nacional de Derechos Humanos, INDH), an entire chapter is devoted to irregular adoptions. It states that, between the 1960s and the 1990s, children could be taken from both healthcare institutions and state-run care centres, and it is estimated that hundreds of children were placed through organisations such as Casa Nacional del Niño and Corporación para la Nutrición Infantil (CONIN). According to the report, two main methods were used to get the children out of the country: Either a court transferred parental responsibility to a third party who then consented to international adoption, or a false death certificate was issued so that the adoptive parents could register the child as their biological child – either in their own country or in Chile – using forged documents.

INDH states that the illegal adoptions can be classified as various forms of crime, including abduction, human trafficking, sexual abuse and enforced disappearances.

The report criticises the Chilean state for failing to recognise those affected as victims of human rights violations, including the right to identity, personal integrity, legal personality, family life, name, nationality and personal freedom. Instead, responsibility has been left to civil society organisations with limited resources.

INDH makes nine recommendations, including continuing the criminal investigation, establishing a truth commission, providing full compensation to the victims, resuming work on a genetic database and ensuring that adoptees are granted the right to their birth parents' nationality and can pass this on to their own children.[556]

11.5 Investigations in other receiving countries

11.5.1 Denmark

In April 2021, the Danish Appeals Board, the central Danish authority, published a memorandum on the placement of children from Chile to Denmark between 1978 and 1988. The memorandum was drawn up in response to an enquiry from six people who had been adopted from Chile in 1978 and 1979 and who suspected irregularities in connection with their own adoptions. Following initial assessments which indicated that there were grounds for these suspicions, the National Social Appeals Board was asked to launch a general investigation. The report on these investigations focuses on the adoption agency AC Børnehjælp, which was responsible for the majority of adoptions from Chile to Denmark between 1977 and 1995.

The investigations consisted of an analysis of Chilean adoption activities at a general level during the period 1978–1988 (based on archive material, placement licences, the report of the Chilean commission of inquiry and the legislation in force during that period), as well as a review of 31 individual cases. The National Social Appeals Board's assessment

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[554] Email to the committee, 22 August 2025.

[555] Noticias del Poder Judicial, 19 June 2025, 'Visiting Minister Alejandro Aguilar carried out investigations in Temuco in the case of irregular adoptions' https://www.pjud.cl/prensa-y-comunicaciones/noticias-del-poder-judicial/127547.

[556] INDH. (2023). Annual Report 2023. The Human Rights Situation in Chile.

The assessment was that any unlawful practices relating to adoptions from Chile to Denmark occurred particularly in the period prior to the new Adoption Act coming into force in 1988.

The Appeals Board found that it could not be ruled out that adoption arrangements from Chile to Denmark during the period under investigation were associated with illegal practices. In its assessment, the Appeals Board placed emphasis on the report of the parliamentary committee of inquiry, the inadequate regulatory framework for adoptions from Chile to other countries during that period, and indications of irregularities in individual cases. The Appeals Board cited, amongst other things, the following circumstances:

- There were also 'private' adoptions to Denmark (understood here as adoptions in which AC Børnehjælp collaborated with a social worker and former employee of Casa Nacional del Niño, who assisted them in arranging adoptions from Chile), which the Danish intermediary's contact person was instructed not to mention to the Chilean Ministry of Justice.
- In 1982, the Danish adoption authorities received a briefing from AC Børnehjælp, which had been informed that Casa Nacional del Niño had a poor reputation with the Chilean Ministry of Justice due to adoption placements to the USA that had attracted the authorities' attention.
- In 1999, the Chilean Parliament approached the Civil Law Directorate in Denmark to obtain information about twelve Chilean adopted children who had come to Denmark between 1973 and 1980. The enquiry concerned, amongst other things, a case from 1978 in which the biological mother had had her three children placed at Casa Nacional del Niño. When she later contacted the children's home, the youngest child was missing. The mother believed the child had been stolen.
- Some children were allocated to Denmark before they had actually been matched with Danish applicants.
- The Danish agency's contact person in Chile has been the subject of a criminal investigation in Chile.
- In several cases, the children's birth certificates do not include the names of their biological parents, and in several cases the children are listed under the surnames of the Danish adoption applicants.
- It is not possible to determine from the court rulings in these cases whether the birth parents' consent was given in full knowledge of the facts.

11.5.2 Sweden

Chile is one of the Swedish inquiry commission's priority countries. In June 2025, they published their report. Over 2,200 children have been adopted from Chile to Sweden, the vast majority of whom (2,021) were placed through the Swedish adoption agency Adoptionscentrum between 1973 and 1992. The highest adoption figures in Sweden were recorded between 1976 and 1986.

In the report, the Commission concludes that irregularities occurred in adoptions from Chile to Sweden throughout the entire period during which Adoptionscentrum arranged adoptions from Chile, including the abduction of children, the absence of voluntary and informed consent from birth parents, incorrect information regarding the children's backgrounds and the reasons why they had become available for adoption, as well as deviations from the international adoption process. This period overlaps with the period during which adoptions were arranged to Norway. Furthermore, the Commission found that Swedish authorities and adoption organisations accepted the procedure and acted in ways that made it difficult, and in some cases impossible, to assess whether an adoption was in the child's best interests.

The report specifically highlights that there have been adoptions to Sweden where the birth parents were told that their child had died. There have been instances where children were placed in temporary care in hospitals or children's homes and were subsequently adopted to Sweden. There have also been cases where the mother has been pressured into consenting to adoption, where she has signed a consent form without understanding what this entailed, or where someone other than the mother has handed the child over for adoption.

The Commission points out that the way in which Adoptionscentrum's work in Chile was organised – Adoptionscentrum employed social workers who assessed the children's social circumstances on behalf of the Chilean children's and youth courts – entailed an obvious risk of a conflict of interest. Social workers employed by Adoptionscentrum could thus facilitate adoptions arranged by the same organisation. Furthermore, the Commission points out that the Swedish adoption authorities were not very active in their supervision of the placement process and allowed it to proceed without any real external scrutiny.

According to the report, it was Adoptionscentrum which, in collaboration with the Chilean Ministry of Justice, developed the arrangement whereby Chilean courts appointed the prospective adoptive parents as guardians of the child, so that the child could then be brought to Sweden and adopted there. In many cases, the adoption was never registered in Chile.

The Commission also points out that the processes were often rapid, and that very little time might elapse between the child being made available for adoption and their arrival in Sweden. The Commission believes it should have been obvious to the Swedish parties involved that this posed a significant risk that the child's best interests could not be adequately assessed.

The Commission further points out that, despite the children being adopted under Swedish adoption law, the Swedish courts failed to ensure that consent to the adoption had been obtained from the children's parents.

The report states that, in some cases, the children were registered with a Swedish name in the Chilean official registers before the Swedish adoption applicants were appointed as guardians for the children.

Furthermore, the Commission estimates that approximately half of the children adopted from Chile to Sweden come from indigenous groups, but that no steps were taken to safeguard their right to identity, culture and language.

Other information and assessments from the Swedish Commission's report that are relevant to the placement of children from Chile to Norway will be addressed in the account and discussion that follow.

11.5.3 Switzerland and the Netherlands

A Swiss report from 2023, prepared by researchers from ZHAW Zurich University of Applied Sciences, describes the adoption process from Chile to Switzerland.[557] The first entry permit for children from Chile to Switzerland was granted in 1976, but most of the children arrived in Switzerland between 1985 and 1991, when the number of registered entry permits ranged between 32 and 52 annually. The report points out that few media reports in Chile concerning problematic issues related to adoptions were picked up by the Swiss embassy in the 1970s and 1980s, even though other documents indicated that they were well aware of the human rights situation in the country. From the early 1990s, the embassy began to note an increasing number of critical articles in the Chilean press concerning the dictatorship and problematic international adoptions. Archives at the Swiss embassy also show that private individuals or organisations in Chile in the early 1990s attempted to place advertisements in Swiss newspapers highlighting how straightforward adoptions from Chile were.[558] The only illegal adoption from Chile to Switzerland identified in the report concerns an independent adoption.

[557] Ramsauer, N., Bühler, R. & Girschik, K. (2023). Evidence of illegal adoptions of children from ten countries of origin in Switzerland, 1970s to 1990s. ZHAW.

[558] In early 1990, the newspaper *Tribune de Genève* received a request to publish the following advertisement: 'Adoption: Chilean babies and children – simple and swift legal decision – Fundación Solidaridad Christiana Santiago'. It refused to do so, but notified the Swiss Embassy in Chile of the request.

The Dutch Commission of Inquiry's 2021 report does not contain a separate chapter on adoptions from Chile, but the Commission examined adoptions from that country both before and after 1998. In a table listing
'signs of abuse' in various countries, 'missing personal data/documents', 'document forgery', 'mismanagement', 'fraud and corruption', 'concealment of status' and 'child trafficking' are categorised as 'occasionally identified' in Chile. 'Child theft' is categorised as 'structurally identified', and the prevalence of 'baby farms' is unknown.[559]

11.6 Overview of the Committee's country studies

The Committee's investigations into Chile have followed the template for country studies, as outlined in Chapter 3. General country information from various sources has been gathered. Reviews by other receiving countries, as well as studies and reports from various stakeholders in Chile, have been examined (see sections 11.4 and 11.5), and literature and media searches relating to adoptions from the country have been carried out.

Furthermore, all applications for placement from the country and placement authorisations have been reviewed, along with the associated documentation. Archive searches have been carried out at the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir), the Ministry of Children and Families, the National Archives and the Ministry of Foreign Affairs. The Committee has also been granted access to Adoption Forum's physical archives and digital shared resources.

The Committee has sought input from various stakeholders and has conducted several interviews and meetings concerning adoptions from Chile. We have exchanged experiences with the Swedish inquiry commission, held a meeting with the Swedish organisation for people adopted from Chile in Sweden, Chileadoptions.se, and received suggestions for interview candidates from Adopsjon i endring. A meeting and interview were held with a person adopted from Chile to Norway, and interviews were conducted with five former employees of Adopsjonsforum (based in Norway or Chile) who have dealt with adoptions from that country. The committee has also spoken to an adoptive parent in Norway who has adopted a child from Chile. The committee has met with ten people from birth families in Chile who know or suspect that their children or relatives have been adopted abroad. The committee has also interviewed a current family court judge based in Temuco.

A total of 61 individual cases from the period 1987–2010 have been reviewed, of which 49 date from before Chile ratified the 1993 Hague Convention on Intercountry Adoption in 1999. The selection of individual cases has been strategic and flexible (see section 3.6.3). The review of individual cases and the assessments relating to this are discussed in more detail in sections 11.7.3, 11.7.6 and 11.8.

From 14 to 20 October 2024, a delegation from the Committee and the Secretariat was in Chile to hold meetings and interviews with various stakeholders:[560]

- the Norwegian Embassy in Santiago
- the organisations Nos Buscamos and Hijos y Madres del Silencio, and the latter's contact person in Temuco
- historian and researcher on irregular adoptions, Professor Karen Alfaro Monsalve
- the Chilean Institute of Human Rights (INDH)
- the Swedish and Danish ambassadors to Chile
- former employees of Adopsjonsforum in Chile:
  - two former foreign contacts in Chile
  - former legal representative of Adopsjonsforum in Chile

[559] Table 11: Signs of abuse, p. 124, 'Report. Commission of Inquiry into Intercountry Adoption', (2021).

[560] From the committee: committee chair Camilla Bernt and committee member Rudolf Christoffersen. From the secretariat: Jostein Løvoll and Vilde Fastvold Thorbjørnsen.

- Chair of the Parliamentary Commission of Inquiry into Adoptions, Boris Barrera
- Head of the criminal investigation into irregular adoptions, Alejandro Aguilar
- the Chilean Ministry of Foreign Affairs' Ambassador for Human Rights, Tomas Pascual
- the Central Authority for Adoptions in Chile, Mejor Niñez
- six birth mothers and four siblings of children whom the families know or have reason to believe were adopted abroad from Temuco in an illegal or irregular manner (the meeting was organised by Hijos y Madres del Silencio in collaboration with the Universidad Autónoma de Chile in Temuco)

11.6.1 Accounts from birth families

These are some of the experiences that the families in Temuco shared with the committee:

- A mother who was unable to provide for her children had placed them with their grandparents whilst she worked; the grandparents, in turn, had placed them with the children's father. The court then took the children into care. The mother tried tirelessly to get her children back, but was turned down by the court and by the children's home. The mother felt threatened by the children's and youth judge in Temuco. At one point, she was asked to sign what she believed to be a document to get her children back. When she approached the children's home again, she was turned away and called a prostitute. She later learnt from a staff member at the children's home that the children had been placed with a foreign couple for adoption. The mother was young, single, poor and of indigenous origin. This happened in the early 1980s.
- A mother was transferred to the hospital in Temuco to give birth by emergency caesarean section. On her way into the operating theatre, a doctor asked her to sign a blank piece of paper. She was not told why, other than that it was vital. The mother gave birth to a live baby with fair hair and blue eyes; she breastfed the baby and stayed by the incubator for many days. When she was due to be discharged, the baby was gone. A nurse told her that the baby had died and that the hospital would sort out the paperwork. She never saw the baby again. The mother felt vulnerable; she was weak and alone. Her husband had enquired about her at the first hospital but had not been told that she had been transferred to Temuco. The woman is of indigenous origin and had several other children. The mother's surviving daughter said that they had no idea the child might have been stolen until 2018, when they heard of similar cases in the area. Only then did they begin to search.
  They checked with the population register authority and found some information, but with an incorrect date. They visited the cemetery where the child was said to have been buried and asked for records showing whether the cemetery had received the child; they also requested records from the hospital, but were turned away everywhere they went. The mother has reported the matter to the criminal investigation department and is praying to God to find out what has happened. She fears she may have signed adoption papers without realising it, and is afraid of what the child might think of her today. She simply wants to know whether the child is alive and well. She thinks about the child constantly and dreams of them at night.
  This happened the year before Adopsjonsforum began to be allocated children by the court in Temuco.
- One mother recounted that a few days after the birth, when she took the child for a health check-up in Temuco, she was approached by a woman in a doctor's coat who claimed that the child had serious health problems and had to be taken to the main hospital in Temuco. The mother therefore went there, where the same woman took the child into an examination room whilst the mother had to wait outside. As time

passed; the mother knocked on the door, but no one opened it. Eventually, she called the security guards, and the police arrived at the scene. It turned out that the examination room had another door, and that the child was missing. The woman who had taken the child was sought by the media and the police, but the child remained missing. A police officer later explained to the mother that the investigation had to be halted because public officials were involved. Sketches of the woman who took the child have cast suspicion on a social worker employed by the Children's and Youth Court in Temuco. The mother had several children and is of indigenous origin. In 2019, she reported the case to the criminal investigation authorities in Chile. This happened the year after Norway began receiving children from the court in Temuco.

- A mother from the countryside outside Temuco was admitted to the main hospital due to complications during childbirth. Three days after the birth, she was told that the baby had died, but she did not receive a death certificate and was not allowed to see the baby. All she was given was a birth certificate. This happened in the early 1980s. In 2014, the mother began to ask questions when she heard of similar cases. One of the mother's surviving children told the committee that she is now frail with age and simply wants some answers. She has taken a DNA test in the hope of finding her child again and finding out what happened.
- One mother recounted that her aunt had been looking after her one-month-old baby whilst she herself was visiting her uncle in the countryside. When the mother returned, her aunt told her that the child was with relatives in Temuco. The mother searched for the child there but could not find it. The child's father came from a prominent family, and the mother believes that her aunt and the child's father orchestrated the child's disappearance. Thanks to DNA testing, the mother and child have been reunited. The child had been adopted in Sweden, where the family had been told that the child had been abandoned in a park.
- A mother recounted that she was persuaded to give up her child, who was very ill. The mother was 17 at the time. A social worker from the hospital had told her that the only way the child would have a good life was for the mother to put the child up for adoption. She had also threatened the mother, saying she would go to prison if the child fell ill again. The mother was afraid, including of losing her other children. She did not dare take her other children to hospital after this, for fear of losing them. The mother was reunited with the child when the child was in their forties. The child had been adopted into a family in Sweden.
- A brother of several children who went missing said that one day the police and a social worker came to the house where he and his family lived. They took two of his sisters. A few months later, they also took his two-year-old brother and a nine-month-old baby. His mother and father objected, but were beaten by the police. After that, they received no further information about the children. The family tried to search for the children, but could not find them. They went to the police, but were turned away with discriminatory comments. The family belong to an indigenous group; they were poor, and the parents could not read or write. One of the children was adopted to Sweden and has since been reunited with the family in Chile. The mother's name does not appear on the adoption papers, and the reunion took place via DNA testing. The court ruling concerning the adoptee from Chile is said to state that the mother is an 'alcoholic Mapuche' with no sense of connection to the child. The brother said: 'The psychological pain we have suffered is impossible for anyone other than those who have experienced it themselves to understand.' He hopes for some form of justice and action from the Chilean authorities.

Information from adoptees, birth families and organisations has provided important input for the Committee's investigations and assessments.

11.7 Adoptions to Norway from Chile

11.7.1 Introduction and further details on the scope

A total of 314 [561]adoptions were arranged from Chile to Norway during the period 1985–2016, which amounts to an average of approximately 10 children per year over these 30 years. Adoptions from Chile account for approximately 1.5 per cent of all adoptions arranged to Norway. In Norway, only the adoption agency Adopsjonsforum has held the right to arrange adoptions from Chile.

There is also information suggesting that independent adoptions to Norway from Chile may have taken place on a certain scale.[562]

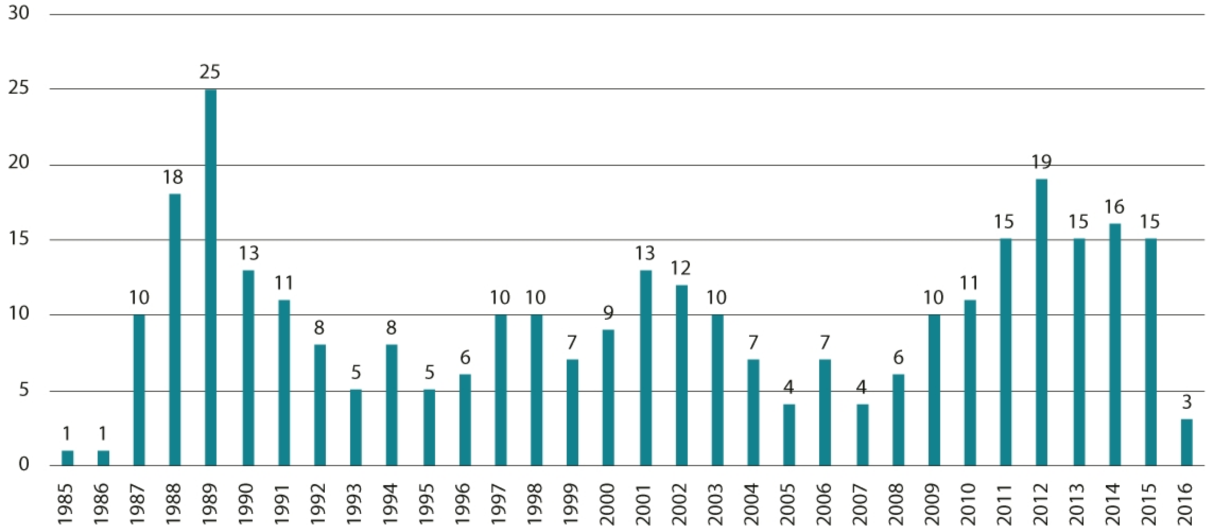

Figure 11.1 Adoptions arranged from Chile to Norway 1985–2016

Source: Figures taken from Bufdir's and Adopsjonsforum's statistics (see section 3.5)

A distinctive feature of adoptions from Chile is that the cooperation was established and approved at a time when Chile was under military dictatorship and the international community was aware of widespread human rights violations in the country. The Committee has therefore placed particular emphasis on the inception of adoption placement from Chile and the assessments and investigations carried out at that time.

Internal investigations in Chile and the findings and conclusions drawn from them have otherwise guided the Committee's focus (see sections 11.4.1.1 and 11.4.1.2). A key factor is that the Chilean judge for children and young people in Temuco, with whom Adopsjonsforum collaborated from the 1980s until the mid-1990s, and who was responsible for nearly a hundred of the first adoptions from Chile to Norway, has faced allegations that she committed criminal and unethical acts. The allegations have been

[561] AF's statistics, on which Bufdir bases its figures, state 313 adoptions. However, the committee has found a letter from AF to the Ministry of Social Affairs, dated 24 March 1985, which states that a child from Chile arrived in Norway via AF in February 1985. The Committee has chosen to include this adoption here, subject to the possibility that the adoption in question may have been counted in a different year, and that the total number remains 313.

[562]A letter from AF to SAK in 1992 points out that independent applicants in Chile (with prior approval from the Norwegian authorities – likely granted because one of the applicants is of Chilean origin or holds Chilean citizenship) encounter problems with the Chilean authorities: they are treated as ordinary foreign applicants as they are resident in Norway. As discussed in more detail in Chapter 28, the Committee has not been able to ascertain the extent of independent adoptions to Norway.

raised both in the Chilean press,[563] in the Chilean parliament[564] and in testimony reproduced in the parliamentary report,[565] and she has also been the subject of attention in the criminal investigation. The Committee has therefore investigated whether there was anything about Adopsjonsforum's cooperation with the judge in Temuco to which Adopsjonsforum and the Norwegian authorities should have reacted, reacted differently to, or ensured more thorough investigations of. In addition, the Committee assesses the risk of errors or unethical or unlawful practices in connection with adoptions to Norway during the period in question.

As in the Committee's other country reviews, indications of unlawful and unethical practices and/or the extent of systemic weaknesses have guided the priorities, but the scope of what the Committee is able to investigate in detail has also been a factor.

The following section provides a chronological review of key issues relating to adoption arrangements from Chile. This is followed by a more detailed assessment of specific findings and an overall assessment of adoption arrangements from that country.

11.7.2 The start of adoption placements from Chile to Norway (1978–1990)

In August 1979, Adopsjonsforum applied to the Ministry of Social Affairs to carry out a number of pilot cases from Chile. Adopsjonsforum stated that, up to that point, there had only been a couple of independent adoptions to Norway from the country, but that the situation was different in Sweden, where 200 Chilean children had been adopted in 1978. Adopsjonsforum had received assistance from the Swedish Adoptionscentrum in establishing contact with Casa Nacional del Niño (at that time a privately run children's home) in Santiago.[566] According to Adopsjonsforum, Adoptionscentrum had described the work in Chile as sensitive.[567] Adoptionscentrum did not believe that there would be as many children available in the years to come, and they stated that 'interest in the adoption of babies is growing domestically [in Chile]'.[568]

As early as 1978, the Norwegian adoption authorities (the Council for International Adoptions) had begun to investigate the circumstances surrounding adoptions from Chile. In August 1978, they received from the Norwegian Embassy in Santiago a copy of the Chilean legislation on adoption[569] as well as the adoption regulations of the Casa Nacional del Niño, the private children's home in Santiago. The regulations state the following: 'Applicants

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[563] E.g. El Dínamo, 15 March 2024: 'Hasta encontrarte: la historia de Anna y Francisca, hija y madre separadas por una adopción irregular', https://www.eldinamo.cl/pais/2024/03/15/adopciones-irregulares-hasta-encontrarte-la-histo-ria-de-anna-y-francisca-hija-y-madre-separadas/

[564] MP René Saffirio, 7 May 2019, Speech, Chamber of Deputies, 'Comprehensive reform of the adoption system in Chile', https://www.bcn.cl/laborparlamentaria/participacion?idParticipacion=2144809

[565] Testimony from Jeannette Velasquez reproduced in the report of the Chilean parliamentary commission of inquiry (Danish translation), 2019, p. 114.

[566] The children's home was initially run privately by religious organisations; from 1952 to 1979 it was under the authority of SENAME; from 1982 to 1990 it was under the authority of CORDAM (*Corporación de Ayuda al Menor*); and from 1991 onwards it was once again managed directly by SENAME. Source: SENAME (n.d.) Casa Nacional del Niño. Dos Siglos de Historia: https://www.camara.cl/ver-Doc.aspx?prmID=82727&prmTIPO=DOCUMENTOCOMISION. The Appeals Board (2021, p. 23) states in its report that CORDAM was a charitable organisation established by the Chilean police with support from private and public funds. The organisation is discussed in more detail in section 11.8.4.

[567] The reason why this was a sensitive issue was not explained, but it was probably related to Sweden's policy of criticising Pinochet and concerns that international adoptions might be used as evidence that the country was undergoing a negative development. However, the regime's stance changed in 1978, when the five-year national child welfare plan was adopted in Chile. During this period, adoptions were promoted by the regime, and according to the Chilean historian Karen Alfaro Monsalve, they were also used as a diplomatic and political strategy to improve international relations and the country's reputation; see p. 20 in Alfaro Monsalve, K. & Morales, J.L. (2021). Chilean children adopted by Swedish families. Diplomatic proximity in times of Cold War (1973–1990). *Historica Critica*, 81, 71–94.

[568] Application for pilot cases from Chile, from the AF to the Ministry of Social Affairs, 30 August 1979.

[569] Spanish versions of Act No. 16 346 and Act No. 7 613.

Applications are accepted exclusively for children over the age of 2. (Available younger children are taken in by Chilean applicants).' [570] It further states:

> The child leaves the country with a foster care permit for the probationary period, issued by the Juzgado de Menores (Juvenile Court) to the prospective adoptive parents. Chilean legislation only grants adoption after a two-year period in the adoptive parents' home, under the supervision of a social services office.

In December 1979, the Norwegian adoption authorities spoke with a Chilean representative at an adoption conference in Colombia and were informed of the following:

> Chile stipulates a two-year foster care placement for children aged 0–6, and a four-year foster care placement for children aged 6 and over. The children are sent abroad with a valid guardianship order appointing the adoptive parents. Following the foster care period, the adoptive parents and the child must return to Chile to finalise the adoption.[571]

After receiving Adoption Forum's application in 1979, the Norwegian adoption authorities also contacted the Swedish and Danish authorities to obtain information about their experiences with adoptions from that country. The responses showed that the process for adoptions from Chile differed between the two countries. Through the Adoption Forum, the Norwegian adoption authorities were informed that 'the adoption of Chilean children in Sweden is carried out in accordance with Swedish law, with cases being brought before the District Court in the same way as for the adoption of children from India, who also arrive in the country as foster children'. Furthermore, the Adoption Forum wrote that in Sweden, adoptions are finalised 'within one year of the child's arrival', and that 'Chile has had no objections to this procedure'.[572] Adoptionscentrum also informed the Norwegian authorities directly that international adoption could not be carried out in Chile, as the law prescribes a two-year probationary period. However, according to information received from the Chilean Ministry of Foreign Affairs in response to a request in an individual case, an adoption of a Chilean national carried out in a Swedish court is also considered valid in Chile.[573]

The Norwegian authorities were informed by Denmark that adoptive parents applied for Danish citizenship for the child immediately upon arrival in Denmark, and then adopted the child in accordance with Danish law. Notification of the adoption was then sent to the court in Chile.[574]

On the basis of these replies, the Norwegian adoption authorities asked the Ministry of Justice to consider whether Chilean children could be adopted into Norway in the same way as in Sweden and Denmark.[575]

The Ministry of Justice replied that it was necessary to be certain that the Norwegian adoption would be recognised as valid in Chile, cf. section 29, first paragraph, of the Adoption Act.[576] The Ministry of Justice did not consider it appropriate to raise the issue with the Chilean authorities at that time, as the provisions of the Norwegian Adoption Act concerning international adoptions were under review. The Ministry of Justice noted, however, the following:

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[570] Letter from the Royal Norwegian Embassy in Santiago, Chile, to the RIA, 24 August 1978.

[571] Set out in 'Adoptions from Chile', case 7/80, letter from RIA to the Ministry of Justice, 7 January 1980.

[572] 'Re: Application for pilot cases in Chile', letter from AF to the Ministry of Social Affairs, 30 September 1979.

[573] 'According to information received from the Chilean Ministry of Foreign Affairs in response to an enquiry from the Swedish diplomatic mission regarding an individual case, an adoption of a Chilean citizen carried out by a Swedish court is considered valid in Chile as well'. Referred to in 'Adoptions from Chile', case 7/80, letter from RIA to the Ministry of Justice, 7 January 1980.

[574] 'Adoptions from Chile', case 7/80, letter from RIA to the Ministry of Justice, 7 January 1980.

[575] 'Adoptions from Chile', case 7/80, letter from RIA to the Ministry of Justice, 7 January 1980.

[576] Section 29 of the Adoption Act of 1917: 'A foreign national may not adopt or be adopted within the Kingdom, unless the adoption is also valid in the foreign state concerned. A Norwegian national may not adopt or be adopted in a foreign state, unless the King has determined that this may take place.'

> As Chile has an adoption system, it is not considered possible to grant Chilean children Norwegian citizenship as soon as they arrive in this country with a view to subsequently completing the adoption.[577]

Adopsjonsforum's application for a placement licence was subsequently placed on hold by the Ministry of Social Affairs.[578]

In January 1984, Adopsjonsforum reapplied for a placement licence for Chile. They also applied for approval of a foreign contact in Chile. In the placement application, they made no mention of the political situation in the country, and most of the application letter described how important Chile had been as a country of origin for adoptions to Sweden. It was again stated that children from Chile were not adopted in Chile, but that 'the relevant court in Chile handling the adoption case grants its permission for the child to be taken to the adoptive parents' home country, to be adopted there'.[579]

The foreign contact for whom approval was sought was a Chilean lawyer who had lived in Norway from 1978 to 1984, but who had recently moved back to Chile. Adoption Forum stated that they were convinced that the contact's views on adoption were in line with those of the Norwegian authorities, and that international adoptions should only be considered for children 'who cannot be given the opportunity to grow up in a stable family situation in Chile'. Adoption Forum noted that the contact was a member of the political opposition.
She was therefore

> naturally prepared for very thorough investigations into the child's background in each individual case. This is particularly important in Chile, as there have been previous instances where children of prisoners have been adopted against their parents' will.[580]

According to Adopsjonsforum, the foreign contact had herself contacted Adopsjonsforum before she returned to Chile in 1984. She had previous experience in the field of adoption, having worked for several years at the Juvenile Court in Santiago before coming to Norway with her husband, who was a political refugee. Among other references, Adopsjonsforum cited Norway's former ambassador to Chile. The application did not specify how the contact would identify children eligible for adoption, other than that she would 'work through' the Casa Nacional del Niño and the Juvenile Court in Santiago.[581]

After receiving the application, the Norwegian adoption authorities (the Council for International Adoptions), which were responsible for preparing the Ministry of Social Affairs' decision on the matter, sent an enquiry to the Norwegian Embassy in Chile. The Council for International Adoptions expressed uncertainty regarding 'the conditions in Chile and the advisability of such activities there at the present time', and mentioned
'rumours' that 'Chilean children, taken from imprisoned mothers, have been taken to Bolivia and adopted from there by foreign families'. The Council for International Adoptions asked the embassy for a statement on the general situation in Chile and on the advisability of initiating adoption arrangements from there.[582]

The Embassy in Santiago confirmed that, in recent years, there had been 'a number of scandals relating to the international adoption of children from Chile'. The embassy stated that it had consulted the church-run aid organisation Fundación de Ayuda Social de las Iglesias Cristianas, which considered it unlikely that children had been taken from prisoners to Bolivia and adopted abroad. The embassy mentioned

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[577] Letter from the Royal Ministry of Justice and Police to RIA, 1 February 1980.

[578] Letter dated 13 March 1981 from the 1st Social Services Office, Child Welfare Office, to Adopsjonsforum. In the letter, the Ministry refers to a decision by RIA (case 5/80), which in turn refers to the Ministry of Justice's letter of 1 February 1980.

[579] 'Application for authorisation to arrange the adoption of children from Chile', letter from AF to the Ministry of Social Affairs, 31 January 1984.

[580] 'Application for approval of overseas contact in Chile' from AF to RIA, 31 January 1984.

[581] 'Application for approval of foreign contact in Chile' from AF to RIA, 31 January 1984. [582]

Letter from RIA to the Norwegian Ambassador to Chile, 16 February 1984.

However, it noted that a Chilean judge had fled abroad after being accused of receiving several thousand dollars for each adoption consent, and that there were ‘other forms of failure in the control system’. The Embassy nevertheless considered that both the Casa Nacional del Niño and the Juvenile Court in Santiago were ‘serious and professional institutions’, and could not see ‘that there should be any political or other concerns regarding adoption arrangements made through these bodies and in accordance with Chilean legislation in general’. The Council for International Adoptions was also sent updated information on Chilean adoption legislation.[583]

The Council for International Adoptions also contacted the reference provided by the proposed contact person, Norway’s former ambassador to Chile (1975–1982), who gave the person in question ‘his unreserved recommendation’. He stated that he knew both her and her family well. The Norwegian adoption authorities also consulted the then Norwegian Ambassador to Chile during their fact-finding and inspection tour of Latin America in the spring of 1984 (which did not include Chile).[584]

When the Council for International Adoptions considered the application, it found ‘no professional concerns from an adoption perspective regarding the granting of permission’ for pilot cases.[585] In June 1984, the Ministry of Social Affairs granted Adopsjonsforum a placement licence to carry out up to five pilot cases from Chile.[586]

In March 1985, Adopsjonsforum informed the Ministry of Social Affairs that the first child had arrived in Norway in February 1985. They explained that the court decision was an ‘appointment of a guardian with a view to carrying out an adoption in this country in accordance with Norwegian law’, and considered this to be ‘in line with the information we had received in advance, namely that children from Chile […] are to be adopted in the receiving country’. [587]

In August 1985, Adopsjonsforum applied for approval of a new foreign contact in Chile. The Chilean lawyer for whom Adopsjonsforum had initially received approval had returned to Norway after one year in Chile. Adopsjonsforum therefore applied for approval of a social worker resident in Santiago, who was to act as a foreign contact and maintain contact with ‘relevant public and Christian child welfare institutions’. For this, she was to receive 100 USD per case. The social worker had been recommended by a Chilean lawyer – a ‘family friend’ of the first foreign contact – who was now to handle the legal aspects of the process.[588]

The Norwegian adoption authorities granted provisional approval for the social worker to act as a foreign contact for up to five pilot cases.[589]

In March 1987, Adopsjonsforum applied for permission to increase the number of pilot cases from Chile to a total of 15. In their application, they described how the work had been slow: they had received some referrals that ‘had not led to anything’, and ‘negative press coverage during 1986 had hampered their work’. Adop-

[583] Letter from the Embassy in Santiago to RIA, 16 March 1984. The letter states that the child to be adopted must have been under the adoptive applicants’ ‘personal care or tutelage for at least 2 years’. For children over the age of 7, the period must be at least four years. Only abandoned children, orphans, children of unknown paternity or children of one’s spouse may be adopted. Furthermore, it states that ‘legal adoption takes place by court judgement at the written request of the adopting parties, and can be approved only when the requirements indicated above have been met’.

[584] Reproduced in Case 15/84 ‘Memorandum from the Secretariat’, RIA. The Secretariat is reported to have spoken to the ambassador by telephone on 20 February 1984.

[585] Letter from the Ministry of Social Affairs dated 29 June 1984 to AF. RIA considered the case at a meeting on 15 May 1984. The Committee has not found any minutes from this meeting.

[586] Letter from the Ministry of Social Affairs dated 29 June 1984 to AF. [587] Letter from AF to the Ministry of Social Affairs, 24 March 1985. [588] Letter from AF to RIA, 8 August 1985.

[589] Letter from RIA to AF, 18 September 1985.

However, Adopsjonsforum felt that this would change. The application for extension was granted. [590]

In October 1987, Adopsjonsforum applied for approval of the Chilean lawyer mentioned above ('the contact person') as their legal representative in Chile. Adoption Forum wrote that the foreign contact (the social worker) for whom they had sought approval in August 1985 had left after six months, but that the lawyer had been following up the cases in Chile ever since. Adoption Forum further stated that the lawyer was a classmate of the first foreign liaison officer in Chile and had been employed at the Children and Youth Court in Santiago for four years, as well as at the Labour Directorate, before setting up in private practice. He visited Norway in 1987 in connection with an escort trip and met representatives of the Norwegian adoption authorities. For several years, the lawyer had handled adoption cases for two Canadian organisations (Terres des Hommes and Operation Pax), and he had also handled eight adoption cases for Adoption Forum in Chile. In response to questions regarding 'the manner in which the contact would proceed to identify suitable children', as well as the geographical area the contact would cover and which institutions would be involved,[591] the following information was provided:

> Our proposed legal representative has a direct connection with [the judge] at the Children's and Youth Court in the city of Temuco, through whom we have already secured several children. He also has direct contact with judges in Punta Arenas and Concepción.[592]

In an interview with the Committee during the field visit to Chile in October 2024, the legal representative stated that it was not the case that he knew the judge in Temuco beforehand. The Committee has since found correspondence showing that the judge in Temuco began collaborating with Adopsjonsforum because Adoptionscentrum's representative in Chile recommended and vouched for Adopsjonsforum to the judge. Contact with the judge appears to have been initiated when a representative from Adopsjonsforum Norway, the first Chilean foreign contact and the Chilean legal representative visited the judge.[593]

Adoption Forum further stated in the 1987 application that the legal representative received 1,000 USD per case. With regard to adoptions from Santiago, they stated that a social worker carried out 'most of the "legwork" under [the legal representative's] supervision'. She received a monthly fee of 300 USD.[594]

The State Adoption Office approved the lawyer as Adopsjonsforum's legal representative in Chile.[595]

In May 1988, Adopsjonsforum submitted a report on the first 13 cases from Chile. In it, they described adoptions carried out in Santiago and in Temuco. In Santiago, a social worker was in contact with 'el Hogar de Menores' and the Corporación para la Nutrición Infantil (CONIN), which, according to Adoption Forum, were overseen by SENAME. Adoption Forum stated that 'the courts required full documentation explaining why the child should be placed for adoption', including social reports on the child and the child's parents' family. The process lasted three months and concluded with the judge granting approval for the child's departure and for the child to be adopted in Norway. With regard to adoptions from Temuco and the surrounding area, Adopsjonsforum wrote that their legal representative had been in contact with the judge for children and young people in Temuco, who had been working on international adoptions for the past ten years, and who 'worked

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[590] The Committee has not found the response to the application, but it is clear from a letter from the Ministry of Social Affairs to AF dated 29 December 1988 that it was granted in a letter from SAK dated 25 July 1987.

[591] 'Guidelines for the approval of associations' international contacts', adopted by RIA on 16 October 1979.

[592] Letter from AF to SAK, 15 October 1987.

[593] Letter from the judge in Temuco to AC's representative, forwarded to AF by AC, 14 October 1987.

[594] Letter from AF to SAK, 15 October 1987.

[595] Letter from SAK to AF, 21 October 1987.

with adoption organisations such as Adoptionscentrum and other institutions from Belgium, France and Italy'. She was presented as someone who campaigns for international adoptions to be recognised as an option for abandoned children. Adopsjonsforum stated that in March 1987, the first children from Temuco were placed with Norwegian families.

Adopsjonsforum explained that the legal process in Temuco was a 'foster care approval in connection with international adoption'. The process worked as follows: Adopsjonsforum's legal representative sent the Norwegian families' documents to the judge in Temuco, who decided which family would be allowed to adopt 'the child who is ready for adoption. The child had been granted a declaration of relinquishment by the judge, or had been handed over by their mother, who had signed the declaration of relinquishment'. The prospective adoptive parents then travelled to Temuco and spoke with the judge, who allowed them to visit the child at the children's home. Following a further meeting between the adoptive parents and the judge, the process was concluded with permission being granted for the child to travel as a foster child and be adopted in Norway. The entire process was expected to take ten days, and the adoptive parents had to prepare for a stay of approximately three weeks in Chile. All the children from Temuco came via the Hogar Mama Augusta children's home, which was described as a 'state-subsidised children's home'. Adopsjonsforum further stated that the judge in question had visited Norway and met with the Norwegian adoption authorities.[596]

The new Adoption Act of 1988 (Act No. 18 703), which had come into force ten days before the date of Adopsjonsforum's report, is not mentioned by Adopsjonsforum in the report.

