

Cta. de Ni- colas	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 permitted a slightly higher age limit for applicants than 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Adopsjonsforum were most often finalised after the birth parents had had their parental responsibility for the children withdrawn.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.

Adoptions through the public child welfare services were free of charge, but at times the fees and charges associated with the legalisation of various application documents in the country amounted to between 600 and 700 USD per adoption case (see 13.5.3).

As mentioned, the adoptions arranged from Costa Rica to Norway were mainly of older children, groups of siblings or children with special care needs. The reasons for this may have been that, throughout the entire placement period, Costa Rica prioritised domestic care solutions over international adoption. It was more difficult to find domestic applicants for older children, groups of siblings and children with special care needs. In addition, there may have been few healthy infants available for adoption through the public child welfare system because there were operators in Costa Rica who channelled these into direct adoptions, reportedly involving substantial payments to intermediaries/lawyers and perhaps also to the birth parents (see 13.7).⁸⁹⁶

Adoptions from Costa Rica have not been investigated in other receiving countries. However, the committee has found references to internal investigations in Costa Rica (see 13.7).⁸⁹⁷ In addition, there are media reports attesting to problems relating to adoptions from the country and PANI in recent times, but these concern circumstances long after Adopsjonsforum ceased its placement activities from the country.⁸⁹⁸

Throughout the entire placement period, Adopsjonsforum had the same foreign contact in Costa Rica – a Norwegian woman resident in the country – who stated to Adopsjonsforum and the Norwegian authorities that she only cooperated with the national child welfare services.⁸⁹⁹

13.1.1 Scope

The Committee has been made aware of four adoption cases from Costa Rica to Norway (involving a total of nine children) in which it is alleged that errors and/or irregularities occurred. These errors and irregularities relate both to shortcomings in the pre-approval process in Norway and to matters concerning the process leading up to the adoptions in Costa Rica. Doubts have been raised as to whether the children were declared abandoned on the correct grounds, and whether sufficient efforts were made to find domestic solutions for the children before international adoption was considered. The topic of pre-approval is dealt with in its entirety in Chapter 26. In its country studies of Costa Rica, the Committee has focused in particular on what Adopsjonsforum and the Norwegian adoption authorities knew about the process in Costa Rica prior to the adoption, and whether Adopsjonsforum or the Norwegian adoption authorities received any signals or indications that the Costa Rican child welfare authorities were acting in an irresponsible, unethical or unlawful manner. The Committee has also investigated whether there are any indications of corruption-related issues linked to the adoption process during the placement period, or similar issues that could have affected the placement of children from Costa Rica abroad. The Committee has examined the system for placements to Norway from the country in general and assessed whether there were any risks or weaknesses in this system.

13.2 General information and background

Costa Rica is situated in Central America and is a democratic republic roughly the size of Finnmark county. The population stands at approximately 5.1 million, the majority of whom are of European or mixed

⁸⁹⁶ This is suggested by AF in the placement application from 1994 (AF to SAK, 23 December 1994).

⁸⁹⁷ E.g. ‘Actas de la Comisión Especial para que investigue todo lo relacionado con el tráfico de menores para la adopción en el exterior, y la desaparición de niños en Costa Rica, relacionado con el comercio de órganos para trasplantes’ (1991) from the Archivo Nacional de Costa Rica.

⁸⁹⁸ Including ABC13, 5 March 2008, ‘Fourteen accused in adoption-for-cash scheme’; La Nación, 13 August 2024, ‘Five PANI officials arrested for processing alleged irregular adoptions’.

⁸⁹⁹ See, for example, AF to SAK, 23 December 1994, ‘Application for renewal of placement licence for Costa Rica’.

origin. There are also minorities of African descent or of indigenous origin. The country is divided into seven provinces, and most people now live in urban areas. Spanish is the official language and Catholicism is the predominant religion.⁹⁰⁰

The area that is now Costa Rica was inhabited by the Maya when the Europeans colonised the Americas. From the 17th century, the country was under Spanish rule, and in 1838 it gained independence. Following a disputed presidential election, a civil war broke out in 1948 which lasted 44 days. In 1949, a new constitution came into force, the country's military was disbanded, and women were granted the right to vote. Since then, all changes of president have taken place through free and democratic elections, and the country has emerged as Latin America's most stable democracy. Executive power is vested in a popularly elected president, elected for a four-year term. Legislative authority is vested in a National Assembly of 57 members, elected by universal suffrage for a four-year term.⁹⁰¹

The country's highest court is the Supreme Court, which consists of 22 judges. These are elected by the National Assembly. In addition to the Supreme Court, there are four courts of appeal and a number of courts of first instance with jurisdiction to hear criminal and civil cases. There are also special courts with specialised jurisdiction. Judges for the local courts are appointed by the Supreme Court's Governing Council, which consists of five members.⁹⁰²

Economically, Costa Rica has traditionally relied on the export of agricultural produce. In the latter half of the 1970s, prices for these commodities fell, whilst oil prices rose. This severely weakened the country's economy and led to increased unemployment and a trade deficit. Since 1990, the economy has improved, but since 2000 socio-economic inequalities in Costa Rica have widened, and today approximately one in five Costa Ricans is considered to be living in poverty. Tourism and the service sector are the most important contributors to the country's GDP and employment.⁹⁰³

According to Transparency International, the country's Corruption Perceptions Index currently stands at 58 (out of 100).⁹⁰⁴ Since 1949, the country has taken several key steps to combat corruption, including efforts to establish a more stable and professional public administration, and laws against illicit enrichment in connection with public office. In the 1990s, however, a dozen major corruption scandals were uncovered involving presidents, vice-presidents and/or ministers.⁹⁰⁵

Access to abortion has been, and remains, very limited in Costa Rica. Abortion is permitted to preserve the mother's life and physical health, but is illegal in all other cases.⁹⁰⁶ Access to contraceptives, however, has generally been good since the late 1960s.⁹⁰⁷

⁹⁰⁰ Thuesen, N. P. and Lundbo, S. 'Costa Rica' in the *Store norske leksikon* at snl.no. Retrieved 6 August

2025. ⁹⁰¹ Berg, O. T. 'Costa Rica's political system' in the *Store norske leksikon* at snl.no. Retrieved 6 August

2025. ⁹⁰² Berg (2025).

⁹⁰³ Hofstad, K. 'Economy and business in Costa Rica' in the *Store norske leksikon* at snl.no. Retrieved 6 August 2025.

⁹⁰⁴ Transparency International 2024, Costa Rica: <https://www.transparency.org/en/countries/costa-rica>. The index contains data dating back to 1995, but figures for Costa Rica are not available until 1997. At that time, the country scored 64.5. See Corruption Perceptions Index, Transparency International Scores 1995–2018: https://stats.areppim.com/listes/list_corruption.htm.

⁹⁰⁵ Wilson, B.M. (2014). 'Costa Rica's Anti-Corruption Trajectory: Strengths and Limitations', WP3, Anticorruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption.

⁹⁰⁶ Penal Code (1970). Law No. 4573, Articles 118–122 and 381. See <https://reproductiverights.org/maps/provision/costa-ricas-abortion-provisions/>

⁹⁰⁷ Carranza, M. (2020). Female Sterilisation in Costa Rica, 1940 to 2020. *Oxford Research Encyclopedia of Latin American History*

The country's fertility rate currently stands at 1.66 births per woman. In 1975 it was 3.8, in 1985 3.51 and in 1992 3.⁹⁰⁸

Norway has maintained diplomatic relations with the country since 1939. There was a Norwegian embassy in the country from 1985 to 1997. Prior to this, Norway's diplomatic relations were handled by the Norwegian embassy in Mexico (from 1947). After 1997, responsibility for Costa Rica was transferred to the embassy in Nicaragua.⁹⁰⁹

13.3 Overview of the Committee's country reviews

The Committee has reviewed all applications for placement authorisation and for the approval of contact persons, as well as all approvals and placement authorisations for the country. The Norwegian adoption authorities' mission reports on the country have been reviewed. Archive searches have been carried out at Norwegian adoption authorities (in the archives of the Ministry of Justice, the Ministry of Social Affairs, the Council for International Adoptions and the State Adoption Office).

The Committee has also been granted access to Adopsjonsforum's physical archives and has retrieved relevant information on placements from the country from these archives.

Searches have been carried out in historical news databases for news articles concerning adoptions from the country. The Committee has also obtained information on adoptions from the country from various external sources, such as ISS and HCCH, and has searched for reports and articles on adoptions from the country in various research literature databases.

The Committee requested access to, and was sent by the Costa Rican National Archives, the minutes of a parliamentary commission of inquiry which worked from 1989 to 1991 to investigate 'the trafficking of children for adoption abroad and the disappearance of children' (see 13.7).

Through the organisation UTAD, the Committee has been put in touch with a Costa Rican lawyer with experience of adoption cases from the country, who has provided an oral account of the legal development of international adoptions from the country from the 1950s to the present day.

The Committee has received enquiries from four people who were adopted from Costa Rica and has conducted interviews with all of them. We have also interviewed a birth mother whose child was adopted to Norway (see 13.3.1).

A review has been carried out of 33 individual cases from Costa Rica in the Bufdir archives, representing approximately 32 per cent of all adoptions arranged from that country to Norway (see 13.6).

13.3.1 Accounts from adoptees and birth families

13.3.1.1 *Adopted siblings in the 1980s*

A pair of adopted siblings who came to Norway in the 1980s have been reunited with their birth family in Costa Rica. The adoptees have highlighted discrepancies between the information provided to their adoptive parents and what the birth family says about the circumstances surrounding the adoption. The adoptive parents were reportedly told that the mother was a minor when she had her first child, whereas in reality she was in her twenties. The birth mother also believes that there are errors in the dates of birth on the adoptees' documents.