In June 1988, Adopsjonsforum applied for general authorisation to arrange adoptions of children from Chile.[597] The State Adoption Office prepared the case and wrote to the Ministry of Social Affairs stating that '[a]s far as it is possible to assess the situation on the basis of the aforementioned report and the personal meetings the Office has held with Chilean colleagues, this Office recommends that Adoption Forum be granted a renewal of its authorisation from the Ministry of Social Affairs to arrange adoptions of children from Chile'. [598]

In October 1988, the State Adoption Office undertook a trip to Chile. The aim of the trip was to gain a more thorough understanding of the legislation and procedures surrounding adoption, as well as to meet with relevant stakeholders. According to the mission report, the political situation in the country does not appear to have been a topic of discussion during the visit. During the visit, the Norwegian adoption authorities met with SENAME and visited a children's home near Santiago. In Temuco, they met with the judge in Temuco and a judge at the Court of Appeal, and they visited the Hogar Mama Augusta children's home.

During the trip, the Norwegian adoption authorities were informed by SENAME that 'the demand for children [is] enormous', both in Chile and from abroad, but that Chileans normally preferred to adopt children under the age of 2 who 'resembled the family'. They were also told that the rules on adoption had previously been strict, which had led to the illegal removal of children 'for whom large sums of money were paid'. The new law allowed for greater flexibility, so that the Chilean authorities now hoped to prevent illegal adoption arrangements.[599]

In Temuco, Norwegian adoption authorities were informed that much of the preparatory work in an adoption case was carried out by social workers at the local court before the case was sent to SENAME. The court then received the case back with a recommendation for a judicial decision.[600]

In November 1988, the Ministry of Social Affairs had still not finalised its consideration of Adopsjonsforum's application for a general authorisation to act as an adoption agency for Chile (beyond the pilot cases), and the State Adoption Office wrote

[596] 'Report concerning adoptions from Chile' from AF to SAK, 20 May 1988.

[597] We have not been able to locate this document, but it is said to be dated 25 July 1988.

[598] Letter from SAK to the Ministry of Social Affairs, 26 July 1988.

[599] 'Report on the trip to Latin America, 8–30 October 1988', SAK, 22 November 1988.

[600] 'Report on the trip to Latin America, 8–30 October 1988', SAK, 22 November 1988.

once again to the Ministry. Here they emphasised that, during their recent inspection trip to Latin America, they had gained a ‘very favourable impression’ of both the legal representative and the judge in Temuco, and that the children’s homes they visited ‘gave the impression of operating according to sound principles’.[601]

At the end of December 1988, the Ministry of Social Affairs granted authorisation for adoption placements from Chile for a period of up to three years.[602]

During 1989, 25 adoptions were arranged from Chile to Norway. This is the highest number of adoptions arranged from Chile to Norway in a single year.

In January 1990, the Norwegian Embassy in Santiago sent a news article from the Chilean newspaper *La Segunda* to the State Adoption Office and Adoption Forum. The article described Chile as a major exporter of children for adoption to Europe. A lawyer was quoted as saying that, under the new legislation, it was more difficult for Chileans to adopt a child than it was for foreign couples. Furthermore, it contained statements from the director of SENAME to the effect that there were loopholes in Chilean legislation: Although SENAME was responsible for coordinating and carrying out technical and administrative procedures to assist the courts in reaching decisions in adoption cases, under Chilean law it was still sufficient for a birth mother to sign a declaration before a notary stating that a named person could take her child abroad.[603] SENAME claimed that it had no record of how many children were sent to other countries in this way, nor did it know what had become of them, or whether they had been adopted abroad or not. The following quote is taken from the newspaper article:

> It is well known that there are people, whether lawyers or not, who carry out these procedures. The system is legal, but immoral. When a minor is placed for adoption with a foreign couple through the courts or on the basis of SENAME’s technical report, the aim is to safeguard the child’s future. […]. In other cases, it is quite simply a business where people even take payment in advance to handle the paperwork. They then look for women with few resources or young single women who are pregnant, and offer them money […] in exchange for the child.[604]

In the article, SENAME stated that around 900 children were put up for adoption in Chile each year. They denied that foreign families were given priority over Chilean ones, and maintained that they never allocated healthy infants to foreign applicants.[605]

It is not clear from the Embassy’s submission what aspect of the article they wished to bring to the attention of Adopsjonsforum and the Norwegian adoption authorities. According to Adopsjonsforum, however, adoptions to Norway followed the process that SENAME presented in the article as the correct one. The Committee has, however, found no information to suggest that the criticism of Chile’s failure to comply with the principle of subsidiarity was followed up by the Norwegian adoption authorities.

11.7.3 Individual cases 1987–1991

The Committee has examined a total of 36 individual cases from the years 1987–1991.[606] In the following, some characteristics and distinctive features of these cases will be presented.

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[601] Letter from SAK to the Ministry of Social Affairs, 28 November 1988.

[602] Letter from the Ministry of Social Affairs to AF, 29 December 1988.

[603] The fear seemed to be that mothers were either being paid to give up their children, or that children were being abducted and registered – with the help of two witnesses – as the biological child of a woman posing as the child’s mother.

[604] ‘Chile: a major exporter of children for adoption in Europe’, La Segunda, 3 December 1989. [605]

‘Chile: a major exporter of children for adoption in Europe’, La Segunda, 3 December 1989. [606] 2 from

1987, 18 from 1988 and 9 from 1989, 4 from 1990 and 3 from 1991.

Objective circumstances:

- 32 of the cases are from Temuco and signed by the judge in Temuco (28) or one of two associate judges at the same court (4).
- In the cases from Temuco, there are six cases where the child was under 4 weeks old at the time of the court decision in Chile, six cases where the child was between 4 and 8 weeks old, and twelve cases where the child was between 9 and 16 weeks old at the time of the court decision. The majority of the cases from Temuco (24 out of 32) therefore concern newborns or very young children.
- The mother's name is given in all court decisions, and sometimes the father's name as well, but whether the mother's age and address/municipality of residence are provided varies.
- Only one case involves unknown parents. This case is not from Temuco.
- In at least twenty of the cases, the children are of indigenous origin (in reality, there may be more, as their background is not always mentioned in the court ruling), and this is cited as a reason why domestic adoption has not been possible. The phrase 'Due to the child's Arawan heritage, it has not been possible to place the child with a Chilean family' recurs.
- In 16 of the cases examined (all from Temuco), the court ruling states that the mother appeared in court whilst pregnant to apply for protective measures for the child she was due to give birth to. In 8 of these, it is also stated that the mother worked as a domestic worker. In cases where the mother's age is specified, she was often young (under 21 in 7 of the cases examined).

Impressions left by the court rulings regarding the assessments:

- The court decisions from Temuco have a distinctive style of language which, in several instances, refers to the biological mother/family and the mother's/family's living conditions in terms that appear derogatory. In several cases, the court rulings suggest a link between poverty and a lack of moral, cultural or social capacity to provide for a child:[607]
  - 'The child's mother is an orphan and lives in the countryside […] and lives in extreme poverty. The child's mother shows clear signs of being socially and culturally underdeveloped, as might be expected when living in extreme poverty' (case from 1988, Temuco).
  - The mother 'exhibits a very low intelligence quotient. The family lives in a condemned house, which is overcrowded and unhygienic' (case from 1989, Temuco).
  - Regarding a mother who worked as a domestic helper and who, according to the court ruling, claimed she did not have the financial means to care for her child, it states: 'The mother is in good physical health and her IQ is below average. […] She appears indifferent towards the child […] and although attempts were made to remedy this, they were unsuccessful" (case from 1991, Temuco).
  - A court ruling describes how the mother lived at home with her two brothers. The dwelling 'is made of dried clay, with no floor or windows'; the court ruling further states that the mother 'appears completely indifferent to [the child's] future' (case from 1991, Temuco).

Matters relating to case information and document verification in Norway:

- All court rulings refer to supporting documents (for example, regarding the mother's consent, a social report on the mother and her family, or a report assessing whether domestic adoption

[607] The ideological aspects that may have influenced placements from Chile during this period are discussed in section 11.8.4.

was possible) which are not included in the adoption file in Norway. It has therefore not been possible for the Norwegian authorities to verify or assess these documents when granting adoption authorisation.

- In twelve of the cases we have examined, the child was under two months old at the time of the Chilean court decision appointing a guardian and granting permission to leave the country. Under the Norwegian Adoption Act in force at the time, it was a requirement that parental consent to adoption could not be given until two months after the child's birth.[608]
  - In one such case, there is a Post-it note addressed to the head of the State Adoption Office in which a case worker highlights this issue: 'Here is a child released for adoption before two months have passed. What do we do in relation to Section 7(2) of the Adoption Act?' The head of the Adoption Office replied on the back of the Post-it note: 'This is a matter of principle for the process – ordinarily, this is a Norwegian adoption, but since we are treating it as a Chilean release (and, in effect, an adoption as well), we must be able to disregard the fact that Chilean law and Norwegian law are not entirely consistent.' The note is dated 27 April 1989.

Apparent contradictions within the documents:

- In several cases where, according to the court ruling, the mother had appeared whilst pregnant and applied for protective measures for her unborn child, and had often also confirmed the decision after the birth, and the mother's name and, where applicable, her address were known, the child was nevertheless registered at birth (*Certificado de Nacimiento*) without the names of the biological parents appearing on the registration.[609]
- According to a court ruling, the mother appeared in court whilst pregnant and requested adoption. She appeared in court again after the birth to confirm her wish. The birth registration shows that the child was entered in the population register as 'born out of wedlock to parents who have not appeared to register [the child]' (case from 1991, Temuco).
- In two such cases, the child was also given a typical Norwegian first name (and a Chilean surname) in the Chilean birth registration. The translation of one of the court rulings states: 'It appears from the birth certificate [presumably meaning the birth registration] that the child is registered as [two Norwegian first names, two Chilean surnames], the illegitimate son of parents who did not appear' (case from 1988, Temuco). In the other case, the court ruling states that the mother reappeared after the birth and, on the basis of the birth certificate presented, declared that she had given birth and wished to hand the child over to the court. The child has been entered in the 'civil birth register' as (Norwegian first name, Chilean surname), 'illegitimate child of absent parents' (case from Temuco, 1988).
- In many of the cases (23), a copy of the child's birth registration (*Certificado de Nacimiento*) from Chile is attached. It is not clear from the copy who registered the child, and in those cases where the court decision states that the mother is to have registered the child, this is not evident from the registration (no signature, no copy of the mother's ID, if any, etc.). In several cases (11), the birth certificate is dated on the same day as, or one day before or after, the court decision appointing a guardian and granting permission to leave the country.

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[608] Act of 28 February 1986 No. 8, section 7, second paragraph.

[609] According to the information provided to the Committee, a birth certificate and a birth registration were two different documents in Chile. There is some uncertainty as to whether these terms have always been translated correctly in the documents forming the basis for the adoption approval in Norway, which the Committee has examined and is using to assess the cases.

Cases that raise questions regarding the role and conduct of Adopsjonsforum's legal representative:

- In a case where the child is said to have been admitted to CONIN suffering from malnutrition, the court ruling states that Adoption Forum's legal representative appeared in court 'to apply for the minor to be declared abandoned'. The application 'was submitted by him in his capacity as Adoption Forum's representative in Chile'. There is no mention of how Adoption Forum's representative had become aware of this child (case from Temuco, 1990).
- The Committee has examined two cases in which the child appeared to have been earmarked for specific Norwegian adoptive applicants from an early stage:
  - In a case where the mother herself is said to have consented in court to giving her child up for adoption, the court ruling states that the mother wanted the child to go to a specific, named Norwegian couple (case from Santiago, 1988).
  - In a case where the mother is said to have arrived pregnant and applied for protective measures for the child she was due to give birth to, the court ruling states that she registered the child herself, and the birth registration shows that she gave the child a Norwegian first name (case from 1988, Temuco).

    In response to a question from the committee in October 2024, Adopsjonsforum's legal representative in Chile at the time was unable to explain how such adoptions took place.

A case that raises questions about the release process:

- In one case, the court ruling states that a child was born at the hospital in Temuco and, three days later, sent to the paediatric ward at another hospital without the mother appearing there. The mother is said to have given an address where she was not known, and she was not found. The mother's name is given in the court ruling, but not her date of birth. It is not clear whether a search for family members was advertised in newspapers, as required by law. The child was just over 5 months old at the time of the court decision appointing a guardian in Chile (case from 1988, Temuco).

These findings are discussed in section 11.8.

11.7.4 Adoption arrangements following the fall of the dictatorship (1990–1999)

As mentioned in section 11.2.1, the question of extending the dictatorship was rejected in a referendum in October 1988. In December 1989, presidential and parliamentary elections were held, which Pinochet lost. He subsequently stepped down in March 1990, but remained commander-in-chief of the army until 1998.

In October 1991, two staff members from Adoption Forum Norway travelled to Chile.[610] On the first day, they met the director of SENAME and the head of SENAME's legal department. Adoption Forum wrote the following about the meeting:

> We provided information about Adoption Forum; they were somewhat reserved and made no promises. […] We will maintain contact with SENAME's central office, even though we do not expect any immediate results from this work.

Adoption Forum also met a SENAME employee who was responsible for all children's homes in Chile. She shared available statistics indicating that 18,000 children were in SENAME's care [it is unclear whether

[610] A member of AF's management team and AF's first foreign contact in Chile, the lawyer who returned to Norway after a year in Chile in 1984.

this refers to the number of children in care or, for example, children with an active case], and that 10,000 of these should have been re-placed. Adoption Forum wrote that the official believed that Adoption Forum 'could work on individual cases through SENAME provided that we [the legal representative] handle the declaration of abandonment for the child. We do not expect to receive direct referrals through SENAME centrally – for the time being.' Here, it appears that SENAME envisaged that the legal representative would play a role in the processes for having children declared abandoned. A similar process is also evident in some of the individual cases reviewed by the committee (where the legal representative appeared in court 'to apply for the minors in question to be declared abandoned', see section 11.7.3). This contradicts what Adopsjonsforum stated in its application for a placement licence in 1992 (see below). The internal mission report concluded as follows:

> We have attempted to establish contact with SENAME's central administration – and although we have not been received with open arms, contact has at least been established with the management there. The Embassy is doing its utmost to support this work. It was also instructive and useful in terms of understanding how SENAME functions as a system. Furthermore, it seems clear that corruption is widespread – and that this has become institutionalised in parts of the organisation. This is important to know for the work going forward.

The nature of the corruption and how Adopsjonsforum intended to deal with it are not mentioned.[611]

In March 1992, Adopsjonsforum applied for an extension of its placement rights for Chile. In this application, they described how Adopsjonsforum's legal representative in the country had 'taken on the role of foreign liaison' after the social worker who was supposed to have held this role resigned at the turn of the year 1986/87.[612] Adopsjonsforum acknowledged that, 'in principle', it was not a 'good solution for a lawyer to act as a foreign liaison', but pointed out that they had felt 'completely confident about the adoptions that have been carried out, as the children came from the public child welfare services and had been cleared for adoption before Adopsjonsforum's representative became involved'.[613] As described in section 11.7.3, the Committee has examined individual cases that exemplify the opposite, and this is also inconsistent with other information regarding the process, such as that from SENAME mentioned above, as well as information that will be presented below.

Adopsjonsforum further explained that their first overseas contact in Chile wished to resettle in Chile after having worked in Norway and for Adopsjonsforum for nearly seven years. Although she was a lawyer, Adopsjonsforum stated that she would not represent cases in court, but would have a 'purely overseas contact role'. They applied for approval for this.

Adoption Forum stated that their operations in Chile had been concentrated in Temuco and involved cooperation with the local children's court and the court's president. In addition, they had received a few placements directly through SENAME in Santiago. Adopsjonsforum also reported falling figures from Chile, which they attributed to the lack of a dedicated overseas liaison officer, but mainly to 'administrative changes within the child welfare services'. The changes included legislative amendments, procedural changes 'and widespread scepticism towards international adoption within the national child welfare services'. This scepticism stemmed partly from outright illegal activities, including 'widespread trafficking of young children', which were regularly reported in the press, and partly from practices operating in a 'grey area' where adoptions took place without sufficient oversight and control by the authorities.

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[611] In its comments to the Committee on 31 March 2026, after having been presented with the factual basis (see section 3.6.11), AF noted that the internal travel report also shows that the embassy in Chile attempted to assist AF in its dealings with SENAME, and should therefore have been aware of any corruption.

[612] According to other documents found by the Committee, this social worker is said to have left at the turn of the year 1985/86.

[613] 'Application for an extension of the right to place children in Chile', from AF to SAK, 12 March 1992. The fact that such a solution was not considered optimal is likely linked to AF's experiences of having a lawyer as a contact person in Ecuador.

Adoption Forum hoped to establish further contacts in the country, but initially applied for continued authorisation to place children ‘from the public child welfare services in Temuco (including Villarica) and Santiago’.[614]

The application made no mention of the corruption within SENAME that Adopsjonsforum had observed during its previous working visit to the country.[615]

The Norwegian adoption authorities approved the foreign contact.[616]

In line with the recommendation from the adoption authority, the Ministry of Children and Family Affairs granted Adopsjonsforum renewed authorisation until April 1995.[617]

In July 1992, the judge in Temuco wrote two letters to the chair of Adoption Forum Norway, in which she sought the legal representative’s authorisation to work in Chile. The judge provided the following information:

> At the moment, we have practically no newborns, as there are many Chilean couples on the waiting list. However, there are always cases of abandoned children [*niños en situación de abandono*], which require a corresponding request to be made to a solicitor. For this reason, these cases were **always** referred to Adopsjonsforum, as it was the only centre whose representative in Chile was a solicitor.

The judge wished to know whether Adopsjonsforum wished to continue its cooperation with the court. The letter confirms the impression that, during this period, action by a lawyer was required in order to have a child declared abandoned.

In October 1992, the country manager at Adopsjonsforum Norway undertook a working visit to Chile. She had been appointed to this role after working as a case officer for a few years. She had no specific country expertise regarding Chile prior to taking on this role.[618]

The internal travel report states that the country representative and the international liaison travelled to Temuco, where they visited the COD Belen children’s home and were able to ‘see and take photographs of two children who are intended for parents in Norway, but have not yet been matched’. They also met a third child who was ‘intended’ for parents in Norway.[619]

In the town of Viña del Mar, they visited a children’s home which said it was willing to cooperate with Adopsjonsforum, ‘but they need financial support’ as they were a private organisation and did not receive funding from SENAME. The country representative wrote that Adopsjonsforum’s foreign contact should ‘get in touch with the judge and enquire whether children can be placed through the court’. According to Adopsjonsforum’s travel report, the country contact also had a ‘long conversation’ with the legal representative. It was raised during this conversation that it was a problem that Norwegian applicants had, in several cases, had to postpone their trip, and that several had ‘waited a very long time for the child to be released’.[620] This therefore suggests that, during this period, children could be allocated (or ‘designated’) to specific parents or adoption agencies before they had been formally released for adoption. No such process is described in Adopsjonsforum’s applications for placement/contact persons submitted to the Norwegian adoption authorities.

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[614] ‘Application for an extended placement licence for Chile’, from AF to SAK, 12 March 1992.

[615] In its comments to the Committee on 31 March 2026, after having been presented with the factual basis (see section 3.6.11), noted that the application dated 12 March 1992 draws attention to the existence of ‘a “grey area” where adoptions take place without any direct breach of the law, but also without sufficient transparency and oversight on the part of the authorities’. The Committee, for its part, has interpreted this as information regarding problems with certain adoptions taking place *outside* SENAME’s remit, partly because the matter is presented by AF in the same application as an explanation for ‘widespread scepticism towards international adoption within the national child welfare services’.

[616] ‘Approval of contact with foreign parties in Chile’, from SAK to AF, 29 April 1992.

[617] ‘Application for an extension of the right to arrange adoptions from Chile’, from BFD to AF, 24 April 1992.

[618] Interview with the committee in January 2025.

[619] ‘Trip to Latin America 13–26 October 1992’, AF’s internal travel report, dated 1 November 1992.

[620] ‘Trip to Latin America 13–26 October 1992’, AF’s internal travel report, dated 1 November 1992.

11.7.4.1 Loan from Adopsjonsforum to the judge in Temuco

The minutes of the working trip in 1992 contain information that Adoption Forum's legal representative had given the judge in Temuco a 'loan'. The country manager and the representative discussed what to do about this, and they concluded that 'the wisest course of action would be for the management of AF to send her [the judge] a reminder and, if necessary, a proposal as to how repayment might be arranged'.[621]

In a fax to Adopsjonsforum in November 1992, the foreign liaison officer wrote that she had summoned the legal representative to a 'meeting regarding the accounts'. She went on to write the following:

> As regards the situation [with the judge in Temuco], this was discussed with her during my visit to Temuco on 17 August 1992. I believe I have done everything I could to resolve the matter. As you are no doubt aware, [the legal representative] has never dared to convey AF's position on this to [the judge]. At the meeting itself, I presented the matter in two parts: a) the demand for repayment of the loan … and b) clarification of the situation following her failure to use the money for the aeroplane tickets that A.F. had sent her. Regarding point a), I proposed a plan for repaying the loan. She was to discuss this with her husband and then contact [legal representative]. Regarding point b), I proposed a compromise from [the judge] to set a new date for travel and participation in the next Chilean gathering (1993), or the reimbursement of the cost of the tickets to A.F. I will discuss the matter again with [legal representative] tomorrow.[622]

It appears here that, firstly, there were matters relating to the legal representative's accounts that needed to be dealt with. Secondly, it appears that the judge in Temuco had received a loan from Adopsjonsforum, probably via the legal representative (see below). Thirdly, it appears that the judge had received a travel advance (which she had not used).

In a fax from Adoption Forum's management in Norway to the foreign liaison officer in Chile a few months later, the loan is mentioned again:

> Regarding the problems with sorting out the financial matters vis-à-vis [the legal representative] and [the judge in Temuco], we note that you believe there is nothing further *you* can do. Although you have touched upon these issues in several faxes, we would appreciate it if you could draw up a specific memo for the auditor and the national board. They were already informed of the problems last year, and this will inevitably come up again in connection with the 1992 accounts. Please include concrete suggestions as to what can be done.[623]

In a new fax to the management of Adopsjonsforum in Norway, the international liaison officer wrote that it was difficult to get the judge in Temuco to repay the loan, despite the fact that she had contacted both the judge and the legal representative on several occasions. She expressed her fear that it would have consequences for adoption work in the country if Adoption Forum pressed too hard on this matter:

> NN [country representative at Adoption Forum Norway] (and presumably the management) has received quite a lot of information in which I outlined my actions and demands regarding [the former legal representative] and the alternatives, including the most drastic one. The same applies in relation to [the judge in Temuco] (from and including fax No. 58 of 17 August 1992) [which the committee has not been able to locate]. I have made all these demands on numerous occasions; in Spanish and in both a friendly and a formal manner. Furthermore, I have kept A.F. informed on an ongoing basis whenever these actions proved fruitless, so that solutions would have to be found in any decisions falling outside my remit. This was because this naturally entailed serious consequences for our entire engagement in Chile. [The judge in Temuco], for example, has recently been elected president of the Association of Juvenile Court Judges. In fax 58, I informed you of a final action taken by [the judge

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[621] 'Trip to Latin America 13–26 October 1992', AF's internal travel report, dated 1 November 1992.

[622] Fax from the foreign liaison officer to AF, 10 November 1992.

[623] Fax from the head of the secretariat and deputy head of AF Norway to AF's foreign liaison officer in Chile, 1 February 1993.

> [translation]. I have not yet received any response, despite numerous enquiries via [legal representative] and by telephone. [624]

The Committee has enquired about and searched for the aforementioned memo concerning the loan, which the international liaison officer was asked to write to the National Executive Committee, but has not found it. However, the Committee has found the following in Adop-sjonsforum's board minutes from the previous year:

> The board noted that our lawyer in Chile had granted a travel advance to a judge in Temuco, Chile, in connection with the seminar we organised in the autumn of 1990. The judge did not attend this event and the trip consequently did not take place. The board considers our lawyer to be responsible for this, and the amount is recorded as an ordinary travel advance – until it has been settled. For information. [625]

The amount is not specified.

The committee has spoken to individuals who, according to the documents we have seen, were aware of the loan and the travel advance (the then country manager, the then foreign liaison officer and the legal representative). All stated that they could not recall anything about this.

It has not been possible for the committee to ascertain whether the loan and the travel advance were repaid or not.

11.7.4.2 A decline in adoptions and offers of support conditional on placements

Towards the end of 1993, the foreign liaison officer sent a report to the Adoption Forum concerning adoptions from Chile. In it, she explained how her arrival in Chile (in 1992) had coincided with a 'major scandal' involving a court in the Santiago area and the other court in Santiago.[626] In June 1993, the Court of Appeal in Santiago adopted a *Resolución Acordada*, which the international liaison officer described as 'a kind of ruling providing guidance to judges at children's courts in Santiago and the surrounding area'. The introduction of *the acordada* had complicated ongoing adoption proceedings, which were prolonged, with longer deadlines for reviews and 'more rigorous' processing. Judges who had previously been more independent in their interpretation of the law now had to follow the 'formula' set out in *the acordada*, she explained, and this had made judges and officials 'very cautious':

> International adoptions fell dramatically in the first six months after my arrival. This was due to a severe restriction on exit permits from the judges who normally make use of this resource.

The foreign liaison officer described this development as 'over-moralisation', but also felt that the change met 'a certain need for regulations' compared with the past, and that the process was now more predictable and secure. It was also seen as positive that Adoption Forum would become 'less dependent on individual judges and locations (such as Temuco)' in future.[627]

Despite the fact that the situation in Chile seemed more cumbersome than before and somewhat strained, Adoption Forum continued to focus on the country. In March 1993, they applied for approval of a new partner organisation in Chile, the Consejo de Defensa del Niño (CDDN). This was described as a private foundation with three main areas of focus: preventive work with 'at-risk children', the running of children's homes for children aged between 3

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[624] Fax from AF's foreign contact in Chile to AF's management in Norway, 8 February 1993.

[625] Minutes of the national board meeting, 13 February 1992, item LS03/92 Finance.

[626] The Committee has found a front page in AF's archives from the newspaper *La Epoca*, dated 13 May 1992, with the headline '*Juez de menores fue extorsinado*': A judge responsible for nine international adoptions that had been called into question is reported to have been blackmailed by an anonymous source. A scandal in 1992 is also mentioned on p. 49 in Denéchère & Macedo. (2023). *Historical Study of Illicit Practices in International Adoption in France*. Université d'Angers – TEMOS. This mentions a memo from the French consulate in Santiago in 1992 discussing whether international adoptions should be suspended following the discovery of a commercial sector based on a network developed by Chilean lawyers.

[627] 'Report on Adoptions from Chile' from AF's foreign liaison to AF Norway, undated, 1993.

and 18 years of age, and work on foster care placements for younger children. The foundation was run from Santiago, but with various initiatives spread across the country. Adopsjonsforum stated that the foundation was approved by the Chilean authorities and that it had been carrying out adoptions since 1989.[628]

The Norwegian adoption authorities granted permission for the collaboration.[629]

In November 1993, the head of Adopsjonsforum's secretariat informed the Norwegian adoption authorities that it was still

> difficult to carry out adoptions in Chile. Even when SENAME has placed children with special needs, the courts are reluctant to approve the cases. The combination of inadequate legal provisions and constant press reports about child trafficking has made child welfare judges highly sceptical even of the most well-founded adoption cases.[630]

In July 1994, Adopsjonsforum applied for re-approval of its foreign contact in Chile. In its application, Adopsjonsforum reiterated the problems it faced in finalising adoptions from Chile:

> Constant reports in the press about lawyers making large sums of money from 'grey' (or 'black') adoptions have contributed to it becoming more difficult to complete even entirely legal adoptions that are based on the children's needs and interests. Some of the country's family court judges refuse to rule on international adoption cases, whilst others take an unreasonably long time to process them. It may seem as though there is a fear amongst judges that expediting proceedings will be interpreted as taking a too-positive stance on international adoption, or that it may raise suspicions that they have accepted bribes. […] Underlying these problems is inadequate adoption legislation, which provides unclear guidance for judges and other parties involved.

Adoption Forum further stated that, over the past couple of years, they had relied on their contact in Temuco, in addition to SENAME in Santiago. They also stated that the overseas contact would now handle cases in court on behalf of Adoption Forum, with the exception of those in Temuco. Her monthly salary was therefore increased from 1,200 USD to 1,800 USD.[631]

In a memo to the National Executive Committee from the head of the Adoption Forum's secretariat, the increase in salary was explained as follows:

> [the foreign liaison officer] is now our highest-paid foreign liaison officer […] The board agreed to this at the time because [she] is so well qualified for the type of work she does in Chile. As someone who has lived in Norway for many years, it was of course also reasonable that she should have salary expectations close to 'Norwegian' levels […] If she takes on the legal work, we consider it reasonable that her monthly salary should be increased significantly, for example by 50 per cent to USD 1,800.[632]

In an internal memo, an employee at the Norwegian adoption authorities expressed concern that the foreign liaison officer would also be representing the cases in court, and pointed out that they knew little about what the foreign liaison officer was doing in Chile. The employee nevertheless believed that this should not be 'any major problem' provided that the Chilean authorities accepted the arrangement, and 'as long as that is the

[628] 'Application for approval of a new partner organisation in Chile', from AF to SAK, 5 March 1993. [629]

'Application for approval of a partner organisation in Chile', from SAK to AF, 22 April 1993. [630] 'Adoption

from Chile – request for a bilateral adoption agreement', from AF to SAK, 29 November 1993.

[631] 'Application for re-approval of a foreign contact in Chile', from AF to SAK, 7 July 1994. In AF's application of 7 December 1995 regarding 'Extension of approval for a foreign contact in Chile', the foreign contact's salary was stated as 1,200 USD.

[632] 'Application for an extended appointment as Adoption Forum's representative in Chile', memo from the head of AF's secretariat to the national executive committee, 6 January 1994.

“It is the Chilean child welfare services that locate the children. It is so self-evident that they do so that it should not be necessary to mention it in the letter to AF.” [633]

In May 1994, a proposal was put before the National Executive Committee of Adoption Forum that Adoption Forum should provide a fixed monthly grant to the Fundación para Asistencia Legal de la Familia (FALF) in Chile. This was a foundation that offered free legal aid in family law matters through advice centres in Santiago and other cities, and which thus identified a number of abandoned children whom they placed in permanent foster homes they had recruited.[634] The foundation had recently been separated from CDDN and had been asked by SENAME to take over responsibility for ‘800 abandoned and orphaned children in the capital region’. FALF was dependent on increased external funding to be able to accept this, and the secretariat of Adopsjonsforum proposed in its memorandum to the national board that Adopsjonsforum should offer FALF

> monthly support of, for example, USD 2,500, starting in July of that year, and that we commit to this for six months at a time. Although we cannot link this to any specific ‘requirements’ regarding placements, there must, of course, be an expectation that we will become a priority partner for FALF, and that we will be allocated enough children to ensure a reasonable return per child.[635]

After making some comparisons with cost levels in other countries of origin, the head of the secretariat wrote that ‘I [would] tentatively suggest that we should probably aim for 12–15 placements a year in order to be able to justify the proposed scheme in the long term’. [636]

However, in an internal memo following a trip to Chile in September 1994 (during which Adopsjonsforum took part in the Norwegian adoption authorities’ inspection visit; see below), Adopsjonsforum’s managing director wrote that the arrangement did not go ahead:

> As members of the National Executive Committee will recall, there were plans for FALF to take over responsibility for 800 children in SENAME’s care. In this connection, the National Executive Committee resolved that Adoption Forum should provide a fixed monthly grant. However, FALF had to decline to take over these children, as the support offered by the Chilean authorities was so modest that FALF would not have been able to raise sufficient funds. Consequently, our offer of support has, of course, lapsed.[637]

In September 1994, the Norwegian adoption authorities undertook an inspection and fact-finding mission to, amongst other places, Chile.[638] During a meeting with SENAME, they were informed that SENAME received all adoption applications and carried out the matching process before the case was referred to the court for a decision (appointment of a guardian with a view to granting adoption in Norway). Regarding the process, the Norwegian adoption authorities wrote that ‘decisions on national/international adoption [are] taken by a juvenile court judge, following a recommendation from SENAME, whilst the actual appointment of a guardian is made by a civil juvenile court judge. The juvenile court is subordinate to the Supreme Court and,
in other words, has greater jurisdiction than SENAME in relation to the court’. [639] However, Adopsjonsforum’s internal mission report from the same trip indicates that SENAME stated that juvenile judges were not di-

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[633] Untitled memo, 13 July 1994, from the case officer to the head of SAK.

[634] The description is based on ‘Report from a trip to Latin America 16 September – 16 October 1994’, SAK, undated report

[635] ‘Proposal for fixed monthly support for a private child welfare institution in Chile’, from the head of AF’s secretariat to the national executive committee, 19 May 1994.

[636] ‘Proposal for fixed monthly support for a private child welfare institution in Chile’, from the Head of the AF Secretariat to the National Executive Committee, 19 May 1994.

[637] ‘Report on the inspection visit to South America in 1994 – Bolivia and Chile – and visits to Argentina and Uruguay’, Head of the AF Secretariat, 24 October 1994.

[638] ‘Report from the trip to Latin America 16 September – 16 October 1994’, SAK, undated report. According to AF’s internal report on the trip, AF’s representative acted as interpreter at all meetings and had also drawn up the programme: ‘Report on the monitoring trip to South America 1994 – Bolivia and Chile – and visits to Argentina and Uruguay’, Head of AF’s Secretariat, 24 October 1994.

[639] ‘Report from a trip to Latin America 16 September – 16 October 1994’, SAK, undated report.

were not specifically required to send 'their' adoption cases to SENAME for review/opinion, but that SENAME 'expected' that the vast majority would be referred to them.[640]

With regard to social conditions, the Norwegian adoption authorities' travel report mentions Chile's economic growth in recent years, noting that the political situation had stabilised, but that there were still 'many senators appointed by Pinochet in the Senate'. It also mentions that 'Chile has received special grants from Norway for the repatriation of refugees and for aid projects (approx. 90 million kroner through the Ministry of Foreign Affairs), including for vulnerable youth groups'. [641]

In November 1994, Adopsjonsforum sent out quarterly information on Chile to applicants, in which it explained that 'the release of the children after they have been allocated' still took a long time, and that they should expect a six-month waiting period before being informed that the process was nearing completion.[642]

In May 1995, Adopsjonsforum applied for a renewal of its placement licence for Chile.[643] They stated that eight of the ten children adopted from Chile in 1994 and so far in 1995 were from Temuco.

The State Adoption Office prepared the case and forwarded it to the Ministry of Children and Families. The report described how, according to Adopsjonsforum, work in Chile had previously been difficult, but that oversight in Chile had improved and stricter guidelines for 'private adoptions' had been introduced, resulting in the number of such adoptions falling from 'approximately 1,020 in 1989 to 280 in 1994'. Regarding the new draft Adoption Act, they wrote:

> In itself, there have been no problems in granting adoption authorisation in Norway on the basis of Chilean guardianship appointments in these cases; nevertheless, it must be regarded as an advantage that the country's own authorities assess whether the conditions for an adoption are met before the child leaves the country with their adoptive parents.[644]

The Adoption Forum's authorisation was extended until 1997.[645]

In June 1995, the head of the Adoption Forum's secretariat travelled to Chile. There, he travelled to Temuco with the lawyer who had previously acted as legal representative. The lawyer 'has continued as our lawyer for the cases in Temuco and the surrounding area […] partly because he knew the local circumstances well, but also because [the judge in Temuco], who had been a juvenile court judge in Temuco for 22 years, wished to continue working with him'.[646] In Temuco, they visited COD Belén, where all the children from Temuco had been placed in recent years. They also visited CONIN and met [the judge] at her office:

> [The judge] has been one of Chile's most prominent advocates of international adoption as an alternative to institutionalisation. At times, she has faced criticism for her views on

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640 'Report on the monitoring visit to South America 1994 – Bolivia and Chile – and visits to Argentina and Uruguay', Head of the AF Secretariat, 24 October 1994.

641 'Report from a trip to Latin America 16 September – 16 October 1994', SAK, undated. The Committee has requested assistance from the Ministry of Foreign Affairs' archives to identify which organisations/institutions in Chile received support from the Ministry of Foreign Affairs during the period 1985–1995. The Committee requested a search for the following institutions: Renacer (a foundation for homeless young people run by the judge in Temuco), CORDAM (Corporación de Ayuda al Menor), CONIN (Corporación para la Nutrición Infantil), Casa Nacional del Niño, SENAME (Servicio Nacional de Menores), FALF (Fundación para Asistencia Legal de la Familia) and CDDN (Consejo de Defensa del Niño). Only SENAME yielded any results, namely a total of four documents, three of which had been lost (discarded as not worthy of preservation upon transfer to the National Archives) and one concerning the rejection of an application for funding for a seminar organised by SENAME (Ref. No. 91/25160 – dated 18 September 1991).

642 'To all of you awaiting adopted children from Chile', from AF, 1 November 1994.

643 'Application for renewal of the right to act as an intermediary for adoptions from Chile', from AF to BFD, via SAK, 9 May 1995.

644 'Application for renewal of placement rights for adoptions from Chile', from SAK to BFD, 27 June 1995.

645 'Application for renewal of authorisation to arrange adoptions from Chile', from BFD to AF, 10 October 1995.

646 'Report on a trip to South and Central America, June–July 1995', Head of AF's Secretariat, internal report, 16 August 1995.

> this area. In addition to her role as a juvenile court judge, [the judge] has also made a significant contribution to homeless young people in Temuco through a foundation of her own, of which she remains the chair. The Chile Club has supported this foundation.

The foundation in question is probably Corporación Renacer, which is also mentioned in other documents the Committee has found at Adopsjonsforum.[647] The Committee has been unable to ascertain how much support this foundation has received from the Chile Club or, where applicable, from Adopsjonsforum.

The travel report then describes how, at the start of 1995, the judge in Temuco was promoted to a higher position and no longer worked on adoption cases.

11.7.4.3 Further details on the release process

In the summer of 1997, correspondence between Adoption Forum Norway's country contact and Adoption Forum's overseas contact in Chile shows that the country contact did not have a full overview of the process in Chile:

> I don't think I'll ever become an expert on the process in Chile. I keep finding that things are changing, so that's why I'm asking (probably for the nth time) whether I've understood it correctly.[648]

A fax from Adoption Forum Norway's international liaison officer later that year describes a process for the release of information and notification of birth parents, which raises several questions about the procedure and the role of Adoption Forum Norway's international liaison officer. The international liaison officer recounted a 'gruelling' trip to the Temuco area in connection with a specific case, and she expressed dissatisfaction with the new judge in the area:

> I met Judge [NN] in a sort of special hearing regarding [child's name], with poor results. She [the judge] is, unfortunately, very incompetent and ridiculously cautious in her actions. This is partly due to an adoption scandal currently being covered on TV (private adoptions from the Puerto Montt area). […] [The judge] maintained throughout that we should not worry about [the child's] case, and that we should be patient and wait for the mother to be served with the notice, which would surely take place in the coming days (she was actually right, but [this was] because we had 'sorted out' the matter on the ground, as will be explained later). She refused to accept my application for permission for the child to travel abroad with her adoptive parents until the personal notification had taken place).