In Costa Rica, the adoptees lived with a grandparent and other extended family members for several years. The birth family has explained that there were conflicts between the birth mother and the grandparent, which led

⁹⁰⁸ Macrotrends (2024). *Costa Rica Fertility Rate (1950–2025)*: <https://www.macrotrends.net/global-metrics/countries/cr/costa-rica/fertility-rate>

⁹⁰⁹ Email from the Ministry of Foreign Affairs to the Inquiry Committee, 25 February 2025.

to the mother disappearing for a period of time. When she returned, the children were gone. The biological mother has stated that she never found out anything more, despite visiting various children's homes.

The adoptees recall being placed in an unsuitable foster home in Costa Rica, and subsequently in a children's home, before being adopted by a Norwegian couple. They know little about what happened in the process leading up to the adoption, and requests to PANI for access to their own case files have been unsuccessful.

Nor has the children's home where they lived been able to provide any further information, including essential health records regarding vaccinations and operations which the adoptees recall having undergone.

The birth family has no recollection of PANI contacting them or investigating the family circumstances. No one in the family knew that the children had been adopted to Norway. This was particularly difficult for an older sibling, who did not understand where their younger siblings had gone.

The birth mother has retained custody of all the children she had subsequently, and they describe her as a caring mother.

The adopted children were reunited with their birth family by contacting a priest in Costa Rica who carried out a search in local registers. Through this, they obtained the name of a sibling whom they subsequently found on Facebook.

13.3.1.2 *Adopted in the 1980s*

Another adoptee, who came to Norway in the 1980s together with a sibling and who has also been reunited with their birth family, also comments on the discrepancies between what their birth family says and what their adoptive parents were told.

Adoption Forum's international liaison is said to have described the mother as a drug user, a criminal and someone who neglected the children. The birth mother, however, is said to have explained that she was from another country in Latin America, and that she was once arrested and imprisoned for not having legal residence in Costa Rica. During this period, the children were looked after by an acquaintance, and it was this person who handed the children over to PANI. When the mother was released from prison, she tried to find the children but received no information from PANI. The mother feared the children were dead.

The adoptee, together with her birth mother, attended a meeting with PANI where they went through the documents relating to the case. The birth mother then disputed several of the details in PANI's documents concerning her living situation at the time. She believed that the documents held by PANI had been fabricated to make the children adoptable. The documents to which the adoptee was given access at PANI show that the birth mother's partner wished to care for the children with the help of the rest of his family. However, the children were adopted nonetheless. During a meeting with the adoptee and her birth mother, PANI is reported to have admitted that the process leading up to the adoption had been inadequate. They acknowledged that not enough had been done to investigate whether the children could remain in Costa Rica.

The adoptee was reunited with her birth family by contacting a lawyer mentioned in the documents. He provided the name of the adoptee's birth mother.

The family in Costa Rica consists of several siblings, both older and younger, who have grown up with aunts, fathers and other relatives. The sibling relationships are described as good and close, and for the person adopted to Norway, being separated from them is experienced as painful and difficult.

13.3.1.3 *Account from a person adopted in the 1980s and their birth family*

A person adopted from Costa Rica who came to Norway in the 1980s has also been reunited with their birth family.

The adoptee has shared the following account with the committee, based on a statement from the adoptee's aunt, which is also confirmed by other family members in Costa Rica:

We lived [...] together with my mother, siblings, aunt [NN] and cousins. My mother was at work as a domestic helper [...] Two people came to the door saying they were from Pani and asking where my mother was. [My aunt] said she was at work, but couldn't give them the exact address. She sent the older children outside and they ran off to hide. The three of us were left behind, as we were small. The people wanted to take us with them because Mum wasn't there. I was a baby and [my aunt] was afraid I'd get hurt; she thought it was too dangerous to keep me there. My sister, who was 5 at the time, watches on, scared, and wants to see what's happening; she doesn't follow the older cousins. Aunt [NN] holds on to [the two older siblings] and a physical struggle ensues. Aunt [NN] is pushed to the floor and they take the three of us children to our mother, her sister. Afterwards, my mother and grandmother travelled to the children's home to collect us [...]. When they found us, it was confirmed that we were there, but they were not allowed to take us away. We were immediately moved to the capital, San José. My grandmother hired a lawyer, but to no avail. We were also listed as missing in the newspaper.

The committee has conducted an interview with the biological mother. She explained that she was given information about which children's home the children were in, but that she was never allowed to see them again. Nor was she told which country the children had been adopted into. The birth mother believed the process went quickly, perhaps only half a year from the children being taken from her until they were adopted. She was told that she would not get the children back because she did not have a home of her own.

The loss of the children affected the whole family, especially the birth mother. A few years later, the birth mother had another child. This child was not taken away from her. The mother states that she never stopped fighting for the children; she approached a number of different authorities, but this was to no avail.

The adoptee made contact with her birth family by travelling to Costa Rica and consulting the civil register, where they found a handwritten entry concerning the adoptee and the municipality in which her birth mother was registered as a resident. Through a local doctor's surgery in that municipality, the adoptee obtained her mother's address in Costa Rica and was thus able to make contact.

The adoptee has requested access to their case files from the Norwegian adoption authorities and from PANI, and has shared all the documents with the committee. It is evident from the documents that the Norwegian adoption authorities registered the adoption and returned the documents to the adoptive parents without making a copy of the court decision on adoption from Costa Rica. The adoptive parents have not made the documents available to the adoptee. It is therefore not possible for the adoptee or for the committee to assess on what basis the adoption was registered in Norway. The documents from PANI mainly contain information about the Norwegian applicants and do not provide details of the process that led to the children being declared abandoned.

The adoptee feels a deep longing for their family in Costa Rica and wishes to have their family ties restored to their birth family and to have the adoption from Costa Rica annulled. The adoptee states that this is a demanding and costly process with an uncertain outcome in Norway.

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

13.4 Overview of the adoption procedure

13.4.1 Legal framework

Adoptions from Costa Rica to Norway were governed by Costa Rica's Family Code of 1974.⁹¹⁰

⁹¹⁰ Law No. 5476, Código de Familia of 1974. Part II, Chapter VI, Articles 100–126 deal with adoption.

Among other things, the Act set out provisions on the requirements for adoption applicants (Articles 100–102), procedural rules governing the proceedings (Articles 103–113) and rules on the effects of simple adoption (Articles 114–121) and full adoption (Articles 122–126).

If the child was a minor, consent was required from those with parental authority over the child (such as parents or a guardian) in accordance with a court order.

If, however, the child had been declared an orphan or abandoned (an administrative process for which PANI was responsible; see section 13.4.3.2), the representative of PANI could approve the adoption in accordance with the court's decision (Article 103). In such cases, in other words, there was no requirement to attempt to obtain the consent of the biological parents to the adoption.

Prospective adopters had to apply for approval from the court before the adoption document could be issued. The court was to 'take into account' the best interests of the child in each specific case – even when all the legal requirements for the adoption to take place had been met (Article 105).⁹¹¹

The adoption was to be registered and entered in the population register, and was legally valid from that date (Articles 104 and 106).

The Act stipulated that an extract from the adoption document should be published in Costa Rica's legal gazette. Anyone could then lodge a written objection with the civil register within a 15-day period from the date of publication (Article 108).

Once the deadline had expired without any objections, the approved adoption was to be entered in the birth register and the parents' names replaced. The new birth certificate was to include a reference to the adoptee's original birth certificate. If objections were received within the time limit, the Civil Registry was to refer the case back to the court for a decision (Article 109) in accordance with the guidelines set out in Costa Rica's Civil Acts Act.

Costa Rica signed, ratified and brought into force the UN Convention on the Rights of the Child in 1990. The Hague Convention on Intercountry Adoption was signed in 1995 and entered into force on 1 February 1996.⁹¹²

Today, adoptions in Costa Rica are governed by the Costa Rican Family Code of 1974 (No. 5476) as subsequently amended (Act No. 7538 of 1995 and Act No. 9064 of 2012), by the Children and Youth Act of 1998 (Act No. 7739), by the PANI Act (No. 7648) of 1996 and by various regulations, the first of which was issued in 1994.⁹¹³

13.4.2 The National Child Welfare Agency

The national child welfare agency, the Patronato Nacional de la Infancia (PANI), was established in 1930 as part of the country's Ministry of Social Affairs, with the aim of protecting and promoting children's moral, intellectual, physical and social development. Following the civil war in 1948, PANI gained formal independence under the 1949 Constitution and has since undergone several changes.

From 1974, PANI assumed a central role in social policy, following the adoption of the Family Act and the establishment of a fund for social development and family benefits (*Fondo de Desarrollo Social y Asignaciones Familiares*), which financed social programmes and direct support for families.

⁹¹¹ From the Norwegian translation of the legal text: 'The court shall always take into account the best interests of the adoptee in accordance with the circumstances of each individual case – even when all legal requirements for the adoption to take place have been met.' Act No. 5476, Part II, Article 105.

⁹¹² United Nations Treaty Collection. (n.d.). *Convention on the Rights of the Child – Status of treaties*. Retrieved from <https://treaties.un.org>; HCCH (2020). Country profile, Costa Rica.

⁹¹³ HCCH (2020). Country profile, Costa Rica.

In the 1980s, PANI changed its organisational structure. Services were decentralised and divided according to geographical areas, which was intended to allow for greater local adaptation in its work.