The overseas contact went on to write that she had travelled to two different cities with the intention of 'fishing out' the mother and 'transporting' her directly to the Latauro court (clearly not a lawyer's job, but still)… without any luck…'. The overseas contact explained that she had subsequently had 'a very "abnormal" conversation' with a lieutenant from the Carabineros (the national, militarised police force) who, 'so kindly, promised me that he would ensure the mother [would] appear in court this Monday, under arrest if necessary. He kept his word, so that the mother – as I was told – appeared in court yesterday". [649]

As the Committee understands this fax, it appears here that Adoption Forum's foreign contact attempted to persuade the judge in a specific adoption case to grant permission to leave the country before the birth mother had been duly notified, and when this failed, even attempted to locate the mother himself in order to bring her to court

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[647] In November 1988, two of AF's country representatives for Chile travelled to Chile to attend a seminar on adoption organised by the judge for children and young people in Temuco and her own foundation, Renacer. In 1992, the country manager from AF Norway was given a tour of Corporación Renacer's latest projects: the Mama Augusta children's home had been converted into a place where children could stay with their mothers 'to learn to live together, learn about nutrition and children's needs', as well as into a youth centre.

[648] Fax from the country contact to the international contact, 17 June 1997. In its comments to the committee on 31 March 2026, after having been presented with the factual basis (see section 3.6.11), AF noted that this must be understood as an expression of frustration between two colleagues during 'a period when the adoption process was undergoing sudden changes'. AF further noted that the country contact had been working with Chile since 1992, had visited the country several times and should therefore, in principle, have had a good understanding of the process.

[649] Fax from the foreign liaison officer to AF Norway's country liaison officer, 4 November 1997.

When this also proved unsuccessful, arrangements were made for the Chilean military police to bring the mother to court.

In September 1997, Adopsjonsforum applied for renewed placement rights for Chile. The application did not provide a detailed account of the release process, but described how the decline in adoptions from Chile after 1990 had coincided 'with a weakening of Sweden's and Norway's status as preferred partners for the court in the city of Temuco'. Adopsjonsforum stated that the foreign liaison officer also dealt with 'the legal documents in individual adoption cases', with the exception of adoptions in Temuco, which were still handled by the legal representative.[650]

The Ministry of Children and Family Affairs' work on the application reveals that the Norwegian adoption authorities did not have the Chilean Adoption Act translated into English, but only a Spanish version from 1988.[651]

The application was granted, but the Ministry requested that Adopsjonsforum submit an updated and translated version of the Chilean Adoption Act. The authorisation was extended until 1999.[652]

The lack of translated legislation has not been highlighted by the Norwegian authorities in previous processing of applications for placement rights from Chile.

11.7.5 A brief overview of adoption arrangements after 1999

As mentioned in section 11.3, a new Adoption Act came into force in Chile on 26 October 1999, and international adoptions were subsequently carried out in Chile and in accordance with Chilean law. The country ratified the 1993 Hague Convention that same year.

In an application for a renewed placement licence dated November 1999, Adopsjonsforum stated that Santiago had now overtaken Temuco in terms of the number of placements. The international liaison officer still received USD 1,800 per month, whilst the lawyer received USD 2,000 per case. Adopsjonsforum considered these to be moderate costs.

Generally speaking, throughout the 2000s, the children placed from Chile were older, or they were part of sibling groups and/or had special care needs.

Representatives from SENAME visited Norway in September 2008 at the invitation of Bufdir. Adoption Forum paid for the travel and accommodation of two people.[653]

In 2009, the Norwegian authorities undertook a further fact-finding and monitoring visit.

The last adoption was arranged from Chile in 2016, and the cooperation was terminated by Adopsjonsforum in 2020 because they received few placements, and because the placements they did receive generally had to go through the Expert Committee for Adoption Cases / Expert Advisory Committee, where they were rejected.

The Committee is aware that a specific adoption to Norway in the 2000s has been the subject of attention in Chile. The Committee has reviewed the case documents but has found no grounds to comment on it in further detail.

The Committee is also aware that, in the 2000s, Adopsjonsforum was criticised by the Norwegian adoption authorities for procedural errors it is alleged to have made in the placement of a child with special

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[650] 'Application for renewed placement rights for children from Chile', from AF to BFD, via SAK, 9 September 1997.

[651] Internal memo from an adviser at BFD, 13 November 1998. It is also pointed out that they had encountered the same issues with regard to Mexico

[652] 'Application for renewal of placement rights for adoptions from Chile', from BFD to AF, 30 November 1998.

[653] This was communicated in a separate letter from AF to SENAME, dated 13 June 2008.

special care needs. The Committee has not identified any aspects of the handling of this case that warrant further explanation or assessment in our report.

News reports have recently been published in Chile highlighting problematic practices in connection with intercountry adoptions throughout the 2000s. One article states that Chile's Ombudsman for Children for the period 2018–2023 criticised several flawed processes in which birth parents had been deprived of their parental rights and the children were placed for adoption.[654] As adoptions from Chile to other countries after 2004 have not been the subject of detailed investigations in Chile, it is not possible for the committee to comment in detail on the risk of errors during this period. As mentioned, the committee has prioritised investigations covering the period up to 1995. See also the next section on reviews of individual cases, which also covers the period up to and including 2010.

11.7.6 Individual cases 1993–2010

The Committee has examined 24 cases from after 1992.[655] The following section outlines some characteristics of these cases.

The children are generally much older than before at the time of the court decision: of the cases examined during this period, the youngest child was 6 months old at the time of the court decision in Chile, but in the majority of cases (17 out of 24) the child was 2 years old or older.

The children's backgrounds have also become more varied: they may have been found by the police, lived for a long time in care and/or come from difficult family situations characterised by substance abuse or maltreatment.

Two of the cases examined after 1992 are also from Temuco, and they follow the pattern described earlier, where the mother worked as a domestic helper, was unmarried and arrived pregnant to apply for protective measures for her unborn child. These are the youngest children in the cases examined after 1992.

In four of the cases (all from before 2000), the child's parents are unknown. These are not from Temuco. It is clear from the court rulings that searches for the parents and family were carried out via newspaper advertisements.

Following the entry into force of the Hague Convention in Chile in 1999 and the subsequent completion of the adoptions in Chile, the court decisions sent to Norway contain less information about the background to the adoption than previously. These court decisions are more similar to those seen, for example, from Colombia.

Virtually all the cases examined from 2010 concern children from families with substance abuse problems. The information sent in advance to the Adoption Forum and the prospective adoptive parents is highly detailed, particularly with regard to medical and social circumstances. The process leading to the child being placed for adoption is usually described in the placement report from SENAME, but does not include, for example,

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[654] CIPER, 21 March 2025. 'Illegal adoptions of Chilean children have not stopped: one of the most recent cases reported dates from November 2024'.

[655] The cases are distributed by year as follows: four from 1993, three from 1994, one from 1995, two from 1996, three from 1997, one from 1999, two from 2000 and nine from 2010. The cases examined differ somewhat from those requested. The Committee requested the following from Chile: 20 individual cases conducted in the 1980s, the first three cases from 1995, the first three cases from 1998 and the first five cases from 2000 and 2010. In addition, we have requested some specific individual cases following discoveries in the AF's archives. The cases from the 1980s were requested because we placed particular emphasis on the early stages and the first few years of adoptions from Chile. The cases from 1995, 1998 and 2000 were requested to gain an impression of developments throughout the 1990s and to better assess changes in connection with the ratification of the Hague Convention. The cases from 2010 were requested to gain an impression of developments between 2000 and 2010. The reason for the discrepancy between the number of cases requested and those received is partly that the archivist initially selected cases based on the year of the case's first registration (pre-approval). The committee subsequently requested that cases be provided based on the year the adoption was finalised in Chile/Norway or the year of registration in Norway. The reason we have received a total of more cases (61) than we requested (36) is partly because a single case file may contain adoptions for several children, and partly because it is not possible to tell from the case cover whether the file contains only pre-approval; consequently, more files are selected to ensure we receive the requested number of completed cases.

For example, specific dates for when parents or guardians were notified (or attempts were made to notify them) of the child's release for adoption. In some cases, the allocation reports include the full names, dates of birth and ID numbers of parents, siblings and grandparents.

The cases from 2010 give the impression that thorough work was done to prepare the children for adoption, such as trauma counselling and various preparations for joining a new family.

It is generally difficult for the committee to assess the work on subsidiarity in the more recent individual cases, as the court decisions are mostly translated only in the form of a summary. The Spanish version of the court decision may contain a statement to the effect that SENAME has not found any interested Chilean adoptive applicants. Attempts to find national solutions (beyond solutions within the family) are not described in the placement report in the cases reviewed by the Committee.

The Committee notes that, in one case from the 2000s, the Chilean court decision is missing, even though it is clear from the case documents that it had been submitted. The court decision may have been misfiled or lost in Norwegian archives (although it is likely to be found in Chilean archives).

11.8 Assessments

The following discussion and assessments are divided into four main questions:

1. Were the Norwegian authorities' investigations adequate before they authorised adoptions from Chile?
2. Was the ongoing monitoring by the Norwegian adoption authorities adequate?
3. Has Adopsjonsforum acted appropriately in connection with the placement of children from Chile?
4. What evidence is there of illegal or unethical practices in connection with adoptions from Chile to Norway?

11.8.1 Were the Norwegian authorities' investigations adequate before they authorised adoption placements from Chile?

As explained in section 11.7.2, the Norwegian adoption authorities expressed uncertainty and doubts about the situation in Chile when Adopsjonsforum applied for a placement licence in 1984. Nevertheless, they initially authorised five and subsequently fifteen pilot cases, whilst awaiting a report. The Norwegian authorities sought assessments from the Foreign Service and enquired about the experiences of other Nordic countries. They checked the references of the foreign contact, obtained the relevant legislation and sought to clarify the procedures. They also carried out an inspection visit in October 1988 (although by this time nearly thirty children had already travelled abroad with a view to adoption in Norway), before the Ministry of Social Affairs granted a general three-year adoption licence in December 1988. The question remains, however, as to whether the investigations carried out were sufficient.

11.8.1.1 On the investigations into the Chilean judicial system and political conditions

The Norwegian Embassy in Santiago reported in 1984 that there were corrupt judges and 'failures in the control systems' (point 11.7.2), but the Committee has found no evidence to suggest that the Norwegian adoption authorities investigated (or asked the Embassy to investigate) in more detail what this specifically entailed.

In 1984, the Embassy considered the Casa Nacional del Niño and the court in Santiago to be reliable institutions. As far as the Committee can ascertain, the Norwegian adoption authorities did not receive explicit information about other partners until October 1987, when Adopsjonsforum, in its application for approval of the legal representative, stated that the person in question worked in Temuco and that they had already received several children from there. In other words, the cooperation with the court in Temuco had been established before approval was sought for it, and it could be argued that Adopsjonsforum thus did not give the Norwegian adoption authorities the opportunity to investigate the contact before the adoptions were underway.

However, the Norwegian adoption authorities could have inferred that this cooperation had been established on the basis of the information in the individual cases for which they had granted authorisation; yet the committee has found no evidence to suggest that the Norwegian adoption authorities carried out independent investigations into these cooperation partners prior to the supervisory visit in the autumn of 1988, for example by contacting the embassy or one of the country's many human rights organisations.

As mentioned, Chile's former ambassador to the country (1975–1982) was listed as a reference for the first application for international contact in 1984. He was also consulted before Adopsjonsforum was granted general authorisation in December 1988, when he was back in the country for his second term as ambassador (1988–1992). This diplomat was deeply committed to the cause of the country's political prisoners and helped to get many hundreds of them out of the country. The diplomat pursued a strategy that has been described as 'quiet diplomacy'. In contrast to, for example, the Swedish ambassador – who, shortly after Pinochet came to power, was expelled from the country due to his strong opposition to the regime – the Norwegian ambassador worked to establish relations with the generals and leaders of the junta. In later interviews, the ambassador and the then Norwegian Minister of Foreign Affairs have stated that the ambassador did not mention human rights or use the term *'political prisoners'* in meetings with the junta, but rather offered to help them with difficult prisoners by sending them to Norway.[656] The strategy apparently worked well, but it also depended on the cases where these individuals were granted political asylum in Norway not attracting much attention or leading to vocal criticism of the regime.[657] This was in line with Norway's general policy during the dictatorship, which entailed continued trade cooperation and no official sanctions against the country. It is possible that this strategy meant that the public became less aware of the political and human rights situation in the country than they might otherwise have been.[658]

Another possible issue is whether the Norwegian foreign authorities may at some point have regarded a well-functioning adoption programme as a tool for fostering a certain degree of diplomatic relations with the regime – and, by extension, whether this might conceivably have influenced the handling of cases relating to political prisoners. The Committee has found no indications that such a strategic link was in fact established. However, historian Karen Alfaro Monsalve has described how, from 1978 onwards, adoptions were promoted by the Chilean military regime and used as part of the country's reputation-building efforts and as a foreign policy tool.[659] Given the regime's political use of adoptions in other countries' relations with Chile, it cannot be ruled out that the Norwegian adoption cooperation was also influenced by political considerations, even though this was not necessarily explicitly acknowledged by Norwegian actors at the time. The Committee has found no indications that the Norwegian authorities considered or were aware of the possibility of such a connection when they entered into adoption cooperation with the regime.

Irrespective of the question of any diplomatic considerations, there is also the question of what knowledge the Norwegian Foreign Service actually had regarding conditions in the Chilean regions.

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[656] Buggeland, T.G. (2010). *An unconventional approach to refugee work. Norway and the coup d'état in Chile in 1973* [Master's thesis in history]. University of Oslo, p. 89.

[657] Buggeland (2010). pp. 92–94.

[658] However, there was fairly extensive coverage of events in Chile in the Norwegian media. A search of the National Library's newspaper database shows that in the capital's press alone, there were between 800 and 1,100 articles mentioning Chile each year during the period 1979–1990. During the period 1979–1990, there was an annual average of approximately 70 articles mentioning Chile in connection with the term *'dictatorship'*.

[659] Alfaro Monsalve, K. (2021). pp. 19–20.

According to the National Social Appeals Board's report (see section 11.5.1), the Danish adoption authorities were informed in 1982 that Casa Nacional del Niño had a poor reputation – that is, two years before the Norwegian Embassy in Santiago endorsed the institution to the Norwegian adoption authorities (see section 11.7.2).

In February 1988, the Norwegian media reported on a UN report which claimed that the human rights situation in Chile had deteriorated significantly over the past year, partly as a result of new forms of repression and terror.[660] UN reports from 1987 and 1988 documented widespread and serious human rights violations.[661] The Committee has been unable to establish whether the Norwegian adoption authorities were aware of these reports or took them into account when processing applications for authorisation to act as intermediaries.

In 1988 and 1989, the Ministry of Justice was criticised for relying on too narrow a range of sources in its assessment of human rights violations in Chile. This occurred in connection with around two thousand Chileans seeking political asylum in Norway, but who were deemed not to be genuinely persecuted.[662] The Norwegian authorities based their decision on information from the Foreign Service, which in turn derived its assessments from certain human rights organisations in Chile. According to lawyers who travelled to Chile themselves, these organisations presented an incomplete picture.[663]

In a judgement by Oslo City Court in 1989, in which 13 asylum rejections were reviewed, reference was made to a 1987 Amnesty report. The report must be regarded as a contemporary and relevant source for assessing the situation in Chile at that time. Among other things, the report described how secret groups linked to the security forces operated with impunity, harassed and terrorised the civilian population, and created a general atmosphere of fear. Furthermore, it stated that '[t]he courts consistently failed to take into account evidence presented on behalf of victims of human rights abuses', and that judges, court officials and courts which in various ways opposed the regime received threats, had their cases transferred to military courts or had their rulings overturned by a higher court.

The judgement also cites testimony claiming that the leaders of the organisations used by the Norwegian foreign authorities as sources of information on the human rights situation in the country "had an inadequate understanding of the so-called 'dirty' persecution" (the random and terror-based kind), and that individuals subjected to abuse could find themselves in a more dangerous position by approaching the organisations than by refraining from doing so. It was also claimed that the organisations were not equally well represented in the various regions, and that many feared the organisations had been infiltrated by regime agents.[664]

Furthermore, the Swedish Commission of Inquiry's report indicates that, at the time when Adopsjonsforum began its work in Chile, there were serious concerns within Adoptionscentrum regarding the situation in Chile. A 1985 travel report from Adoptionscentrum states that an increasing number of people in Chile were 'making a lot of money' from Chilean children, including lawyers and doctors, and that social workers at the Casa Nacional del Niño were said to have carried out direct outreach work targeting pregnant women or women who had just

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660 *Vårt land*, 18 February 1988: 'New methods of terror in Chile'. https://urn.nb.no/URN:NBN:no-nb_digavis_vaart-land_null_null_19880218_45_41_1

661 Among others: UN General Assembly,93rd Plenary meeting, 7 December 1987, 42/147: 'Situation of human rights and fundamental freedoms in Chile'; UN Commission on Human Rights, Report on the 44thth session (1 February – 11 March 1988) 1988/78: 'Question of human rights in Chile'; UN General Assembly43rd session, 14 October 1988: 'Protection of human rights in Chile. Note by the Secretary-General'.

662 The case is discussed, amongst other places, on pp. 129–135 in Borgen, E. (1992). *Just a Dream: A Latin American Journey*. Cappelen.

663 *Dagbladet*, 14 November 1988. 'Asylum seekers' lives threatened in Chile', https://urn.nb.no/URN:NBN:no-nb_digavis_dag-bladet_null_null_19881114_120_265_1

664 Oslo City Court, 15 June 1989, case no. 1802/1988, no. 2108/1988, no. 2342/1988. The judgement is reported in *Aftenposten*, 17 June 1989, 'Only one in seven Chileans allowed to stay', and in *Dagbladet*, 17 June 1989, 'Court disagrees with Bøsterud'. The court overturned a refusal of asylum and indicated that, in the case in question, it did not consider the factual basis – as conveyed by the Norwegian Foreign Service – to be sufficiently clarified or adequately documented to justify a refusal of asylum.

born.[665] A 1989 travel report from Adoptionscentrum states that it was completely impossible to work on adoptions without employing expensive lawyers who worked ‘more or less skilfully’.[666] A 1990 travel report states that two of the judges with whom the Adoptionscentrum collaborated had resigned and ‘turned to adoption instead’. The author of the report believed that adoptions in Chile at that time ‘amounted to child trafficking’. (667) In the same year, Adoptionscentrum noted that adoptions from Chile were characterised by widespread corruption: ‘Everyone took money and children were a commodity. Even Sename accepted money’, and is said to have been ‘fully aware of how the child trafficking operated’. These concerns were relayed by Adoptionscentrum to the Swedish Embassy in Chile.[668]

The Committee has found no documentation to suggest that these concerns were communicated to Adopsjonsforum or the Norwegian adoption authorities, or that the Norwegian adoption or foreign affairs authorities sought further information from the Adoptionscentrum or the Swedish Foreign Service regarding their experiences beyond what is described in section 11.7.2.

In the Committee’s media search, we have also found further indications that the Norwegian authorities’ assessments of the situation in the country prior to entering into adoption cooperation were inadequate. One newspaper article in particular is of interest in relation to adoption arrangements from Chile during this period: an article in VG from August 1988 concerns a Chilean mother whose asylum application has been rejected and who fears deportation. She fears that her daughter, who was one year old at the time, would then be taken from her and put up for adoption because the child was born out of wedlock and this is not morally accepted in Chile.[669]

The Committee has found no evidence to suggest that information of this kind was taken into account by the Norwegian adoption authorities.

Finally, it may be added that the fact that SENAME, during the Norwegian adoption authorities’ visit to the country in October 1988, stated that the demand for children from Chile was enormous (see section 11.7.2) did not appear to have influenced the decision to grant a standard placement authorisation.

11.8.1.2 On assessments of practices relating to adoptions from Chile

As explained in sections 11.3 and 11.7.2, a key aspect of the first placement from Chile is that the Norwegian authorities permitted a practice which, at that time, was not in accordance with Chilean legislation on adoption. At least 15 children arrived in Norway before Act No. 18 703, which regulated international adoptions, came into force on 10 May 1988.

Although the Norwegian authorities were informed in 1979 (by the Swedish intermediary Adoptionscentrum) that the Chilean authorities accepted the practice of appointing guardians and granting exit permits, this is a circumstance which suggests that the Norwegian adoption authorities should have exercised particular diligence. The same applies to the country’s political situation as a military dictatorship, as well as information from the embassy regarding failings in the control system for adoptions and known examples of corrupt judges handling adoption cases.

A key question for the Norwegian adoption authorities before permission was granted for pilot cases was, as described in section 11.7.2, how these were to be carried out in practice. The Ministry of Justice categorically rejected the idea that the children could be granted Norwegian citizenship and then adopted (following the Danish model), given that Chile had its own adoption legislation. The Committee considers this to have been a sound assessment.

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[665] SOU 2025:61, vol. 2, pp. 184–185.

[666] SOU 2024:61, vol. 2, p. 211.

[667] SOU 2025:61, vol. 2, p. 211.

[668] SOU 2025:61, vol. 2, p. 184.

[669] VG, 23 August 1988: ‘Cyntia (1) is being deported from Norway’, https://urn.nb.no/URN:NBN:no-nb_digavis_verdens-gang_null_null_19880823_1_194_1

However, the Norwegian adoption authorities permitted the Swedish model involving the appointment of a guardian and the granting of an exit permit before authorisation was granted in Norway. The Committee has found no evidence that the Norwegian adoption authorities discussed or raised concerns about the fact that this practice was not in accordance with Chilean adoption law.

The Swedish Commission of Inquiry's report points out that it was the Adoptionscentrum and the Chilean Ministry of Justice which jointly developed this model for international adoptions, thereby facilitating the circumvention of the requirement for a two- to four-year probationary period before an adoption could be finalised, as required by Chilean adoption law. The Swedish commission describes this as a circumvention of the law in order to facilitate faster adoptions.[670]

During a meeting with the Chilean central authorities in October 2024, the committee was informed that it is not entirely clear whether the practice of guardianship and exit permits (prior to the law regulating this coming into force in 1988) was unlawful or not. Several stakeholders in Chile described the practice as a grey area, including a current judge at the court in Temuco whom the committee interviewed in December 2024. She believed there were grounds to criticise foreign authorities for having permitted a system of adoptions that did not comply with Chilean adoption legislation. She described the practice of appointing a guardian and granting an exit permit as irregular: prior to May 1988, it was not possible to appoint a guardian for this purpose, and that was not what the law was designed for. She also considered it a cause for concern in cases where the proceedings were conducted very quickly, and that this raised questions as to how Adop-sjonsforum's legal representative had come to know about the children. When the cases were resolved so quickly, the children must have been earmarked for a specific couple, perhaps even before birth, the judge argued, which in turn raises questions about the release process and whether the birth parents' consent was genuine.

One factor that may argue against the interpretation that the practice was a grey area is that the Act introduced in 1988 provided for a similar practice and can therefore be regarded as an implicit endorsement of the system that had existed, albeit with greater state control (see section 11.3).

11.8.1.3 Overall assessment of the initial phase

Overall, 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 it was a military dictatorship characterised by a significant degree of corruption, political oppression and serious violations of fundamental human rights.

The Norwegian authorities were in contact with Sweden and Denmark, which had deemed it justifiable to adopt children from that country. However, the Norwegian adoption authorities were nevertheless obliged to carry out a thorough and independent assessment. Chile was in an extraordinary situation characterised by widespread and documented violations of fundamental human rights, which, according to several contemporary sources, affected the judicial system in various and unpredictable ways. Furthermore, the Norwegian adoption authorities had information indicating that there were failings in the control system relating to adoptions, and that there were corrupt adoption judges; however, the Committee cannot see that this was investigated or assessed in any detail.

The Committee also considers that the assessments made of the Chilean adoption rules prior to the first authorisations (for pilot cases) being granted were inadequate: at that time, the Norwegian adoption authorities permitted a system for adoptions that did not comply with Chilean adoption legislation.

Furthermore, the Committee has documented that, although authorisation was granted in Norway and in accordance with Norwegian adoption law, the Norwegian adoption authorities did not process the cases in accordance with all the requirements of Norwegian adoption legislation, including the consent deadline (see sections 11.7.3 and 11.8.2).

In light of the information and indications that the Norwegian authorities had regarding problematic circumstances in Chile, and given that the process for intercountry adoption was outside the scope of Chilean adoption law—

[670] SOU 2025:61, vol. 2, sections 4.6.3 and 4.7.3.

the Norwegian authorities' handling of the first authorisations (for pilot cases) cannot be regarded as having met the requirement for a proper investigation of the case under Section 17 of the Public Administration Act.

The Committee further 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.

11.8.2 Was the Norwegian adoption authorities' supervision of the placement process and individual cases adequate?

There are several aspects of the placement process from Chile following its inception to which the Norwegian authorities should have responded.

As described in section 11.8.1, Adopsjonsforum did not inform the Norwegian adoption authorities that it had begun cooperating with the court in Temuco until the application of October 1987. However, this could be inferred from the information in the individual cases submitted to the State Adoption Office for approval from December 1986 onwards.[671]

In section 11.7.3, various characteristics and peculiarities of a selection of individual cases from the early period were reviewed. The Committee's assessment is that there are several circumstances to which the Norwegian adoption authorities should have reacted, or reacted differently, during the document review of individual cases.

As described, adoption authorisation was granted in Norway and in accordance with the Norwegian Adoption Act until 1999. The adoption case was to be processed in accordance with Norwegian law, cf. section 18, first paragraph, of the Adoption Act of 1986. In cases where the adoption is approved in Norway by the Norwegian authorities in accordance with Norwegian law, significantly stricter requirements are imposed on the Norwegian authorities' case handling than in cases where an adoption that has already been finalised abroad in accordance with the law of the country of origin is sought to be recognised in Norway (see Chapter 27).

Under Section 7 of the Adoption Act, consent from the parents, or in specific cases from a guardian, was required in order to proceed with the adoption. Furthermore, parents could not give their consent to adoption until two months after the child's birth, cf. Section 7, second paragraph.

As described in section 11.7.3, the Committee has found that the Norwegian adoption authorities disregarded the requirement in the Norwegian Adoption Act that two months must elapse from the birth before parental consent could be given. This requirement was clearly not met in many cases, where the Chilean court decision documenting the consent is dated earlier than two months after the birth.

The issue is referred to in an internal 'note' on a Post-it note in one of these individual cases (see section 11.7.3). In it, the head of the Norwegian Adoption Agency writes that the Norwegian authorities had to disregard the fact that Chilean law and Norwegian law are not entirely consistent, since the decision in Norway is based on 'a Chilean release (and, in fact, also an adoption)'.

It is, to a certain extent, understandable that, in practice, it could be problematic for the Norwegian authorities to apply the consent requirements of the Norwegian Adoption Act when a court in Chile had made a decision on the appointment of a guardian and departure for the purpose of adoption, and the child would already be in Norway with their new family at the time the case was being considered.

In the preparatory work for the Adoption Act of 1986, it was discussed whether the condition that consent to adoption may not be given until two months after birth should apply in international adoption cases.[672] In the preceding consultation, Verdens Barn had argued that this requirement should not apply in international

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[671] As described in section 6.4, the authority to grant adoption authorisation under section 17 was transferred to SAK by Royal Decree 5. December 1986 to SAK.

[672] See Parliamentary Bill No. 40 (1984–85), section 3.9.3.

Adoption Forum and the Council for International Adoptions did not oppose the proposal, but pointed out that the condition would in practice be impossible to verify in the case of international adoptions. The Ministry of Justice, however, upheld the proposal and stated that it would 'in principle' also apply to international adoptions. Furthermore, the Ministry wrote that '[t]he fact that, in practice, it may be difficult to verify the requirement with any certainty in the case of international adoptions must be accepted'.

Both the wording of the Act and the preparatory works provide clear guidance that the consent requirement in the Norwegian Adoption Act of 1986 also applied to international adoption cases decided in Norway. It is certainly true that in some cases it may have been difficult to verify the requirement, but this did not apply to the cases in question from Chile, where it was clear from the documents submitted that consent had been given within two months of the child's birth. When processing the cases in question, the State Adoption Office should therefore have ensured that new consents were obtained which had been given more than two months after the birth.

It is clear that the authorities would have found themselves in a difficult situation if they had not received a new consent form that met the requirements of the law, and the child was already living in Norway with new parents. Such problems could, however, have been prevented by communicating the Norwegian requirement to the intermediary and to the Chilean authorities and courts.

In the Committee's view, the Norwegian adoption authorities' failure to enforce the requirements of the Norwegian Adoption Act when making adoption decisions was particularly reprehensible. At a systemic level, this represents a serious failure: the situation could and should have been avoided had the applicable regulations been complied with due diligence. The Committee has found no evidence of proper risk assessments relating to this practice. Such a lack of risk awareness must also be viewed in the light of Norway's obligations under international law, including the UN Convention on the Rights of the Child, which Norway ratified in 1991, whose fundamental principles – such as the best interests of the child (Article 3) and the right to protection against unlawful separation from one's parents (Article 9) – were already recognised as legal standards during the period in question.

The Committee would further point out that the Norwegian adoption authorities had limited scope to assess independently whether the requirements of the Norwegian Adoption Act had been met – for example, regarding consent from the person or persons with parental responsibility (Section 7) – as the court decisions sent to Norway lacked supporting documentation. The Committee's investigations suggest that it was not standard practice for the Norwegian authorities to request such supporting documents in adoption cases from any country, but this should have been done in order to ensure a sound basis for decision-making where the decision on adoption was taken in Norway.

The Committee also considers it reprehensible that contradictions in the documents were not addressed or investigated further. Nor was it assessed whether all the required procedures prior to the appointment of a guardian and the granting of an exit permit in Chile (such as the requirement that parents be notified when an application for the child's adoption was made) had been carried out. The fact that the Norwegian adoption authorities did not have an accessible translation of the Chilean adoption legislation or other relevant legislation until 1998 illustrates the lack of oversight to ensure that the adoption process was carried out correctly.

The Committee further considers that the Norwegian adoption authorities should have reacted to the fact that the adoptions from the beginning of 1986 until the summer of 1992 were arranged through a lawyer who worked more or less alone in Chile.[673] The lawyer himself (or with the help of a social worker employed by him) identified children who could be adopted, and was paid per adoption. Furthermore, he worked almost exclusively on adoptions from Temuco, where, according to Adopsjonsforum (in an application for approval dated 15 October 1987), he had a 'direct connection' to one particular judge. Nor did the fact that the lawyer himself, on at least one occasion, applied to the court to 'have minors declared to be in a state of abandonment' (a case from 1990) prompt any reaction from the Norwegian adoption authorities, for example in the form of

[673] He had a social worker working under him in Santiago for a period from 1987.

further enquiries as to how the legal representative became aware of the child and the child's situation. This is something Norwegian adoption authorities should have been concerned about, given that the scandal involving lawyer Moncayo from Ecuador came to light in Norway in January 1989 and the Norwegian authorities devoted considerable resources to following up the case (see Chapter 14).

The Committee has found no evidence that such assessments were carried out or raised as an issue.

The Committee also finds it striking that the often disparaging characterisation of the children's biological families in the court rulings, and the often very rapid processing of cases, did not prompt the Norwegian adoption authorities to carry out more detailed investigations, for example into the relinquishment process or the children's family backgrounds. Nor was any question raised as to the fact that, in some cases, the child's birth certificate had been issued *after* the court decision appointing a guardian.

Added to this is the fact that Chile was a military dictatorship until 1990. However, even after 1990, cases regularly emerged in the Chilean media concerning scandals linked to international adoption arrangements – information which also reached the Norwegian adoption authorities. Given all these circumstances, the Norwegian authorities should have requested more documentation in individual cases than the Committee's review of the cases indicates was done.

Nor has the Committee found any evidence that the Norwegian adoption authorities assessed the legal representative's fee of 1,000 USD per case in 1987.[674]

The Committee is also critical of the fact that, in 1994, the Norwegian adoption authorities demonstrated little knowledge of what the foreign contact in Chile actually did, and that the contact was nevertheless approved without, as far as the Committee can see, any further information being requested (see section 11.7.4.2).

Overall, the Committee considers that the Norwegian adoption authorities' ongoing supervision of the placement process from Chile had significant shortcomings, particularly in the document checks carried out before adoption authorisation was granted.
The Committee considers that a particular responsibility rested with the Norwegian adoption authorities to check the documents when they themselves granted authorisation, and when they chose to authorise adoption cooperation with a military dictatorship.

11.8.3 Did Adopsjonsforum act responsibly in connection with the adoption placements from Chile?

As described in section 11.7, there were several matters about which Adoption Forum failed to inform the Norwegian adoption authorities, or on which they provided directly misleading information.

During Adoption Forum's working visit to Chile in 1991, the staff gained the impression that corruption within SENAME was widespread and pervasive, but they failed to disclose this in their application for a renewed placement licence in 1992.[675]

In the 1992 application, Adopsjonsforum acknowledged the fundamental problem of a single lawyer identifying children and handling the cases, but they emphasised that the children had been 'cleared for adoption before Adopsjonsforum's re-

[674] Stakeholders interviewed by the committee during its field visit to Chile in October 2024 considered the amount to be high. Compared with the national minimum wage, which according to one source stood at 640 Norwegian kroner per month in Chile in 1992 (Borgen, 1992, p. 254), the fee appears high, but wage disparities were probably significant. The report from the Swiss investigation into adoption archives (see section 11.5.3) states that Swiss adoption applicants paid 800 USD per case to their Chilean lawyer in the late 1970s. If the lawyer had to locate the child herself, she charged 2,000 USD. However, the fact that other prospective adoptive parents and intermediaries paid the same or more is not a sufficient argument to suggest that the fee was not too high.

[675] When asked by the Committee during interviews with the then foreign liaison officer and the then country liaison officer, respectively, what this corruption consisted of, they could not recall having written this, and they also believed that the description was incorrect.

'a representative has come into the picture'. As described in sections 11.7.3 and 11.8.2, the Committee has found examples to the contrary.

As described in section 11.7.4, from 1992 onwards, Adopsjonsforum's management in Norway was kept regularly informed of certain matters considered problematic in relation to the organisation's legal representative in the country – including a loan and a travel advance he provided to the judge in Temuco, from whom Adopsjonsforum received the majority of its first 100 placements in Chile.

The Committee has asked the legal representative who provided the loan and the travel advance, as well as the two individuals who served as Adopsjonsforum's foreign contact in Chile and Adopsjonsforum's country contact respectively during this period, for further information regarding the loan and the advance, but all stated that they did not recall the matters. Extensive searches of Adopsjonsforum's archives have not yielded any further information regarding the amount involved or other circumstances surrounding it.

The Committee considers that a loan from Adoption Forum (via a lawyer who stands to gain financially from the allocation of children) to a judge who was both responsible for declaring children eligible for adoption and for deciding which parents the child should be allocated to created a significant risk of corruption in the adoption process and that financial considerations could take precedence over the best interests of the child. Furthermore, this created an increased risk that the requirements for informed consent and the principle of subsidiarity might be breached.

The Committee has not found any documentation showing whether the loan and the travel advance were repaid. Nor, as far as the Committee can ascertain, were the Norwegian adoption authorities informed about the loan and the travel advance, as the Committee believes Adopsjonsforum should have done. The legal representative continued to handle a small number of cases for Adopsjonsforum until 2002, and possibly for some time thereafter.[676]

The Committee is critical of the fact that Adopsjonsforum allowed a lawyer whose remuneration was directly dependent on the number of adoptions completed to operate so apparently independently during the period 1986–1992. In light of the scandal involving lawyer Moncayo in Ecuador (who was arrested in 1989, and where Adopsjonsforum publicly acknowledged the vulnerabilities of this system[677]), Adopsjonsforum should have changed the way it carried out adoptions in Chile during this period.

It is also the Committee's assessment that Adopsjonsforum's cooperation with the judge in Temuco is, on the whole, open to criticism. Basing adoption cooperation to a large extent on a single judge entailed a high degree of dependence on that individual, undermined the guarantees of neutral and verifiable case handling, and increased the risk of arbitrariness, informal networks and, in the worst case, corruption. The model itself entailed significant weaknesses in terms of legal certainty and lacked the necessary institutional safeguards for sound and verifiable adoption placement.

The Committee further considers that the offer made to FALF in 1994 was open to criticism. As described in section 11.7.4, Adoption Forum proposed a grant of 2,500 USD per month to this institution, and Adoption Forum's assessment was that this grant could be justified if the institution referred 12–15 children to Adoption Forum annually. The Committee considers that this created a system in which there was a risk that the institution would become financially dependent on placing children for adoption – that financial considerations might take precedence over the best interests of the child – and that the requirements for informed consent and the principle of subsidiarity might have been breached. The fact that the offer was withdrawn when FALF refused to take over the care of the 800 children clearly shows that this was not a humanitarian project that was independent of the number of adoptions.

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676 In AF's application for a renewed placement licence dated 27 September 2002, they stated that the lawyer received 2,000 USD per case. He is not mentioned in the 2005 application.

677 NRK Radio, 4 February 1989. 'Adoption agencies in Norway may have arranged the adoption of children sold on the streets'. https://urn.nb.no/URN:NBN:no-nb_dra_1990-06036P, head of Adoption Forum's secretariat, stated in the interview that Adoption Forum would probably "never again, in any country, work with lawyers who themselves seek out children for adoption".

The Committee also notes that Adoption Forum Norway allowed its foreign contacts in Chile to operate very independently, even after 1992, and that Adoption Forum Norway had little control over the work being carried out. It is reprehensible that Adopsjonsforum Norge failed to ensure it had a sound understanding of the release process in Chile, and that, as far as the Committee can ascertain, the organisation neither reacted to nor reported to the Norwegian adoption authorities that, in one instance, the foreign contact had acted in a clearly unethical manner in order to expedite the declaration of abandonment (see section 11.7.4.3).

Overall, the Committee considers that Adopsjonsforum acted in a manner open to criticism and exercised poor judgement by proposing or accepting several arrangements involving obvious risks of unlawful and/or irregular adoptions.

11.8.4 What evidence is there of illegal or unethical practices in connection with adoptions from Chile to Norway?

As described in sections 11.4 and 11.5, several investigations have been carried out into adoptions in Chile, covering both adoptions during the military dictatorship and subsequent adoptions. The parliamentary inquiry shows that there is now a cross-party consensus that profit-driven networks existed which, in various ways, removed children from their mothers and arranged for them to be placed abroad. All the public officials the committee spoke to during its visit to Chile also accepted these conclusions as correct, with the exception of the criminal investigation team, which did not wish to comment on this matter until their work was complete. However, the indictment issued in 2025 was based on the same facts (see section 11.4.1.2).

The findings of the Chilean investigations support the view that many illegal adoptions took place, and that the illegal acts could have been extremely serious. The most common illegal scenario described was that the child was taken from the mother at birth, whilst the mother was told that the child had been stillborn.

The Committee's investigations give reason to believe that such adoptions may also have taken place to Norway.

Apart from the loan to the judge in Temuco and a relatively high flat-rate fee paid to Adopsjonsforum's legal representative, the Committee has no basis for assessing the extent to which profit was a significant motive in the arrangements from Chile to Norway. However, there are several factors suggesting that ideological, including eugenic, motives may have played a significant role and created a risk of errors, illegalities and criminal offences in connection with adoptions to Norway.

As described, the children adopted from Temuco were mainly infants of indigenous descent. Indigenous groups in Chile, as in many other places, have been subjected to discrimination and persecution, and there is reason to believe that the authorities' attitudes towards indigenous peoples were particularly negative during the dictatorship.