Since adoptions to Norway ceased in 1992, PANI has undergone several reforms which are not discussed here.⁹¹⁴

13.4.3 The adoption process

13.4.3.1 *The process for Norwegian applicants*

Norwegian applicants wishing to adopt from the country had to send Norwegian prior consent and other necessary documents (marriage certificate, baptism certificates, medical certificates, police certificates, income certificates, three references, social history, a personal statement and photographs) to PANI, along with a completed application form – all translated into Spanish.⁹¹⁵ Adoption Forum's international liaison officer usually handled the translation,⁹¹⁶ and took all the documents to the Costa Rican Ministry of Foreign Affairs for legalisation.⁹¹⁷

Once the documents had been registered with PANI, they were reviewed by a committee, which – if the applicants were approved – placed them on a waiting list. The process took approximately 3–4 months. When a child became available, PANI (possibly via its placement committee, which was established in 1982⁹¹⁸) contacted Adoption Forum's international liaison, who assessed whether the child was a suitable match for the family in question based on the information she had received. If the international liaison officer considered the match to be suitable, Adopsjonsforum Norge was informed, and prospective adoptive parents were asked to confirm whether they wished to proceed with the adoption.⁹¹⁹

Once the applicants had given their consent, the adoption process itself could begin. As a rule, Adoption Forum's international liaison officer was then authorised to sign the documentation on behalf of the applicants, which was sent from PANI to the court. Within a few weeks, the court would then issue an 'edict' (public notice) of the adoption. Fifteen days after the expiry of the notice period, the court's decision could be handed down, provided no objections were raised.⁹²⁰

The court's processing of adoption applications was straightforward and did not take long – it verified that all legal requirements had been met, but could overrule PANI's recommendation.⁹²¹ It was the family courts that made decisions in adoption cases. There were two such courts in the capital, San José.⁹²²

⁹¹⁴ PANI. 'Nuestra Historia', <https://pani.go.cr/sobre-el-pani/historia/>. Retrieved 15 August 2025.

⁹¹⁵ AF to RIA, 2 September 1978, 'Application for authorisation to act as an intermediary in the adoption of children in Costa Rica'.

⁹¹⁶ AF to SAK, 26 October 1984, 'Application for re-approval of contact network.' This document states that PANI has approved AF's foreign contact translating the Norwegian adoption documents.

⁹¹⁷ Ministry of Foreign Affairs to SAK, 16 February 1988, 'Obtaining and, where necessary, updating current laws and regulations governing adoption mediation'.

⁹¹⁸ RIA, 1 August 1982, 'Report to the Council for International Adoptions following a trip to Latin America, 3–29 May 1982'; Draft report from a trip to Costa Rica in 1982 (RIA's archives, no reference number).

⁹¹⁹ Ministry of Foreign Affairs to SAK, 16 February 1988, 'Obtaining and, where necessary, updating current laws and regulations governing adoption mediation'.

⁹²⁰ Ministry of Foreign Affairs to SAK, 16 February 1988, 'Obtaining and, where necessary, updating current laws and regulations governing adoption mediation'.

⁹²¹ RIA, 1 August 1982, 'Report to the Council for International Adoptions following a trip to Latin America, 3 May – 29 May 1982'; Draft report from a trip to Costa Rica in 1982 (RIA's archives, no reference number).

⁹²² RIA, 1 August 1982, 'Report to the Council for International Adoptions following a trip to Latin America, 3 May – 29 May 1982'; Draft report from a trip to Costa Rica in 1982 (RIA archives, no reference number).

At least one of the prospective adoptive parents had to travel to Costa Rica.⁹²³ During their stay, the parents first met with a PANI official – or, in some cases, a social worker or psychologist – and visited the child at the children's home. After the parents had met the child, they went to court to sign a document confirming their agreement to the adoption proceedings.⁹²⁴

An adjustment period (lasting from one to several days) took place before the child could be taken home by the parents. The adoption order itself could be issued anywhere from 1 to 10 days after the meeting, at which point the order had to be registered in the civil register. Only then could a new birth certificate in the child's new name be issued (which could also take a few days).⁹²⁵

Adoption Forum's international liaison officer stated in 1982 that 'previously' children could leave Costa Rica under their original name, and that the adoption could be finalised after departure; however, PANI had subsequently made it clear that the adoption had to be finalised before the child left the country.⁹²⁶

Finally, PANI and the immigration authorities granted formal permission for the child to leave the country.⁹²⁷ Upon arrival in Norway, two follow-up reports were to be sent to PANI.⁹²⁸

13.4.3.2 *The process from the child's perspective*

As the adoptions arranged for Norway mainly involved children who had been taken into the care of the child welfare services and administratively declared abandoned (*abandono*), it is relevant to examine what the process for this was in Costa Rica during the period 1975–1992. In the Norwegian archives examined by the committee, there is little information on this. Nor is it apparent that the Norwegian adoption authorities asked detailed questions about this.

In a specialist book on adoption from 1995, the process is described as follows:

Specific legal provisions set out the procedure to be followed in order to declare a child abandoned.⁹²⁹ The first step involved initiating an investigation into the child's situation. A deadline of 30 days, with the possibility of a 15-day extension, was set for making a recommendation as to what the child's status should be. The recommendation could be to close the case or to offer guidance to the child's carers.⁹³⁰

The textbook emphasises that the concept of being 'abandoned' in Costa Rica implies that the children's emotional and material needs are not being met:

The families of those children who are neglected or abandoned have living conditions which do not offer an opportunity for the child's adequate development. Even if the situation is only one of 'involuntary neglect', the negative effects on the child are the same. The parents not only lack

⁹²³ AF to RIA, 2 September 1978, 'Application for authorisation to act as an intermediary for the adoption of children in Costa Rica'. When Norwegian adoption authorities travelled to the country in 1982, it had become a requirement that both prospective adoptive parents travel to the country, cf. 13.5.3.1.

⁹²⁴ Ministry of Foreign Affairs to SAK, 16 February 1988, 'Obtaining and, where necessary, updating current laws and regulations governing adoption mediation'.

⁹²⁵ Draft report from a trip to Costa Rica in 1982 (RIA's archives, no reference number).

⁹²⁶ Letter from AF's foreign liaison officer to AF's country liaison officer (RIA's archives), 16 April 1982. ⁹²⁷ Letter from AF's overseas contact to AF's country contact (RIA's archives), 16 April 1982.

⁹²⁸ RIA, 23 May 1984, 'Report to the Council for International Adoptions from the fact-finding and inspection trip to Latin America, 24 April – 11 May 1984'.

⁹²⁹ PANI (1987). *Abandono de Menores: Metodologia e Intervencion Institucional* and PANI (1985). *Reglamento para la Declaratoria de Estado de Abandono y Deposito de Menores de Edad*. According to Martinez Moncada, Z. & Aguilar Sanabria, C. (1995). 'Adoptions in Costa Rica', pp. 139–151, in Jaffe, E. (1995). *Intercountry adoptions. Laws and Perspectives of 'Sending' Countries*. Martinus Nijhoff.

⁹³⁰ Martinez Moncada, Z. & Aguilar Sanabria, C. (1995). 'Adoptions in Costa Rica', pp. 139–151, in Jaffe, E. (1995). *Intercountry adoptions. Laws and Perspectives of 'Sending' Countries*. Martinus Nijhoff.

economic resources, but also emotional resources that would enable them to support their children.⁹³¹

In the chapter, written by two psychologists – one of whom was formerly employed in PANI's adoption department – it is emphasised that neglect occurred primarily in low-income families, with single parents who had a low level of education and did not own their own home.⁹³²

If the neglect worsened, or if the support measures implemented did not have the desired effect, it could be recommended that the child be declared abandoned. At any stage of the process, a decision could also be made to place the child temporarily in alternative care. The child was declared abandoned through an administrative process, and the decision was subject to appeal.⁹³³ It is not clear from the description when or how the carers were notified of the decision.

Once a child had been declared abandoned, professionals would make a recommendation regarding the child's future placement. The alternatives in 1995 included emergency foster homes, children's homes, foster homes in the child's local community, domestic adoption and international adoption. PANI then decided on the child's placement.⁹³⁴

Children due to be adopted spent the waiting period in pre-adoption centres (private or public), where they received special preparation for the adoption and help in coming to terms with the loss of their birth family.⁹³⁵

In 1995, guidelines stipulated that only children over the age of 4 were eligible for international adoption, with the exception of sibling groups or children with special care needs.⁹³⁶ The reference book presents statistics showing that the proportion of adoption applications from domestic versus international applicants changed during the period 1985–1990. Whilst approximately 27 per cent of applications in 1985 were domestic, this proportion had risen to 58 per cent by 1990.⁹³⁷

13.5 Adoption placements from Costa Rica to Norway

13.5.1 The start of adoption placements from Costa Rica

During a conference in Puerto Rico in 1976, Adopsjonsforum made contact with a representative of the Costa Rican social services, and in January 1977 they used this channel to enquire about the possibility of adoptions to Norway. As a result, a collaboration was initiated.⁹³⁸

⁹³¹ Martinez Mocada & Aguilar Sanabria (1995), p. 141. ⁹³²

Martinez Moncada & Aguilar Sanabria (1995), p. 140. ⁹³³

Martinez Mocada & Aguilar Sanabria (1995).

⁹³⁴ Martinez Mocada & Aguilar Sanabria (1995).

⁹³⁵ Martinez Mocada & Aguilar Sanabria (1995).

⁹³⁶ Martinez Mocada & Aguilar Sanabria (1995).

⁹³⁷ Martinez Mocada & Aguilar Sanabria (1995).

⁹³⁸ AF to RIA, 2 September 1978, 'Application for authorisation to act as an intermediary in the adoption of children in Costa Rica'.