Among other things, Chileadoptions.se has sent the committee classified documents from the Chilean military junta dating from 1974, which refer to a meeting of *the Junta de Gobierno* concerning the problem of 'minors in irregular situations'. This is described here as an 'extraordinarily serious problem' affecting 650,000 young people. It further states that of these 650,000, 65,000 came from the 'animal layer' (*la capa animal*) of the population. These are described as young people without access to education or healthcare. Their parents were 'just like the children, or worse', yet continued to have children who 'fortunately or unfortunately' survived the infant mortality stage. It goes on to state that 'these children, who live in subhuman conditions, are veritable little animals [who] often do not understand our language or our customs', and that this leads to juvenile delinquency and is 'a breeding ground for Marxism'. Comprehensive widespread institutionalisation was presented as the solution.[678] From 1978, adoptions were promoted as part of Chile's national child welfare plan (see section 11.4.1.1).

Historian Karen Alfaro Monsalve has on several occasions emphasised the importance of the ideological motive behind the actions linked to the irregular and illegal adoptions in Chile.[679] In conversation with the committee, she referred to interviews she had conducted with social workers who were part of the adoption networks and who believed they were doing 'something heroic for the regime' and something good, but where good intentions were often intertwined with racism and prejudice.

Adoptions to Norway, both during the military dictatorship and afterwards, were facilitated through the country's children's and youth courts. A key question is therefore to what extent the courts and the judicial system in Chile were independent, or to what extent and in what ways they were influenced by circumstances and policies pursued under the dictatorship.

The person who served as Adopsjonsforum's international liaison in 1984, country representative from 1985 to 1992, and subsequently as international liaison from 1992 onwards, was, as mentioned, a Chilean lawyer whose husband had been imprisoned during the military dictatorship. This lawyer believed that the legal system in Chile functioned as before, despite the dictatorship.[680] This was also Adopsjonsforum's view in the 1980s, and the Norwegian Embassy in Santiago also endorsed the court in Santiago.

More recent research on the subject has nuanced this understanding. Among other things, arguments have been put forward that institutional factors – both structural and ideological – within the Chilean judicial system meant that, during the dictatorship, judges generally reinforced and legitimised the authoritarian policies pursued under Pinochet. In principle, judges were trained to be apolitical. However, it has been argued that the hierarchical system, in which a judge's career is determined by their superiors within the system, meant that it was safer to toe the line set by one's superiors. The Chilean Supreme Court was largely supportive of Pinochet, and this support continued even after 1990.[681]

Beyond such institutional circumstances, the judge in Temuco, according to information received by the Committee, had several connections to key figures in the military dictatorship. Among other things, she is said to have worked as a legal adviser to CORDAM, an institution that ran various initiatives and programmes for children, and which was led by the wife of General Mendoza, a member of the military junta. Furthermore, Pinochet's wife, Lucia Hiriart de Pinochet, was responsible for a dozen or so institutions working with children and child welfare, such as children's homes, nurseries and infant homes, and centres for malnourished children, such as CONIN. All these institutions were controlled by civil-military bodies, and the wives of high-ranking military officers often worked there as volunteers. According to historian Karen Alfaro Monsalve, these places served two purposes: they were instrumental in removing children from parents deemed unfit, and, as they were organised as private foundations, they could also receive donations.

If one compares this information with the details of individual cases, particularly those from Temuco between 1987 and 1995 – which contain derogatory descriptions of poor mothers of indigenous background – the Committee considers it likely that the judge in Temuco wholly or partly shared some of the military regime's prejudices against indigenous peoples and the notion that adoption could be a solution to this 'problem'.

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678 Republic of Chile, Governing Junta, Minutes No. 112.a, 15 April 1974, 'Secret Session to discuss the following matters: a) Minors in an irregular situation'. Statements by the Minister of Justice and the Vice-President of the National Council for Minors (Consejo Nacional de Menores).

679 Statements by Professor Karen Alfaro Monsalve reproduced in the report of the Chilean parliamentary commission of inquiry (Danish translation), 2019, pp. 65–68.

680 Interview conducted during the Committee's field visit to Chile, October 2024.

681 Hilbink, L. (2007). Judges beyond politics in democracy and dictatorship: lessons from Chile (1st ed.). Cambridge University Press.

As described by the Chilean Investigative Police (PDI), researchers and in various Chilean media articles on irregular and illegal adoptions, the most prominent common feature in situations where mothers were deprived of their children in various ways is that the women were very young, unmarried, poor and otherwise in vulnerable situations. They might have been victims of abuse, had no family to support them, or worked far away from their families. Some were also illiterate.[682] As described, from the late 1970s onwards there were specific guidelines on how social workers should proceed in order to persuade such women to give up their children.[683] Karen Alfaro Monsalve, who has spoken to over a hundred women in such situations, acknowledged that there are also examples of mothers who gave their children up for adoption out of love, and out of a desire to give them a better life. In other cases, the women are said to have been deceived, manipulated, misled, pressured, threatened or lied to. [684]

As described, Adopsjonsforum's legal representative worked more or less alone in Chile from 1986 to 1992, and was remunerated on the basis of the number of adoptions. The Swedish inquiry commission states that the Swedish agency felt it was being given lower priority in the allocation of cases when Adopsjonsforum's legal representative began working in Temuco.[685] Adoptionscentrum's representative in Chile suspected that this was no coincidence, but that it was because Adopsjonsforum's legal representative was currying favour with the judge in various ways.[686]

If one compares this information with the details of the individual cases investigated by the committee – involving undocumented consents, internal contradictions within the documents (such as the child being registered at birth with unknown or absent parents, even though it is clear that the mother registered the child or applied for protective measures for her unborn child and confirmed her wish after the birth) and processes that in some cases proceeded very rapidly – the Committee considers that the risk of errors or illegalities in adoptions from Temuco during the period 1986–1995 is high. 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.

The Committee is aware that Adoption Forum's legal representative, Adoption Forum's foreign contact from 1992 and the judge in Temuco have been questioned in connection with the criminal investigation in Chile. The Committee has, via Chileadoptions.se, been sent transcripts of an interview with the judge. In it, she claimed that she had never done anything wrong. She was also confronted with allegations of a high standard of living and funds amounting to 185 million pesos (currently just over 2 million Norwegian kroner) which were said to have been deposited into an account over which she had control. She denied this and claimed that she only received donations from abroad in 'relatively small amounts' which went towards 'aid programmes administered by the court'. The judge from Temuco died in 2023.

11.8.4.1 On the extent of potentially problematic adoptions to Norway

As mentioned, there were around one hundred adoptions from Temuco to Norway during the period 1987–1995. The Committee has no basis for concluding that there are errors in all of these adoptions, but considers the risk of errors to be high.

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[682] The Parliamentary Commission of Inquiry's report (Danish translation), 2019; Policía de Investigaciones de Chile, 2018, 'Agrupación sustracción de menores y adopciones ilegales. Causa rol 1044-2018'. Adoptions are mentioned in several news articles, including on the following summary page: https://interferencia.cl/casos/adopciones-ilegales-de-ninos-chilenos-en-dictadura-de-pinochet

[683] The Parliamentary Commission of Inquiry's report (Danish translation), 2019, p. 65.

[684] Information provided to the committee during a field visit to Chile in October 2024.

[685] SOU 2025:61, vol. 2, p. 172.

[686] SOU 2025:61, vol. 2, p. 212.

Furthermore, between twelve and twenty adoptions from Chile to Norway took place before the Act regulating international adoptions came into force on 10 May 1988. Several stakeholders in Chile considered these to be in a legal grey area.

The Committee has received confirmation that a small number of adoptions to Norway are included in the criminal investigation, and that 75 per cent of the 'Norwegian' cases originate from Temuco.

The Committee is aware of three cases in which people adopted from Chile to Norway have been reunited with their birth families. In one case, the birth mother, who was a minor at the time, claims that she was forced by her own mother to give the child up for adoption. In the second case, the adoptee was given the impression that the mother, who had been a minor and could neither read nor write, had not fully understood what was happening (neither the pregnancy, the birth nor the adoption), and that the decision regarding the adoption had mainly rested with the adoptee's maternal grandfather in the birth family. In the third case, the birth mother has stated that the pregnancy was the result of an assault, that she was forced to undergo a caesarean section whilst blindfolded, and that the child was then taken from her before she was allowed to see it. She was subsequently told that the child had been stillborn.[687] All three cases are from Temuco and the surrounding area.

The Committee has examined the documents in the latter case, and the court ruling refers to the following annexes:

- an annex concerning a mother who is said to have presented herself whilst pregnant and declared that she was seeking protective measures for her unborn child
- a report from the hospital to the court stating that a child had been born and that an order was immediately given for the child to be handed over to the foster care centre
- documentation showing that a court was sent to the hospital to question the mother, who stated that she confirmed the statement she had previously made
- a social services report on the child's mother and family
- a report stating that it is not possible to place the child with any of the Chilean couples on the waiting list due to the child's Araucanian origins
- an annex showing that the child has been entered in the civil register as the 'illegitimate daughter of parents who did not appear in court'.

None of these documents were included with the court decision when it was sent to Norway. The case is signed by an associate judge at the Children's and Youth Court in Temuco.

In its overall assessment, the committee considers that the risk of errors and irregularities in adoptions from Temuco up to 1999 was high. The risk is considered to have been greatest during the period 1987–1995.

Adoptions from other parts of the country are also associated with a risk of errors and irregularities, particularly in the period up to 1999.

The Committee has identified one adoption to Norway in which the child is alleged to have been taken from the mother at birth on the grounds that it was stillborn. During its field visit to Chile, the Committee heard several credible witness accounts of such cases that were heard in the court in Temuco and decided by the judge with whom Adopsjonsforum collaborated. In the Committee's view, there is therefore a significant risk that further adoptions may have taken place to Norway as a result of criminal acts in Chile.

It is also the Committee's assessment that there is a high risk that children have been adopted to Norway as a result of other processes that did not ensure free and informed consent from the birth parents. This may, amongst other things, have occurred through persuasion, pressure or misrepresentation by public officials. The risk is considered to be greatest in the period up to 1999.

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[687] The Committee is aware of these cases through, respectively, a Norwegian television programme (2021), an interview with an adoptee (2024) and an article in a Norwegian local newspaper (2022).

11.9 Summary

The Committee's investigations have focused on the early stages of adoptions from Chile and on the period up to Chile's adoption of a new adoption law in 1999, with particular emphasis on the period 1985–1995.

The Committee's mandate is to examine adoptions at a systemic level, including by assessing how the Norwegian authorities have carried out control and supervision, how the handling of individual cases has been organised, how reports of matters requiring follow-up have been dealt with, and what assessments and measures have been taken.

In the following, the Committee summarises key errors, shortcomings and risk factors that have been identified in the adoption cooperation with Chile, involving both Chilean and Norwegian actors:

- 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 placements from 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 showed poor judgement by proposing or accepting several arrangements that carried obvious risks of unlawful 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 pretence 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 connection with 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.

12 Colombia

12.1 Introduction

A total of 4,096 adoptions were arranged from Colombia to Norway between 1972 and 2025. In Norway, only the adoption agency Adopsjonsforum has held a licence to arrange adoptions from Colombia. Adopsjonsforum was granted the licence by the Ministry of Social Affairs on 19 May 1978, but states that it arranged 153 adoptions from Colombia from 1972 up to and including 1978.[688] The placements arranged by the organisation through its information activities in the 1970s were, from the Norwegian authorities' perspective, a known and apparently tolerated practice.[689]

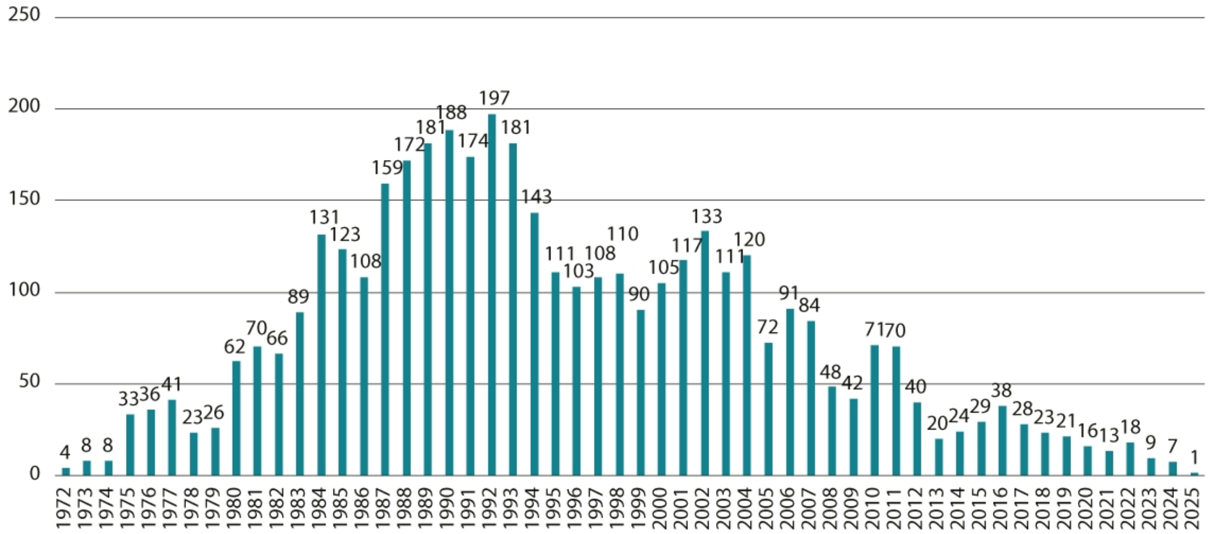

Figure 12.1 Adoptions arranged from Colombia to Norway 1972–2025

See Table 12.2 for a more detailed overview of adoptions arranged from Colombia.

Historically, the adoption system in Colombia has been (and still is) divided between adoptions processed through the state child and family welfare service, the Instituto Colombiano de Bienestar Familiar (ICBF), and adoptions processed through private agencies with special authorisation from the Colombian authorities to carry out adoptions.[690] There have been no adoptions to Norway from any of the private agencies since 2006 (see section 12.7.4).

12.2 Scope

This country chapter will examine adoptions from Colombia to Norway from the early 1970s to the present day. The main focus will be on the period 1990–2006. The Committee's work is primarily retrospective, and it is not the Committee's task to assess whether current adoptions from Colombia should continue. It is the responsibility of Bufdir, and where appropriate the Ministry, to assess the individual ongoing country-

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[688] Member magazine Adopsjonsforum No. 3/1995.

[689] See sections 7.5.2 and 25.3.1.

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

licences in accordance with the provisions of the Adoption Act.[691] The majority of the Committee's investigations have focused on the period up to 2006, with more limited examinations of the current system, including in connection with the Committee's field visits (see section 12.6). This chapter deals with adoptions arranged both through the ICBF and private agencies, but greater emphasis is placed on the latter due to specific circumstances relating to placements arranged through private agencies. The chapter is limited to adoptions arranged through adoption agencies.

In the following, general, relevant information about the country will first be presented. This is followed by an overview of the Colombian legal system today and the adoption procedure, both historically and at present. Next comes an account of the development of Norwegian adoption placements from the country, with particular emphasis on placements through private agencies. The Committee's assessment of specific matters is included in the account (see sections 12.7.1.2, 12.7.2.2, 12.7.3.5, 12.7.4.4 and 12.7.4.6). Finally, there is a summary and overall assessment of the findings (see sections 12.8 and 12.9).

12.3 General information

Colombia is one of Latin America's most populous countries, with approximately 52 million inhabitants (2023).[692] Approximately 92 per cent belong to the Catholic Church, and the official language is Spanish. The country is a democratic republic divided into 32 administrative departments and the capital district.[693]

Colombia has been deeply marked by internal conflicts and fifty years of civil war (1966–2016) between the authorities, paramilitary groups and rebel groups critical of the government. At times, the country has had the highest rate of violence in the world, and for long periods human rights have been poorly protected.[694]

According to the World Bank, 39.3 per cent of the population lives below the poverty line. Colombia is also one of the countries with the highest levels of inequality in the distribution of land and economic resources.[695] In 2021, Colombia had approximately 8 million internally displaced persons.[696] Colombia also has a significant population of refugees from Venezuela (2.9 million in October 2022).[697] In addition to structural poverty, armed conflicts and internal displacement, the country is vulnerable to natural disasters, such as hurricanes, floods, landslides, earthquakes and volcanic eruptions.

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[691] In Bufdir's decisions of 4 June 2024 and 30 December 2025 regarding the review of the placement authorisation for Colombia, the authorisation was upheld (see section 12.11). However, the Committee's terms of reference stipulate that the Committee must report to the Ministry and Bufdir if we encounter serious circumstances indicating that adoptions from a country should be suspended immediately. The Committee's work has not revealed anything that has given rise to any such report to the Ministry.

[692] UN 2024, World Population Prospects: https://population.un.org/wpp/

[693] García-Godos, J. (2005–2007). Colombia. In *Store norske leksikon*. Retrieved 7 March 2024 from https://snl.no/Colombia.

[694] García-Godos, J. *The Contemporary History of Colombia.* In *Store norske leksikon*. Retrieved 16 December 2024 from https://snl.no/Co-lombias_samtidshistorie; United Nations High Commissioner for Human Rights & the Office of the High Commissioner and the Secretary-General. (2024). *Situation of human rights in Colombia.*

[695] World Bank 2023, Poverty & Equity Brief Colombia: https://databankfiles.worldbank.org/public/ddpext_down-load/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/current/Global_POVEQ_COL.pdf

[696] Landinfo 2021, 'The conflict that never ended'. Plan Angel's 2022 report (*Report on irregular intercountry adoptions of Colombian children linked to the armed conflict*, pp. 8–9) highlights in particular that internal (forced) displacement is associated with a worsening of a number of conditions that may affect the field of adoption: an increase in sexual violence and early pregnancy, a rise in the number of orphaned children, family disintegration and the weakening of family ties, increased poverty and marginalisation.

[697] Rossiasco P. & de Narváez, P. (2023). Adapting public policies in response to an unprecedented influx of refugees and migrants: Colombia case study of migration from Venezuela (Background paper to the World Development Report 2023: Migrants, Refugees, and Societies). https://thedocs.world-bank.org/en/doc/7277e925bdaa64d6355c42c897721299-0050062023/original/WDR-Colombia-Case-Study-FORMAT-TED.pdf

In 2024, Transparency International's Corruption Perceptions Index ranked Colombia 92nd out of a total of 180 countries, with a score of 39 out of 100 (where 0 indicates 'highly corrupt').[698] By comparison, Norway ranks 5th with a score of 81. In 1995, the first year the index was compiled, Colombia's score was 3.44 (out of 10).[699] In 2000, it stood at 3.2 (out of 10),[700] and in 2012, it stood at 36 (out of 100). Transparency International highlights the need for greater transparency in the country's political system, greater independence for regulatory bodies and the judicial system, and protection for whistleblowers.[701] A report by the World Justice Project highlights a particular problem with public officials in the legislature who use their position for private gain.[702] In RSF's 2025 World Press Freedom Index, Colombia ranked 115th out of 180 countries.[703]

In 2022, the birth rate in Colombia stood at 1.7 births per woman. In 1972, it stood at 4.9, and has fallen steadily since then.[704] Prior to 2006, there was a total ban on abortion in the country, and any attempt to terminate a pregnancy was a criminal offence, punishable by up to three years' imprisonment for both the mother and the doctor.[705] In 2006, the total ban was deemed unconstitutional,[706] and abortion was permitted under specific circumstances. In 2022, abortion was permitted up to the 24th week of pregnancy without any specific reason.[707]

Norway is represented in Colombia by its embassy in Bogotá, and diplomatic relations with the country date back to 1935.[708] From 1912 to 1960, Norway was represented by a consul. From 1961, the mission was converted into an embassy.[709] From 1968 to 2000, Norway's diplomatic presence was maintained through other embassies in the region, such as in Caracas, and via a Royal Consulate-General in Bogotá. In 2001, a Norwegian embassy was re-established in the country and has been in operation ever since, with the exception of approximately one year around 2011. In 2012, it was reopened when Norwegian diplomacy played a central role in the peace process between the Colombian government and the FARC, which led to the peace agreement signed in 2016.[710]

12.4 Adoptions from Colombia – an overview

Colombia has been one of the largest countries of origin for international adoption worldwide. From 1980 to 1989, it was the third largest country of origin globally. From 1980 to 1989, it was re-

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698 Transparency International 2024, *Colombia:* www.transparency.org/en/countries/colombia

699 On a scale of 0 to 10, where 10 is the best. Source: Transparency International 1995: https://www.transpa-rency.org/en/cpi/1995

700 On a scale of 0 to 10, where 10 is the best. Source: Transparency International 2000: https://www.transpa-rency.org/en/press/transparency-international-releases-the-year-2000-corruption-perceptions-in

701 Transparency International 2023, 'CPI 2022 for the Americas': https://www.transparency.org/en/news/cpi-2022-americas-corruption-criminal-networks-human-rights-abuses

702 World Justice Project 2023, Colombia: https://worldjusticeproject.org/rule-of-law-index/country/2023/Colombia/

703 Reporters Without Borders 2025: https://rsf.org/en/index

704 It stood at 3.9 in 1980, 3.1 in 1990, 2.6 in 2000 and 2 in 2010. Source: World Bank 2023: Fertility rate, total (births per woman) – Colombia: https://genderdata.worldbank.org/en/indicator/sp-dyn-tfrt-in

705 NRK, 22 February 2022, 'Colombia legalises abortion'.

706 Judgment of the Constitutional Court, C-355/2006.

707 Judgment of the Constitutional Court, C-055/2022.

708 Ministry of Foreign Affairs (n.d.). *Norway's establishment of diplomatic relations with foreign states*: https://www.regjeringen.no/global-assets/departementene/ud/vedlegg/protokoll/diplomatiske_forbindelser.pdf

709 Ministry of Foreign Affairs (n.d.). *Overview of Norwegian embassies, consulates, liaison offices, etc. in the years 1906–2001*: https://www.re-gjeringen.no/globalassets/departementene/ud/vedlegg/utestasjoner/stasjoner_b.pdf

710 Verbal information from the Embassy in Bogotá, subject to some inaccuracies regarding exact years.

An average of 1,484 international adoptions from the country took place each year. Furthermore, in 1989, Colombia was the country with the third-highest level of international adoptions relative to the number of births. In 1998, it was the country with the seventh-highest level.[711] During parts of the 1990s and the period 2003–2019, it was the fifth-largest country of origin. From 2010 to 2015, there was a marked decline in international adoptions from the country, from 1,815 to 522.[712] Over the last ten years, there have been more domestic adoptions than international adoptions from Colombia.[713]

12.4.1 The background to international adoptions from Colombia

After the Second World War, the country experienced population growth that led to extensive migration into the cities and a growing impoverished urban population. By 1965, half the population lived in towns and cities, and over 30 per cent of the population were under the age of 25.[714] Researchers in the field have pointed out that rising poverty, a lack of urban infrastructure, illegal abortions, 'illegitimate' children, abandoned children and street children were regarded as major social problems.[715] They describe how the state's solutions included improved population control, including through publicly funded contraception programmes. The Catholic Church, however, believed that family planning and the maintenance of a social and moral order were the Church's responsibility, not the state's. The Church engaged with the issue by emphasising the moral significance of parental responsibility. This discourse was taken up by the state, and, combined with global shifts in attitudes towards children, childhood and children's right to protection, this formed the basis for the state's distinction between responsible and irresponsible parents.[716] It was within this political and cultural context that the state child and family welfare service, the Instituto Colombiano de Bienestar Familiar (ICBF) – which has roughly the same functions as the Norwegian Child Welfare Services – was established in 1968.[717]

According to several of these researchers[718] the number of international adoptions from Colombia increased within a social, religious and political landscape in which adoption was viewed as a desirable alternative to practices such as (illegal) abortions and the use of contraception, as well as a solution to social problems (such as abandoned children, street children and children who were victims of irresponsible parents).

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[711] Selman, P. (2002). Intercountry adoption in the new millennium: the 'quiet migration' revisited. *Population Research and Policy Review,* 21, 205–225, pp. 216, 218.

[712] Selman, P. (2023). The rise and fall of intercountry adoption 1995–2019. In N. Lowe & C. Fenton-Glunn (Eds.), *Research handbook on adoption law* (p. 326). Edward Elgar Publishing.

[713] ICBF 2024, 'Subdirección de Adopciones': https://www.icbf.gov.co/sites/default/files/privateicbf/estadisticas_adopciones_a_junio_30_2024_0.pdf

[714] Macrotrends 2024, 'Colombia Urban Population, 1960–2023': https://www.macrotrends.net/datasets/global-metrics/countries/col/colombia/urban-population; Population Pyramid, 'Colombia 1965': https://www.populationpyramid.net/colombia/1965/. Other sources suggest that over half the population was under 21 years of age (cf. p. 18 in Maestranzi,
M.J. (2013). *Politics of Colombian Adoption: Church authority, population control, and 'the best interests of the child'* [Master's thesis], Columbia University).

[715] Branco, S.F. (2021). The Colombian Adoption House: A Case Study. *Adoption Quarterly*, *24*(1), 25–47. Brzezinski, S. (1976). Church versus State: Family Planning in Colombia, 1966–1972. *A Journal of Church and State*, *18*(3), 491–502. Hoelgaard, S. (1998) Cultural determinants of adoption policy: a Colombian case study. *International Journal of Law, Policy, and the Family*, *12*(2), 202–241. Maestranzi, M.J. (2013).

[716] Branco (2021), Brzezinski (1976), Hoelgaard (1998), Maestranzi (2013).

[717] Act No. 75 of 1968 established the ICBF as a state body, whose responsibilities included matters relating to the adoption process.

[718] See note 28.

12.4.2 Private adoption agencies

A distinctive feature of the Colombian adoption regulatory framework is that the system has been dual-track. Adoptions have been administered both through the ICBF, which has roughly the same functions as the Norwegian Child Welfare Services, and through private agencies authorised by the Colombian authorities to administer adoptions.

Eight private agencies have held such authorisation: Fundación Centro para el Reintegro y Atención del Niño (CRAN), Fundación para la Asistencia de la Niñez Abandonada (FANA), Los Pisingos, Casa de la Madre y el Niño and Ayúdame (all in Bogotá), Chiquitines (in Cali) and Casita de Nicolás and Casa de María y el Niño (in Medellín). Children have been adopted to Norway from all these private institutions, with the possible exception of Ayúdame.[719] Some of these institutions predate the ICBF[720] and, according to information provided to the committee, were established and run by members of influential families in Colombia.[721] Several were established as maternity homes – that is, support centres for pregnant women – where women could stay and receive medical and other assistance if they were considering adoption.

The children's homes run by these private institutions have been known for maintaining high standards and being well-staffed.[722] The management of the institutions themselves approved adoption applicants and also allocated children. The institutions have generally charged high fees (referred to as 'donations', but which have in principle been compulsory) for each adoption. Norway halted placements from private institutions in 2006.

Formally, the operation of private institutions is to be supervised by the ICBF; in recent years, this has been achieved, amongst other things, through an ICBF representative sitting on the board. The ICBF currently issues two-year licences and carries out inspections before the licence is renewed. Nevertheless, there are indications that it has been a somewhat complicated process for the Colombian authorities to gain adequate control over these institutions and to supervise them, including with regard to the financial aspects of adoption placement.[723]

The private agencies coordinated the amount of the donations they demanded (see Table 12.1). Later in the 1990s, they also entered into a more formal collaboration to protect their interests.[724] In internal travel reports, Adopsjonsforum described several instances where the institutions exerted influence on the work relating to adoption legislation in the country.[725] A former employee of Adoption Forum described in an interview with the committee how the head of adoption services at ICBF felt he was being sidelined and was reassigned to another post when he turned a critical spotlight on the private institutions.

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[719] Based on the documents in individual case files in Norwegian adoption archives, it is not always possible to say with certainty whether a child came from one of the private children's homes or not. This applies in particular to cases from the first decades of adoption placement.

[720] Casa de la Madre y el Niño is the oldest and was established in 1942 with the aim of promoting adoptions. In 1978, they also established a maternity home. Of the other institutions in Bogotá with which Adopsjonsforum has collaborated, Los Pisingos was established in 1968, FANA in 1972 and CRAN in 1979 (according to the institutions' websites).

[721] This is mentioned, amongst other things, in the Norwegian adoption authorities' mission reports (2001, 2004) and in Adopsjonsforum's internal mission reports, and it was also mentioned in interviews with ICBF staff conducted by the committee in Colombia.

[722] This is also the impression gained by the Norwegian adoption authorities during several of their monitoring visits.

[723] This is described, amongst other things, in connection with the Norwegian adoption authorities' visits to the country. It is also described by Adoption Forum, according to an email from Bufdir to MIA dated 30 June 2006 (see section 12.7.4.5). It is further mentioned by Hoelgaard (1998), pp. 215–216. Furthermore, this emerged from interviews the committee has conducted with various stakeholders in Colombia. It can also be said to have been exemplified by a well-known case of financial misconduct linked to one of the institutions, which was uncovered in 2013 (see section 12.8.2).

[724] See section 12.7.3.

[725] See sections 12.7.3.3, 12.7.3.5 and 12.7.4.3.

We lack reliable figures for adoptions to Norway arranged through private institutions prior to 1990. In the period 1990–2006, adoptions to Norway from private institutions accounted for 756 out of a total of 2,154, i.e. approximately 35 per cent of the adoptions arranged from Colombia to Norway during this 16-year period.

12.5 Overview of the adoption procedure

12.5.1 The legal system in Colombia

Colombia's legal system is based on civil law traditions and European legal principles. The system is organised into three branches of government – the legislative, the executive and the judiciary – which are independent of one another.

The Colombian Constitution of 1991 marks a turning point in the country's legal history by strengthening human rights, protecting the autonomy of indigenous peoples and recognising environmental rights. The Constitution also introduced *'acciones de tutela'*, which enable individuals to claim their constitutionally enshrined rights directly in court. In addition to the general courts, Colombia has specialised courts, including family courts (*Juzgados de Familia*).[726]

The family courts are specialised bodies within the civil justice system and have been established to handle cases requiring expertise in family dynamics and children's welfare. They play a central role in family law matters, such as divorce, issues of parental responsibility, child maintenance, the protection of children's rights and adoption. It is the family courts that are responsible for approving adoptions in accordance with Colombian law and international conventions.

In adoption cases, the family courts work in collaboration with the ICBF. The process includes the following:

- Assessment of the child's status: The court verifies that there is documentation confirming that the child is legally eligible for adoption, i.e. that the child's biological parents are unknown, that they have relinquished parental responsibility, or that they have been deprived of parental responsibility.
- Approval of adoptive parents: The court checks that the adoptive parents meet the legal and ethical requirements set out in Colombia.
- Legal approval: Once all requirements have been met, the family court grants final approval of the adoption, and the child acquires legal status as the child of the adoptive parents.

12.5.2 The adoption process in the Colombian legal system[727]

Today, the adoption process in Colombia is divided into an administrative and a legal part. In the case of intercountry adoptions, the administrative part involves an assessment of the adoptive applicants' suitability, the child's release for adoption and the matching of children with adoptive applicants. The legal part involves the submission of the adoption application to the court and the court's decision.

Adoptions are currently regulated by *the Código de la Infancia y la Adolescencia* (Children and Adolescents Act) of 2006 (Act No. 1098).

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[726] Agencia Estatal Boletín Oficial del Estado: 'Royal Decree 1322/1981, of 3 July, establishing the Family Courts': https://www.boe.es/buscar/doc.php?id=BOE-A-1981-15086.

[727] The following account is based on information the Committee has received during meetings with ICBF staff during a visit to Colombia, written information provided by the Adoption Forum to the Norwegian authorities since the 1970s, reports from the Norwegian adoption authorities following visits to Colombia, relevant secondary literature and available legal sources. The Committee's ability to examine the Colombian legal system and its legal provisions is limited, and reservations must be made regarding any errors or inaccuracies.

Prior to this, adoptions were regulated by *the Código del Menor* (Law on the Rights of Minors) of 1989 (Decree No. 2737).

Colombia signed the 1993 Hague Convention on 1 September 1993 and ratified it into national law on 13 July 1998. It entered into force on 1 November 1998**.** The ICBF is the central authority.[728]

Colombia ratified the UN Convention on the Rights of the Child on 28 January 1991.[729]

12.5.2.1 The adoption process prior to 1989

Prior to 1975, the adoption system in Colombia is described as unregulated.[730] Adoptions could be carried out without the involvement of the courts, through a notary who registered the child under a new name. Neither party required the assistance of a lawyer. There was no supervision of the placement process, and adoptions were not registered centrally. Documentation relating to adoptions was kept only at notaries' offices around the country. The Dutch investigation report considers that the system created a risk of forgery of the child's documents. Only the notary assessed the child's documents and verified the child's identity.

From 1975, adoptions came under state control.[731] The Dutch investigation report states that from then on, children could only be put up for adoption through the ICBF (which ensured documentation in the form of parents' ID cards, registration at the registry office, a court decision and the birth parents' consent/release declaration), and only the courts had the authority to make decisions on adoption.[732] According to Adopsjonsopplysning (later Adopsjonsforum)[733] , however, the process in 1975 took place at the publicly approved private institutions in such a way that the adoptive applicants' documents were submitted directly to the private institutions, which, in consultation with their own lawyer, doctor and social worker, assigned a child to the applicants. Once the applicants had given their consent, the case was referred to the court. Neither investigations carried out by other countries nor any documents found by the committee clarify whether the cases handled by the private agencies were also channelled through the ICBF.

In 1981, the regulations were tightened.[734] ICBF applications could previously be submitted directly to the regional offices, but were now required to go through ICBF headquarters. The applications were then sent to ICBF's local offices for the allocation of a child and the finalisation of the adoption in a local family court. Applications to approved private institutions were still sent directly to the institutions. The regional ICBF and the court could grant permission for the child to leave the country before a final court decision on the adoption had been made. The birth parents could, however, appeal against the court's decision. For the appeal to be upheld, they had to demonstrate, for example, that their consent had not been given in full knowledge of the facts. They also had to prove that they were able to provide for the child and had the capacity to care for them.

12.5.2.2 The adoption process 1989–2006[735]

The Children's Act *(Código del Menor*), No. 2737 of 27 November 1989, provided a legal basis for protective measures for minors in irregular situations. Section V of the Act, Articles 88–128, deals with adoption. Adop-

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[728] HCCH 2025, Country Profile, Colombia: https://assets.hcch.net/docs/a6d63493-6ac0-421c-b371-93d56deada6a.pdf.

[729] UNTC 2026, '11. Convention on the Rights of the Child': ☐https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&clang=_en#EndDec.

[730] This is based on information in 'Report of the Commission on Intercountry Adoption' (2021), pp. 70–80, and on the report by the National Social Appeals Board. (2022). *Colombia: Memorandum on adoption placements to Denmark prior to 1975 and in 1985–1986 (Ar-mero)*, pp. 6–9.

[731] Act No. 5 of 1975.

[732] The Appeals Board (2022), pp. 6–9; 'Report. Commission of Inquiry into Intercountry Adoption' (2021), pp. 70–80.

[733] 21 May 1975: 'Application for authorisation to arrange the adoption of children from Bangladesh and Colombia'.

[734] The description is based on 'Report to the Council for International Adoptions following a visit to Latin America, 3–29 May 1982'.

[735] The account of the legislation is mainly based on information from SUAK's fact-finding and monitoring visit in 2001.

Adoption is defined here as a protective measure. Adoption took place by court order following an administrative process (Article 96). Colombian applicants were to be given preference over foreign applicants (Article 107).

Under this Act, neither the ICBF nor the private institutions were permitted to demand, directly or indirectly, compensation from prospective adoptive parents for the placement of a child (Article 125). The same provision stipulates that parents may not be compensated for placing a child for adoption, nor should they be pressured into consenting to such a placement.

When authorising private institutions, it was a condition that they did not operate for financial gain and were subject to the authorities' supervision. The ICBF could demand full access to the institutions' accounts, archives and documents (Article 127) and was to have a representative on the institutions' boards (Article 120).

A declaration of abandonment or consent was to accompany the application for adoption submitted to the court (Article 105). Children under the age of 18 had to be declared abandoned; alternatively, the parents or *the defensor de familia* (the lawyer responsible for the adoption process)[736]had to have given their authorisation for the adoption (Article 92). Any consent to adoption from those holding parental responsibility was to be given in person to *the defensor de familia*, who was to explain the effects of adoption (Article 94). After one month, the consent became irrevocable (Article 94, first paragraph). Consent to the adoption of unborn children would not be valid (Article 95).

Once an authorised private institution had obtained the parents' consent, the consent, a medical certificate, the institution's licence and a declaration that it undertook to seek approval and arrange the placement were submitted to the court. In a meeting with a judge at a children's court, the Norwegian adoption authorities[737]were informed that in cases where children were relinquished by their birth mothers, as was the case at private institutions, *the* ICBF's *defensor de familia* was nevertheless required to ensure that the child had been released on the correct legal grounds (Article 108).

The ICBF's regional offices were responsible for the administrative release process in child welfare cases. The ICBF submitted a social report setting out the reasons why the child could not live with their parents, an assessment of suitable care arrangements, and a birth certificate.

During a visit to the country, the Norwegian adoption authorities[738]were informed that the ICBF would place advertisements in major newspapers seeking the biological parents or other carers if they were unknown. If no one came forward within six months, a decision could be made to release the child for adoption. This decision was presented to the court and, following the prescribed time limits, would be announced if the administrative proceedings were deemed to meet the requirements of the law. The ICBF could then begin the process of finding new parents for the child.

The report from the Norwegian adoption authorities' inspection visit in 2001 states that the court issued a 'declaration of relinquishment'. However, the text of the Act (Article 41) states that *the defensor de familia* made the decision. The child was released before being placed with adoptive parents.

As regards the placement of children, new guidelines were introduced on 5 July 1994 (*Resolución* No. 1267 of 1994).[739] These led to the centralisation of the approval of applications and provided a comprehensive overview of children who had been released for adoption, but the placement of children was still to take place at regional level. The rationale behind the changes is said to have been a desire to streamline case processing and to prevent

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[736] See also section 12.5.2.3.

[737] SUAK. Information and inspection visit 2001.

[738] SUAK. Information and monitoring visit 2001.

[739] In English: 'Orientation Guidelines for the Adoption of Colombian Minors.'

the possibility of corruption further down the system.[740] At the private institutions, it was still the same committee that processed the applications and allocated children.

Adopsjonsforum decided[741] whether Norwegian applications should be sent to the ICBF or to a private institution.

In accordance with Articles 105 and 106 of the Colombian Children's Act, the court required the following documents in order to approve the adoption:

- consent to the adoption, where necessary
- birth certificates
- release form or authorisation for adoption
- a positive assessment from *the defensor de familia* based on interviews with the applicants and an examination of the documents, with an authorised recommendation
- certificate of suitability from the ICBF
- certificate from the institution regarding the child's adjustment to the applicants
- ICBF's certificate confirming that the institution where the child lives has been granted a licence to operate
- a certificate from an organisation or authority confirming that the child will be looked after until they obtain citizenship in the host country
- a personally written application for adoption
- police certificate and marriage certificate for the adoptive parents, and prior consent from the Norwegian authorities

All documents had to be notarised in accordance with Colombian requirements. At a meeting between the Norwegian adoption authorities and a family court judge in 2001, it was stated that the judges did not examine the applicants' suitability in any great depth.

Following a Supreme Court ruling (T-510 of July 2003), the requirements for consent were tightened. Under this ruling, at least 20 days must elapse after the birth before consent can be given, and a further 30 days must then elapse before it becomes definitively valid. Furthermore, consent was not to be valid unless the extended family, including the father, was aware of the situation. Consent was to be received by specially appointed family advocates.[742]

12.5.2.3 The adoption process from 2006 to the present day

In 2006, adoption legislation was tightened with the introduction of the Colombian Children and Youth Act, which remains in force. From 2006, it was no longer possible for adoptive parents to make donations to the children's homes from which they adopted. Both representatives from the Adoption Forum and from the ICBF whom the committee met in Colombia described the changes brought about by the 2006 Act as a watershed. The committee has not been able to ascertain exactly what the most significant changes entailed, but it is clear that the prohibition on remuneration is tightened in Article 74 of the Act through an absolute ban on donations from individuals or foreign institutions to Colombian institutions in return for placing children or young people for adoption.

Defensorías de Familia are units under the ICBF responsible for guaranteeing and restoring the rights of children and young people. The offices of the Defensorías de Familia must have multidisciplinary teams comprising at least one psychologist, one social worker, one nutritionist and one lawyer. To become

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[740] SAK. Working visit 1994.

[741] This was certainly the case in 1998 and 2001.

[742] Report from Bufdir's inspection visit in 2004.

a *defensor de familia*[743] one must be a lawyer with a valid licence, have an unblemished record and documented, relevant further training.

If a child or young person finds themselves in a situation where their rights are threatened or violated, the authorities must be notified. *The defensor de familia* then decides whether to initiate a PARD process. PARD stands for *Proceso Administrativo de Restablecimiento de Derechos* and is an administrative process to restore the rights of children and young people if these have been violated or are under threat.

In the PARD process, *the defensor de familia* has up to six months to decide whether the child should be reintegrated into their family. This period may be extended twice, meaning the deadline can be up to 18 months in total. If it is not possible to reintegrate the child into their family, the child is made available for adoption. The use of foster care is regarded solely as a temporary solution.

It is *the defensor de familia* who carries out and signs the decision on *adoptability*, i.e. that the child is eligible for adoption in accordance with the law (Article 82 of Law 1098/2006). Upon a decision on *adoptability,* all legal ties to the child's biological parents are severed.

In other words, the child's release for adoption is primarily an administrative process. This administrative decision may be challenged in court, for example by the biological parents who oppose the release. In order for the birth parents to have a genuine opportunity to have the release reviewed in court, they must be made aware of the family advocate's decision to release the child for adoption. The Norwegian Directorate for Children, Youth and Family Affairs (Buf-dir) has been informed by the ICBF and by a judge at a family court in Bogotá that the birth parents are notified of the date of the hearing on the termination of parental responsibility and release for adoption via public notices at the local district centre [744]– but only for one day. No letters are sent, and no telephone calls are made. The same applies to the notification of the actual decision on release for adoption and the birth parents' rights of appeal. Bufdir was informed that this is in line with the rules on service of process in civil cases.[745]

Various stakeholders in Colombia informed Bufdir during their monitoring visit in 2025 that free legal aid for parents with children in the PARD process is, in principle, available through the Ombudsman. However, it is unclear how well known this service is, what the scope of any assistance that may be available is, and how accessible it is in different parts of the country.[746]

With regard to abandoned children, a further question arises as to what measures the ICBF takes to make contact with the parents. In addition to newspaper advertisements, informants from an ICBF regional office state that information is currently provided via radio programmes. And if the ICBF knows the area in which the family lives, they will attempt to track them down. The psychosocial team is out in the field searching for the family by speaking to neighbours and others in the local community. If this proves unsuccessful, posters may be put up on noticeboards, and appeals may be broadcast over police and military radio. Other strategies, such as speaking to the archbishop in the area, may also be employed. The Committee is not aware of whether all these measures to locate the families of abandoned children are implemented in all regions, nor how long this practice has been in place.

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[743] Literally translated, this means 'family defender'. This is the term used by the Norwegian authorities, for example in reports from information-gathering and monitoring visits. Previously, similar functions were assigned to *the 'defensor de menores*' (defender of minors). According to lawyers at the ICBF with whom the Committee spoke, the functions of a 'family defender' have remained largely the same for a long time, even though the name has changed.

[744] A *zonal* centre (*centro zonal*) is a local ICBF unit where residents can access ICBF services. The zonal centres are organised under the regions. Each region may have between 1 and 18 zonal centres. ICBF (n.d.). *ICBF Service Points*: https://www.icbf.gov.co/puntos-de-atencion-icbf-1

[745] Bufdir, 30 December 2025, 'Decision on authorisation for placement in Colombia 2026–2028'.

[746] Bufdir, 30 December 2025, 'Decision on placement authorisation for Colombia 2026–2028'.

Following the child's release, the ICBF conducts a regional search for Colombian families who may be suitable for adoption. If this proves unsuccessful, the matter is referred to the ICBF's central office. The next step is to find foreign adoptive parents. The Central Authority will submit proposals for two to three families to the regional office, which will decide which family is to be offered the opportunity to adopt the child. In the case of international adoption, Colombians living abroad are given priority over foreign families.

A 2011 ruling was interpreted as requiring the ICBF to search for relatives of children in the PARD process up to the sixth degree of kinship.[747] This requirement led to a marked decline in the number of children declared eligible for adoption.[748] This led to a change in 2015,[749] and the requirement subsequently became to seek 'placement in a family environment'.[750]

From 2013, foreign applicants must be open to adopting children with special care needs, children older than 6 years and 11 months, or groups of more than two siblings where the eldest is at least 6 years old.[751]

12.6 Overview of the Committee's country studies

The Review Committee's investigations into adoption placements from Colombia have followed the template for country studies, as outlined in section 3.3.6.3. General country information from various sources has been obtained. Investigations by other receiving countries and information from International Social Service have been reviewed, and literature and media searches relating to adoptions from the country have been carried out. Placement authorisations and applications for placement from the country have been reviewed, along with the associated documentation. Archival searches have been carried out at the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir), the Ministry of Children and Families, the National Archives and the Ministry of Foreign Affairs. The Committee has also been granted access to Adopsjonsforum's physical archives and digital shared resources.

A particular challenge in the investigations is the wide variation in the amount of written material found in the archives. In particular, from the first two decades of adoption placements (1970–1990), the Committee found far less written material than for later periods.

As part of its investigations, the committee has held several meetings and conducted interviews concerning adoptions from Colombia. Adopsjonsforum has provided an account of the country-specific cooperation at a committee meeting, and the organisations Adopsjon i endring, UTAD and the Rights Group for Adoptees from Colombia have also been given the opportunity to present their views at a committee meeting. In addition, several meetings have been held with 'Adoption in Change', UTAD and the Rights Group for People Adopted from Colombia, at which Colombia was a topic of discussion. Several meetings have also been held with the Swedish Commission of Inquiry, partly to exchange experiences and information regarding adoptions from Colombia. Interviews have been conducted with people adopted from Colombia to Norway (four)[752] and adoptive parents who have adopted from Colombia (two),[753] as well as with former employees of Adopsjonsforum who have worked with the country (two). With regard to

[747] T-844 of 2011.

[748] Ortiz & Estrada. (2018). El defensor de familia en el proceso de adopción en Colombia. *Revista CES Derecho, 9*(2), 267–286.

[749] Where Article 56 of Act 1098 of 2006 was amended by Article 217 of Act 1753 of 2015. Article 56 was subsequently amended again by Act 1878 of 9 January 2018. This sets out time limits for the process of searching for relatives and deadlines for responding to requests for information from *the defensor de familias*.

[750] In Spanish: 'ubicación en medio familiar'.

[751] Article 1(3) of Resolution 4274 of 2013.

[752] These are in addition to adoptees from Colombia who have met with the committee and the secretariat through various organisations in which they are active; thus, the total number of adoptees from Colombia with whom the committee has spoken is far higher.

[753] Here too, the total number of adoptive parents with children from Colombia with whom the Committee has spoken is higher. The Committee has also spoken to such adoptive parents in connection with meetings with adoption agencies and their staff, as well as other organisations.

As regards the latter group, it is a challenge that several of the former employees of Adopsjonsforum who worked on Colombia are no longer alive or, for various reasons, have not been available for interviews with the committee.

The Committee has received a number of written enquiries and information from organisations (the Rights Group for People Adopted from Colombia, Adoption in Transition, UTAD, Positive Adoption and Adoption Norway) and eight individuals (adoptees, adoptive parents and former staff members of Adopsjonsforum) who wished to contribute to the investigation into adoptions from Colombia. All enquiries have been categorised by theme, and several have led to interviews and/or meetings. In addition, the Committee has asked various organisations for suggestions regarding relevant interviewees in Norway and Colombia.

From 7 to 13 October 2024, a delegation[754] from the committee and the secretariat visited Colombia to hold meetings with the following parties:

- the organisations Plan Angel, ASFADDES and Armando Armero
- the Norwegian Embassy in Bogotá
- Colombian adoption authorities:
  - ICBF Bogotá: head of the adoption committee, as well as a social worker, psychologist, coordinator and *defensor de familia* from the adoption committee
  - ICBF Santander: Chair of the Adoption Committee
  - ICBF's central adoption department: deputy head of the adoption department and three psychologists
  - Adoption Forum staff in Bogotá: legal representative, lawyer, accountant and adviser
- three former employees or former contractors of Adoption Forum in Colombia[755]
- one of the private institutions and a children's home (visit and meeting with the management)
- three former employees from one of the private institutions, including a former manager of one of the maternity homes
- seven birth parents whose children had been adopted into
- a research group specialising in law and a group of six adoptees from Colombia to many different countries

A total of 82 individual cases from the period 1976–2020 have been reviewed. 53 of the cases are from the period before Colombia ratified the Hague Convention in 1998, and 29 are from the period after.[756] Individual cases from before 1988 are archived with various government agencies and are therefore resource-intensive to retrieve. In addition, the committee has reviewed the material in the Children's Archive at Bufdir for 31 cases from the period 1982–1985.
The selection of individual cases has been strategic and flexible (see section 3.6.5). The review of individual cases and the assessments relating to this are discussed in more detail in section 12.9.4.

Adoption arrangements involving Colombia are described in investigative reports from the Netherlands, Denmark, Switzerland, France and Sweden. The report from the Netherlands examines conditions during the period 1973–2018. The Swiss report examines conditions between the 1970s and the 1990s. The report from the Danish National Social Appeals Board examines the period prior to 1975 and the years 1985–1986. The report from the Swedish Commission of Inquiry assesses conditions from 1972 to the present day.

Findings and circumstances from these reports that are relevant to adoptions from Colombia to Norway will be addressed in the following description, where relevant.

[754] From the committee: Camilla Bernt and Ketil Eide. From the secretariat: Jostein Løvoll and Vilde Fastvold Thorbjørnsen.

[755] Several of Adopsjonsforum's former and current employees also had experience of working for the ICBF.

[756] The cases are broken down as follows: 5 cases from the 1970s, 28 cases from the 1980s, 20 cases from the 1990s, 19 cases from the 2000s and 10 cases from 2010 to 2020.

12.7 Adoption placements from Colombia to Norway

The following section provides a chronological account of developments in adoption arrangements from Colombia from the 1970s up to 2006, with particular emphasis on matters relating to private agencies. The Norwegian adoption authorities' monitoring and supervisory activities will also be described, including authorisations and country visits. The Committee's assessments of the findings are presented as the text progresses and are marked with separate subheadings.

12.7.1 The beginnings of organised adoption placement, 1970–1980

Around 1971, several documents in various government archives indicate that there was growing interest among Norwegian couples in adopting children from Colombia. The Consulate-General in Bogotá reported 'many enquiries',[757] and during a conference in September 1971, the Ministry of Social Affairs noted a general increase in interest, mentioning that Colombia was a country Adopsjonsopplysning (as Adopsjonsforum was known until 1975) was now working towards. Among other things, they had a pilot case underway there which, if successful, would likely lead to further adoptions from the country.[758] The Ministry of Social Affairs expressed doubts about how to handle such cases in future, and about their appropriateness. They had approached the Foreign Service and the Norwegian Red Cross for assistance.

The Norwegian Red Cross quickly made it clear that they did not wish to undertake any form of adoption mediation. They believed that children should be helped where they were, but could, through their contact with International Social Service, assist with assessments of the appropriateness of the circumstances. In July 1972, International Social Service stated that the ICBF had no specific children available for international adoption, and the organisation generally considered that the legal framework in the country was not adequate.[759]

The Consulate-General in Bogotá asked a Colombian lawyer (employed by an insurance company headed by the Norwegian Consul-General) to draw up some general guidelines on how prospective adoptive parents should proceed, and stated that the lawyer was willing to provide formal assistance in adoption cases. The Consulate-General also stated that it was willing to find people who could bring the children to Norway.[760]

In a letter dated December 1971 to the Consulate-General in Bogotá, the lawyer wrote that he charged a fee of 5,000 pesos (approx. 245 USD) per case, excluding 'the registration of the judgement, the issuance of a document granting the adoptive parents rights to the child, a passport and a flight ticket'. Furthermore, he believed that two of the leading institutions authorised to arrange adoptions were La Casa de la Madre y el Niño, a private institution, and Beneficiencia de Cundinamarca, which was under the auspices of the ICBF.[761]

In 1975, Adopsjonsopplysning applied for authorisation to arrange adoptions of children from, amongst other countries, Colombia.[762] They cited the high demand from couples wishing to adopt as the primary reason for the application. They believed that authorisation to arrange adoptions would simplify the process for applicants and strengthen foreign

[757] Letter from the Bogotá Consulate to the Embassy in Caracas, 4 November 1971.

[758] 29–30 September 1971, 'Presentation at a conference at Sätra Bruk: Adoption of foreign children'.

[759] 'From what we know of the adoption situation in Colombia, we do not think we can proceed with this case on legal grounds. Any adoption would be by proxy, and this is inconsistent with the principles laid down at Leysin. Therefore, as the Instituto [ICBF] is not seeking a home for a particular child, and as there is inadequate legal protection in any case under such an arrangement, we do not believe we can proceed further with the matter.' Letter from ISS Geneva to the Norwegian Red Cross, dated 12 July 1972, forwarded to the Ministry of Social Affairs on 3 August 1972.

[760] Letter from the Consulate in Bogotá to the Embassy in Caracas, 4 November 1971.

[761] Letter to the Royal Consulate-General in Bogotá, 28 December 1971.

[762] Letter dated 21 May 1975, 'Application for authorisation to arrange adoptions of children from Bangladesh and Colombia', from Adoption Information to the Ministry of Social Affairs.

the position of the foreign contacts in the countries of origin. They described the procedure for adoptions from Colombia. It is mentioned here that Adoption Information's foreign contact would approach either the ICBF or one of the private children's homes.[763] For adoptions through the ICBF, the process was expected to take approximately four months, but Adoption Information wrote that the Colombian authorities 'allow and encourage' earlier departure. For adoptions through private institutions, the child remained at the children's home until the adoption process was completed.[764] In Norway, the families were to be supported by the country representative with regard to both practical and medical matters. The families were asked to submit a report to Adoption Information on the child's health, adjustment, adoption-related expenses, and so on.

The application from Adoption Information was put on hold whilst adoption services were under review by the Ministry of Social Affairs.[765]

In a report from Adoption Forum dated May 1976, they stated that they now had contact persons in Cali, Cúcuta, Manizales and Bogotá. In the latter city, they stated that they were using ICBF's lawyers to handle the adoption cases, in addition to receiving advice from the lawyer recommended by the Consulate-General in 1971.

In December 1977, Adopsjonsforum reapplied for a licence to act as an adoption agency,[766] and on 19 May 1978, the Ministry of Social Affairs granted Adopsjonsforum an indefinite licence to arrange adoptions from, amongst other countries, Colombia, on condition that the foreign contacts were approved by the Council for International Adoptions.[767]

As described in more detail in section 25.3.3.2, the Council's approvals of foreign contacts were granted for a limited period and had to be renewed at regular intervals. In practice, therefore, assessments of the soundness of the country-specific cooperation following the initial authorisation to act as an intermediary from the Ministry were carried out by the body that approved the foreign contacts and cooperation partners. Initially, this was the Council for International Adoptions; later, the State Adoption Office took over from January 1987.

In Adopsjonsforum's application for approval of contacts in Colombia, dated 26 April 1979, they stated that all adoptions were processed through the ICBF. With regard to the procedure, they stated that the ICBF processed the application in an adoption committee, which also oversaw the selection of the child, and that prospective adoptive parents were generally required to be present in court for the court's decision on the adoption. Furthermore, they stated that the adoption had to be finally concluded before the child left the country.

With regard to adoptions from Bogotá, Adopsjonsforum stated that they were working with the same Colombian lawyer as before. Adopsjonsforum went on to state that, until 1975, children in Bogotá were placed for adoption either from children's homes under the ICBF or from private children's homes, but that from 1975 onwards it was only possible to adopt children through the private institutions. The reason for this is not mentioned.
The children from private children's homes in Bogotá came 'overwhelmingly from the private children's home "Casa de la Madre y el Niño"'. However, Adopsjonsforum wrote that conditions at these institutions had reportedly become 'so unsafe and, in some respects, so suspicious' that Adopsjonsforum chose to cease its operations in the city. In 1978, the local lawyer considered that conditions at Casa de la Madre y el Niño were once again acceptable. Adopsjonsforum left the assessment of which children's homes in the city they should cooperate with

[763] Adoption Information refers to them as municipal children's homes.

[764] In practice, we see that this was not always the case, for example with regard to six adoptions carried out in 1981 and 1982 from the private children's home CRAN. This is evident from a letter from CRAN to the Norwegian adoption authorities dated 30 January 1984.

[765] Letter dated 16 September 1975 from the 1st Social Welfare Office to Adoption Information.

[766] The Committee has not been able to locate this letter, but it is said to be dated 29 December 1977.

[767] 'Authorisation for adoption placement is restricted to the following countries: Bolivia, Colombia, Ecuador, Guatemala, Bangladesh, India, Indonesia and Sri Lanka, and is subject to the condition that existing international contacts are approved by the Council for International Adoptions within one year. Any new international contact must be approved by the Council before children are placed for adoption.'

both of which are left to his discretion: 'Adoption Forum wishes to maintain contact with those children's homes in Bogotá with which [the lawyer] at any given time considers it safe to work.'[768]

In Adoption Forum's 1979 application for approval of contacts, they otherwise describe placements from Cali, Popayán and Manizales since 1974, from Cúcuta and Norte de Santander since 1975, and from Pereira since 1976.

In 1979, the Council for International Adoptions undertook a trip to, amongst other places, Colombia.[769] Adopsjonsforum's local contact accompanied them throughout the trip. They met the Director-General of the ICBF and the Deputy Director who headed the adoption department. These 'admitted that they were currently dependent on the many private children's homes [...] but had little control over their operations'.[770] The ICBF expressed a desire for all adoptions to go through the ICBF and be free of charge, but stated that they currently lacked the necessary resources. The mission report states that, in the case of international adoptions, the children travelled abroad with a passport, an exit permit and a parental appointment, whilst the final court order, including the issuance of adoption documents, was sent on later.

Norwegian adoption authorities also visited Los Pisingos, FANA, Casa de la Madre y el Niño [771]and CRAN. The mission report states that Norwegian prospective adopters had been able to adopt directly from Los Pisingos without going through Adopsjonsforum, and that many children had been adopted from FANA to Norway. As regards Casa de la Madre y el Niño, the travel report briefly mentions the unclear financial circumstances that led Adoption Forum to sever contact, but notes that matters were sorted out after the daughter of the previous director took over. CRAN is described as a new institution, established a year ago by the daughter of a former Colombian president. The daughter was originally one of FANA's founders. Both FANA and Los Pisingos wished to carry out the matching themselves.

Norwegian adoption authorities also travelled to Cali, where the private children's home Chiquitines is located. There, it caused a stir amongst Chiquitines' lawyers that the ICBF, in a meeting with Norwegian adoption authorities, had expressed a wish that all adoption applications should be sent to the ICBF, which would then distribute them amongst the lawyers. The Norwegian adoption authorities proposed to Adopsjonsforum that applicants should, as before, send their applications directly to the lawyer with whom they were working, but should also notify the ICBF of these cases.

In this context, the adoption procedures appear to differ significantly from those described in Adopsjonsforum's application for approval of a contact network dated 26 April 1979: The children did not leave the country with a final court decision on adoption; not all adoptions went through the ICBF; and matching was also carried out directly by some of the private institutions.

On 5 May 1980, Adopsjonsforum reapplied for approval of representatives and institutions in the country. They applied for approval for CRAN, Los Pisingos and ICBF in Medellín. In the application, they stated that the costs of adoptions from CRAN amounted to 1,350 USD and included 'solicitor's fees, legalisation, passports, etc.'. CRAN used a solicitor 'associated with' ICBF. The costs of adoptions from Los Pisingos were 'roughly the same' as those at CRAN. Adopsjonsforum also stated that the children's home itself selected suitable applicants. In this case, they used the children's home's own lawyer. Adoptions through ICBF Medellín were free of charge, and only a lawyer's fee of 400 USD was payable.

In the same application, Adopsjonsforum expressed an interest in obtaining approval for FANA and Casa de la Madre y el Niño. Regarding FANA, they state that the institution was founded in 1972. It collaborated with countries such as Sweden, the Netherlands and the USA. Legal fees amounted to 800 USD. In addition, there was a 'fixed donation'

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[768] AF. Application for approval of contacts in Colombia, 26 April 1979.

[769] RIA, 'Trip to Latin America 14 September – 8 October 1979'.

[770] RIA, 'Trip to Latin America 14 September – 8 October 1979', p. 8.

[771] In the report, it is referred to as 'casa materna', but the description suggests that it is the Casa de la Madre y el Niño to which reference is being made.

'donation' of 1,800–2,000 USD. However, they stated that some members of Adopsjonsforum had been asked for a donation of up to 5,000 USD. Adopsjonsforum described the institution's costs as 'very high'.

Casa de la Madre y el Niño was described as the oldest agency with authorisation to arrange adoptions in Colombia. It was said to have high standards and to arrange approximately 400 adoptions annually to various countries. It had a network of foster mothers affiliated with the agency. Adoption Forum did not know the exact amount of the donation requirement, but 'expects that it may be in line with that of "FANA"'. Adoption Forum stated that, during an adoption conference organised by the ICBF in 1979, the agency received
'strong reactions from several quarters' because it refused to include the child's birth certificate in the case files in the event of an adoption, as it was committed to keeping the mother's identity unknown to the adoptive parents. They also had their own maternity ward. The discussion during the conference centred on whether mothers felt pressured to give up their children. According to Adopsjonsforum, the ICBF stated that it did not have sufficient control over the institution, which predated the ICBF.

In its 1980 application, Adopsjonsforum pointed out that there had been, and still were, many 'private' [presumably meaning independent[772]] adoptions from these two institutions, including among Adopsjonsforum's own members. It may appear that Adopsjonsforum was suggesting that, despite the objections they were open about (high donations and potential pressure on mothers), it would have been better if Adopsjonsforum had taken over the placement of children to Norway from the institutions rather than this taking place in an unregulated manner. It is unclear to the Inquiry Committee how any pressure on the mothers might have been mitigated by placements arranged through Adoption Forum.

The Norwegian adoption authorities (the Council for International Adoptions) state in a memorandum dated 6 June 1980 that, with reference to the 1979 mission report, they propose to approve CRAN, Los Pisingos and ICBF Medellín as contact networks, and to grant limited approval to FANA and Casa de la Madre y el Niño for up to five pilot cases from each.[773]

12.7.1.1 Information regarding an adoption scandal in Bogotá

On 31 July 1981, the Norwegian adoption authorities (the Council for International Adoptions) registered an enquiry which had probably been forwarded to them by one of the Norwegian adoption agencies. This was originally an enquiry from the Swedish Adoptionscentrum and concerned what was described as an adoption scandal in Colombia. The case involved a former ICBF employee, a lawyer, who had also worked for two of the authorised children's homes in Colombia (which are said to have eventually stopped using his services as he handled his cases in a negligent manner). Through his previous work, the man is alleged to have gained access to lists of names and addresses of adoption applicants from, amongst others, Sweden, and to have contacted them directly to arrange private adoptions. Adoptionscentrum reported that the Swedish Embassy in Colombia had stated that the operation had been ongoing for four years, and that the lawyer who had been arrested had admitted to arranging the placement of 300–500 children in the USA, Sweden, France and Spain for a fee of between 7,500 and 15,000 USD per child. He is said to have collaborated with a couple of clinics in a poor, southern part of Bogotá, where mothers were reportedly told that their children had been stillborn. Through associates at a notary's office in Bogotá and within the judiciary, the lawyer is said to have arranged for false birth certificates and other necessary documentation. One of the lawyer's secretaries was also arrested for complicity. The lawyer was additionally charged with one count of attempted kidnapping.

According to Adoptionscentrum, the lawyer is said to have worked for the ICBF for a couple of years in the mid-1970s. In 1979, the ICBF became aware of several cases of child trafficking facilitated by the lawyer, and they are said to have contacted the security police and asked them to investigate his activities. According to the Swedish Embassy, the ICBF believed there were strong suspicions that at least five other lawyers had been involved in similar

[772] See Chapter 28.

[773] The Committee has not found the actual authorisation.

Adoptionscentrum wrote that they had spoken to the ICBF's director themselves, who confirmed the incident and stated that the lawyer had admitted to the allegations. Adoptionscentrum believed that the matter was limited to independent adoptions (adoptions outside of intermediary organisations).

The Swiss investigation report from 2023 also describes this case.[774] Here, historians have found a report in the Swiss Federal Judicial Archives dating from September 1981. The report was based on news articles describing the modus operandi in the case, but pointed out that the articles might contain conflicting information. According to the report, children were allegedly taken from their mothers at two clinics in poor, southern districts of the city. A woman posing as someone else registered the child in public registers. The same notaries and the same solicitor appeared in all the registrations. The lawyer had agents in the US, France, Spain and Sweden who found prospective adoptive parents, whereupon the false mother – now registered as the child's biological mother – signed the release form. The notary certified the document. In addition, three out of five children's courts in Bogotá are said to have been involved. The Swiss judicial authorities asked the Swiss ambassador to report back if, in the course of the investigation, it transpired that any of these children had come to Switzerland.[775]

Other, later news reports link the lawyer to the private children's homes Casa de la Madre y el Niño and FANA,[776] but it is unclear whether this connection refers to work he carried out at the children's homes prior to the events for which he was arrested.

In the 1980s, the case was also reported in the Norwegian media, and the Norwegian adoption authorities (the Council for International Adoptions) issued a statement. They stated that the lawyer was unknown to them, and that it was 'almost out of the question' that children adopted from Colombia to Norway 'had been stolen from their mothers and sold on the "black market"'.[777] They pointed out that all intermediaries involved in adoptions from Colombia had to be approved by the Norwegian authorities (see section 25.3.3.2),[778] and referred to the Norwegian adoption authorities' annual visits to the country of origin to monitor operations. The Norwegian adoption authorities also stated that 'adoption from Colombia is permitted only through the association "Adopsjonsforum"'. The Norwegian adoption authorities did not mention that independent adoptions had been accepted until 1 January 1981.[779]

This statement contrasts with what Adopsjonsforum itself had explained to the Norwegian authorities regarding 'suspicious' placements from Bogotá in the late 1970s, including a not insignificant number of independent adoptions.

In February 1982, the Norwegian adoption authorities (the Council for International Adoptions) received an enquiry from the Swedish Ministry of Social Affairs, which, in the wake of the scandal, was investigating the need to further regulate international adoptions into the country. At that time, Sweden had far more independent adoptions than Norway. In their reply to Sweden, the Norwegian adoption authorities provided an overview of the total number of international adoptions during the period 1970–1981 and how many of these had

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774 See 'Evidence of illegal adoptions of children from ten countries of origin in Switzerland, 1970s to 1990s' (2023), p. 83.

775 Ibid. From the report: 'If the ongoing investigations reveal that such children have also been trafficked into our country […] we ask you to inform us of this.'

776 Vice, 16 October 2016: 'Dying without knowing one's origins: the reality for thousands of Colombian adoptees.'

777 Arbeiderbladet, 24 July 1981: 'Stolen children on the black market.'

778 The approval process usually consisted of a written report on the overseas contacts from Adopsjonsforum, in several cases including references and a CV. In some cases, the Norwegian adoption authorities also met with the foreign contacts, either when they came to Norway or when the Norwegian adoption authorities were on inspection visits. The approval of private institutions followed a similar procedure, involving a written report from the placement organisations and visits during the Norwegian adoption authorities' trips.

779 From this date onwards, the prior consent of prospective adoptive parents was generally to include the following endorsement: 'It is a prerequisite that the adoption is arranged through an approved Norwegian adoption association.'

taken place outside the framework of an intermediary organisation. For each of the years in the period 1976–1979, the proportion of independent international adoptions to Norway from all countries of origin stood at approximately 14, 27, 25 and 8 per cent respectively.[780] This period partly precedes Adopsjonsforum's authorisation to act as an intermediary, meaning that all adoptions from Colombia were, by definition, independent prior to 19 May 1978. It is not possible, based on the available figures, to determine how many children arrived in Norway outside the Adoption Forum's/Adoption Information's network of contacts, and this does not provide a basis for confirming or refuting whether any adoptions to Norway may form part of the aforementioned case complex.[781]

In its review of individual cases, the Committee has identified one case from the 1970s in which the adoption was arranged via Casa de la Madre y el Niño and in which one of the accused – and subsequently acquitted – notaries signed some of the case documents.

12.7.1.2 Assessment of the Norwegian authorities' response

The Committee considers that the only way the Norwegian adoption authorities could have ensured that the case did not involve children adopted to Norway would have been to establish direct contact with the ICBF and/or the investigation in Colombia and, where appropriate, also to carry out a review of all individual cases that bypassed an intermediary organisation between 1975 and 1980. They could then have investigated whether any of the names of the individuals implicated appeared in independent adoptions to Norway. The Committee has assessed the information available to us. It does not appear from the Committee's review of the archives that the Norwegian authorities took such initiatives,[782] and the Committee assumes that this was not done. In the Committee's view, the Norwegian authorities should have done so. Significance is attached to the fact that Adopsjonsforum had also expressed concerns regarding the placements from Bogotá during that period.[783]

12.7.2 More adoptions and increased donations, 1980–1990

In May 1982, representatives from the Norwegian adoption authorities travelled to Colombia once again.[784] The reason for this was that the country had introduced new guidelines for international adoptions (see section 12.5.2.1). Only adoption applications submitted via approved organisations were now to be accepted. Applications submitted through private practising lawyers were not to be accepted. It is reasonable to interpret this as a tightening of procedures resulting from the case mentioned above.

Norwegian adoption authorities visited the private children's homes Ayúdame and CRAN, as well as two children's homes run by the ICBF. The Norwegian adoption authorities' impression following the visit was that the return of children to their biological parents was an overarching objective for both private institutions and the ICBF. Domestic adoption was then considered, followed by international adoption. Consequently, the children placed for international adoption were increasingly older children, groups of siblings or children with special care needs.

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[780] 1976: a total of 390 adoptions, of which 54 were independent; 1977: 412 adoptions, of which 113 were independent; 1978: 356 adoptions, of which 90 were independent; 1979: 262 adoptions, of which 21 were independent.

[781] A news article in *El Tiempo* on 27 November 1986 states that the lawyer, his secretary and his two sons were implicated in the case, in addition to three notaries and a court clerk (*secretario del juzgado segundo civil de menores*). According to the newspaper report, the first four were charged with forgery of public documents, whilst the notaries and the court clerk were acquitted. However, the case was brought before the Supreme Court, where it was concluded that the first four should only have been charged with forgery and not with forgery of *public* documents. This led to the entire case being quashed on the grounds of an incorrect assessment of the evidence. The case against the first four was dismissed as the maximum sentence was two years and the case had already been ongoing for a long time. For the notaries and the court clerk, the case continued. The Inquiry Committee has attempted to gain access to the court rulings in the case, but our enquiries have been unsuccessful.

[782] RIA's archives, the National Archives, the Ministry of Foreign Affairs' archives.

[783] See application for approval of contacts, 26 April 1979.

[784] 'Report to the Council for International Adoptions following a trip to Latin America, 3 May – 29 May 1982'.

In an application for re-approval of the contact network dated 26 October 1984, Adopsjonsforum stated that most children adopted into Norway came via the ICBF. They had received children from as many as 16 different regions.
Adopsjonsforum also applied for re-approval of adoptions through CRAN, FANA and Los Pi-singos, with CRAN having facilitated the majority of adoptions from private institutions over the past two years. Adoption Forum went on to state that for all three agencies there was now 'a fixed fee' of 2,500 USD, which also included lawyers' fees. Adoption Forum emphasised that the private agencies
'have the permission of the Colombian authorities […] are under the control of the authorities, and the adoption cases go through the courts in the usual way'.

In a memorandum dated 5 November 1984, the Norwegian adoption authorities (the Council for International Adoptions) proposed approving the contact network: 'RIA has previously been somewhat sceptical of the private organisations in Bogotá'; they considered the fees to be high, but noted that 'the costs of adoption through these organisations are now more transparent'. Re-approval was granted for two years.

In 1984, the Norwegian adoption authorities undertook a further fact-finding and inspection visit to Colombia.[785] The head of the Adoption Forum's secretariat also took part in the trip. One of the aims is said to have been to investigate the possibilities and level of interest in adoption agreements with the country. The Ministry of Social Affairs had expressed a desire for the placement process to be regulated by written agreements with the authorities in the respective countries of origin. The ICBF stated that they were interested in an agreement. They also explained that a case involving two adopted children who had been returned from the USA after two years had led to public and political opposition to adoptions, and that there were several people calling for a halt to all international adoptions. The ICBF therefore wanted more reports on how the children were faring and on their rights situation in the receiving countries. For their part, the Norwegian adoption authorities raised an issue concerning six cases involving children who had travelled to Norway but whose cases had still not been finalised in the Colombian courts after two years.

In 1986, Adopsjonsforum applied to collaborate with a private children's home in Medellín [786]and received approval for this [787].

In an application for approval of a contact network dated 23 June 1987, Adopsjonsforum stated that the private institutions had increased their fees to 3,500 USD. They also applied for approval of a dedicated foreign liaison officer who would work exclusively with the private institutions, and were granted approval for this.[788]

In 1988, the State Adoption Office (which had taken over the functions of the Council for International Adoptions, see section 6.4) travelled to Colombia to carry out inspections of the adoption agencies and gather information from the country's authorities. The programme was organised by the Consulate-General, and meetings were held with the ICBF, as well as visits to the children's homes CRAN, FANA and Los Pisingos.

During the visit, the ICBF stated that there had been no changes to the adoption process over the past seven years, but that a new law was in the pipeline. The purpose of the law was to simplify the paperwork whilst strengthening the authorities' control, including by requiring court decisions on adoption to be issued within 30 days,[789] and by ensuring that no child could leave the country without a legally binding court decision. The visits to the children's homes took place on a public holiday and were limited to viewing the premises

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785 'Report to the Council for International Adoptions from the fact-finding and inspection mission to Latin America, 24 April – 11 May 1984.'

786 Application dated 28 August 1986. We have not been able to locate this, but it is referred to in the application for approval of contact with a foreign country, dated 23 June 1987.

787 The committee has not found the approval itself, but it is referred to in the approval of foreign contact dated 31 July 1987.

(788) Letterfrom SAK to AF, 31 July 1987.

789 This likely refers to 30 days from the date the adoption application is submitted to the court.

According to the travel report, 'many' children were adopted from CRAN to Norway, 'a number' from Los Pisingos and somewhat fewer from FANA.[790]

12.7.2.1 Cases without a legally binding court decision on adoption

During the 1980s and up until the early 1990s, it was a problem for the Norwegian adoption authorities that it could take a long time for a court decision on adoption to be forwarded from Colombia. Norwegian adoption authorities were also unsure whether the court decisions they received from Colombia were legally binding. In several cases, it took many years before the court decision arrived and the adoption could be registered in Norway.[791] In internal documents(792), the Ministry of Justice expressed some frustration that various county governors were submitting requests for readoption[793]in Norway on the basis of handover and departure documents rather than court decisions on adoption. A letter from CRAN dated 30 January 1984 indicates that CRAN believed that some of the cases were being delayed by certain family court judges in Bogotá.

The Committee has identified a single case from the mid-1980s in which the Ministry of Justice requested the County Governor to grant adoption authorisation 'as it does not appear that the final adoption documents will be received from Colombia'.[794] The documents from Colombia in this case include a copy of the child's Colombian passport and an exit permit from the ICBF, as well as documents from one of the private institutions containing brief information about the child's background and health. The names of the biological parents are not stated in the documents. The child was adopted in Norway without there being any court decision on adoption from Colombia in the case documents in Norway.

The issue of the lack of legally binding court decisions from Colombia was raised during a visit by the Norwegian adoption authorities to the country in 1988. On that occasion, they asked the ICBF 'how the Colombian authorities would view the fact that Colombian children in Norway were being adopted under Norwegian law when the adoption documents from Colombia were not received within a reasonable time'. The ICBF considered this to be impossible, but was unaware of the problem regarding the lack of court decisions and requested a list of children who, after two years in Norway, had not received final court decisions on their adoption.

In the archives of the Norwegian adoption authorities, we have found some subsequent correspondence regarding this problem. Following the visit in 1988, the Norwegian adoption authorities wrote the following to the ICBF:[795]

> During our visit, we also raised the question of when a Colombian adoption judgement becomes final. Some judgements sent to us for registration in our adoption register contain a declaration of finality, whilst others lack such a declaration. In the latter case, the absence of a declaration of finality has been remedied by an extract from the birth register showing that the adoptive parents are recorded as the child's parents. For us, this constitutes satisfactory documentation that the judgement is final. However, on occasion, this extract from the birth register is also missing. […] During our discussions on this issue, we understood that the judgment document was not drawn up

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[790] SAK, 22 November 1988: 'Report from the trip 8–30 October 1988 to Latin America.'

[791] In a letter from Adopsjonsforum dated 31 January 1984, they request RIA's assistance in clarifying six specific adoption cases. In a draft letter to the ICBF from SAK dated February 1989, they state that they will forward a list of cases (unknown number). A letter to the ICBF from 1991 describes three specific cases. In the Committee's review of individual cases, we note that in five out of nineteen cases from the years 1985–1987, the adoptive parents were granted an exit permit for the child before a legally binding court decision from Colombia was available. In several of these cases, more than a year elapsed before the court decision was sent to Norway.

[792] Comment on a draft letter to the County Governor of Nord-Trøndelag, dated 11 January 1984, concerning an application for the readoption of a Colombian child

[793] Until 1980, it was recommended that children already adopted abroad should undergo a re-adoption procedure in Norway (see section 6.3).

[794] Letter from the Ministry of Justice to the County Governor of Oslo and Akershus, 8 March 1985.

[795] Letter from SAK to ICBF, 1 December 1988.

> until the judgement becomes final. In other words, the very act of sending the judgement document to the adoptive parents would in itself mean that the judgement is final. Written confirmation of this from the Colombian authorities will enable us to register a number of cases that are currently pending here whilst awaiting documentation confirming that the judgement is final.

In a new letter to the ICBF in February 1989, the Norwegian adoption authorities wrote that Adopsjonsforum had drawn up a list of cases where judgements were missing and had forwarded it to the ICBF. They continued to seek clarification on when a judgement becomes final, described the various types of endorsements, and requested written confirmation that a court decision sent to the parents meant that it was final.[796]

In 1991, Adopsjonsforum wrote that the problem of delays in the final adoption documents had been resolved, as new guidelines had been introduced whereby families now travelled to Colombia when the adoption case began and remained there for between four and eight weeks until the process was completed.[797]

12.7.2.2 *Assessment of the practice of departure without a legally binding court decision*

The Committee considers it unfortunate that the Norwegian authorities accepted a practice that resulted in an unresolved legal situation for children arriving in Norway. For some, this situation was protracted, and there are
examples of cases where it lasted for two or three years. This could have created complications in situations where the question of who holds parental responsibility is significant. The Colombian authorities justified the practice on the grounds that it was considered to be in the child's best interests to be reunited with their future
adoptive parents as quickly as possible. At the same time, the practice entailed a risk of situations that were not in the child's best interests (for example, the adoption being contested in Colombia and a claim for return being made after several years in Norway), and which do not appear to have been adequately assessed by the Norwegian adoption authorities.