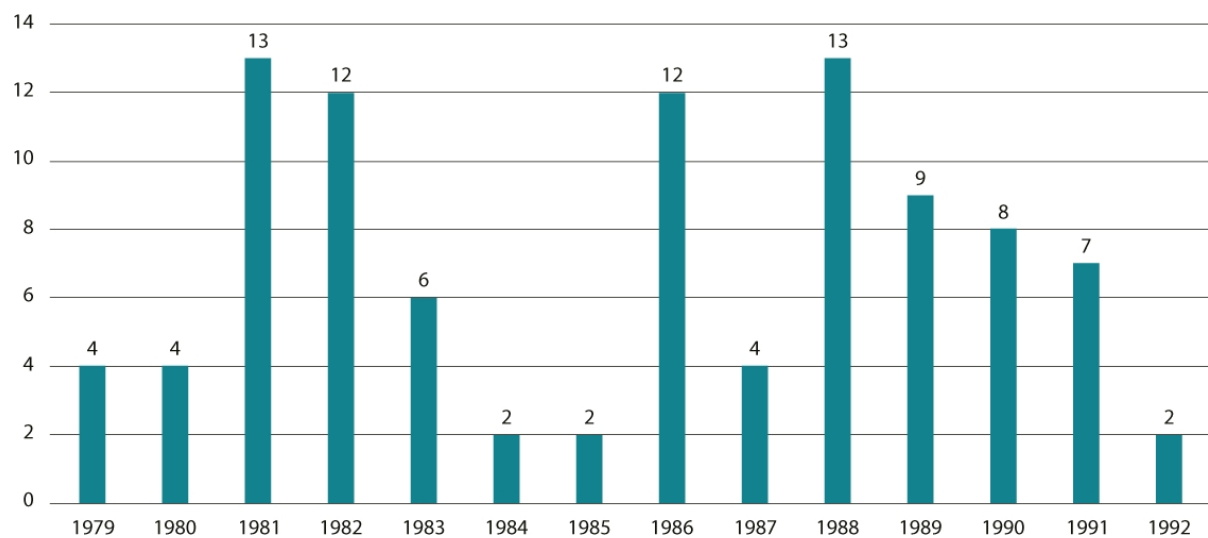


Figure 13.1 Adoptions arranged from Costa Rica to Norway, 1979–1992

Source: Figures taken from statistics provided by Bufdir and Adopsjonsforum (see section 3.5)

In its application for a placement licence dated September 1978, Adopsjonsforum stated that all adoptions in the country were handled by the national child welfare authority, *Patronato de la Infancia* (PANI), with which Adopsjonsforum was to carry out the adoptions in collaboration.⁹³⁹

In its 1978 application for a placement licence, Adopsjonsforum stated that adoptions in the country were free of charge, and that the foreign liaison officer did not receive a salary for their work. The only costs incurred were those for legalisation, translations, the child's passport and care, as well as the journey to collect the child.⁹⁴⁰ Over time, the costs associated with various translations and legalisation procedures increased (see 13.5.3).

Adoption Forum's foreign contact was a Norwegian woman living in Costa Rica, married to a Costa Rican electrical engineer. The woman acted as Adoption Forum's foreign contact from June 1977 and had also served as a 'private contact' for two Norwegian families who adopted from the country in 1975. She also acted as a foreign contact for the Swedish adoption agency Adoptionscentrum.

Documentation found by the committee in Adopsjonsforum's archives shows that the foreign contact had her expenses covered in connection with her work. Accounts, including receipts and supporting documents, were submitted to and checked by Adopsjonsforum Norway. Towards the end of the 1980s, and perhaps even earlier, the international liaison received a small remuneration for her work, including an annual bonus linked to the number of adoptions.⁹⁴¹ This was standard practice for Adopsjonsforum's remuneration of foreign contacts at that time, and was explained, amongst other things, as compensation for the extra work involved in adoption collection trips. The foreign contact also gradually began to earn some income from providing accommodation for adoptive families on collection trips. Furthermore, she was a state-authorised translator and received a fee for translating adoption documents to and from Spanish.

⁹³⁹ AF to RIA, 2 September 1978, 'Application for authorisation to act as an intermediary for the adoption of children in Costa Rica'.

⁹⁴⁰ AF to RIA, 2 September 1978, 'Application for authorisation to act as an intermediary for the adoption of children in Costa Rica'.

⁹⁴¹ Fax from AF's overseas contact to AF Norway, 6 December 1989. The overseas contact asks: 'How should the bonus be handled this year? Should I deduct it from the employment fund?'.

As mentioned in section 13.4.3, at least one of the adoption applicants had to travel to the country to collect the child. Adopsjonsforum stated that the adoption had to be finally concluded before the child left the country.⁹⁴²

In the 1978 application, Adopsjonsforum stated that they required applicants to have, or to acquire, knowledge of Spanish prior to the collection trip, as the children available for adoption were, as a rule, over four years old.⁹⁴³

In October 1978, the Council for International Adoptions recommended that a placement licence be granted,⁹⁴⁴ and this was granted by the Ministry of Social Affairs on 11 September 1979. The licence also states that the overseas contact was approved by the Council for International Adoptions on 26 September 1978.⁹⁴⁵ However, Adoption Forum's placement activities had already begun before the application for a placement licence was submitted, a fact of which Adoption Forum informed the Norwegian adoption authorities in its 1978 application, as well as in a letter to the Council for International Adoptions dated 29 August 1978,⁹⁴⁶ and which the authorities apparently accepted.

13.5.2 Key aspects of the adoption placement process 1978–1992

In September 1979, the Norwegian adoption authorities travelled to Costa Rica.⁹⁴⁷ Through the consul in the country, they secured a meeting with a Supreme Court judge, as well as with the director of PANI and the head of the adoption department. According to the mission report, a key purpose of the meeting was to provide information about the situation in Norway and the Norwegian adoption process. Through Adoption Forum's international liaison, they also met the chair of PANI's executive board. In addition, they visited two children's homes.

Following the visit, the chair of PANI's Executive Board visited Norway and attended a meeting of the Norwegian Placement Committee. A similar committee was subsequently established in Costa Rica.⁹⁴⁸ In the early 1980s, Adoption Forum's international liaison wrote to Adoption Forum Norway regarding other organisational changes as well, noting that PANI now aimed to ensure that no more than four months would elapse from the time a child was handed over to PANI until they could be released for adoption, provided there was no possibility of the child returning home.⁹⁴⁹

In 1982, Adoption Forum's international liaison officer was invited to join a 'support group' working to find parents for children who, for various reasons, were difficult to place for adoption. The 'support group' included, amongst others, the chair of the executive board, PANI's director, the head of PANI's adoption department, a children's home coordinator, and other representatives of adoption organisations in the USA.⁹⁵⁰

In 1982, Norwegian adoption authorities travelled to Costa Rica once again.⁹⁵¹ They met with PANI and visited children's homes. At PANI, they were given an explanation of the procedure for the release of children and their placement with adoptive

⁹⁴² AF to RIA, 2 September 1978, 'Application for authorisation to arrange adoptions of children in Costa Rica'. ⁹⁴³ AF to RIA, 2 September 1978, 'Application for authorisation to arrange adoptions of children in Costa Rica'. ⁹⁴⁴ RIA, 2 October 1978.

⁹⁴⁵ Ministry of Social Affairs to AF, 11 September 1979. 'Application for authorisation to act as an intermediary for the adoption of children in Costa Rica and approval of contact in Costa Rica'.

⁹⁴⁶ AF to RIA, 29 August 1978, 'Re: Our application for authorisation to act as an intermediary for Costa Rica'.

⁹⁴⁷ RIA, 1979, 'Report to the Council for International Adoptions on the Head of the Secretariat's trip to Latin America, 14 September–8 October 1979'.

⁹⁴⁸ RIA, 1 August 1982, 'Report to the Council for International Adoptions following a trip to Latin America, 3–29 May 1982'; Draft report from a trip to Costa Rica in 1982 (RIA's archives, no reference number).

⁹⁴⁹ AF's archives. Letter from AF's foreign liaison officer to AF Norway, undated.

⁹⁵⁰ AF's archives, Letter from AF's foreign liaison to AF Norway, undated.

⁹⁵¹ RIA, 1 August 1982, 'Report to the Council for International Adoptions following a trip to Latin America 3 May – 29 May 1982'; Draft report from a trip to Costa Rica in 1982 (RIA's archives, no reference number).

prospective parents and the functioning of the legal system. They were informed that only children over the age of four are considered for international adoption, but that exceptions are made for 'difficult-to-place' children. PANI stated that it was not a requirement for all adoptions to go through them, but that 'in practice' they did.⁹⁵²

Regarding the release process, the Norwegian adoption authorities were informed of the following:

- There are two ways of being declared abandoned: following an application from an individual, or following an application from a child welfare institution, or possibly from PANI.
- The declaration of abandonment is an administrative decision taken by PANI at central level or by a 'provincial office'.
- Following a request for a declaration of abandonment, the first step is to try to help the child's family, then to investigate whether there are any more distant relatives who can take care of the child. If none are found, the child is declared abandoned.
- The decision may be appealed to a higher authority.
- The child is then referred via a diagnostic centre to a children's home.
- Parents may also have their parental rights revoked if this is in the child's best interests. As with the declaration of abandonment, this decision may be appealed to a higher court.
- The declaration of abandonment process usually takes 3 to 6 months.⁹⁵³

Regarding the matching process, the Norwegian adoption authorities were informed during the same visit that this was carried out by the newly established Consejo de Reubicación de Menores, comprising representatives from, amongst others, PANI, a children's rights lawyer, a psychologist, and a representative from the institution where the child was living. There was no waiting list; the child's needs determined the match. Domestic solutions were to be prioritised.

It was an absolute requirement that both prospective adoptive parents travelled to the country and remained there for at least fourteen days. Psychologists and social workers observed how contact with the child developed.⁹⁵⁴

In 1982, Adopsjonsforum's international liaison officer expressed dissatisfaction with the requirement imposed by the court in Costa Rica that all documents from abroad be stamped. The costs of legalisation rose from 40–50 USD in 1978 to 600–700 USD in 1982.⁹⁵⁵

In 1984, the Norwegian adoption authorities travelled to the country for the third time. The purpose of the trip was to investigate the possibilities for an adoption agreement with the country. They met with PANI, where they were informed, amongst other things, that more than 90 per cent of the children in PANI's care had been removed from their families due to 'lack of care'. Reunification with the family and national solutions were still given priority before international adoption was considered, but if 'a foster care placement within the country fails, the child may be immediately made available for international adoption'. It was still mainly older children, groups of siblings or children with special care needs who were considered for international adoption.⁹⁵⁶

In 1984, Adopsjonsforum stated in an application for re-approval of its contact network that Adoptionscentrum had decided to withdraw from the country because it had no applicants for the children who were available

⁹⁵² RIA, 1 August 1982, 'Report to the Council for International Adoptions following a trip to Latin America, 3 May – 29 May 1982'; Draft report from a trip to Costa Rica in 1982 (RIA's archives, no reference number).

⁹⁵³ RIA, 1 August 1982, 'Report to the Council for International Adoptions following a trip to Latin America, 3 May – 29 May 1982'; Draft report from a trip to Costa Rica in 1982 (RIA archives, no reference number).

⁹⁵⁴ Draft report from a trip to Costa Rica in 1982 (RIA archives, no reference number).

⁹⁵⁵ Letter to AF's national contact in Norway from AF's international contact, 16 April 1982.

⁹⁵⁶ RIA, 23 May 1984, 'Report to the Council for International Adoptions from the fact-finding and inspection trip to Latin America, 24 April – 11 May 1984'.

for adoptions there. They stated that, in total, around 50 children from Costa Rica were placed with parents abroad each year.⁹⁵⁷

In 1984, there were internal discussions within the Adoption Forum regarding a possible agreement between PANI and the Costa Rica Club, with the Adoption Forum's foreign liaison acting as the local representative. A draft agreement was drawn up whereby the Costa Rica Club would pay a monthly salary, including social security contributions, to a

'housewife' at a small children's home (maximum ten children) in Barva de Heredia. The children in the home were to be groups of siblings and declared abandoned. PANI was to provide technical assistance with the processing of cases, the establishment of a permanent care arrangement and the follow-up of the children, as well as a monthly sum for each child.⁹⁵⁸

The Committee has been unable to ascertain whether this agreement was actually concluded, nor whether there was an agreement or an understanding that the children at this home were to be allocated to Norwegian applicants. The agreement is not mentioned in subsequent applications for placement or for approval of contact networks.

In 1986, the paid secretariat of Adopsjonsforum Norge took over responsibility for the country and henceforth handled contact with applicants and international liaison.⁹⁵⁹

In connection with the establishment of the State Adoption Office in 1987, it appears that the office approached the Ministry of Foreign Affairs to seek assistance in obtaining and/or updating the current laws and regulations governing adoption placement from, amongst others, Costa Rica. The Embassy in Costa Rica sent over an overview which they stated had been 'prepared free of charge for the Embassy by Adoption Forum's international liaison officer in Costa Rica'.⁹⁶⁰

In the report, the foreign contact describes the process chronologically and in relatively great detail, but without references to relevant legal texts and regulations. The report does not contain any information on the process for declaring a child abandoned.⁹⁶¹

In 1988, the Norwegian adoption authorities travelled to Costa Rica for the fourth time. They met with PANI and visited three children's homes. PANI requested more applications from Norway, whilst the Norwegian side explained that they had relatively few applicants wishing to adopt such older children or groups of siblings. PANI's director believed it must be possible to place younger children abroad as well. Once again, an adoption agreement between the countries was discussed. The Norwegian adoption authorities were informed that adoptive parents had made a 'voluntary donation' to one of the children's homes where PANI placed children, but which did not receive public funding. The donation amounted to 100 USD.⁹⁶²

In 1989, internal correspondence within Adopsjonsforum reveals that there were some disagreements between a court in Costa Rica and PANI. In a specific adoption case, the judge wished to summon the birth mother to give her consent after the prospective adoptive parents had 'signed up' (this presumably means that they had signed the adoption documents), but PANI lodged an appeal against this and was successful.⁹⁶³ The Committee has found no further information as to why the judge wished to obtain the mother's consent, if the case concerned the taking into care of the child, or why PANI opposed this, if it was a consent case.

⁹⁵⁷ AF to SAK, 26 October 1984, 'Application for re-approval of contact network'.

⁹⁵⁸ Letter to the head of AF from the country contact, 15 August 1984.

⁹⁵⁹ AF to SAK, 28 August 1986, 'Application for re-approval of contact network'.

⁹⁶⁰ Ministry of Foreign Affairs to SAK, 16 February 1988, 'Obtaining and, where necessary, updating current laws and regulations governing adoption mediation'.

⁹⁶¹ Ministry of Foreign Affairs to SAK, 16 February 1988, 'Obtaining and, where necessary, updating current laws and regulations governing adoption mediation'.

⁹⁶² RIA, 22 November 1988. 'Report from the trip to Latin America, 8–30 October 1988'.

⁹⁶³ Letter from AF's foreign contact to AF Norway, 31 May 1989.

From 1991, Adopsjonsforum engaged a lawyer in Costa Rica to assist applicants with the legal aspects of the process. The lawyer received a fee of approximately 700 USD per case.⁹⁶⁴

13.5.2.1 *News report on problematic adoptions*

In September 1991, the Norwegian Embassy in Costa Rica came across a news article in the German newspaper **Der Spiegel** (No. 28, 1991), which dealt with allegations concerning the sale of children for adoption from Costa Rica. The Embassy referred the matter to Adoption Forum's foreign liaison officer in the country, who in turn contacted PANI. The foreign liaison subsequently published an opinion piece in a Costa Rican newspaper to clear up any misunderstandings regarding the work carried out by Adopsjonsforum.

The embassy sent a letter to the Ministry of Foreign Affairs requesting that the relevant ministry and Norwegian adoption organisations be made aware of the articles.⁹⁶⁵ The Ministry of Foreign Affairs then contacted the Norwegian adoption authorities and asked for a breakdown of how many children had been adopted into Norway in recent years.⁹⁶⁶

The article in **Der Spiegel** concerned mothers in Costa Rica who had been approached by various parties asking them to sell their children. The article also cited figures for international adoptions through PANI, which in 1989 stood at 144 – more than double the figure for previous years – and it was further claimed that 'thousands' of direct adoptions had taken place. Furthermore, reference was made to a parliamentary committee of inquiry into child trafficking (see 13.7), whose chair was quoted as saying that the country had become an 'Eldorado' for international adoption through these 'direct' adoptions. The article named a specific lawyer in the country, whose office was located directly above the country's largest children's hospital. The lawyer stated that she charged 3,500 USD for an adoption.⁹⁶⁷

In her report to the embassy from Adopsjonsforum's foreign liaison officer, she admitted that there were lawyers making good money from direct adoptions, but not in the large numbers claimed by the article. According to the statistics she had received from PANI, there were a total of 386 adoptions in 1986, of which 230 went through PANI and 156 were direct adoptions. 322 were domestic adoptions and 64 were to foreign countries. In 1989, there were 526 adoptions in total: 350 through PANI and 176 direct adoptions. 377 were domestic, and 149 were to foreign countries. The International Adoptions Unit believed that the increase in international adoptions was due to the country's increasingly difficult economic situation and a steadily rising number of larger sibling groups that could not be placed domestically.⁹⁶⁸

In collaboration with Adopsjonsforum Norge, the Norwegian adoption authorities sent a list to the Ministry of Foreign Affairs detailing the number of children adopted to Norway from Costa Rica through Adopsjonsforum. Adopsjonsforum stated that all of them had been matched with Norwegian families via PANI, and the adoptions had been finalised by court order in Costa Rica.⁹⁶⁹

13.5.2.2 *The end of placements from Costa Rica*

The last child placed for adoption through Adopsjonsforum from Costa Rica arrived in 1992.

A letter from Adopsjonsforum's foreign liaison officer in 1992 indicates that she met with PANI to 'try to press even harder for an allocation' for Adopsjonsforum's applicants who wished to adopt from the country.⁹⁷⁰ The Committee has also found similar wording in earlier letters. In 1992, it also appears that

⁹⁶⁴ AF to SAK, 25 April 1991. 'Application for re-approval of contact network in Costa Rica'.

⁹⁶⁵ From the Embassy in San José to the Ministry of Foreign Affairs, 4 September 1991, 'Costa Rica. Allegations of the sale of children for adoption'.

⁹⁶⁶ Letter from the Ministry of Foreign Affairs to the Ministry of Children and Family Affairs and SAK, 12 September 1991, 'Costa Rica. Allegations concerning the sale of children for adoption'.

⁹⁶⁷ *Der Spiegel*, No. 28, 1991. 'Blondes preferred. In Central America's model democracy, the trade in adopted children is flourishing'.

⁹⁶⁸ Letter from AF's foreign liaison officer to the Ambassador in San José, 3 September 1991.

⁹⁶⁹ Letter from AF to SAK, 18 September 1991.