This practice could entail a risk that adoptions might be finalised in Norway without sufficient confirmation of a final Colombian court decision, and the committee has found one example of this. The committee considers this to be reprehensible.

Since the visit in 1988, however, the Norwegian adoption authorities have given the impression of being meticulous in this area. The Committee regards it as an example of good practice that the Norwegian adoption authorities raised the issue with the ICBF. When they received a clear refusal to the question of whether they could finalise/register the adoption in Norway without a final Colombian court decision, it appears that the Norwegian authorities respected this.

12.7.2.3 *The Armero disaster in 1985*

The Armero disaster was a massive landslide following a volcanic eruption on 13 November 1985, which resulted in the deaths of more than 23,000 people in the town of Armero.

Based on information in the Dutch investigation report, the Danish central authority (Ankestyrelsen) has conducted an investigation into adoptions from Colombia to Denmark, partly in connection with the Armero disaster.

The Appeals Board states that there are strong indications that more than 400 children were separated from their parents, and that several of them were subsequently adopted both domestically and abroad. The children were moved to reception centres around the country and adopted through both legal and potentially illegal channels. As the registration offices' records had been lost in the disaster, it was possible

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[796] In connection with the topic of legally binding court decisions, it is also relevant to refer to a news article in *Harstad Tidende* (23 December 1989: 'From Colombia to Breivoll'). It concerned a specific adoption from Colombia, and the adoptive parents stated that 'bribes in the form of gifts are necessary to sort out the formalities'. It is not, however, clear whether this referred to obtaining a passport for the child or the court decision on the adoption itself.

[797] 'Application for re-approval of contacts in Colombia', from AF to SAK, 5 March 1991.

a person who appeared at the land registry office together with three witnesses was able to register a child as their own.

Mothers and other family members have subsequently stated that they saw video footage of the disaster on the news, in which their own children were rescued from the earthquake zone, but that the children subsequently disappeared.
Others have explained that they found their children in various ICBF children's homes, but that they were still not able to get them back:

> My husband survived, but three of our children went missing. We didn't think they were buried under the rubble or that they were dead. We later learnt that many children had been taken to children's homes in the area. We searched through them all. In Ibagué, we found Alfonso. We saw him playing in the courtyard of a children's home. We weren't allowed in and were told that the boy we'd pointed out was called Fernando. We had lost everything that could prove he was our son. The matron would not allow a meeting. My husband tried to explain to her that Alfonso, who was ten years old at the time, would want to know who his parents were and would recognise us – that he would remember us as soon as he saw us – but they would not listen and sent us away. Our attempts were in vain; she would not give us a chance. When we tried again later, we were told that he had been adopted internationally.[798]

Since 2012, the Armando Armero Foundation[799]has been working to reunite families who were separated following the disaster, including through DNA testing. Armando Armero believes that the authorities and the ICBF may have removed relevant documentation from the case files. According to the Appeals Board, it was established in 2022 that more than sixty children were adopted abroad whilst their parents were still alive.

The Appeals Board points out that adoption agencies in Denmark were aware of the disaster and donated substantial sums to the ICBF's head office earmarked for surviving children. The children were placed in two ICBF children's homes in Medellín and Bogotá, with which adoption agencies in Denmark collaborated directly (the specific agencies are not specified). It was suggested that adoption cases would be delayed due to other, more urgent tasks. Nevertheless, far more children were adopted to Denmark in 1986 than in 1985 (65 vs. 26). The Appeals Board notes that several cases from the mid-1980s are missing essential documents, which may indicate irregularities. They have decided to continue investigating cases from this period.

The disaster attracted considerable international attention. In a 1985 article in VG following the Armero disaster, the ICBF stated that it would *not* relax its procedures or expedite the release or approval processes for international adoptions.[800]

In contrast to the situation with Denmark, the number of adoptions from Colombia to Norway fell in 1985 and 1986, but rose significantly from 1987 onwards and remained at a high level until 1993, when it began to decline. We do not, therefore, see the same immediate increase in adoption figures as in Denmark, but it is unclear what caused the increase in 1987.

In the committee's review of individual cases, we have assessed whether it is possible to determine whether the children adopted to Norway may have come from Armero. The first 15 cases from 1987 were requested from Bufdir's archives with a view to investigating this, but 12 of the cases we received for that year turned out to contain only preliminary approvals of adoption applicants. However, we have reviewed two cases from 1988, one case from 1987 and 11 from 1986. These court decisions on adoption generally state where and when the child was born, but information about the child's background is generally scarce. For example, it may state that the child was found 'on the street' and that appeals were made in various media for the parents to come forward (an adoption from 1986). It may state that the child was 'included in the adoption programme because

[798] The statement was collected by Yennifer Dallmann in connection with the art and documentary project *#NoMother-NoChild* and was shared with the committee by RACO on 16 March 2025. The quotation has been translated from English.

[799]www.armandoarmero.org

[800] VG, 20 November 1985, '"No children as Christmas presents"'.

due to the mother's irresponsibility' (an adoption from 1988), or that the mother has abandoned the child, for example to one of the private institutions (an adoption from 1986). The Committee's investigations into the opportunities available to adoptees from Colombia to learn about their own origins are described in more detail in section 12.9.4.

According to Armando Armero, children were taken in particular to Bogotá and Ibaqué following the disaster, before they could be put up for adoption from there. The Committee has not had the resources to examine in detail a number of individual cases concerning adoptions to Norway from these two regions during the period in question, in order to investigate whether any of them might be linked to the disaster; in any event, it is doubtful whether the documents alone would be able to provide an answer or any indication of this.

It may also be noted that, during a meeting with one of the private institutions in Colombia, the Committee was informed that all private institutions were prohibited from accepting children from other regions following the Armero disaster.

12.7.3 Longer waiting times and agreements on advance payment of adoption donations, 1990–1999

In 1991 (5 March 1991 and 3 September 1991), Adopsjonsforum applied for approval of its international contacts and network. Two international contacts were to work with the ICBF. They still had a dedicated coordinator for adoptions from private institutions. Adopsjonsforum stated that the international contacts received a basic salary of 500 USD with 'certain supplements'. Most adoptions still took place through the ICBF (in 1990, 142 out of a total of 188 children).[801] Among the private institutions, Adopsjonsforum was now collaborating with Los Pisingos, CRAN and FANA in Bogotá, as well as with Casa de Maria y el Niño and Casita de Nicolas in Medellín. They mention that CRAN's director had visited Norway a few years earlier, and that cooperation with Los Pisingos had resumed (it is said to have been 'many' adoptions from there to Norway in the late 1970s, but quite few in the early 1980s). The directors of Los Pisingos and FANA have also visited Norway since the previous application, and all are said to have met with the Norwegian adoption authorities. The compulsory donations remained at 3,500 USD for all the private institutions, with the exception of Casita de Nicolas, which did not wish to receive donations. Lawyers' fees ranged from 500 to 900 USD per case.

The Norwegian adoption authorities (the State Adoption Office) approved (on 11 March 1991) new overseas contacts and networks. They wrote that 'included in the approval is an acceptance of the donation of US$ 3,500 […] The donation corresponds roughly to the average cost of a child's stay at the institution. We ask the association to ensure that such donations do not exceed any increase in the cost of living in the country, so that there can be no question of the buying and selling of children'. They also asked the association to 'keep an eye on' the fees for legal assistance.

In the minutes of a working visit undertaken by Adopsjonsforum to Colombia in October 1992, it is mentioned that CRAN 'is struggling with financial problems'.

In 1993 (23 December 1993), Adopsjonsforum applied for re-approval of its contact network. With regard to the private institutions, Adopsjonsforum wrote that they had discussed the donations with other Northern European intermediaries at a meeting and had ascertained that the amounts they pay are at the same level. They noted, however, that donations from North American and Southern European adoptive applicants were likely to be higher. Donations had increased for several of the private agencies since the previous application (see Table 12.1).

In Adopsjonsforum's report from a working visit to the country in the summer of 1993, they wrote that there was 'no doubt that the intention behind the change [the reorganisation of the ICBF] was to enable more

[801] Since 1990, AF has compiled statistics on the number of adoptions from the ICBF and the private children's homes respectively. See Table 12.2.

adoptions per year'. They also wrote that representatives from Chiquitines and FANA were due to visit Norway during the autumn.

The travel report also contains a memo addressed solely to the managing director, intended for 'internal use and discussion'. It states that '[w]ith regard to the private adoption agencies, it will soon be absolutely essential to increase funding in certain places – if we are to continue the cooperation'.
According to the note, this applied to CRAN, FANA and Los Pisingos. It states that Adopsjonsforum had received several more placements after paying a donation of 4,200 USD to CRAN. The employee wrote in the second person plural: '[I]f one wishes to continue the work with casas (?), perhaps one should consider a new special arrangement again????[sic.]'. 'Special arrangement' refers to the applicants themselves paying the required donation in return for a reduction in the basic fee that all adoption applicants paid to Adoption Forum.[802] Furthermore, it is suggested that Adoption Forum should contribute to FANA's new building.

Table 12.1 Trends in donations at private institutions 1980–2006, amounts given in USD

Agency	1980	1984	1987	1993	1995	1997	1998	2001	2005	2006
CRAN	1350	2500	3,500	4500	4500	5500	5500	6000	6500	9000
Los Pisingos	1350	2,500	3,500	4,000	4500	5500	5500	6000	6500	9000
FANA	1800–2000	2500	3500	4000	4650	5700	5750	6000		6500
Chiquitines				3500	4500	5,000	5,250	6000	6500	
Casita de Nicolas				700	4,000	4,400	4400	6000		
Casa de Maria y el Niño				3500	4050	5050	5,100	6000		

Overview of the stated amounts that Adopsjonsforum donated per adoption to the private agencies. Please note that it varied between agencies and years as to whether the donation included lawyers' fees, or whether these were charged separately. Please also note that these were not necessarily donations paid by each individual adoption applicant, but rather what Adopsjonsforum paid. From an early stage, everyone who adopted through Adopsjonsforum paid the same amount per adoption, regardless of where they adopted from. However, a special arrangement was introduced for adoptive applicants who adopted through the private agencies in Colombia. This was discontinued in 1990.

Source: Applications for approval of contact networks and applications for placement authorisation for Colombia from Adopsjonsforum (1980–2005) and other documentation, cf. section 12.7.4.5 and section 12.7.4.5.

In the spring of 1994, representatives from Los Pisingos visited Norway, and in the autumn of 1994, representatives from CRAN visited.

In the autumn of 1994, the Norwegian State Adoption Office undertook an inspection and fact-finding mission to Colombia. The programme was organised in collaboration with Adopsjonsforum's coordinator in Bogotá. Two representatives from Adopsjonsforum Norway also took part in the trip. At a meeting, the ICBF stated that a total of 3,500 adoption applications were received annually. Of the 2,600 children available for adoption, 30 per cent were placed with foreign

[802] AF's archives, 'Minutes of the Executive Board meeting, 14 September 1990'.

international adoption, and they placed increasing emphasis on domestic adoptions. It was emphasised that adoptions were a child welfare measure. The ICBF expressed scepticism towards the private institutions and the high donations, but believed that the Colombian authorities would find it difficult to crack down on them. One such institution was reportedly under investigation, but it was not one with which Adopsjonsforum collaborated. The licences of the private institutions were renewed every five years. They did not receive public funding, but the ICBF could place children there. Most children who came under the ICBF's protection at that time were reported to be abandoned children aged between 6 and 8 with physical or mental health challenges. FANA was also visited. This is described as the largest private adoption agency in Colombia. It had 150 staff and housed 150–160 children aged 0–12. FANA was established in 1972 and, since 1979, had run a maternity home for pregnant women that could accommodate between 40 and 50 pregnant women. It was mentioned that, in some cases, placements from the private institutions were arranged verbally between the institutions and Adopsjonsforum. The Norwegian adoption authorities believed these should be in writing.

Adoption Forum's minutes from the trip state: 'We would particularly like to mention that she [the new head of the ICBF] expressed an interest in "keeping an eye on" the donations to the private children's homes. It was reported that one facility was under investigation.' The report also states that Adoption Forum was concerned about the Colombian tax authorities. Adoption Forum was in the process of formalising its office in Bogotá, but this took time, as it required, amongst other things, an amendment to the articles of association at Adoption Forum's head office.

In January 1995, a representative from Adoption Forum Norway travelled to Colombia, primarily to attend the inauguration of FANA's new centre. This was marked by a programme lasting several days which, like the centre itself, was described as extremely lavish. Adoption Forum's representative wrote that 'no expense has been spared here', and suggested that the resources 'could have been used in a way that would benefit more children'. Adoption Forum's internal travel report also describes a separate meeting with the foreign adoption agencies, at which FANA announced that they would now 'need more support'. They now had 200 employees, and their turnover in 1994 was more than 2 million USD. In 1995, they would probably need more than 3 million USD 'to keep the wheels turning'. Adopsjonsforum assumed that some of this would likely be covered by the sale of the plot of land on which the original centre was situated.

In May (19 May 1995), Adopsjonsforum informed the Norwegian adoption authorities that they had had their Bogotá office approved and registered with the Colombian authorities and were thus a 'legal entity' in Colombia. Everything relating to the office and its staff would be governed by Colombian law, including specific requirements regarding accounts, etc.

12.7.3.2 Indications of irregularities in adoptions through the ICBF

In June 1995, the Norwegian adoption authorities[803]received an enquiry from the Swedish adoption authorities (Nämnden för internationella adoptionsfrågor) regarding a case in which a Colombian grandmother wished to have her grandchild, who had been adopted to Sweden, returned to her. The daughter and grandchild were reportedly abducted and had gone missing. The grandchild was subsequently found on the street and taken into care by the ICBF. An appeal for relatives was published in the daily press, but no one came forward, and the child was adopted. The grandmother later came forward and sued the ICBF for abduction.[804] The Swedish Board for International Adoption Issues wished to know whether there had been similar cases involving adoptions to Norway.

The Norwegian adoption authorities replied (26 June 1995) that they were not aware of any similar cases between Colombia and Norway. They had a general impression that adoption work in the country was conducted
'very seriously and professionally', that the ICBF had 'control and oversight of every single adoption case, and monitors the state-run – and to some extent the private – children's homes'. Norwegian adoption authorities

[803] Letter to SAK from NIA, 15 June 1995.

[804] The case is also discussed in SOU 2025:61, Vol. 2, pp. 280–285.

considered that the systems and procedures in Colombia ‘have, over the years, become better, safer and increasingly reassuring, and the country is today among our most “problem-free” partner countries’. They admitted that they could not ‘guarantee’ that irregularities had never occurred in adoption cases from Colombia to Norway, or that errors might not have been made in the processing of cases, but emphasised the safety of adoptions to Norway by pointing out that adoptions outside the approved agency system were practically not permitted, and that the adoption itself was finalised by a legally binding court ruling in Colombia before the child was allowed to leave the country.

The case was also covered in the Norwegian media, including in a report on Dagsrevyen.[805] Adopsjonsforum responded to the case in a letter to NRK, with a copy sent to the Norwegian adoption authorities (7 July 1995). They considered the report on Dagsrevyen to be biased and one-sided. Adopsjonsforum was more concerned that children might lose the opportunity to find a family because the ICBF was taking too long with the process.

In Norway, a case in which the ICBF was accused of something similar is known in connection with an adoption from around 1990. The case received some media coverage in 2006.[806] When the case came to light, a Colombian mother claimed that she had handed her one-year-old son over to the ICBF to relieve the burden on her due to her difficult financial situation, that she visited him regularly, but that one day she was suddenly informed that her son had been given up for adoption. According to Adopsjonsforum, the mother had ‘succeeded in an administrative appeal against the ICBF. She was awarded compensation, but this judgement was later overturned by a higher court’.[807] The adoptive parents, for their part, claim that they were informed that the birth mother had changed her mind regarding the adoption on several occasions during the process. The Committee has not examined the case documents in detail.

The Committee has received information about other similar circumstances relating to adoptions to Norway, for example an adoption from the 1980s in which the birth mother, in a meeting with her adult child, stated that she believed she was placing the child in temporary care at a children’s home whilst she was looking for work, and that she never consented to any adoption. The adoptee has shared with the committee case documents which they received after requesting access from the ICBF, the children’s home, the civil court in Colombia, as well as the Adoption Forum and the Norwegian authorities. There is no consent to adoption in these documents. The case file contains a statement from the ICBF declaring that the child had been abandoned (‘Resolución por medio de la cual se declara el total estado de abandono al menor [child’s name]’), and that the child was a candidate for adoption. The week following the decision, the mother, who was 20 years old at the time, signed a document stating that she had been notified of the ‘declaration of abandonment’ and that she waived her right to appeal this decision to the ICBF.[808] The mother has explained that she did not understand what she was signing and claims that the child was taken from her against her will.

In its review of individual cases (in the ‘Child Archive’), the Committee has identified a case where information that came to light in the 2000s shows that an adoption carried out in 1983 was based on incorrect information. In the case documents, the child’s Colombian foster mother was listed as the child’s biological mother. The foster mother had wished to adopt the child, who had been entrusted to her by the birth mother, who was homeless. The foster mother did not know the birth mother’s name. The ICBF did not allow the foster mother to adopt the child, but instead arranged for an adoption to Norway. During the administrative and legal processing of the adoption in Colombia, the foster mother was listed as the biological mother.[809]

[805] Dagsrevyen, 26 June 1995 – NRK TV: https://tv.nrk.no/serie/dagsrevyen/sesong/199506/episode/FAKN21007795.

[806] Dagbladet, 5 April 2006: ‘NRK claimed that our son was stolen.’

[807] Dagbladet, 5 April 2006: ‘NRK claimed that our son was stolen.’

[808] Information and documentation shared with the Committee by a person adopted from Colombia, provided in June 2024.

[809] The Committee has not seen all the documents in the case, but a letter from the foster mother in the ‘Child Archive’ explained the circumstances surrounding the adoption. The documents show that, prior to the adoption, the child had the foster mother’s surname.

The Committee is also aware of individual adoptions to Norway, most of them in the 1980s, where there are obvious errors in the children's documents, or where the assessment of the child's situation was inadequate, or where insufficient efforts were made to trace the child's biological family.[810]

During the 2000s and 2010s, information has come to light regarding a number of cases from the 1980s, 1990s and 2000s in which the ICBF's assessment of the children's background and family circumstances appears to have been inadequate (see also section 12.7.2.3). In 2012, the Colombian documentary series **Niños made in Colombia** was broadcast. Among other things, the series showed that internally displaced persons in Colombia who approached the ICBF for assistance could, in some cases, have their children taken away from them, who were later adopted abroad.[811] The Danish television programme **Sporløs** has also investigated several cases relating to adoptions arranged through the ICBF in the 1980s, 1990s and 2000s.[812] The cases investigated raise doubts about the ICBF's procedures for investigating the children's and families' backgrounds, as well as its practices for assessing the grounds for taking children into care and placing them for adoption. Swedish journalists have also investigated adoptions from Colombia to Sweden, and they present, amongst other things, a case in which two children were abducted from their family in the presence of several witnesses. The children were later placed in the care of the ICBF and were subsequently adopted abroad on the basis of documents that falsely claimed that the mother was mentally disabled.[813]

The Rights Group for People Adopted from Colombia has also drawn the committee's attention to the fact that there are a number of groups on social media where a large number of Colombian parents are searching for children who are said to have been adopted abroad, often on what the parents claim are false grounds.[814] The cases span several decades, and the Rights Group for People Adopted from Colombia argues that the overall scale of cases involving inadequate investigations, questionable practices, errors in documentation and conflicting accounts reflects systematic errors and failures within the Colombian child welfare system.

The Swedish investigation report also concludes that adoptions from Colombia to other countries have taken place with inadequate documentation regarding the children's backgrounds and how the children were made available for adoption. The investigation points out, amongst other things, that certain court cases relating to adoption decisions led the Constitutional Court (*Corte Constitucional*) in Colombia to carry out an investigation into the ICBF's work, which concluded that the ICBF had not investigated the children's backgrounds thoroughly enough before the children were declared available for adoption.[815] The Swedish investigation has also identified several instances of errors in the children's documentation in connection with adoptions to Sweden.[816]

The Rights Group for People Adopted from Colombia has also drawn the Committee's attention to a 1999 news article in the Colombian newspaper *El Espectador* which refers to an investigation into the ICBF in

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[810] These may be cases where there are obvious errors in the adoptee's documents, for example where the Colombian birth certificate indicates that the adoptee was born after the adoption took place, or where the documents show that the adoptee was baptised *before* they were supposed to have been born. These may also be cases where children have been abducted from their parents and subsequently adopted into Norway (NRK, 25 January 2020, 'My Stolen Little Brother').

[811] For example, in the first episode, 'Niños made in Colombia I – El derecho a ser padre', *Séptimo Día*, 2012. The account is based on a summary shared with the committee by RACO on 16 March 2025.

[812] Including episode 9, 2012, episode 6, 2017 and episode 7, 2019. The cases include situations where the ICBF removed children who were being cared for by someone other than their biological mother, and the mother was subsequently unable to regain custody of the children despite her attempts to do so. The cases also include situations where the child fell ill, the mother approached the ICBF for help, and the child was taken from her. The documents relating to one of these cases state that the child was not close to the mother, whilst the mother explained that she had had the child with her for a year and a half. This account is based on a summary of the 'Sporløs' series shared with the committee by RACO on 16 March 2025.

[813] *Dagens Nyheter*, 17 April 2021, 'Poor mothers were deprived of their children – who were adopted into Sweden'. The articles in DN were subsequently published as a book: Sköld, J., Lundberg, P. & Mahmoud A. (2022). *Adoptionerna: Ett granskande reportage*. Natur & Kultur. This account is based on a summary shared with the committee by RACO on 16 March 2025.

[814] Submission to the committee from RACO, 16 March 2025.

[815] SOU 2025: 61, Vol. 2, p. 261.

[816] SOU 2025: 61, Vol. 2, pp. 286 and 293.

Bogotá, carried out by the Procuraduría General de la Nación, a supervisory and disciplinary authority. The inspection revealed extensive disorganisation and errors in the children's case files, as well as a lack of background checks on the children. The ICBF director confirmed in the case that the Bogotá office was in a 'structural administrative crisis' and that it was understaffed.[817] The Committee has found no documentation or information to suggest that the Norwegian authorities or Adopsjonsforum were aware of the news report and the 1999 investigation.

As far as the Committee can ascertain, the Norwegian adoption authorities were also unaware of such criticism of the ICBF in 1995. The information they provided to Sweden was therefore correct based on the knowledge they possessed at the time.

Risk factors relating to the consent of the birth parents are discussed in more detail in section 12.8.1, whilst risk factors relating to the release process are addressed in section 12.9.3.

12.7.3.3 Conflicts between the ICBF and the private agencies

In November 1995, two staff members from Adopsjonsforum Norge travelled to Colombia.[818] The purpose was to meet with the ICBF to discuss the low number of adoptions that year. The ICBF stated that they had 3,000 approved applicants from various countries, and that the waiting time had become very long. The travel report states that it was 'essential that both our coordinators [at the Bogotá office] make their presence strongly felt at the DVA [the adoption department at ICBF headquarters] regarding our ICBF cases and exert pressure'. It was mentioned that Adopsjonsforum's pool of applicants consisted 'almost exclusively' of families approved to adopt a single child aged 0–2 years, and that this made the situation 'pressured' as they were then 'in an exceptionally long queue' of applicants from other countries and of Colombian families who also wished to adopt young children. With regard to the private agencies, it was mentioned that 'the head of the ICBF at national level has more or less openly taken up the fight against the private adoption agencies'. That year, Adoption Forum had received few allocations from FANA, which the representative attributed to 'the issue of donations'. The representative wrote that 'our situation with regard to this agency must be discussed'.

In December 1995, Adoption Forum applied for re-accreditation of the contact network for adoptions from Colombia.[819] In its application, Adoption Forum explained that the decline in adoption figures from the country was due to centralisation within the ICBF, which had met with resistance from regional offices and led to the regions not reporting as many children released for adoption to the ICBF's central office as they could, and to a lack of resources in the ICBF's adoption department. Furthermore, the ICBF had been required to process all private adoption applications on an equal footing with applications submitted through approved intermediaries. This had led to an increased workload for the ICBF, as it received several hundred private applications from countries such as Spain. Adoption Forum had the impression that there were 'several parties vying for the children', and that, in general, it appeared as though the ICBF was giving greater priority to southern European countries.[820]

Adoption Forum noted that the number of children placed with Norwegian applicants via the ICBF had halved since 1993, whilst the number of children from private institutions had remained more stable. At the same time, the average age of the children arriving in Norway had been steadily falling. There were 36 children aged 0–1 in 1993 and 53 children in this age group in 1995. Adopsjonsforum believed this could be explained by a decline in sibling adoptions. Both the trend towards younger children and the decline in sibling adoptions were explained by an increase in the proportion of adoptions from private institutions. This increase, Adopsjonsforum argued, was in turn a result of the Norwegian adoption authorities having introduced stricter practices regarding the approval of parents for the adoption of siblings and older children.

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[817] *El Espectador*, 24 April 1999, 'Irregularidades en el Icbf de Bogotá', shared with the committee by RACO, 16 March 2025.

[818] AF. Internal travel report, 4–26 November 1995.

[819] Application dated 29 December 1995.

[820] AF's application, 29 December 1995.

Adoption Forum also mentioned that the then head of the ICBF was 'particularly negative' towards the private institutions, and that seven of the institutions had entered into a partnership to protect their interests. Adoption Forum emphasised that the ICBF supervised the operations of the private agencies. 'Adoption Forum therefore regards these adoptions as being just as safe as adoptions through the public child welfare services.'

Adoption Forum wrote that the private agencies "charge fixed, relatively high adoption fees or donations", and that the level was now higher than "anywhere else Adoption Forum places children", but considered that this should be viewed in the light of the agencies' high standards and lack of public funding.

The Norwegian adoption authorities re-approved the contact network, but requested that developments regarding fees and donations at the private agencies be closely monitored, and that any major changes be reported.[821]

In March 1996, an employee of Adopsjonsforum Norge travelled to Colombia. The ICBF had appointed a new director at the turn of the year. The travel report explained that the previous director 'had introduced a number of changes that were not always well received – particularly in relation to the private adoption agencies'. Adoption Forum now had the impression that a new 'priority area' for the ICBF was to clarify the legal status of children once they had come under the authority of the child welfare services. Visits were made to FANA, CRAN and Los Pi-singos. Adoption Forum's representative wrote that these organisations were characterised by uncertainty regarding what ICBF's policy towards the private agencies would be, as well as by a draft of parts of a new Child Welfare Act currently before Congress. Adoption Forum writes that the draft bill was perceived as a 'threat' to the private institutions' 'existence as future adoption agencies', and that all the private institutions were 'engaging in vigorous lobbying to have the bill postponed'.

In September 1996, the head of the secretariat at Adoption Forum travelled to Colombia. A visit was made to FANA. The travel report notes that although the new director was perceived as more sympathetic, the fact remained that 'a great deal revolves around money at FANA'. Adopsjonsforum wrote that they had made it clear there was 'not much more to be gained in Norway', and assumed that this was a contributing factor to the reduction in the number of children from FANA to Adopsjonsforum from 1994 (ten children) to 1996 (three children). Adopsjonsforum wrote that '[f]or more than a year, there have also been rumours circulating that FANA is under investigation on the basis of allegations that they "sell children"'. Adopsjonsforum linked this to the new centre, which 'sends an all too clear signal that substantial sums of money have been in circulation there'. Adoption Forum considered the accusations to be unfair and wrote that they had no doubt that the donations had gone towards developing the institutions, but that they nevertheless chose to 'keep a low profile' in future cooperation. FANA had now been forced to reduce its staff to 95 employees.

In this mission report too, Adoption Forum mentions the private institutions' lobbying against the ICBF's desire to deprive the institutions of the ability to run their own adoption services, "which would spell financial disaster for them, as adoption donations form the backbone of their finances". Adoption Forum described the institution heads' network of contacts as 'formidable' and stated that 'the crisis has now been averted'. During Adoption Forum's meeting with the ICBF, the agency's resource problems were again raised. Among other things, the ICBF was subject to a recruitment freeze. The case from Sweden (see section 12.7.3.1) was said to have led them to now spend 'a little more time on the release process for abandoned children'. Adoption Forum also received statistics from the ICBF showing that the percentage of adoptions going to Colombian married couples fell from 1994 to 1995. Visits were made to the private children's homes in Bogotá, and the travel report states that CRAN had received a donation of 2,000 USD from Adoption Forum (for the purchase of a minibus for wheelchair users). CRAN is also said to have mentioned that they were experiencing financial difficulties due to a general decline in the number of 'abandoned' children. There were now only three women living at the maternity home. In summary, Adopsjonsforum wrote that the situation in Colombia was 'a cause for concern'.

[821] Letter from SAK to AF, 10 January 1996.

12.7.3.4 Advance payment to CRAN and request for advance payment from Los Pisingos

In the summer of 1997, the head of the secretariat and two staff members from Adopsjonsforum Norway travelled to Colombia, partly as part of an initiative in collaboration with the Dutch adoption agency NI-CWO. They were to collaborate on a financial 'rescue operation' for CRAN. The cause of the financial problems was said to be falling income due to the decline in adoptions (compared with a normal figure of 110–120 per year, they had 66 adoptions in 1996). In addition, the travel report mentions an unusually high number of cases where women living in the maternity homes changed their minds about giving their children up for adoption.

According to the mission report, the agreement entered into by NICWO and Adopsjonsforum with CRAN is described in a separate memorandum sent to Adopsjonsforum's national board.[822] It is also outlined in the mission report:
'[T]he idea is therefore that NICWO and we pay donations in advance for expected children. From the outset, each agency pays USD 50,000, which is offset by paying USD 3,000 instead of the normal USD 5,000 donation for each of the first 15 placements during the first year of the agreement. The advance payment is gradually phased out over a three-year period." [823]

At Adoption Forum's meeting with the ICBF, the ICBF again mentioned capacity issues, both at central and regional levels. At Adopsjonsforum's meeting with Los Pisingos, it became clear that they wanted an agreement similar to that with CRAN, not because of financial problems, but because the Colombian authorities had reacted to the fact that donations were being made in connection with individual adoptions. It is outlined that Los Pisingos will, twice a year, request a larger donation amount from each of its partners, and that this amount is to 'be based on estimates of the number of placements in the coming six months'. It is further stated that 'in addition to the standard accounts, which they [Los Pisingos] are to present to the authorities, there shall be internal – or rather "bilateral" – accounts with each of the foreign partners'. Adoption Forum told Los Pisingos that they 'do not expect this to be a problem for us'. NICWO, on the other hand, was 'more negative' towards this arrangement, and Adoption Forum's director wondered whether this might give Adoption Forum an advantage. The conclusion following the trip was that 'there will likely be new records for CRAN and Los Pisingos'.

In August 1997, two employees from Adoption Forum Norway travelled to Colombia. According to the travel report, FANA was still struggling financially. Los Pisingos announced that they would be changing the 'financial concept for donations' from the autumn onwards, cf. the previous trip.

12.7.3.5 Norwegian adoption authorities request a financial report

In September 1997, the Norwegian adoption authorities sent a request to Adopsjonsforum asking it to provide an account of various financial aspects of its operations, including donations and their purpose.[824] In its reply (13 October 1997), Adopsjonsforum explained that the donations covered costs relating to individual adopted children, and in some cases also constituted a 'general subsidy for the institution's activities'. As Adopsjonsforum only collaborated with 'public and approved private institutions run on a non-profit basis', they were confident that the donations were being used as intended.

The Norwegian adoption authorities also asked Adopsjonsforum to explain how and to whom the donation amounts were paid. Adopsjonsforum explained that they were generally channelled through their foreign contacts. In the case of Colombia, pre-signed cheques were issued in Norway which 'are handed over as and when placements are made'. The advance payment to CRAN was not mentioned.

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[822] The Committee has not been able to locate this memo.

[823] The travel report states that the agreement was drawn up in writing and signed. The Committee has not found the final agreement.

[824] Letter from SAK to AF, 10 September 1997.

Adopsjonsforum's reply included a form providing an overview of expenditure abroad. In this, Adopsjonsforum stated that the donations to the private institutions had been 'accepted' by the Colombian authorities: 'We consider a donation to have been accepted when the authorities have had access to the accounts and have not raised any critical comments.' Adopsjonsforum did not mention that they were aware that Los Pisingos was planning a 'bilateral' set of accounts that was not to be presented to the Colombian authorities. In response to questions from the Norwegian adoption authorities regarding the remuneration of foreign contacts, Adopsjonsforum wrote that 'some of our foreign contacts receive some money in addition to their monthly salary. This may be payment for translation/interpretation, or for assistance to applicants beyond what is a natural – and agreed – part of the international liaison officer's work'. Adopsjonsforum did not mention the bonus scheme they had in place with international liaison officers of 100 USD per adoption in excess of 30 per year (see below).

In September 1997, Adopsjonsforum applied for a renewal of its placement licence for Colombia.[825] In this application, they explained the staff shortages at the ICBF and the regions' scepticism regarding centralised matching. With regard to the private institutions, Adopsjonsforum stated that they had 'scaled back their cooperation with FANA somewhat, and prioritised the two other children's homes in Bogotá'. They also mentioned that the new management at ICBF, unlike the previous one, considered the private institutions to be a 'positive complement' to the public sector. Adopsjonsforum described how donations had increased, but made no mention of advance payments or the agreement they had entered into with CRAN. With regard to salary levels, they stated that the office manager's monthly salary was 2,120 USD, that the case worker received 1,320 USD, and that three other staff members received between 410 and 780 USD per month. Contact persons/interpreters in various regions received 150 USD per family they assisted.

Case documents relating to the Norwegian adoption authorities' assessment of the application express concern about the rising costs at private agencies: 'In no other country where the association is approved are the costs so high.'[826] However, it is also noted that, according to the Swedish adoption authorities, similar fees were paid in Sweden. The Norwegian adoption authorities approved the contact network (18 December 1997) and asked Adopsjonsforum to 'continue to monitor cost trends closely and report any significant changes during the period of validity'. [827]

In February 1998, the Norwegian adoption authorities contacted Adopsjonsforum and requested, amongst other things, an explanation of the long waiting times in Colombia and whether 'there is generally a difference in age between children placed via the ICBF and those from private children's homes, and if so, why'.[828] Adopsjonsforum replied (11 March 1998) regarding the private institutions that 'children placed from casas [the private institutions] are largely born to young, single women who have stayed in maternity homes during their pregnancy', and who choose adoption as a solution to a difficult situation. They stated that birth mothers had a 30-day cooling-off period after signing the declaration that they wished to give their child up for adoption. After that, the child could be adopted. The children who came via the ICBF were mainly abandoned children or children where child welfare services had become involved due to neglect or similar circumstances. In such cases, the release process took longer. Adopsjonsforum also stated that it was now Adopsjonsforum that decided whether an application should be sent to the ICBF or to a private institution.

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825 Application dated 26 September 1997. They did this despite the fact that Adopsjonsforum's placement licence in Colombia was not time-limited, a point highlighted by SAK in its reply of 18 December 1997, which is formulated as a 're-approval of the contact network'.

826 Memorandum from SAK's office manager to SAK's senior adviser, 19 December 1997.

827 After this approval was sent to the BFD for information, the BFD sent a request to SAK (3 June 1998) asking them to carry out a more detailed assessment of, amongst other things, cost trends and salary levels amongst foreign contacts and staff in Colombia.

828 Letter from SAK to AF, 27 February 1998.

In May 1998, two staff members from Adopsjonsforum Norge travelled to Colombia, primarily to recruit a new coordinator for the private agencies. Another coordinator was now responsible for all ICBF adoptions.

In September 1998, the head of the secretariat at Adoption Forum Norway travelled to Colombia. According to the travel report, he presented Los Pisingos with a cheque for 3,000 USD as a gift to mark the institution's 30th anniversary. CRAN received the same amount to mark its 20th anniversary. It is mentioned that Los Pisingos was now the private children's home in Colombia that facilitated the most adoptions. FANA was still experiencing financial difficulties and expressed the hope that Adoption Forum could increase its donations.
Adoption Forum's head of secretariat was also informed that 'ICBF's new national director is married to a niece of Rosa [one of the founders] at Los Pisingos', and he hoped this meant that there would be 'no new rush on the casas [the private institutions]'.

A memo to Adoption Forum's national board from 1998 (undated) concerning the office in Bogotá stated that, since the 1980s, Adoption Forum's coordinators in Bogotá had received a bonus of 100 USD for each adoption they were responsible for beyond the quota of 30 per year, in addition to their basic salary. The coordinators in Bogotá had also received USD 150 per family they assisted, the same amount that local assistants had received elsewhere in Colombia. Both bonus schemes had now been proposed for abolition by the national board. As far as the committee can ascertain, these schemes were never reported to the Norwegian adoption authorities. Some of the staff had also received additional income from translating adoption documents. The memo states that even without the translation income, the schemes are said to have resulted in one of the staff members at the Bogotá office at one point being 'by far the highest-paid of all staff at Adopsjonsforum'. The memo describes various measures Adopsjonsforum had initiated to bring the cost levels at the Bogotá office under control.

In July 1999, two employees from Adopsjonsforum Norway travelled to Colombia. Chiquitines, the private institution with which Adopsjonsforum collaborated in Cali, had now established a maternity home, following authorisation from the ICBF. According to the travel report, the private institution with which Adoption Forum had been collaborating in Medellín, Casita de Nicolas, had asked Adoption Forum for help, and Adoption Forum offered to 'help them in the same way as we have done with some other Colombian organisations'. Adopsjonsforum offered a loan of 15,000 USD, to be repaid over two years, in return for a promise to be allocated seven children during that period. The board of Casita de Nicolas declined this offer. Adopsjonsforum visited the maternity home run by Casa de Maria y el Niño, which at the time was housing 15 pregnant women. In a meeting with CRAN, they went through 'our allocation list to see how many [allocations/children] we were short of'. CRAN reported that the board had decided to renew the agreement with Adoption Forum. During a meeting with FANA, it emerged that the manager had visited Norway and expressed his gratitude for the visit. The representative wrote the following in his travel report: 'I have to tell it like it is: I pressed [the director] to allocate a child to our oldest family at Fana, and it worked out.'

12.7.3.6 Assessment of the advance payment scheme for donations In summary, adoption arrangements in the 1990s were characterised by an increase in the proportion of adoptions taking place through private agencies. There were several reasons for this shift: internal restructuring at the ICBF led to fewer adoptions to all countries, and, in addition, the ICBF prioritised applicants from countries countries other than Norway. The Norwegian authorities' stricter practices regarding the approval of adoptive parents for the adoption of siblings, older children and children with special care needs also appear to have played a role.

As private institutions became more important for placements to Norway and accounted for an ever-increasing proportion of adoptions from the country, Adopsjonsforum entered into several agreements which the committee believes may have led to a risk that, in the allocation of children and the running of the private children's homes, considerations were taken into account that ran counter to the primary consideration in adoptions – the best interests of the child. This may, for example, have led to mothers in vulnerable situations being subjected to greater pressure to give up their children, and to the principle of subsidiarity being challenged by foreign families being prioritised over domestic applicants.

It is evident from the material that the relationship between Adopsjonsforum and CRAN in 1997 was influenced by a debt dynamic in which CRAN 'owed' Adopsjonsforum children, something Adopsjonsforum appears to have
'press for' in meetings with the institution.[829] Given that these agreements were entered into with institutions that also ran maternity homes for pregnant women in vulnerable situations, this could create a risk of pressure that undermined the requirements for informed consent.[830] See also section 12.8.1.