⁹⁷⁰ Fax from AF's foreign liaison officer to AF Norway, 9 October 1992.

PANI had granted permission for the children to travel abroad with their parents before all the documents were available in Costa Rica.⁹⁷¹

In 1993, Adopsjonsforum applied for re-approval of its placement licence for the country, whilst stating that it had downgraded the country's priority due to long waiting times. Adopsjonsforum informed PANI that, until further notice, it would not be sending any further applications to the country, but that it might attempt to find applicants for specific enquiries. For the first time, Adopsjonsforum mentioned in an application to the Norwegian adoption authorities the problem of direct adoptions, and that many cases were bypassing PANI.⁹⁷² The Norwegian adoption authorities granted approval in 1994.⁹⁷³

In 1994, Adopsjonsforum again applied for a renewal of its placement licence from the country. They hoped to be able to resume cooperation should the country ratify the Hague Convention, which it had signed in 1993.⁹⁷⁴ The Norwegian adoption authorities granted renewed approval for the contact network in 1995.⁹⁷⁵

In 1995, Adopsjonsforum's international liaison officer informed Adopsjonsforum Norway that the process of declaring a child abandoned – which had previously been handled by PANI's legal department – had been appealed to the Supreme Court. As a result, all such declarations would henceforth have to be decided by the courts. The international liaison officer pointed out that the courts had neither sufficient staff nor experience to handle these cases, and that this had developed into a 'huge bottleneck' in the adoption process. She also noted that the number of adoptions in the country was now very low.⁹⁷⁶

In 2000, the Norwegian adoption authorities informed Adopsjonsforum that they were no longer authorised to arrange adoptions from Costa Rica, as they had not applied for renewal.⁹⁷⁷

13.6 Review of individual cases

The Committee has examined 33 individual cases from Costa Rica covering the period 1979–1991.

In 31 cases, a court decision on adoption from Costa Rica is available, usually both as a copy and in translation (25 cases). In four cases, only the translation of the court decision is available. In two cases, there are no foreign documents. These were probably returned to the adoptive parents after the adoption was registered in Norway, without the Norwegian authorities making a copy.⁹⁷⁸

In 31 of the cases, it is stated that it was PANI that gave its consent to the adoption; in several instances, the institution where the child was living also gave its consent. No birth parents were parties to the cases reviewed by the committee. Nor was this required under the regulations if the children had been declared abandoned through an administrative process.

In 29 of the cases, the court decision on adoption from Costa Rica contains information stating that the child had been administratively declared abandoned. The date of this decision is usually included (in 26 of the cases examined). In these cases, the period between a child being declared abandoned and being adopted ranges from five months to three years. The most common duration is between 8 and 14 months (18 cases).

⁹⁷¹ Fax from AF's overseas office to AF Norway, 9 October 1992; fax from AF's overseas office to AF Norway, 10 December 1992.

⁹⁷² From AF to SAK, 6 May 1993, 'Application for re-approval for Costa Rica'.

⁹⁷³ From SAK to AF, 10 May 1993, 'Application for re-approval of foreign contact, Costa Rica'.

⁹⁷⁴ From AF to SAK, 23 December 1994, 'Application for renewed agency rights for Costa Rica'.

⁹⁷⁵ From SAK to AF, 5 January 1995.

⁹⁷⁶ Fax from AF's foreign contact to AF Norway, 7 August 1995.

⁹⁷⁷ From SUAK to AF, 27 April 2000.

⁹⁷⁸ In these two cases, this was the County Governor of Oslo.

In 32 of the cases reviewed by the Committee, the children were over one year old at the time of adoption. In one case, the child was approximately 10 months old. Most of the children, however, were 2 years old (8 cases) or older (21 cases).

In only three cases is there information regarding the names of the birth parents. In cases from Costa Rica reviewed by the Committee from 1981 onwards, this information is not available. However, the children's original names are stated, and where a newly issued birth certificate is provided (17 cases), this contains information on where the children were born (place, and possibly also the hospital). According to the regulations, the new birth certificate should contain a reference to the original. The Committee cannot conclude with certainty whether this is the case in the cases it has examined.

The cases have been heard either in the 1st or 2nd Family Court in San José, or in the 7th Civil Court in San José. The same three judges appear in many of the cases (21).

Documents relating to the registration case are therefore characterised by the fact that they contain little information about the birth family and the background to the adoptions.

However, further information may be available in the 'Children's Archive'. The 'Children's Archive' contains documents that adoption agencies submitted to Bufdir after 1998 (see section 29.3.1.1). These may include psychological reports on the children from the children's home, social reports from PANI on the children, and letters from the international liaison officer describing the children's background and, often, why they were declared abandoned. In some cases, the international liaison officer also describes which national care options were attempted before the children were placed for international adoption. In some cases, there may also be letters from the children to their future adoptive parents, written prior to the adoption.

It is evident from the documentation in the 'Children's Archive' that, in several of the cases, there were people in Costa Rica who wished to take over the care of the children – such as grandparents, the biological father and step-parents – but that PANI, for various reasons, refused this. The reasons may have been a desire not to separate groups of siblings with close bonds, or that the prospective carers in question were deemed unsuitable.

The documentation also contains several examples where Adoption Forum's international liaison officer describes how she 'presses' PANI to secure placements for Adoption Forum's applicants.

13.6.1 Documents from abroad

Two adoptees from Costa Rica have contacted the Committee and shared copies of documents they have been granted access to at PANI. One of the cases contains no new information about the process leading up to the adoptee being declared abandoned (see 13.3.1.3). The other case contains far more information about the process from the child's perspective right up to the adoption. As far as the Committee can ascertain, in this case it was recommended that the children be declared abandoned just six days after PANI opened a case concerning them. Various individuals in the children's local community and among their relatives were contacted, but the investigations and assessments of these individuals' ability, willingness and capacity to care for the children do not appear to have been very thorough. After just under three months, two notices were published in the newspaper stating that the children would be declared abandoned. The declaration of abandonment was then issued approximately two months after the notices were published. The declaration states that the biological parents were to be served with the decision and that they had three working days from the date of service to appeal against the decision. It is stated that the decision was published in the newspaper the following month and became final approximately three months after that. The children were subsequently adopted by Norwegian applicants approximately eight months later.

13.7 Investigations in other countries and in Costa Rica

To the Committee's knowledge, no investigations have been carried out into adoptions from Costa Rica in other receiving countries.

At least one investigation into adoptions in Costa Rica has been carried out during the period when children were placed for adoption in Norway: a parliamentary commission of inquiry which worked from 1989 to 1991 to investigate

‘trafficking of children for adoption abroad and the disappearance of children’ (*Comisión Especial para investigar el tráfico de menores para la adopción en el exterior y la desaparición de niños*).

The Committee requested the minutes of the commission from the Costa Rican National Archives and has received them.⁹⁷⁹

These reveal that the commission’s main objective was to review the Adoption Act and to investigate the disappearances of children and adoptions abroad.

The minutes describe how foreign families paid large sums to the birth parents before the birth and then carried out a formally correct direct adoption in court. This was characterised as the sale of children, even though everything appears ‘in order’ from a legal perspective. Former PANI employees testified that lawyers actively sought out pregnant women. It is emphasised that the criminality lay in the fact that the payments were concealed. There were never any documents explicitly showing that a mother had received money to hand over her child. A case is also mentioned in which a Canadian woman posed as the biological mother of a newborn child. In this instance, a Costa Rican nurse raised the alarm, and the woman was imprisoned.

Legislation is proposed to strengthen children’s legal protection, including a review of family law concerning direct adoptions and the introduction of new criminal provisions against false birth registrations.

It is the Committee’s assessment that the Commission of Inquiry primarily addresses the problem of direct adoption of infants. It is therefore not relevant to adoption placements to Norway, which, in all the cases the Committee has examined, went through PANI and mainly concerned older children who were adopted on the basis that PANI had administratively declared them abandoned.

As described (see section 3.5), the Committee does not have reliable figures for independent adoptions. From 1981, however, Norwegian pre-approval for adoption was issued subject to the condition that the placement had to take place through an approved organisation. The Committee is not aware of any direct adoptions from Costa Rica to Norwegian adoptive applicants prior to 1981.

13.8 The Committee’s findings and overall assessment

The Committee has not made any findings in its investigations to suggest that there were any significant issues worthy of criticism at the systemic level relating to Adopsjonsforum’s placement activities in that country. The process for the adoptions themselves, which were arranged in collaboration with the public child welfare services, was transparent and free from any particular financial incentives that might have adversely affected the adoption process. Although the overseas contact received remuneration from Adoption Forum based on the number of adoptions, this does not appear to be disproportionately high. The Committee has found no indications of any unlawful gain or breach of the prohibition on remuneration or profit in connection with adoptions from Costa Rica to Norway.

The Committee further considers it positive that Adopsjonsforum required applicants to have, or to acquire, knowledge of Spanish prior to the collection trip, as the children available for adoption were generally over four years of age (see 13.5.2).

A weakness in the system for arranging adoptions to Norway is, however, that the Norwegian adoption authorities and Adopsjonsforum Norge apparently had limited insight into and control over how the process unfolded from the child’s perspective prior to the adoptions in Costa Rica. Contact between the foreign liaison officer and Adoption Forum Norway does not appear to have been particularly frequent, and the overall impression is that

⁹⁷⁹ Email from the Departamento Archivo Histórico, Archivo Nacional de Costa Rica to the Committee, 18 August 2025.

the foreign liaison officer largely managed matters without Adoption Forum Norway being involved or having any control over or insight into how the work was actually carried out, including whether the necessary legal safeguards were upheld. This is illustrated by the fact that it was not until 1986 that responsibility for Costa Rica was assigned to Adoption Forum Norway's paid secretariat. Prior to this, a member of Adoption Forum Norway carried out the work as a country contact from home and on a voluntary basis (see Chapter 7).