The Committee considers it positive that, in 1997 and 1998, the Norwegian adoption authorities asked questions about the intermediaries' finances and other matters relating to the adoption arrangements from Colombia. The Committee notes, however, that Adopsjonsforum chose to share only limited information with the Norwegian authorities regarding the agreements they had entered into. The Norwegian adoption authorities had explicitly required Adopsjonsforum to report any major changes relating to the donations (in the re-approval of the contact network on 10 January 1996), and the advance payments can hardly be understood as anything other than a major change.
The Norwegian authorities had also asked specific questions about the financial circumstances surrounding the organisation's operations (10 September 1997). Adopsjonsforum nevertheless chose not to disclose the agreements regarding the advance payments in its reply (13 October 1997) or in the application for approval of the contact network in Colombia (26 September 1997), nor did it disclose bonus schemes for staff linked to the number of adoptions.[831] They provided incomplete information when they stated that the Colombian authorities had 'accepted' the donations and had 'access to the accounts',[832] as Adopsjonsforum was, at that time, aware that Los Pisingos was planning a payment structure which it did not intend to disclose to the Colombian authorities.

The Committee considers it likely that Adopsjonsforum was aware that the Norwegian authorities would have reacted to the advance payment arrangements, and deliberately chose not to provide information about them. The Committee considers this to be particularly reprehensible. After 1 December 1999, this also constituted a breach of the terms of their intermediary licence.[833]

It is also clear that Adopsjonsforum's representatives – despite Adopsjonsforum's assertion to the Norwegian authorities that the donations were used as intended – at times considered the private agencies' use of funds to be questionable; this was, for example, clearly evident in connection with FANA's anniversary celebrations in 1995 (see section 12.7.3).

The Committee also notes that, on several occasions, Adoption Forum paid for travel to Norway for staff and managers at the private institutions, and that in some cases this appeared to place Adoption Forum in a stronger negotiating position to secure allocations for its applicants (see section 12.7.3.5, last paragraph).

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[829] See AF's internal travel report from June 1999.

[830] Adopsjonsforum considers (10 January 2025) that the long-standing cooperation with CRAN and the trust that had been built up by that time must have been part of the basis for such an agreement.

[831]Adopsjonsforum had (1 January 2025) no comments on the fact that this was not reported to the Norwegian adoption authorities, but points out that the bonus scheme must be regarded as compensation for the extra work involved in each additional adoption, and that the assessment of remuneration for contact persons has changed over time and following the entry into force of the Hague Convention.

[832] Reply from AF to SAK, 13 October 1997.

[833] Since 1 December 1999, there have been rules on the duty to provide information in Section 10 of the Regulations on Adoption Mediation (Regulations of 30 November 1999 No. 1195). 'An organisation authorised to arrange the adoption of children from a foreign state shall immediately report any changes in the organisation's activities in Norway or abroad that may affect its authorisation to arrange adoptions. The organisation shall also immediately report any changes in political, legal or other circumstances abroad that may be expected to affect its adoption placement activities. Notification shall be given to the Norwegian Directorate for Children, Youth and Family Affairs. If the organisation is considering commencing placement activities in a new country, the Norwegian Directorate for Children, Youth and Family Affairs shall be informed.' In the current regulations from 2018, a corresponding provision is set out in Section 22.

This could entail a risk that considerations other than the best interests of the child would be the guiding principle in placements and work relating to subsidiarity. See also section 12.8.

12.7.4 The Hague Convention is ratified in both countries and placement by private institutions ceases, 1999–2006

On 1 November 1998, the Hague Convention entered into force in Colombia, and in July 1999 the Norwegian adoption authorities received a communication from the ICBF informing them that the adoption department at the ICBF had been designated as the central authority.[834] The ICBF confirmed the names of the eight institutions authorised to work with adoptions, and stated that 'the public authorities guarantee the integrity and sense of responsibility of the private organisations in their work on the selection and preparation of prospective adoptive parents and in the follow-up of the child and its parents after the adoption'. The Norwegian adoption authorities confirmed (27 August 1999) that Adopsjonsforum was authorised to arrange adoptions from Colombia, and that 'the association carries out its work on a non-profit basis and is staffed by individuals who, by virtue of their ethical standards and their education or experience, are qualified to work with international adoptions'.

On 16 September 1999, Adopsjonsforum applied for a renewal of its authorisation to arrange adoptions from Colombia. The application stated that the Ministry of Children and Families (in a letter dated 16 October 1999) had issued some guidelines on how applications should now be drafted. With regard to the private institutions, it was again mentioned that the authorities exercised strict control over them, and that Adopsjonsforum had every reason to believe that the donations were being used as intended. Adoption Forum wrote that the trend of declining adoptions via the ICBF was continuing, whilst the number of adoptions from private institutions remained stable. 55 per cent of the children were under one year of age on arrival in Norway in 1998. Adoption Forum explained that it was the children from private institutions who accounted for the high proportion of infants. They noted that 10 per cent of the children who came to Norway in the early 1990s were over 5 years old, whilst no children over 5 arrived in 1998.

In connection with this application, the Norwegian adoption authorities contacted the Norwegian Embassy in Venezuela and requested an assessment of the situation in Colombia.[835] They referred to several news reports in the Norwegian media describing chaotic conditions in the country, with high levels of violence, an economic crisis, corruption and a loss of government control in large parts of the country. They sought the Foreign Service's assessment of whether it was justifiable to continue with adoption placements from the country. According to correspondence between the State Youth and Adoption Office and the Ministry of Children and Families (15 October 1999), the former is said to have received feedback from Adoption Forum regarding the Norwegian adoption authorities' enquiry. Adoption Forum considered it an 'overreaction' to involve the embassy.

The Embassy in Caracas replied (6 December 1999) that the situation was extremely difficult: an increasing number of civilians were being displaced from their homes, and the country was said to have approximately 1.5 million internally displaced persons; corruption was widespread, including within the judiciary; and impunity was a major problem. The embassy wrote that 'most' of those with whom they had been in contact regarded the private institutions as 'very reputable organisations', but that more detailed investigations might be necessary. According to the embassy, the ICBF was considered to be free from corruption. The embassy saw no reason to recommend that adoptions from Colombia be suspended. The Norwegian adoption authorities approved Adopsjonsforum's application (12 January 2000).

The Committee considers it positive that the Norwegian adoption authorities took the initiative to carry out independent investigations into the situation in the country.

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[834] Letter dated 7 July 1999 from the ICBF to SUAK, which had taken over the functions of SAK (see section 6.4).

[835] Letter from SUAK, 23 September 1999.

Adopsjonsforum applied (5 December 1999) to use one of the secretariat's staff members, a non-authorised translator, to translate court decision documents from the country, but the Norwegian adoption authorities rejected this,[836] as they believed, as a matter of principle, that this should be done by an authorised translator. They wrote that they could make an exception, but considered that persons translating legal documents should possess a certain level of legal expertise.

12.7.4.1 Advance payment to Los Pisingos

In July 2000, an employee from Adopsjonsforum Norge travelled to Colombia. According to the travel report, Adopsjonsforum was informed during a meeting with Los Pisingos that the foundation had decided that adoption agencies working with them should pay the donations in advance. It was agreed that, from 1 January 2001, Adopsjonsforum would transfer donations to Los Pisingos twice a year. These would be based on the previous year's allocations. If there were fewer allocations than anticipated, the amount would be carried over to the next period. CRAN signed a renewal of the cooperation agreement for a new period. It is stated that both Los Pisingos and FANA now had many children. Adoption Forum attributed this to the difficult situation the country was generally in.

On 14 January 2001, Adopsjonsforum is said to have sent an overview of overseas costs in 19 countries for the year 2000 to the Norwegian adoption authorities. This reported a transfer of NOK 2,750,000 in donations to children's homes in Colombia.[837] The donations amounted to USD 6,000 per adoption, which were the highest donations in connection with an adoption partnership among all Norwegian intermediaries.

12.7.4.2 The Norwegian adoption authorities' information and inspection visit in 2001

In March 2001, the Norwegian adoption authorities (the Norwegian Directorate for Children, Youth and Family Affairs) undertook an information and monitoring visit to Colombia. An official from the Ministry of Children and Families also accompanied the delegation as an observer. The purpose of the visit was to gather further information on cooperation with private institutions and their work with mothers considering giving their children up for adoption. In its mission report, the Norwegian State Youth and Adoption Office explained that it was now prioritising work on international adoption costs in general and donations in particular. The reason for this lay in 'a growing awareness, partly through the Hague Convention'. The Norwegian adoption authorities received assistance from the Honorary Consulate in Bogotá with travel arrangements. They met with the central authority, a family court judge, three private organisations and one public institution. On this occasion, a conscious decision was taken to hold the meetings with the central authority without Adoption Forum present.[838]

According to the Norwegian adoption authorities' travel report, the central authority in Colombia expressed the view that adoptions should only be processed through the state, and that 'the strong position and considerable influence of [the private] institutions characterise the cooperation with the supervisory authority'. With regard to donations, the ICBF noted 'Norwegian acceptance of the system, and challenged us regarding our role'. At the same time, the ICBF emphasised that the private institutions carried out 'useful, preventive social work', and that 'the use of funds appears reasonable'. The report states that, during the meeting with the ICBF, 'it was explained that the donations are not subject to accounting requirements for the institutions'.

The Norwegian adoption authorities noted in the mission report that, according to Adopsjonsforum, Los Pisingos had an overseas account for receiving donations. The Norwegian adoption authorities also received confirmation from one of the private institutions that domestic adoption applicants paid less per adoption than foreign applicants.

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[836] Letter from SUAK to AF, 9 March 2000.

[837] We have not been able to locate this overview, but it is referred to in SUAK's report on the trip, 'Information and Supervisory Visit to South America 2001', Part 3 on Colombia, p. 18.

[838] See SUAK's 2001 mission report. AF nevertheless states in its internal mission report that the content of these meetings was subsequently relayed to AF by ICBF staff.

ICBF stated that they had 1,000 applicants awaiting the placement of children under the age of 6. There was no waiting time for children over the age of 6, sibling groups or children with special care needs. In total, up to 1,500 children were adopted annually. Half of the children were adopted by foreign applicants.

During the visit, the Norwegian adoption authorities spoke with the private institutions about the maternity homes they ran. They were told that women approached the institutions directly when considering adoption. The final handover of the children could not take place until one month after the birth. Mothers were to receive counselling and support from a social worker, a psychologist and a doctor. The private institutions emphasised that the mothers were not subjected to pressure, but that they would have to leave the institution if they chose to keep the child. CRAN stated that 20 to 30 per cent of the women associated with the maternity homes chose to keep their child.

During a visit to CRAN, the Norwegian adoption authorities learnt that the institution, whilst in a 'critical phase', had received a 'loan in the form of an advance' [839]from Adopsjonsforum. At FANA, the Norwegian adoption authorities noted that the institution appeared to be 'in good financial health', whilst at Los Pisingos they encountered 'a rather uncooperative attitude'. In addition, the Norwegian adoption authorities considered it a cause for concern that the institution was to have the donations transferred directly to an account in a third country. At the same time, they pointed out that the institution had 'the ICBF's guarantee of reliability, with approval in accordance with Article 12 of the Hague Convention regarding the necessary authorisation from the authorities'.

The Norwegian adoption authorities wrote that their impression from the visit was that the private agencies would find it difficult to operate satisfactorily on public subsidies alone, and that a culture of donations had therefore developed. At the same time, the country had established systems to prevent financial gain in connection with adoptions. The Norwegian adoption authorities (the Norwegian Directorate for Children, Youth and Family Affairs) nevertheless found that 'there may be grounds for considering somewhat stricter conditions for continued cooperation with the private agencies'.

12.7.4.3 The appeal case concerning placement by private agencies

On 18 September 2001, Adopsjonsforum applied for a renewed placement licence for Colombia. Internal documents relating to the case processing[840] show that the Norwegian adoption authorities had held a separate meeting with Adopsjonsforum[841] regarding the donations to the private institutions. At that meeting, Adopsjonsforum is said to have explained that the donations also covered programmes for children who were not placed for adoption. The Norwegian adoption authorities held an internal discussion[842] on whether they should suspend adoptions from the private institutions, or whether they should give Adopsjonsforum the opportunity to provide more detailed information about the system first. At the same time, the Norwegian adoption authorities were working on a letter to the ICBF in which they highlighted the scheme involving compulsory donations.

On 3 May 2002, the Norwegian adoption authorities (the State Youth and Adoption Office) renewed the authorisation to arrange adoptions through the state child welfare services until the end of 2004. At the same time, authorisation was granted to arrange adoptions from private institutions, but with a time limit until 31 December 2002. The reason given by the Norwegian adoption authorities was that the funding of the institutions' activities beyond adoption placement through a compulsory donation conflicted with the provisions of the Hague Convention (Article 32). Furthermore, they stated that the linking of adoption costs per adoption to a compulsory donation conflicted with Norwegian regulations

[839] Report from SUAK's information and monitoring visit in 2001, Part 3 on Colombia, p. 22.

[840] Draft, dated 13 April 2002.

[841] Meeting between SUAK and AF on 16 November 2001 – minutes not found.

[842] This is evident from SUAK's memorandum dated 19 December 2001, which relates to the draft 'Order to rectify matters concerning adoption placement through private agencies', as well as from internal correspondence within SUAK dated 13 April 2002 and 17 April 2002.

regarding the conditions for placement. They referred to the Regulations of 30 November 1999 on requirements for organisations placing children from foreign countries for the purpose of adoption. The Regulations stipulated that placement organisations must keep the annual accounts and annual report for adoption placement and other activities separate. The Norwegian adoption authorities asked Adopsjonsforum to ‘find a solution for cooperation with the institutions in question that is not based on mandatory and, at the same time, unspecified donations linked to each individual adoption’. Furthermore, they requested that the next application specify the expenditure on adoption mediation and other activities respectively. The Norwegian adoption authorities asked Adopsjonsforum to clarify as soon as possible whether the private institutions could accept a different arrangement. If they were unable to do so, the Norwegian adoption authorities stipulated that Adopsjonsforum should not submit any new applications for grants to these institutions.

Adopsjonsforum lodged an appeal against the decision (27 May 2002) and submitted a detailed statement regarding the appeal (31 May 2002). The statement noted that Adopsjonsforum considered the decision to be a breach of the cooperation obligations arising from both countries having ratified the Hague Convention. The donation was linked to ‘an integrated, high-quality programme for pregnant women and to the running of the children’s homes themselves’, and the increase in donations had been less than the increase in Adoption Forum’s total adoption costs. The donations did not contravene the Hague Convention or Norwegian regulations, even though the amount covered more than purely adoption-related expenses, as the programmes for mothers constituted ‘a unified programme’. All the private institutions “keep detailed, audited accounts in accordance with the country’s accounting legislation, and submit them to the authorities”. They considered that it was not the role of the Norwegian adoption authorities to carry out double-checking of approved institutions in another Contracting State.
Article 32(2) of the Hague Convention[843] should not be interpreted ‘fundamentalistically’, as this was not in line with the intention behind the article. Adoption Forum considered that the intention was that ‘it should be possible to claim reimbursement of expenses “in excess of the real costs of a specific adoption”’.[844] The donations could be seen as an ethical obligation on the part of adoptive parents to support private institutions that perform child welfare functions in states with less developed welfare systems, provided that this does not
‘be permitted to influence the release process and the application of the principle of subsidiarity’. The narrow interpretation adopted by the Norwegian adoption authorities (the Norwegian Directorate for Children, Youth and Family Affairs), were it to gain widespread acceptance, would lead to the closure and scaling back of a number of valuable services provided by both private and public organisations. Adoption Forum concluded as follows:

> Adoption Forum is proud of its collaboration with some of the private children’s homes in Colombia. We are pleased that our adoption fees help these institutions to maintain comprehensive, high-quality programmes for mothers. We agree with the institutions that the primary objective should be to enable the women receiving protection to keep their children, and we think it is excellent that our payments also help cover the costs for those women who choose to keep their children.

It is evident from internal memos at Norwegian adoption authorities[845] that, according to the Ministry of Children and Families, attempts were made to politicise the issue amongst adoption applicants, and that the decision had
‘caused quite a stir’.

On 4 July 2002, the Norwegian adoption authorities granted Adopsjonsforum an extension until 30 June 2003 for the placement licence from the private agencies. On 6 July 2002, the Norwegian adoption authorities sent a letter to the ICBF in which they provided information on the situation and requested clarification of information received during their previous country visit, including the fact that the donations were not recognised as income in

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843 ‘Only costs and expenses, including reasonable fees for professional assistance from persons involved in the adoptions, may be charged or paid.’

844 AF further refers to the Explanatory Report on the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption by Parra-Aranguren, paragraphs 526–534.

845 Memoranda at BUFA, 18 June 2002, which had now taken over functions from SUAK (see section 6.4).

the institutions' accounts in such a way that it was possible for the ICBF to gain an overview of the size of the sums involved and what they were used for. They asked the ICBF to state its view on the donations.

On 23 September 2002, the ICBF sent a letter to Adopsjonsforum requesting information on the cooperation with the private institutions, including details of the costs incurred by Norwegian applicants when adopting a child from the private institutions, whether the donations were made directly by the applicants or through Adopsjonsforum, and whether the donations were voluntary, or whether a fixed amount per adoption had been established and, if so, how much it was, and what procedure was followed when transferring the amount.

On 15 October 2002, a representative from Adopsjonsforum Norge travelled to Colombia, taking with them Adopsjonsforum's reply to the ICBF. The reply was a six-page document in which Adopsjonsforum stated that it would 'examine the historical context and assess our cooperation with Colombian casas in relation to our cooperation with institutions in other countries' and in light of the Hague Convention. Adopsjonsforum presented the donations here as 'voluntary', but 'agreed upon' and 'standardised'. They explained that in all the countries in which they operated, they had a 'long-standing practice' of making donations to private institutions because 'one cannot expect a private child welfare institution in a relatively poor country to be able to finance its operations using funds from public sources'. Adoption Forum acknowledged that the donations were substantial, but that this had to be viewed in the context of the quality of the services provided. Much space is devoted to praising the private institutions' 'passionate commitment to the most vulnerable' and their excellent maternal and child welfare services. Adoption Forum believed it would be 'tragic if the enquiry from the Norwegian authorities were to result in this important work being hampered or rendered impossible'. Furthermore, they stated that 'for two of the organisations, funds are transferred periodically, whilst for the other two they are transferred as and when allocated'. To emphasise the voluntary nature of the donations, Adopsjonsforum wrote that they believed that if, for example, Adopsjonsforum
'were in a difficult financial situation and asked to pay a lower donation, or none at all, we actually believe that our partners would be understanding of this'.

However, Adoption Forum's internal documents paint a different picture of the issue of donations, stating, for example, that it would be 'absolutely essential' to increase donations (Adoption Forum's internal travel report, 1993), and that 'a great deal revolves around money' at some of the private institutions (Adoption Forum's internal travel report, 1996). This also contradicts what is implied in Adoption Forum's letter to the ICBF in 2005 (see below).

During the trip in October 2002, Adoption Forum held a meeting with CRAN, which said it would be happy to provide an account of how the donations were used. CRAN wished to continue the existing agreement it had had with Adoption Forum in recent years. Adoption Forum's travel report also mentions that the private agencies were experiencing problems with the new director of the ICBF in Bogotá and a new policy whereby the ICBF 'wishes/requires that all birth mothers should have the opportunity to keep their children and also breastfeed them before the final decision on adoption is taken'. During a meeting with the ICBF, Adopsjonsforum was informed that the ICBF was undergoing a period of reorganisation following the election, and that they did not yet know the new director of the ICBF's stance on adoptions. During a meeting with the ICBF in Bogotá, they were told that the new consent rules also entailed obtaining information about the biological father.

It took a long time for the ICBF to respond to the enquiry sent by the Norwegian adoption authorities in July 2002. The Norwegian adoption authorities therefore extended the authorisation (4 April 2003) to arrange adoptions through the private agencies once again. At the same time, they informed Adopsjonsforum that they would consider the complaint if the ICBF had not replied by the end of June 2003. By September 2003, the ICBF had still not replied. In the meantime, the Norwegian adoption authorities had involved the Norwegian Embassy in Bogotá to expedite the matter. On 18 September 2003, Adopsjonsforum's appeal against the decision on the limited placement authorisation was forwarded from the subordinate body (the Directorate for Children, Youth and Family Affairs) to the Ministry of Children and Family Affairs. In correspondence
to both prospective adoptive parents and adoption agencies, the Norwegian adoption authorities explained that the issue

regarding unspecified donations was of fundamental importance, and that they were pleased that they would now receive a clarification that would set a precedent. The Norwegian adoption authorities mentioned that they particularly wished to clarify whether 'the system in Colombia falls within or outside the scope of what is permitted under the Hague Convention and the regulations governing the associations' activities (particularly with regard to the requirement for transparency, the requirement for accounting, and the requirement that the relationship between direct adoption costs and other expenses (e.g. aid work) must be verifiable and traceable)".

In a letter to the Norwegian adoption authorities, Adopsjonsforum wrote that, in the event of a rejection, they considered this to be "a good case for judicial review".[846] Adopsjonsforum stated that they also found it regrettable that the ICBF had not responded to the Norwegian adoption authorities' enquiry, and that this was "a sign that this is a difficult nut to crack for the ICBF and the Colombian state". Adoption Forum was concerned that an 'unrealistic' attitude towards adoption costs would undermine 'overarching objectives, such that: – more orphaned and abandoned children would be denied the opportunity to find a new family; – more poor and marginalised women would be forced to choose abortion; – child welfare services would be further weakened in countries already under severe strain in this area".[847]

Adoption Forum subsequently (11 November 2003) sent the Ministry of Children and Family Affairs a supplement to the complaint, in which they explained that, according to information they had received, the silence from the ICBF was due to the fact that they were now conducting a thorough evaluation of the private institutions. It was also rumoured that a cooling-off period for birth mothers would be introduced. They further believed that the visits by the Norwegian adoption authorities to the private institutions during the 2001 trip by the new ICBF management had been interpreted as undue interference in their areas of responsibility. Adoption Forum also reported that no decision had been taken in The Hague prohibiting 'expenses for assistance programmes' from being covered by adoption fees. At the Hague Special Commission meeting in 2000, four restrictions on such donations were reportedly proposed: that the amount must be fixed and notified in advance; that the intended use of the donation must be clear; that the transfer must be recordable and accountable; and that a detailed breakdown of such income and its use must be set out in the accounts.[848]

Adopsjonsforum wrote (5 December 2003) to the Ministry of Children and Families stating that 'extensive meetings are currently taking place between the institutions and the ICBF', and that they expected this to result in specific rules for the institutions regarding donations and in changes to the institutions' 'financial procedures and working practices'.

On 3 December 2003, the ICBF finally replied to the Norwegian adoption authorities. In the letter, they wrote that the private agencies

> are organisations structured as 'non-profit' organisations and are not in a position to request, set or propose a compulsory donation or fee from those intending to apply for adoption. Furthermore, any donations received by the authorised institutions to develop their adoption programmes must be based on the generosity of the donors, and the institutions cannot therefore demand or even suggest a donation, as this would be contrary to the legal nature of the donation.

This letter was also forwarded to the Ministry of Children and Families,[849] which (on 16 December 2003) nevertheless upheld Adoption Forum's complaint. The Ministry, in agreement with the Ministry of Children, Youth and Family Affairs

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[846] Letter from AF to BUFA and BFD, 22 September 2003.

[847] Letter from AF to BUFA and BFD, 22 September 2003.

[848] According to AF, the reference to this can be found in 'Work Doc. No 10', which was presented at a special commission meeting in The Hague in November/December 2000. The proposal is said to have been put to a vote, but as no consensus was reached, it was concluded that no recommendation was possible.

[849] The letter was written in Spanish. On 5 December 2003, AF sent a translation of the letter to the Ministry and the relevant agency. The Norwegian adoption authorities subsequently commissioned an external translation of the letter, which is consistent with AF's.

The Ministry of the Environment stated that the high donations gave cause for concern, but had 'concluded that, at this stage, it would be too far-reaching a measure to halt Adopsjonsforum's adoption arrangements through the private institutions in question in Colombia'. The Ministry considered that the difficult questions raised by the case 'can best be resolved through active cooperation between the central authorities under the Hague Convention', and that the possibilities for cooperation had not been 'fully explored' in the case.

The Ministry also noted that both Swedish and Danish adoption agencies were still arranging adoptions from the private institutions.

The Directorate for Children, Youth and Family Affairs reacted to the fact that the letter from the ICBF, sent on 3 December 2003, had not been mentioned in the Ministry of Children and Family Affairs' decision, and sent an email to the Ministry (17 December 2003) asking whether they had received it. Internal correspondence within the Directorate for Children, Youth and Family Affairs (5 January 2004) indicates that the Ministry confirmed that it was aware of the letter. The Ministry of Children and Family Affairs is said to have verbally informed the Directorate for Children, Youth and Family Affairs that it now appeared as though the ICBF was finally addressing the issue concerning the donor countries and taking action on it.

On 7 January 2004, the Directorate for Children, Youth and Family Affairs therefore renewed Adoption Forum's authorisation to act as an intermediary through the private agencies, but asked Adoption Forum to monitor developments regarding the donations. The Ministry of Children, Youth and Family Affairs referred to the ICBF's letter stating that the private agencies were not permitted to request, stipulate or propose a compulsory donation, and wrote that it expected further cooperation with the private agencies to take place in accordance with the framework set out by the ICBF in the letter.

12.7.4.4 Assessment of the Ministry of Children and Family Affairs' decision

The Committee considers it a shortcoming that the Ministry did not comment on the ICBF's letter (3 December 2003) in its decision (16 December 2003) in which the complaint concerning placement by the private institutions was upheld.

The Ministry of Children and Families emphasised that the private agencies were approved by the ICBF, and that it must be the ICBF's responsibility to withdraw their authorisation if necessary. In principle, this appears to be an understandable position. At the same time, there was nothing in the ICBF's letter to suggest that they were now taking a more active approach to the issue. At this stage, ICBF's alleged increased monitoring was something only Adoption Forum had reported, which may suggest that the Ministry of Children and Families placed too much weight on Adoption Forum's information and assessments in the case. Adoption Forum provided incomplete information when it claimed that ICBF exercised strict supervision over the private agencies, whilst at the same time possessing information that, for example, Los Pisingos had a donation system which it deliberately concealed from the Colombian authorities (cf. the 'bilateral' accounts described in Adoption Forum's internal travel report from 1997), and that Adoption Forum's donations were paid directly into accounts in a third country.

In light of what the ICBF had stated to the Norwegian Directorate for Children, Youth and Family Affairs (that they wished to have an opportunity to address the donations), the Ministry's decision can be understood as the Ministry putting a stop to an initiative that the ICBF had requested from the Norwegian adoption authorities. However, it is unclear to what extent the Directorate for Children, Youth and Family Affairs conveyed what appeared to be the ICBF's position on the matter clearly enough to the Ministry. At the same time, a representative from the Ministry itself took part in the information and monitoring visit in 2001.

Those involved in the case at the Ministry of Children and Families with whom the Committee has spoken do not recall the decision. It is also apparent from the written material that the case received a fair amount of attention, both in the form of individual enquiries to the Ministry of Children and Families and the Norwegian Directorate for Children, Youth and Family Affairs, and in the media. The Committee has reviewed the Ministry of Children and Family Affairs' mail register for the period in question. After the appeal case was forwarded from the Directorate for Children, Youth and Family Affairs

Administration to the Ministry, there were several individual enquiries regarding adoptions from private institutions in Colombia (eleven enquiries over a period of eight days from 1 October 2003).

The case was also covered in the media.[850] Following the Ministry's decision, *Vårt Land* (10 January 2004) ran the following article: 'Dåvøy – yes to adoption.' The article states that the Ministry of Children and Family Affairs had found no evidence to suggest that children were being bought and sold, and that '[M]inister [Laila Dåvøy] is delighted with last year's high adoption figures; second only to the record year of 2002.
Dåvøy praises the many Norwegians who choose to become adoptive parents to children who do not have a mother and father. She would have liked to see an increase in state adoption support."

The Minister's statement can be said to illustrate the general political attitude towards international adoption in Norway at that time. The significance of these political guidelines for the field is discussed in more detail in Chapter 8, whilst section 12.8.4 provides an overall assessment of the Norwegian authorities' control and supervisory activities.

12.7.4.5 The end of the collaboration with private agencies

On 14 September 2004, Adopsjonsforum applied for a renewal of its placement licence for Colombia. So far in 2004, the number of adoptions from private institutions had fallen considerably, from fifty to sixty per year over the previous seven years to just five in 2004. In correspondence with the Norwegian adoption authorities, Adopsjonsforum had suggested that the private institutions were 'punishing' Norway for the enquiry from the Norwegian adoption authorities.

In November 2004, the Norwegian adoption authorities (Bufdir)[851]undertook an information and monitoring visit to Colombia. The purpose of the visit was, amongst other things, to discuss the donations with the ICBF and explore possible solutions.

Bufdir visited Los Pisingos, CRAN and FANA. The director of Los Pisingos had held this post for two years.[852] Los Pisingos stated that the ICBF had strengthened its cooperation with the private institutions. Institutions that now accepted that ICBF placed children with them also had to commit to following the guidelines for state-run children's homes. Los Pisingos presented the decline in adoptions from private institutions as a general trend.[853] Part of the explanation was that new requirements had been introduced regarding when consent to adoption could be given.[854] Bufdir understood the institutions to be seeking to influence the drafting of new legislation and guidelines, for example so that the Supreme Court judgement (T-510 of July 2003)[855] could be interpreted differently. The number of women at Los Pisingos' maternity home is reported to have fallen from 435 in 2001 to 235 in 2004. They were informed that 52 per cent of the women admitted to the programme ended up giving their child up for adoption.

During a meeting with CRAN, the Norwegian adoption authorities gained the impression that the ICBF had not yet issued guidelines to the institutions regarding donations. They also visited the maternity home, which stated that approximately 40 per cent of the mothers chose to keep their child. Poverty was cited as the main

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[850] E.g. in *Vårt Land*, 29 October 2003: 'Fears of child sales'; *Romerike blad*, 19 November 2003: 'Fighting against refusal of adoption'.

[851] Bufdir, which had now taken over functions from BUFA.

[852] This director was the son of the former director, and the man AF met in 1997 (see section 12.7.4). In 2013, he was accused of embezzlement and other financial irregularities in connection with his work at the foundation. See, for example, *El Espectador*, 27 April 2013, 'Casa de adopción, en entredicho'.

[853] In 2003, the breakdown of ICBF adoptions versus those by private agencies is reported to have been 894 to 749. In 2004, the figures were 1,064 through the ICBF and 265 through private agencies.

[854] See the description of the Supreme Court judgement of July 2003, T-510, in section 12.5.2.2. Following this, it became a condition that a birth mother could not consent to adoption until at least 20 days after the birth. Thereafter, 30 days had to elapse from the date the consent was given until it became final.

[855] See section 12.5.2.2.

the reason why the women had to give up their child. FANA considered that the Supreme Court ruling placed greater emphasis on the child's right to grow up in their own family than on women's right to self-determination, and the institution still allowed the women to remain anonymous, meaning that their names would not appear on the child's documents.

In a meeting with the ICBF, the Bufdir was informed that the ICBF was now exercising closer supervision of the private institutions, partly as a result of the Supreme Court ruling mentioned above. The ICBF reiterated that the institutions could not charge for the adoption work they carried out, and that setting a fixed fee per adoption was not consistent with the concept *of donation*, which they regarded as a voluntary gift. The ICBF stated that if the private institutions could clarify what expenses they incurred for each individual child, this would be an arrangement that the ICBF could also accept. All other donations had to be entirely voluntary.

In a meeting with a *defensor de familia,* Bufdir was informed that the maternity homes at the private institutions were required to draw up three reports on the mothers: one during pregnancy, one at the time of birth and one 20 days after the birth. These reports had to detail the work the institutions had done to enable the mother to understand her own situation and to realise what adoption entails. The family defender also believed that poverty was the most common motive for adoption.

On 14 January 2005, Bufdir granted Adopsjonsforum renewed authorisation to act as an adoption agency in collaboration with ICBF. As regards the private institutions, Bufdir considered that it could not take a position on Adopsjonsforum's application (14 September 2004) to act as an intermediary on their behalf until the issue of donations had been resolved. They referred to the dialogue with ICBF on the matter. At a meeting between Bufdir and Adopsjonsforum in January 2005, Bufdir is said to have made it clear that if the total amount from Adopsjonsforum and the prospective adoptive parents were to amount to 6,000 USD per adoption, this would be regarded as a continuation of a donation system that neither Bufdir nor ICBF could accept.[856]

Adoption Forum then referred the matter to the National Executive Committee, which considered it at a meeting (4 March 2005). The memorandum to the National Executive Committee (28 January 2005) states that Los Pisingos had now 'put forward a "request"/demand' for a fixed monthly contribution (irrespective of the number of adoptions) of 1,500–2,000 USD from its foreign partners. Adopsjonsforum wrote to the National Executive Committee stating that the Norwegian authorities could accept Adopsjonsforum covering the actual fixed monthly costs per child, based on the ICBF's official rates. 'The excess of the "voluntary donation" must then be covered by the family in question who is adopting.' In other words, Adopsjonsforum proposed that the 6,500 USD now demanded by the private agencies would still have to be paid, but that it was the adoption applicants themselves who would have to cover the majority of this amount. Adoption Forum asked the National Board whether it could approve Adoption Forum's departure from the principle of equal sharing of costs.

On 4 April 2005, Adoption Forum informed Bufdir of the National Board's endorsement of a 'sharing model for donations'. Bufdir then (4 July 2005) granted renewed authorisation for adoptions from private agencies, on condition that 'the fixed amount paid for each individual adoption does not exceed NOK 3,500 per month'. They pointed out that Adopsjonsforum was obliged to provide information on any changes that might affect the authorisation.

Minutes from a management meeting at Adopsjonsforum (9 August 2005) state that, from 2006, CRAN 'would demand US$ 9,000 as a "voluntary" additional contribution per child'. Adopsjonsforum considered at the time that the amount demanded by CRAN was unacceptable and intended to draft a letter to the institution regarding this matter.[857]

On 3 September 2005, the ICBF again wrote to Adopsjonsforum, asking it to provide details of its cooperation with the private agencies, the donations and how they were transferred. Adopsjonsforum's reply on this occasion (9 September 2005) contrasts with the reply they gave

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[856] Referred to in Bufdir's letter to ICBF dated 28 June 2006, see below.

[857] AF's archives, 'Minutes of the management meeting 09.08.05'.

to ICBF in 2002. Adoption Forum provided details of the size of the donations and stated that the donations to Los Pisingos and CRAN were transferred to bank accounts in US banks. They also explained the advance payment to Los Pisingos and CRAN. Adopsjonsforum stated that CRAN had announced that, from 2006 onwards, the donations would amount to 9,000 USD. Adoption Forum was unsure whether the cooperation with the private institutions would continue because Bufdir's condition was 'that each family must take responsibility for paying directly for their adoption', and this meant that Adoption Forum could not continue with the advance payments for the adoptions.[858]

In March 2006, the ICBF sent a new letter to all legal representatives in Colombia of accredited organisations and international adoption agencies (27 March 2006), asking them to account for the donations and to explain where and how they had been transferred. Adoption Forum replied that CRAN and Los Pisingos had increased the donations to 9,000 USD, and that Adoption Forum only covered the child's living expenses directly, whilst the remainder was paid directly by the prospective adoptive parents.[859]

In June 2006 (22, 23 and 26 June), however, Adopsjonsforum contacted Bufdir. They reported that an official investigation into the private institutions in Colombia was now underway, that the donations were said to have been discussed in the Colombian National Assembly, and that Adopsjonsforum was said to have been mentioned in this context. Adoption Forum considered that 'the most appropriate course of action would be for Bufdir to request that cooperation between the casas and Norway *be suspended until further notice – whilst an investigation* into the finances etc. *is ongoing*'.

Bufdir then (on 28 June 2006) sent a letter to the ICBF in which it outlined the situation. They referred to meetings with the ICBF both in Colombia in 2004 and in Norway in 2005, as well as to discussions in The Hague in September 2005, and to the fact that Bufdir had had 'similar concerns' to those of the ICBF regarding Adoption Forum's cooperation with the private agencies. The Directorate described how the system of fixed donations appeared to have continued despite the fact that Bufdir, in consultation with ICBF, had informed Adopsjonsforum that this was not permitted. Bufdir also expressed surprise that the donations to two private institutions had been transferred directly to accounts in a third country. At the same time, Bufdir defended Adopsjonsforum, stating that its current level of transparency was 'praiseworthy', and that Bufdir itself could have been clearer in its authorisation for the placement. Bufdir announced that it was suspending the cooperation until the investigation had been concluded and the outcome known, and emphasised that it hoped this would not affect Adopsjonsforum's cooperation with ICBF.

In emails (29 and 30 June 2006) to other Nordic central authorities, Bufdir provided an update on the situation. In these, they wrote that Adoption Forum 'has probably found it unpleasant to be among the organisations mentioned in the debate in the National Assembly', and that, according to Adoption Forum, the private agencies 'deny that the framework governing adoption placement has been as Adoption Forum has described it in its reply letters to ICBF'. Adoption Forum is also reported to have told Bufdir that organisations in other countries had consulted with the private agencies before responding to the enquiries from ICBF, and 'agreed with them on how the response should be formulated'. Bufdir reported that there were now staff members at Adoption Forum who were sceptical of the system involving the private agencies, and who believed it was natural for public authorities to take over responsibility for all international adoptions.

A former employee at Adopsjonsforum's Bogotá office, with whom the committee has spoken, recalls that Adopsjonsforum became highly unpopular after their letter to the ICBF was read out in Congress, and that the private agencies were unwilling to cooperate with Adopsjonsforum thereafter or to place any more children with Norwegian families. The former employee believed that the private institutions were afraid

[858] This is also evident from a letter AF sent to its applicants on 9 December 2005, in which they wrote that 'the overall situation [is] such that it is still not possible at present to accept applicants for the private children's homes in Colombia'.

[859] Adopsjonsforum also had a declaration drawn up which prospective adoptive parents with an allocation from Los Pisingos were required to sign, in which they undertook to 'pay the remaining amount of the donation' totalling 9,000 USD, minus the amount AF could pay (NOK 3,500 per month for the child's actual upkeep at the institution).

The reasons why information about the collaboration was previously withheld from the authorities, in addition to the fear of losing one's job. The person in question otherwise believes that the private institutions did good work, and that Adoption Forum's motives for making donations were not wrong, even though the donations should never have been made.

12.7.4.6 Assessment of the termination of cooperation with the private institutions In discussions with former employees of Adopsjonsforum, the Committee has sought to clarify the internal processes within Adopsjonsforum that led them to respond to the ICBF's enquiry in 2005 so differently from how they had in 2002. However, we have not received any clarification on this matter. Chronologically, this coincides with a shift in Colombia towards closer cooperation between the ICBF and the private agencies and increased supervision of them. In an interview with the Committee, Adoption Forum's then director (who took up the post in 2005) presented the ICBF's enquiry as something to which Adoption Forum obviously had to respond honestly.

The fact that Adoption Forum informed the Norwegian adoption authorities about developments in Colombia with regard to the private institutions is regarded as positive. Nevertheless, the overall impression when all available documentation is considered in context is that, during the period in question, Adoption Forum tailored the information it shared with the authorities (in both countries) to the situation. The Committee considers it likely that Adopsjonsforum understood that Bufdir and ICBF would, in 2005, have opposed an arrangement whereby the total sum paid to the private institutions per adoption still stood at between 6,000 and 9,000 USD, and the Committee is critical of the fact that Adopsjonsforum established a system whereby the adoptions in practice continued without the knowledge of the Norwegian authorities.

12.8 Overall assessment of the placement services provided by private agencies in Colombia

The Committee considers that Adoption Forum's cooperation with the private institutions was structured and developed in a way that contributed to making the institutions financially dependent on placing children for adoption, and which created a risk that financial considerations would come to dominate the running of the children's homes, and could thus be at the expense of the child's best interests. The financial incentives posed a risk of breaches of, amongst other things, the requirements for informed consent, the principle of subsidiarity and the prohibition against unlawful financial gain from adoptions.

Although the Committee highlights the risks associated with cooperation with private institutions, it has no basis for making any definitive statements regarding the occurrence of errors or illegalities in individual adoptions from these private institutions. The Committee has no basis for estimating the proportion of adoptions from private institutions in which errors or illegalities may have occurred, or for determining the extent of the risk of errors during different periods.

12.8.1 Risk factors relating to the consent of the birth parents

The Committee has been made aware of several individual cases relating to stays at maternity homes run by private institutions in Colombia, where mothers are alleged to have been unlawfully deprived of their children, who were subsequently adopted abroad, including to Norway.[860] These accounts are difficult to verify. The Committee has seen several examples where birth parents have signed a consent form for adoption, but where the parents subsequently explain that they did not understand what they were consenting to, or that their consent was given under pressure. This applies not only to adoptions arranged through private agencies, but also through the ICBF (see the descriptions of individual cases in section 12.7.3.2). There are many factors that can result in consent not being informed and freely given. In some cases, birth parents may have signed a consent form which is nevertheless invalid because they were not informed of what they were consenting to,

[860] See, for example, *NRK*, 5 October 2024. 'Stolen from the delivery room'.

for example, when parents believe they are consenting to their child being placed in the care of a child welfare institution, and do not understand that this may involve adoption, or that they have not been informed about what adoption entails. Nor can consent be said to be valid if it is based on incorrect information, for example that the child has a medical condition requiring costly treatment to safeguard the child's life or health. In other cases, the voluntary nature of the consent may be called into question. This may be the case, for example, when birth parents in a vulnerable situation are subjected to persuasion, manipulation, social condemnation and isolation, or outright threats of financial or other consequences if they do not consent. In other cases, consent is not informed, for example when people in a vulnerable position are not given the support they need to understand their actual options.

One concern has been that women in maternity homes were faced with demands to pay for their stay if they chose not to give their children up for adoption. This is mentioned in a research article by Hoelgaard [861]as well as by certain private actors the committee met in Colombia. A former employee of the Norwegian adoption authorities also raised this issue in an interview with the committee. It is the person's impression that this was the case at all maternity homes in all institutions dating back to the start of the cooperation, and that it constituted a coercive situation for the women. However, no such arrangement is evident from the written material following the information and monitoring visits by the Norwegian adoption authorities.

As described (see section 12.7.1), Adopsjonsforum itself is said to have informed the Norwegian adoption authorities that, in the late 1970s, the ICBF suspected that pressure was being exerted on the pregnant women at the Casa de la Madre y el Niño maternity home. The Dutch investigation report also states that the contact person for the Dutch adoption agency in the mid-1970s warned against Casa de la Madre y el Niño, where children were allegedly released arbitrarily and irregularly.[862] A key figure at Adopsjonsforum in Norway, with whom the committee has spoken, also believes it is 'entirely plausible that various types of fraud have taken place' in connection with adoptions in Colombia,[863] such as 'mothers being shown dead children and told false stories'. Nevertheless, this person believes it is difficult to say anything about the extent of the problem, and finds it unlikely that such things could have taken place systematically and over time without anyone noticing, particularly during the 2000s, when this person's impression is that the ICBF had the situation well under control. Current and former staff at private institutions in Colombia with whom the committee has spoken maintain that there was no pressure or demands for payment.

ICBF staff with whom the committee has spoken believe that there may be situations in which mothers have either not come to terms with their life choices or do not choose to, or are unable to, tell the whole truth about the circumstances surrounding the adoption when they are reunited with their adult children – for example, to spare the children's feelings. As far as the committee is aware, no robust and comprehensive studies of these circumstances have been carried out in Colombia. Nor is it possible for the committee to draw conclusions in such individual cases. It is nevertheless significant that there are a not insignificant number of accounts describing various forms of pressure on mothers to consent to adoption, as well as accounts of mothers who are said to have been told that their children were stillborn.

According to the information provided to the Committee, the mothers at the maternity homes were often young, single women, frequently from disadvantaged backgrounds and without support from their families. They may have found themselves in situations characterised by fear and shame, and facing financial and medical problems. The committee also met a mother who said that she was a minor when she lived at the maternity home, and that her family consented to adoption against her will. It can be argued that people in vulnerable situations should be offered special measures to ensure freely given informed consent.

[861] Hoelgaard, S. (1998), p. 216.

[862] See 'Report. Commission of Inquiry into Intercountry Adoption' (2021), section 3.4.1.1.

[863] This presumably refers to adoptions in Colombia in general and not specifically to Norway.

Furthermore, it is emphasised that all those the committee spoke to in Colombia who have or have had a connection to the ICBF highlighted the obvious risks associated with the system of private institutions running maternity homes, which rely on substantial donations for each individual adoption to fund their operations. All those the Committee spoke to in Colombia who have or have had a connection with the ICBF expressed the view that the system should never have existed. ICBF staff also stated that it was only following the legislative amendment in 2006 that the ICBF 'took ownership' of the regulation of the private institutions.

Although it is difficult to determine with certainty whether, and to what extent, pressure was exerted on the mothers, the Committee considers that the system posed inherent and significant risks of undue pressure being exerted on the mothers, and that children could be given up for adoption without the mothers' consent being voluntary and informed.

12.8.2 The ban on remuneration/profit in adoptions

As described in section 12.7, donations to the private institutions were a condition for placements from them as far back as 1980. As shown in Table 12.1, donations rose gradually throughout the 1980s and 1990s, and by 2006 the highest donation requirements stood at 9,000 USD per placement.

These high donation amounts were a point of discussion between the Norwegian and Colombian adoption authorities[864] and between Adopsjonsforum and the Norwegian adoption authorities from the very start of organised mediation from Colombia.[865] As described, Norwegian adoption authorities expressed scepticism about the scheme as early as 1984, and they requested Adopsjonsforum to monitor cost developments at the private institutions in 1996 and 1997, as well as to 'report any major changes'. In 1998, the Ministry of Children and Families asked its subordinate body to assess the situation in Colombia.

The size of the donations and the lack of clarity regarding their intended use were at the heart of the complaint concerning the placement services provided by the private institutions (see section 12.7.4.3). As shown, Adopsjonsforum claimed that the donations were used to develop the institutions, whilst a more nuanced picture emerges from Adopsjonsforum's internal communications and its own travel reports.

The reason why the Committee has examined the increasing donations and cash flow to the private institutions more closely is the prohibition against financial gain from adoption. This prohibition is found, amongst other places, in Article 21(c) of the 1989 Convention on the Rights of the Child, which requires states to 'ensure that intercountry adoption does not give rise to improper financial gain for those involved in the adoption'.[866]

Colombian legislation has also contained provisions prohibiting remuneration for adoptions. Under the Children's Act of 1989[(867),] neither the ICBF nor the private institutions were permitted to demand direct or indirect compensation from prospective adoptive parents for the placement of a child. In the 2006 Act, the ban was further tightened.[868]

The Dutch investigation report [869]describes how the private institution Los Pisingos came under media scrutiny in 2013 due to a case of financial misconduct. The ICBF revoked the institution's licence, the children's home was forced to close for six months, and the adoption pro-

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[864] See RIA's 1979 mission report, paragraph 12.7.

[865] See AF's application of 5 May 1980, described in paragraph 12.7.

[866] See paragraph 5.4.6.

[867] *Código del Menor* (Minors' Code) of 27 November 1989 (Act No. 2737), Article 125.

[868] *Código de la Infancia y la Adolescencia* (Children and Adolescents Act) of 2006 (Act No. 1098), Article 74. See also paragraph 12.5.2.

[869] 'Report. Commission of Inquiry into Intercountry Adoption' (2021), para. 6.4.

The programme was wound up. USD 2.3 million was found to have been transferred to bank accounts in, amongst other places, Panama and the Cayman Islands. The Attorney General of Colombia found that several of the foundation's offices had operated without supervision, with fictitious invoicing and unpaid bills. The director is alleged to have transferred several thousand US dollars monthly to an account in London for seven years.[870]

The current head of the institution in question confirmed in a meeting with the committee that there had been a number of irregularities. Although it is not possible to generalise on the basis of this case, it illustrates the risk of undue gain associated with large donations.

The Committee considers that the large donations posed a clear risk of breaching the prohibition on undue gain, although it is difficult to determine to what extent this risk materialised. The Committee also considers that Adopsjonsforum should have clearly communicated to the Norwegian adoption authorities that the donations to two private institutions were transferred directly to accounts in a third country. After 1 December 1999, when the Regulations on Requirements for Organisations Mediating the Placement of Children from Foreign States for the Purpose of Adoption[871]came into force, such an omission must be regarded as a breach of Adopsjonsforum's duty to provide information to the Norwegian authorities under Section 10 of the Regulations. It is particularly reprehensible that Adopsjonsforum provided inadequate information regarding advance payments of donations to the Norwegian authorities in response to a direct enquiry (see section 12.7.3.6). See also section 12.8.4 for an assessment of the Norwegian adoption authorities' handling of the donations.

12.8.3 The principle of subsidiarity

As explained in section 5.4.5, the principle of subsidiarity means that intercountry adoption should only be considered when permanent care arrangements for the child in their country of origin are not feasible. Children should, as a matter of priority, be allowed to grow up with their parents. If this is not possible, alternatives within the wider family should be sought. Next, the possibility of permanent placements with other families in the child's home country should be assessed. International adoption should only be chosen if none of these alternatives are feasible.

This chapter outlines several factors that may pose a risk that the principle of subsidiarity has not been upheld in all cases involving adoptions from private institutions. A key factor is the link between maternity homes and private adoption agencies.[872] It stands to reason that the agencies were dependent on international adoption cooperation to finance their operations. This is also illustrated by Adopsjonsforum's argument to the Norwegian authorities that donations had to be accepted in order to fund the vital services provided by the institutions. The combination of maternity homes and private adoption agencies could have created incentives favouring adoption rather than enabling mothers to keep their children. Foreign adoption applicants also, by all accounts, paid more than domestic applicants; for example, foreign adoption agencies made substantial donations to the institutions.[873] This may also have provided incentives to prioritise foreign applicants.[874]

Another weakness is that once women were admitted to a maternity home, they were regarded as being in the process of considering adoption. The maternity homes were *not* intended for women who had already decided

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[870] The case is reported, amongst other places, in the Danish newspaper *Politiken* on 19 May 2013.

[871] Regulation of 30 November 1999, No. 1195.

[872] Section 12.4.2 provides information on when the private institutions and maternity homes were established. The Committee is not aware of how the private institutions are organised today, and its assessments relate to the period up to 2006.

[873] During the Norwegian adoption authorities' visit to the country in 2001, they were informed that foreign applicants pay more than domestic applicants; see SUAK's report from the information and monitoring visit in 2001.

[874] According to available statistics, international adoptions from Colombia accounted for 74 per cent of the country's adoptions in the period 1989–1994. In the period 2005–2012, 61 per cent of all adoptions were to foreign countries. Source: Saligman (2024). Subsidiarity and the Best Interest of the Child. *Chicago Journal of International Law* (25)1, 259–300. pp. 281–283.

who wished to keep their children but who nevertheless needed somewhere to live, healthcare and antenatal care. The committee was informed of this during an interview with former staff at one of these institutions. The homes were for women who were unsure whether they could keep their children and who were therefore considering adoption, and for women who had already decided to give their children up for adoption. On the one hand, this may indicate that the consents to adoption given by women at these maternity homes were indeed informed (see section 12.8.1). On the other hand, if a mother decided during her pregnancy not to give her child up for adoption, she had to move out. If she decided after the birth that she did not wish to give her child up for adoption, she and the child would no longer receive assistance from the maternity home. This appears to do little to facilitate compliance with the principle of subsidiarity.

12.8.4 The Norwegian authorities' monitoring and supervisory activities

Donations to private institutions were raised as a concern by both Norwegian and Colombian authorities as early as the late 1970s. Nevertheless, it took several decades (see sections 12.7.4.2 and 12.7.4.3) before the Norwegian adoption authorities took active steps to bring about change. In the 1980s, they expressed concern, and in the 1990s they asked Adopsjonsforum to monitor developments and report on any changes, but accepted that adoptions from private institutions required large, unspecified donations. Following Norway's ratification of the Hague Convention, it is evident that the Norwegian adoption authorities took stronger initiatives to find a solution to the issue of donations. They carried out monitoring visits (in 2001 and 2004) and entered into dialogue with the ICBF to find a solution on which the central authorities of both countries could agree (see the description in section 12.7.4). The Committee regards this as a positive development. However, the donations continued even after the ICBF wrote in 2003 that there were no grounds for demanding them, and right up until the cooperation with the private institutions was terminated in 2006. This was due both to the Ministry of Children and Families upholding Adopsjonsforum's complaint (see section 12.7.4.3) and to Adopsjonsforum failing to comply with the guidance it received from the Norwegian adoption authorities (see section 12.7.4.5).

The Committee notes that the Norwegian adoption authorities were informed as early as 2001 that donations to the private institutions were, in some cases, being transferred directly to accounts outside Colombia, but do not appear to have acted on this information. When they again became aware in 2006 that donations had been transferred directly to accounts in a third country, this is described as having come as a surprise to them (see section 12.7.4.5). The Committee takes a critical view of the fact that the Norwegian authorities did not investigate the information they received in 2001 that Adopsjonsforum was transferring donations to some of the private institutions directly to accounts in a third country.

The Committee also notes that, in its handling of the complaint (see section 12.7.4.3), the Ministry of Children and Families considered it too drastic to terminate cooperation with the private institutions, despite the information then available regarding the donations to them, and despite the fact that Adopsjonsforum had had over a year[875] to find an alternative arrangement with the private institutions. The Committee considers that the information from the ICBF should have been addressed and assessed in the Ministry's decision of 16 December 2003. See also section 12.7.4.4 for the Committee's comments on this matter.

12.8.5 Risk factors associated with private organisations acting as adoption intermediaries

On a more general level, the review of the placement services provided by private agencies reveals several weaknesses, in that the system is largely based on trust, and that a private organisation with a public licence has a vested interest in ensuring that adoptions continue. As described in sections 12.7.3.3–12.7.3.5, the information that Adopsjonsforum chose to share with the Norwegian authorities was incomplete in key respects

[875] From 3 May 2002, when the decision on the time limit was made, until September 2003, when the complaint was forwarded to the Ministry of Children and Families.

The Inquiry Committee considers it a serious matter that the private organisation withheld information regarding financial circumstances which could have increased the risk that considerations other than the child's best interests would take precedence in adoption cases. Despite the fact that the Norwegian adoption authorities asked Adopsjonsforum several relevant questions regarding financial matters and the donations, they did not, as far as the Committee can ascertain, receive accurate and complete information on this matter. The Committee considers that the inadequate information provided by Adopsjonsforum in some cases constituted a breach of the duty to provide information[876]to the Norwegian authorities, which was a prerequisite for the organisation's placement licence (see sections 12.7.3.5 and 12.7.4.6).

The review has also shown that a competitive situation could arise between private intermediaries from different recipient countries in their efforts to secure placements (as described in section 12.7.3.3). In such situations, there is a risk that the boundaries of what is considered ethically justifiable may be shifted – for example, in the case of Adopsjonsforum's advance payment for placements from CRAN and Los Pisingos.

See Chapter 24 for a general assessment of this issue.

12.8.6 On access to information about biological origins

Some sources suggest that adoptive parents received more and better information about the child's background from the private maternity homes, including details of circumstances during pregnancy, the child's health and the reasons why the child was placed for adoption. This is mentioned in some enquiries from private individuals sent to the Ministry of Children and Families in connection with the 2003 appeal case (see section 12.7.4.3). The individual cases the Committee has examined from the private institutions do not document that such information was provided,[877] but this does not rule out the possibility that information may have been provided which is not evident from the case documents in Bufdir's archives.

As described in section 12.7.4.5, it was the practice at some of the private institutions to keep the mother's identity concealed even after the introduction of statutory provisions in 2003 requiring the child's family to be aware that the child was to be given up for adoption.

In the review of individual cases carried out by the Committee, we see, for example, that there is more information available in an adoption case that went through the ICBF in the early 1980s (the documents include the name of the birth mother and a copy of the child's original birth certificate) than in an adoption case handled by a private agency from the second half of the 1980s (the name of the birth mother does not appear in the documents). See also section 12.9.4.

12.9 Adoptions through the ICBF

12.9.1 Introduction

Since 2006, all adoptions from Colombia to Norway have been processed through the ICBF system. As of 2007, this amounts to a total of 598 adoptions. As described, the Committee's investigations into adoptions from Colombia in recent times are more limited than those covering earlier periods. As explained in section 12.2, the Committee has concentrated on the period 1990–2006, with an emphasis on adoptions from private institutions.

[876] Section 10 of Regulation No. 1195 of 11 November 1999.

[877] As mentioned in section 12.6, the committee has reviewed 75 individual cases from the period 1983–2020. Of these, there are 14 adoptions (completed in the period 1986–2004) which we know for certain took place via a private agency, but it is not always possible to determine this simply by examining the documents in the registration file in Norway.

In the following, we will highlight some challenges facing the adoption system in Colombia today and in earlier periods, as presented, amongst other things, to the committee by sources in Colombia and Norway.

The child welfare system in Colombia differs from the Norwegian system. One obvious difference is the significant disparities in available resources in populous Colombia compared with Norway. This has implications for the measures that the child welfare services have and have had at their disposal to help children and their parents. As shown in the review (section 12.7), a lack of resources at the ICBF is a recurring theme and is documented, amongst other places, in several of Adopsjonsforum's internal travel reports and in applications for approval of contact networks. The child welfare system in Colombia is also organised very differently from that in Norway, and takes a different approach to the question of which care arrangements should be chosen for the children, as well as to the rights of the biological parents.

12.9.2 The principle of subsidiarity

The child welfare process in Colombia is currently based on the principle that if a child is or has been subjected to a violation of their rights, the child welfare process should help to restore those rights. Under the so-called PARD process, fixed deadlines apply to the work of the child welfare services and to the decisions to be taken in this regard. This is described above in section 12.5.2, which states that, after a maximum of 18 months, the child welfare services must decide whether the child is to be returned to their parents or declared eligible for adoption – a decision on *adoptability.* During this period, the parents must be able to provide adequate care for their children. In interviews conducted by the committee in Colombia, all the birth parents whose children had been removed from their homes by the child welfare services (between 1991 and 2007) stated that they were not offered support measures, but were instead faced with demands they had to meet, often requirements for a better financial situation than the parents actually had:

> I was allowed to visit them, but I was unable to meet the ICBF's requirements regarding employment and housing. They said I had consented to the adoption. […] The ICBF said I had to pay them 70,000 pesos and have my own home with furniture, a separate room for the child and certain luxury items. […] We had no home and no stable financial situation. I already had my two other children. They would not give my daughter back to me, and said they would take my other children away from me to put them up for adoption. They said I would no longer be allowed to visit my daughter if I did not pay them money every month.[878]

It is also significant that the Colombian system, both in the past and at present, operates with adoption and return as the two alternatives. Whilst placement in a foster family is the most frequently used child protection measure within the Norwegian child welfare system, in Colombia this is regarded merely as a temporary measure. If the child cannot be returned to their original family, and there are no adoptive parents for the child in Colombia, international adoption is chosen over permanent domestic foster care. A person who has held various roles in connection with organising collection trips and adoptions in Colombia explained to the committee that, in several of the cases, the children were very attached to their foster parents – and vice versa – and that the children therefore experienced a great deal of homesickness during the early stages of the collection trip. An article on the work on the principle of subsidiarity in Colombia in the 1980s and 1990s claims that foster parents were not given the opportunity to adopt the children, even though they wished to do so and had a strong bond with them.[879] If these foster parents are suitable to provide long-term care for the children, the question may arise as to whether refusing to allow them to adopt the children and instead opting for international adoptions is contrary to the principle of subsidiarity.

However, it is not the case that adoptions from a country which does not have permanent foster care placements as part of its support system will be deemed to contravene the principle of subsidiarity under the Hague Convention

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[878] Statement by the birth mother to the committee during a trip to Colombia, 12 October 2024.

[879] Hoelgaard, S. (1998).

Foster care arrangements are costly, and countries that need to place children for adoption abroad are characterised precisely by the fact that they do not have sufficient resources to offer this type of solution for the children. It also follows from the Hague Convention's 2008 *Guide to Good Practice* that the requirement of subsidiarity must be interpreted in relative terms:

> The Convention refers to 'possibilities' for the placement of a child in the State of origin. It does not require that all possibilities be exhausted. This would be unrealistic; it would place an unnecessary burden on authorities; and it may delay indefinitely the possibility of finding a permanent home abroad for a child.[880]

12.9.3 Risk factors associated with authorisation for adoption

As described in section 12.5.2.3, there is currently no automatic procedure whereby the question of whether a child is adoptable is examined in court. The declaration of adoptability is issued administratively by *the defensor de familia*. It is the birth parents who may need to request a judicial review. If the child has been abandoned, there is therefore no judicial review of the question of adoptability. The same applies in cases of child neglect, provided the parents do not request a judicial review. As described, it is also unclear to what extent free legal aid is available to parents who wish to challenge the adoptability declaration (see section 12.5.2.3).

Several birth parents whom the Committee met in Colombia described circumstances suggesting that the pre-adoption process had been inadequate and that they had not been offered any assistance. A birth mother who was a minor when she gave birth to her children explained:

> Some neighbours in the local community contacted them [ICBF]. They said that the mother was very young and the grandmother was older. Both children were taken by ICBF from the grandmother because I was young and unemployed. ICBF came and took them. […] We were allowed to visit the children, and ICBF were present during all the visits. Then they started reducing the visits from three times a week to once a week. They made us sign a document and said: 'Please sign this document so that the foster mother can keep the children for longer than was originally agreed.' Today I realise that I probably signed a document in which I consented to adoption. It was incredibly hard when I was told that the children were to be given up for adoption. […] It has left a deep mark on me. My family was not considered suitable by the ICBF. I felt awful, I was heartbroken, and I remember saying goodbye to them for the last time. My four-year-old child said to me: 'Don't cry, I'll come and look for you when I grow up.' I remember those words. They are the great miracle I carry in my soul. The children already knew back then that they were going to be separated from one another. I want to find the children. This is my dream. That they might hear my story, accept me and see me. To be able to tell them how deeply I loved them. […] I received no help from the ICBF. Just twelve visits in total, and then the document was presented.[881]

During its monitoring visit in 2025, Bufdir was informed by the Colombian authorities that they only notify birth parents of the date of the hearing on the termination of parental responsibility, and that the child is to be made available for adoption via a notice posted on the wall at the local district centre. The decision on placement itself is notified in the same way (see section 12.5.2.3). Bufdir considers that:

> The right and genuine opportunity to raise objections to and challenge decisions by the authorities which result in children being removed from their biological families […] are fundamental rights under Norwegian and international

[880] See *Guide to Good Practice* (2008), paragraph 50.

[881] Statement by the birth mother to the committee during a visit to Colombia, 12 October 2024. The adoption took place in the 2000s.

law, which must be upheld in cases where a child is adopted without consent and all legal ties to the biological family are severed.[882]

The Committee supports this assessment and considers this to be a serious weakness in the Colombian adoption system. As the notification system is described, it is ill-suited to ensuring that birth parents are made aware of the hearing and the decision to grant consent for adoption. If the birth parents are not aware of the notifications, they lose the opportunity to participate in or provide input to the hearing, and to challenge the decision in court. This is highly regrettable in terms of the rights of the child and the birth parents.

If the child has been abandoned, the measures taken by the child welfare services to search for the biological family may be decisive for the validity of the adoption. Several media reports in Norway concerning adoptions from Colombia have involved cases where the child was abducted, including by other family members. In some of these cases, the child was transported to another part of the country before being handed over to or found by the ICBF. Furthermore, the committee has been informed by individuals who previously worked at the ICBF that, prior to the advent of modern information technology, it was ‘almost impossible’ to trace the families of children who had been separated from their families, even though the legal requirement to advertise for relatives in the media and so on was complied with. This may have entailed a risk that children whose parents in Colombia wished to care for them were nevertheless adopted abroad. The Armero disaster is a well-known example of this.

As mentioned in section 12.3, Colombia has been, and still is, a country with a high number of internally displaced persons and a significant refugee population. Even today, questions have been raised as to whether the ICBF is doing enough to trace biological families. In meetings with the committee, the ICBF emphasised that the majority of adoption cases it handles are child welfare cases where the child has been removed from the home due to neglect, not cases involving abandoned children. However, Colombia has a significant population of Venezuelan origin (see section 12.3). In a recent case, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) halted an adoption to Norway because it was considered that the Colombian authorities had not done enough to search for the child’s birth family in Venezuela.[883]

ICBF staff with whom the committee spoke in Colombia explained that there could be significant differences in the workload of different *defensores de familia*. In densely populated regions, a *defensor de familia* may be responsible for several hundred cases at the same time, which can affect how thoroughly each individual case can be investigated within the 18 months available to the ICBF before a decision on return or adoption must be made. At the same time, it was emphasised that the process is rigorous, that there is no scope for
‘skip’ any stages of the process, and that safeguards are in place to ensure that the stages are followed.

12.9.4 Adoptees’ right to know their biological origins

One criticism of the adoption system in Colombia that has been raised in the media in recent years is that (particularly in adoptions during the 1970s and 1990s) it can be difficult for adoptees to find out about their biological origins.[884] This has also been emphasised in interviews the committee has conducted with people who were adopted in the 1970s and 1980s. Furthermore, an adoptive parent with whom the Committee has spoken – and who adopted during this period – explained that they were given very little information about the child’s biological origins and the background to the adoption, and that this was normal at the time.

The inquiry committee has also received several individual enquiries from people adopted from Colombia who have raised the issue of difficulties in obtaining information about their biological origins. The problems highlighted,

[882] Bufdir (2025, 30 December). ‘Decision on placement authorisation for Colombia 2026–2028’.

[883] The matter was discussed by representatives from the ICBF during the committee’s interview with them as part of our field visit to Colombia.

[884] See, for example, Hoelgaard (1998), pp. 223 and 229; Vice (2016, 16 October). ‘Dying without knowing one’s origins: the reality for thousands of Colombian adoptees’.

These include a lack of information in the adoption documents, a lack of assistance from Norwegian adoption agencies (for example, an overview of local children's homes with which the ICBF has collaborated at various times), a lack of response from the ICBF when submitting a request for access to one's own case file, long processing times, incomplete case files and documents that cannot be traced. The Dutch investigation report also points out that adoption archives are generally difficult to access in Colombia, that archiving procedures have been inadequate, documents are missing, little has been digitised, cases may be located in different parts of the country, and ICBF's capacity to assist with searches is limited.[885]

The Committee's review of individual cases reveals a marked development in the information contained in the documents sent to Norway. Of the 43 cases the Committee has examined for the period up to 1999, most consist of a Colombian court decision on adoption and a new birth registration in Colombia resulting from that decision. These court decisions are characterised by being very brief regarding the background to the adoption and merely referring to supporting documents (such as previous declarations of abandonment or relinquishment) which have not been sent to Norway. They are somewhat more detailed with regard to the Norwegian parents. The names of the biological parents are not stated in either the court decisions or the new birth registrations.[886] It is generally not possible to determine whether the child came through the ICBF or a private children's home (in some cases, a children's home is mentioned in the court decision). Generally speaking, there is little information available regarding the child's background, the application of the principle of subsidiarity or informed consent based on the documents forming the basis for the registration of the adoption in Norway. In all the cases we have examined, more than twelve weeks elapsed between birth and adoption (with one exception, where it took only five weeks). Some cases may contain further information – for example, a social report, medical assessments or a decision on taking the child into care.

In the 26 cases dating from 1999 onwards (after Colombia ratified the Hague Convention), there has been no significant change in the format of the court decision on adoption. It still contains little information about the background to the adoption, the application of the principle of subsidiarity or the process leading up to the declaration of abandonment or adoptability. However, there is far more information in the documents sent to adoptive parents via Adopsjonsforum, and which have subsequently been forwarded to the Norwegian adoption authorities for archiving: These often contain a social report (which may include the names of the birth parents and the reason for adoption); the work on subsidiarity may be described (for example, that the ICBF has searched for relatives but failed to find them); the original birth certificate is often included in the case file (in all cases from 2003 onwards), and, with few exceptions, these include the name of the birth mother. A declaration releasing the child for adoption is present in all cases from 2003 onwards.

From 1999 onwards, the birth mother's name is generally stated in the documents sent to Norway.

If one compares cases from private agencies with those from the ICBF for the period 1999 to 2005, there is generally more information about the child's background in the latter, but this is probably also due to the fact that these children are usually older, and that the cases more often involve child welfare matters.

In cases from 2009 onwards, the child's entire case file from the ICBF is more frequently sent to Adopsjonsforum, and may run to over 100 pages. Overall, therefore, it is possible to glean much more from the documents from 2009 onwards, but the information on which the Norwegian authorities' registration of the adoption is based has not changed significantly throughout the entire period under review. It is nevertheless likely that the Norwegian authorities have, in recent years, had access to more of this information prior to the adoption, given that more recent cases are more often subject to approval by the expert advisory committee for adoption cases.

[885] 'Report. Commission of Inquiry into Intercountry Adoption' (2021), p. 78.

[886] When the new birth registration is available (from 1988/89 onwards, it generally appears to be included amongst the documents sent to Norway), some adoptees with whom the committee has spoken have succeeded in locating the original birth certificate in Colombia (where it is available), where they have also found the name of their birth mother. This is because the same serial number accompanies the new registration. Locating this registration may require knowing the region from which the person was adopted.

In interviews conducted by the committee with adoptees from Colombia and people working on family reunification in Colombia, it is emphasised that the process of discovering one's biological origins can be difficult, both financially and psychologically. Adoptees wishing to find their birth parents may struggle with language and cultural barriers and end up paying large sums for assistance and services from private individuals in what appears to be an unregulated market. This is a challenge that studies in other countries have also highlighted.[887] See further discussion of this topic in Chapter 29.

12.9.4.1 The birth family's right to information about the children

According to the Dutch review report, the birth family has no legal right to information about the adoption case once the adoption has taken place, even if the circumstances surrounding the adoption were unclear.[888]

This was an issue raised by the birth parents with whom the committee spoke in Colombia. They stated that the ICBF had not provided them with any information about where their children had ended up, or how they were faring after being placed for adoption. In several cases, they had not been told whether the children were in foster care, whether they had been adopted domestically or abroad, nor whether siblings had been placed together or separately.

See section 29.7 for the Committee's assessments of issues relating to birth parents' access to Norwegian archives.

12.9.5 The Committee's assessments of adoptions through ICBF

It is the Committee's assessment that the risk of errors in adoptions arranged through the ICBF has been present throughout the entire placement period, partly due to a lack of resources within the ICBF to carry out an adequate assessment of the child's background and the family's situation. The Committee places particular emphasis here on information regarding the workload of *the defensores de familia*, both currently and in the past. Emphasis is also placed on accounts from birth parents whom the Committee met in Colombia. Furthermore, the Committee highlights the extent of known cases from the 1980s and 1990s involving alleged errors in the adoption processes. In addition, the Committee bases its findings on specific findings from the review of individual cases, including a case of document forgery at the ICBF in the 1980s (see 12.7.3.1). This includes the case in which a Colombian foster mother was listed as the biological mother in the administrative and legal processing of the adoption in Colombia, despite the fact that the ICBF had information indicating that this was not the case.

As described, the committee has not carried out a thorough investigation of the current adoption system in Colombia (see section 12.2). Based on individual circumstances, the risk of errors appears to be lower today than in the 1970s
, 1980s and 1990s. Firstly, this relates to specific legislative changes, as outlined in section 12.5.2. Secondly, there have been major improvements in information technology, including the internet, which have increased the possibility of tracing biological families in cases where children have been separated from them and taken to other parts of the country. Furthermore, there have been changes to the adoption process, such as the fact that, since 1994, the ICBF has maintained a centralised register of all children released for adoption, cf. 12.5.2.2. However, the Committee considers (see 12.9.3) that the manner in which birth families are notified of the consultation and the decision on release must be regarded as a serious weakness in the Colombian adoption system.

The Committee notes that it is only in recent years that Norwegian adoption authorities have acquired sufficient knowledge of the process in Colombia leading up to the decision on release, and since adop-

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[887] See the report from the 'Mission interministerielle relative aux pratiques illicites dans l'adoption internationale en France' (2023); the final report from the 'Expertenpanel inzake interlandelijke adoptie' (2021); 'Rapporten Adoptions illegals d'enfants du Sri Lanka : étude historique, recherche des origins, perspectives' (2020).

[888] 'Report. Commission of Inquiry into Intercountry Adoption' (2021), p. 78.

decisions are made. The report from the monitoring and fact-finding mission to Colombia in 2017 describes the processes and procedures leading up to the release in far greater detail than previous missions.[889] Further details are set out in the Norwegian Directorate for Children, Youth and Family Affairs' decision on adoption authorisation from 2025. The Committee considers it reprehensible that, from the 1970s until 2017, the Norwegian adoption authorities showed limited interest in and had limited knowledge of this process, particularly in cases not based on the consent of the birth parents.

12.10 Summary

The Committee's mandate is to investigate adoptions at a systemic level, including by assessing how Norwegian authorities have carried out control and supervision, how the handling of individual cases has been organised, how reports of matters requiring follow-up have been dealt with, and what assessments and measures have been taken. The Committee is also to examine money transfers abroad.

In line with these guidelines, the Committee has focused its investigations into Colombia primarily on Adoption Forum's placement services provided by private agencies, due to specific circumstances associated with these arrangements, including high, mandatory donations linked to each individual adoption.

In the following, the Committee summarises key errors, shortcomings and risk factors that have been identified in the adoption cooperation with Colombia, involving both Colombian and Norwegian actors:

- The Committee considers that Adoption Forum's cooperation with the 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.
- Furthermore, the Committee is 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 (see section 12.7.1.2), and regarding the fact that donations to private institutions in the early 2000s were, in some cases, transferred directly to accounts in third countries (see section 12.8.4), which should have prompted further investigations.
- The Committee considers that the risk of errors in adoptions arranged through the ICBF has been present throughout the entire placement period, partly because the ICBF has lacked the resources to investigate the child's background and the family's situation adequately.
- The Committee considers (see 12.10.3) 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 up until

[889] Bufdir, 2017, 'Information and monitoring visit to Colombia'.

a decision on release and subsequent adoption is made, particularly in adoption cases not based on the consent of the birth parents.

Table 12.2 Overview from the Adoption Forum of adoptions from Colombia to Norway 1990–2012, broken down by region and institution

Location/year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
ICBF																		
Bogotá	14	17	13	15	12	9	8	12	11	5	10	19	30	25	22	16	32	28
Cali	2	4	8	7	17	10	9	12	14	7	12	7	17	18	21	5	11	16
Medellín	19	9	27	10	16	9	3	6	4	3	5	10	5	11	27	8	11	3
Pasto	17	23	17	16	5	7	8	1	4		1		3	1	2	5	1	6
Bucaramanga	7	5	10	7	4		3	1	2	1	1	7	8	5	15	6	8	9
Ibagué	12	9	6	11	4	6	1	3	1	1				2		1	1	2
Manizales	6	5	4	10	4	2	2	6	3	3	2	2	3	1	1	2	1	1
Villavicencio	12	8	9	9		4	3				2			2	2		4	1
Armenia	7	10	3	8	1	1	1	1	4		4	1	5	1		3	1	4
Pereira	7	13	1	1	3	3	1	2	2			1	4	1	7	1	4	
Cundinamarca	9	2	4	7	11	3	2			1	1	1	1	1	1	3	4	8
Popayán	6	4	9	3	2	2	4	1	1	1	1			2	2	2	1	
Tunja	3	3	5	8	1	2				2				3	3		2	2
Cucutá	9	4	5	1	2		1	1	2				2				3	
Barranquilla	4		7	3	3		1	1	3		1			1		3	2	1
Florencia	3		4	5		1			1							2	2	1
Neiva	1	6	2	2	1		3	1			1							1
Cartagena	3			2		1		2		2	2	1	2					

Choco							2	1			3	3		2				
Valledupar			1					1	1			1		1	3			
Sincelejo				3	2		1		1									1
Putumayo				1		2				1	1							
St. Marta								2		1				1		1		
Amazonas				1	2	1												
Yopal								1	1		1						1	
Arauca							1				1					2		
Boyacá									2									1
Monteria										2								
Puerto Asís															2			
Cesar	1																	
Leticia										1								
Riohacha								1										
San José de G.								1										
Total ICBF	142	122	135	130	90	63	54	57	57	31	49	53	80	78	108	60	89	85
Casas																		
Los Pisingos	16	25	23	16	20	18	24	26	27	25	26	26	23	14	9	3		
CRAN	7	8	6	8	13	12	12	14	14	17	13	21	13	9		5	2	
FANA	13	10	11	12	10	8	5	4	6	9	13	10	9	6	1	1		
Chiquitines			14	9	6	5	3	4	3	3	3	5	8	4	2	3		
Casa de Maria	8	8	4	3	2	3	1	1	2	3	1	2						

Cta. de Nicolas	2	1	4	3	2	2	4	2	1	2								
Total houses	46	52	62	51	53	48	49	51	53	59	56	64	53	33	12	12	2	
Grand total	188	174	197	181	143	111	103	108	110	90	105	117	133	111	120	72	91	85

Source: Adoption Forum

13 Costa Rica

13.1 Introduction

A total of 101 adoptions were arranged from Costa Rica to Norway between 1975 and 1992. In Norway, only the organisation Adopsjonsforum has held a placement licence for Costa Rica. The licence was granted by the Ministry of Social Affairs on 9 September 1979, but Adopsjonsforum states that it had arranged a few adoptions from Costa Rica prior to this, one in 1978 and four in 1979.[890] In addition, Adopsjonsforum's foreign contact assisted with two adoptions from the country to Norwegian families in 1975.[891]

Costa Rica has not been a major country in the context of international adoption,[892] nor has it been so for Norway. Adopsjonsforum described adoptions from the country as a 'niche service': the children available for international adoption were generally older and/or groups of siblings. In addition, the country allowed applicants to be slightly older than in many other countries.[893] Adoptions from Costa Rica account for 0.5 per cent of all adoptions arranged for Norway from abroad.

A persistent weakness/risk in the regulation of adoptions in Costa Rica is that so-called 'direct' adoptions (*adopción directa*) are permitted. This is a form of adoption in which the adoptive parents and the birth parents or guardian enter into a direct agreement on the transfer of parental rights, without the involvement of child welfare authorities, but which must nevertheless be approved and confirmed by the family court to be valid.[894]

According to Adopsjonsforum, however, all adoptions to Norway arranged through them were facilitated in collaboration with the country's public child welfare service, *the Patronato Nacional de la Infancia* (PANI), and not as 'direct' adoptions.[895] Adoptions arranged through Adopsjonsforum were most often finalised after the birth parents had had their parental responsibility for the children withdrawn. The birth parents therefore did not necessarily consent to the adoptions. Under Costa Rican legislation, this was not a requirement either, provided the children had been declared 'abandoned' (*abandono*) following an administrative procedure (see 13.4.3.2).

[890] AF, members' magazine 1996, 'Children placed through Adopsjonsforum 1972–1996'.

[891] AF to RIA, 2 September 1978, 'Application for authorisation to arrange the adoption of children in Costa Rica'.

[892] Selman, P. (2009), p. 586. Selman, P. (2002), p. 214.

[893] AF to SAK, 6 May 1993, 'Application for re-accreditation for Costa Rica'.

[894] ISS, 2022. Country Profile: Costa Rica, p. 18.

[895] Report on adoptions from Costa Rica, sent by AF's foreign liaison officer to the Norwegian Embassy in San José, 26 January 1988; letter from AF to SAK, 18 September 1991, with an overview of the number of children adopted to Norway through AF.