The Norwegian adoption authorities (the Council for International Adoptions and the State Adoption Office) carried out four monitoring visits between 1979 and 1988. The reports from these visits are not very detailed, and a main purpose of several of them appears to have been to investigate the possibilities of establishing an adoption agreement with the country. At that time, the Norwegian adoption authorities did not seem particularly concerned with the process leading up to the children being administratively declared abandoned by PANI. Given that a significant proportion of the children adopted from Costa Rica to Norway were adopted following a care-taking process, it is open to criticism that the Norwegian adoption authorities did not obtain thorough information about the stages of this process and its legal basis, nor did they assess the soundness of this process before authorising adoption cooperation with the country.

The Committee has not itself been able to carry out a detailed assessment of the adequacy of the release process at a systemic level for children adopted through PANI during the various periods of placement in Norway. Accounts from adoptees who have made contact with their birth families indicate, however, that the process has been deficient in several individual cases.

The principle of subsidiarity appears to have been relatively well upheld from an early stage in the Costa Rican adoptions that went through PANI, at least at the regulatory level. However, the Committee has examined individual cases where family members have expressed a wish to care for the children, but where PANI has opposed this (see 13.6). As described, the Committee is aware of a case in which PANI, during a meeting in 2023 with a person who was adopted to Norway towards the end of the 1980s, itself admitted that the pre-adoption process appeared to have been inadequate, and that not enough had been done to enable the adoptee to remain in Costa Rica (see 13.3.1.2).

A Costa Rican lawyer with whom the Committee has spoken, and who has worked in the fields of family law and human rights since the 1990s, has explained that in the 1970s there was a perception within the state that adoption was a solution to the problems of poverty and abandoned children. The lawyer explained that there are a number of newspaper articles in the Costa Rican press about families who, in the 1980s and 1990s, were deceived or forced to give up their children, or that children were placed for adoption without a declaration of abandonment or a written report on the family's background. The lawyer stated that, in the 1970s and 1980s, PANI had considerable discretion to act at its own discretion in adoption cases. From the lawyer's own work assisting women in vulnerable situations in Costa Rica from the 1990s onwards, she has observed that PANI's processes have had shortcomings. She believes that prejudices linked to class, poverty and single parents have existed.⁹⁸⁰ This is also supported by accounts from adoptees and birth parents. These sources indicate that there may be a risk that attitudes within the Costa Rican child welfare services towards people from lower socio-economic backgrounds and single parents have contributed to inadequate processes.

13.8.1 On adoptees' ability to obtain information about their origins

As described (see 13.6), with few exceptions, the names of birth parents are not included in the court decision on adoption or the other documents sent to Norway. In several cases, however, adoptees to Norway have nevertheless succeeded in finding their birth families through their own initiative and various strategies.

⁹⁸⁰ Interview with the committee, 5 August 2024.

Some adoptees have also been granted access to adoption records held by PANI, which in some cases contain further information. Others have found that PANI's archives appear to be incomplete.

According to Costa Rica's central authority, access to information on origins is included in the services provided by PANI's adoption department. This includes guidance and information, locating case files, reviewing registration details, providing information with psychological support, and further follow-up in line with the applicant's needs. PANI has stated that, statistically speaking, very few requests for such searches are made each year, with an annual average of two to three.⁹⁸¹

Under Costa Rica's Family Law, the Civil Registry may, when it comes to the disclosure of documentary information in cases concerning children, only disclose or certify the link between two registration entries following a court order or upon the express request of PANI's Directorate.⁹⁸²

In the Committee's review of individual cases, we have seen examples of adoption cases where documents from Costa Rica are entirely missing from Norwegian adoption archives, as these were returned to the adoptive parents after the adoption was registered or a re-adoption was carried out in Norway. This is evidence of a practice worthy of criticism on the part of the Norwegian adoption authorities, which may result in it being extremely difficult for adoptees to obtain reliable information about their own origins and the circumstances surrounding their adoption, in cases where the adoptive parents have not made the documents available. The absence of documents in Norwegian archives is a problem that also arises in adoption cases from other countries, and the Committee discusses this in section 29.3.1.3.

13.9 Summary

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 Costa Rica, involving both Costa Rican and Norwegian actors:

- The Committee has not made any findings in its investigations to suggest that there were any significant issues worthy of criticism at the systemic level relating to Adopsjonsforum's adoption placement services from that country.
- A significant proportion of the children adopted from Costa Rica to Norway were adopted following a care placement process. It is therefore open to criticism that the Norwegian adoption authorities did not obtain thorough information about the stages of this process and its legal basis, nor did they assess the soundness of this process before authorising adoption cooperation with the country.
- Information from various sources indicates that there may be a risk that attitudes within the Costa Rican child welfare services towards people from lower socio-economic backgrounds and single parents have contributed to inadequate procedures.

⁹⁸¹ ISS (2022). Country situation: Costa Rica.

⁹⁸² ISS (2022). Country situation: Costa Rica

14 Ecuador

14.1 Introduction

A total of 185 children were adopted from Ecuador to Norway through Adopsjonsforum between 1976 and 2004.⁹⁸³ In addition, some children may have been adopted to Norway from Ecuador outside the framework of an intermediary organisation.⁹⁸⁴

The Committee has chosen to focus its investigations into adoptions from Ecuador in particular on the so-called Moncayo case, which received considerable attention in the Norwegian press in 1989 and which has also been discussed in several newspaper articles in 2023 and 2024. The case concerned the lawyer Jorge Roberto Moncayo, who was one of Adopsjonsforum's contacts in Ecuador and who played a central role in their facilitation of adoptions from there in the 1980s. He was arrested by the Ecuadorian police in January 1989 and charged with several illegal adoptions, including to Norway. The Committee has investigated Adopsjonsforum's establishment of its collaboration with Moncayo and the follow-up by Adopsjonsforum and the Norwegian authorities of cases linked to Moncayo after the scandal came to light.

Investigations into other matters have had to be limited for reasons of prioritisation, partly given that the number of adoptions from Ecuador accounts for less than one per cent of the total number of international adoptions.

14.2 General information and background

Ecuador is situated in north-western South America. The country has a population of around 18 million, of whom around 72 per cent are of mixed indigenous and European descent. Spanish is the official language, and around 68 per cent of the population belong to the Roman Catholic Church.⁹⁸⁵

Ecuador is a unitary republic in which the President is both head of state and head of government.⁹⁸⁶ The country has a civil law legal system and is based primarily on binding, written laws, whilst legal precedents carry less weight. Ecuador's Constitution dates from 2008. Prior to this, the 1998 Constitution was in force, which succeeded the 1979 Constitution.

The judicial system in Ecuador consists of the Supreme Court (Corte Nacional de Justicia), provincial courts and various tribunals and lower courts.⁹⁸⁷ Several courts are specialised – including dedicated juvenile courts.⁹⁸⁸

Ecuador was incorporated into the Spanish colonial empire in the mid-16th century and gained its independence in 1830.⁹⁸⁹ In the wake of its secession from Spain, a protracted conflict arose with Peru over territories in the Amazon, which was only finally resolved by a peace agreement in 1998. The last hundred years have been characterised by political instability, with several military coups and economic crises. Ecuador has been under civilian rule since 1979, but has remained politically unstable with frequent changes of government. It was not until the change of government in 2007 that the unrest subsided and the country entered a more stable period.

⁹⁸³ See the overview of adoptions by year in Figure 14.1.

⁹⁸⁴ We have not received figures for adoptees placed outside adoption agencies; see section 6.2.2.

⁹⁸⁵ The UN Association's website on Ecuador, <https://fn.no/land/ecuador>.

⁹⁸⁶ https://snl.no/Ecuadors_politiske_system.⁹⁸⁷

<https://globalaccesstojustice.com/global-overview-ecuador/>.⁹⁸⁸ See

section 14.4 for further details on these.

⁹⁸⁹ The information in this section is mainly taken from the UN Association's website on Ecuador, <https://fn.no/land/ecuador>.

In recent years, there has been unrest linked, amongst other things, to conflicts with criminal gangs. As a result of conflicts with organised drug gangs, a state of emergency is currently in force in several provinces.⁹⁹⁰

Ecuador is currently regarded as a middle-income country, but high levels of international debt and heavy dependence on oil prices continue to create economic challenges and uncertainty. Despite social measures implemented over the past few decades, more than a fifth of the population still lives below the poverty line, and a lack of access to clean water poses a major health risk for many. In 1986, 34 per cent of children in Ecuador were undernourished, compared with 14 per cent in 2005.⁹⁹¹

Based on international surveys, there is a certain level of corruption in Ecuador. The first year Ecuador was included in Transparency International's Corruption Perceptions Index was 1998. At that time, the country was ranked 77th out of the 85 countries in the index, with a score of 2.3 out of 10. By comparison, Norway was ranked 8th with a score of 9.0. In 2004, which was the last year in which adoptions took place from Ecuador to Norway, the country was ranked 112th out of 146 countries in the index, with a score of 2.4. In 2024, the country was ranked 115th out of 180 countries, with a score of 34 out of 100 (Norway's score was 84).

In the World Justice Project's Rule of Law Index, Ecuador was ranked 97th out of 142 countries in 2024, with a score of 0.46 on a scale of 0 to 1.⁹⁹² The first year for which the index includes data for Ecuador was 2015, when the country was ranked 78th out of 102 countries with a score of 0.47. The index comprises eight sub-criteria. In 2015, Ecuador scored 0.46 for absence of corruption, 0.53 for fundamental rights and 0.44 for civil rights (access to the justice system, etc.).

Ecuador has not had a Norwegian embassy, but at various times the country has fallen under the jurisdiction of embassies of other countries, such as Chile, Colombia and Venezuela.

14.3 The rise of international adoptions

The first international adoptions from Ecuador took place in 1969.⁹⁹³ The background to this included, amongst other things, increased migration to the cities, which was linked to large landowners losing control over the poor indigenous population. This made child poverty more visible in society, whilst at the same time there was an increase in the number of people in the Western world wishing to adopt. Adoption figures rose throughout the 1970s and 1980s, reaching 21 in 1973 and 166 in 1988.⁹⁹⁴

Some researchers have described a trend whereby adoptions were influenced by market mechanisms. Leifsen (2009) describes the situation as follows:

Transnational adoption in the 1970s and 1980s represented a transformed 'economy of care'; children continued to be placed from orphanages, facilitated by adoption mediators and formally legalised through specific public institutions. However, mediators now tended to be lawyers who operated in direct cooperation with foreign adoption agencies, and without established bilateral government agreements. Furthermore, the priceless value of the child being placed came into focus because it could generate a price and a surplus. Lawyers received compensation for their services in the form of fees, donations and reimbursement of costs, and these compensations were in-

⁹⁹⁰ Travel information on Ecuador from the Ministry of Foreign Affairs.

⁹⁹¹ Press release of 23 May 2005 on the Committee on the Rights of the Child's examination of Ecuador's report.

⁹⁹² <https://worldjusticeproject.org/rule-of-law-index/global/2024/Ecuador/>. In 2024, Norway ranked second on the index with a score of 0.89.

⁹⁹³ Leifsen, E. (2009). Adoption and the Governing of Child Welfare in 20th-Century Quito, *Journal of Latin American and Caribbean Anthropology* 14(1).

⁹⁹⁴ Fieweger, M. E. (1991). Stolen Children and International Adoptions, *Child Welfare*, Vol. 70, No. 2

increasingly difficult to completely detach from the logic of the market and from concrete market transactions.

As in several other countries, regulations concerning and attitudes towards abortion may have influenced the number of children being adopted. Abortion has been illegal in Ecuador for over a hundred years, for a long time regardless of whether the pregnancy was the result of rape.⁹⁹⁵ It was not until 2021 that abortion became legal in such cases. However, the criminal provision has been enforced to varying degrees.⁹⁹⁶

14.4 Adoption procedures

The account of developments in Ecuador's regulations governing international adoptions is based on descriptions of the regulations found during archive searches at Adopsjonsforum and with the Norwegian authorities, as well as on articles by Leifsen (2009), Fieweger (1991)⁹⁹⁷ and Simon (2004).⁹⁹⁸ The Committee has not sought to produce a comprehensive account of the rules during the placement period, but describes the major changes. Nor has a more complete account been necessary for the assessments we have carried out.

- Ecuador has had legislation on adoption since at least around 1950. The institution of adoption did not involve 'full' adoption from the outset, as not all ties to the birth family were severed.⁹⁹⁹ This was first introduced in 1992.
- In 1975, specific regulations were introduced governing international adoptions. These regulations included, amongst other things, requirements for documentation concerning the adoptive parents and requirements for reporting on the child following the adoption.
- A new Children's Act (*Código de menores*) was enacted in 1976, introducing certain amendments to the rules on adoption.
- New rules on adoption were introduced by a presidential decree in 1981. In particular, the requirements for monitoring adoptive parents after the adoption were tightened.
- In the period following the Moncayo case in 1989 (described below), several changes were made:
 - In 1990, the UN Convention on the Rights of the Child was ratified.
 - A presidential decree in 1990 set out more detailed guidelines on adoption, both domestic and international. Among other things, it regulated the requirements for parental consent and the conditions for deeming a child to be abandoned, as well as requirements for regular reporting on the adoptive child's welfare. From 1990, all adoption applications were to be processed by a central authority, the newly established UTA (Unidad Técnica de Adopciones).
- In 1992, the Children's Code (*Código de menores*) was amended to bring it into line with the Convention on the Rights of the Child. The rules on adoption were improved and full adoption was introduced.¹⁰⁰⁰
- Ecuador was the sixth country to ratify the Hague Convention of 1993, on 7 September 1995.

⁹⁹⁵<https://www.bbc.com/news/world-latin-america-56913947>.

⁹⁹⁶ See Le Monde diplomatique, online article 15 May 2019: <https://mondediplo.com/openpage/ecuador-abortion>.

⁹⁹⁷ Fieweger (1991).

⁹⁹⁸ Simon, F. (2004), Analysis of Ecuador's Code on Children and Adolescents, *Revista Jurídica*, Faculty of Law, Catholic University of Guayaquil.

⁹⁹⁹ Leifsen (2009).

¹⁰⁰⁰ Leifsen (2009).

- Since 2003, the field of adoption has been regulated by the new Children and Young People Act (Código de la Niñez y Adolescencia).

In 1980, Adopsjonsforum described the adoption process as follows in an application for approval of contacts in Ecuador:¹⁰⁰¹

When a young child is considered for adoption to Norway, the manager of the children's home or the social worker at the birth home selects the family they consider most suitable for the child in question. The institution retains a complete file containing copies of the applicants' documents.

Adoption organisations have been informed that all children over the age of 3, all children who are ill and/or disabled, and all pairs of siblings must be matched by RIA's Placement Committee.

The adoption agencies ensure that the child is registered in the National Population Register and arrange for formal authorisation for the Norwegian couple to adopt the child by means of a letter addressed to the President of the Juvenile Court, after the child has been advertised in the press with a view to locating relatives or any Ecuadorian adoptive parents.

The adoption organisations also ensure that the child undergoes a thorough medical examination. One of the organisation's lawyers then submits all the case documents, together with an application for adoption, to the Juvenile Court. The court issues its ruling and authorises the child's departure from Ecuador. Finally, the adoption organisation arranges for an identity card and passport and applies to the immigration authorities for an exit permit.

In Ecuador, throughout the entire placement period, there have been separate courts for children responsible for the final decision on adoption. Until 1998, however, the juvenile courts were part of the executive branch and not the ordinary court system.¹⁰⁰²

Until the amendments to the Children's Act in 1992, the children's court system consisted of 31 multidisciplinary courts for minors, with three courts of appeal and a national children's court, which is said to have been an administrative body without decision-making authority.¹⁰⁰³ International adoptions were dealt with by the Court of Appeal in Quito.¹⁰⁰⁴

It is clear, however, that from at least the early 1980s, public bodies other than the juvenile courts were also involved in adoption cases. Documents relating to the few individual cases of adoption to Norway that were dealt with in the first half of the 1980s show that these adoptions were first assessed by the Children's Court, then considered by the Ecuadorian Ministry of Social Affairs, before the Children's Court ultimately made the final decision.¹⁰⁰⁵ Translations of documents from individual cases in 1987 and 1988 indicate that the adoptions were recommended by the 'Child Welfare Board'.¹⁰⁰⁶

We have also received information that the Children's Court had social workers who reviewed the application documents and made a recommendation regarding the suitability of the prospective adoptive family. It may be that these social workers were part of the 'Child Welfare Board' referred to in the section above.¹⁰⁰⁷

Furthermore, from the individual cases we have reviewed from the late 1980s, it is evident that the adoption procedure varied depending on whether the child's parents were known or unknown. If the child had been abandoned

¹⁰⁰¹ Letter to the Council for International Adoptions, 10 March 1980.

¹⁰⁰² Simon, F. (2011) 'La nueva administración de justicia en el código de la niñez y adolescencia', *Iuris Dictio no. 14*. Here, Simon criticises the juvenile courts' links to the administration and their lack of independence.

¹⁰⁰³ Simon (2011).

¹⁰⁰⁴ The Committee's interview with Professor of Law Farith Simon, December 2024.

¹⁰⁰⁵ Report of 18 August 1983 from AF's trip to Quito, 6–8 August 1983.

¹⁰⁰⁶ Translations vary; in some cases, the terms 'child welfare committee' or 'child welfare council' are used.

¹⁰⁰⁷ Interview with Farith Simon.

There was a separate process for releasing the child for adoption, which was decided in the Children's Court. In such cases, there was a requirement to search for relatives through the press before the court ruled on the release.¹⁰⁰⁸

In cases where the parents were known, the process appears to have been somewhat simpler and quicker. However, consent was required, and the Child Welfare Board had to assess the adoption before the court made its decision.¹⁰⁰⁹

14.5 Adoptions to Norway

A total of 185 adoptions to Norway from Ecuador were arranged through Adopsjonsforum between 1976 and 2004. Adopsjonsforum had authorisation from the Norwegian authorities to arrange adoptions from Ecuador from 1978 to 2005. Twelve of these adoptions are recorded as having been arranged in 1976 and 1977, i.e. before Adopsjonsforum was granted authorisation to arrange adoptions. The 'arrangements' the organisation undertook in the 1970s through its information activities were known to the Norwegian authorities, who apparently tolerated the practice.¹⁰¹⁰

Ecuador ranks 16th on the list of countries with the highest number of adoptions to Norway, accounting for approximately 0.9 per cent of international adoptions to Norway. At certain times, however, Ecuador has been a key country of origin for adoption. In the years with the highest number of adoptions (1992 and 1993), Ecuador was the country with the third-highest number of adoptions through Adopsjonsforum, and Norway was one of the countries that adopted the most children from Ecuador.¹⁰¹¹

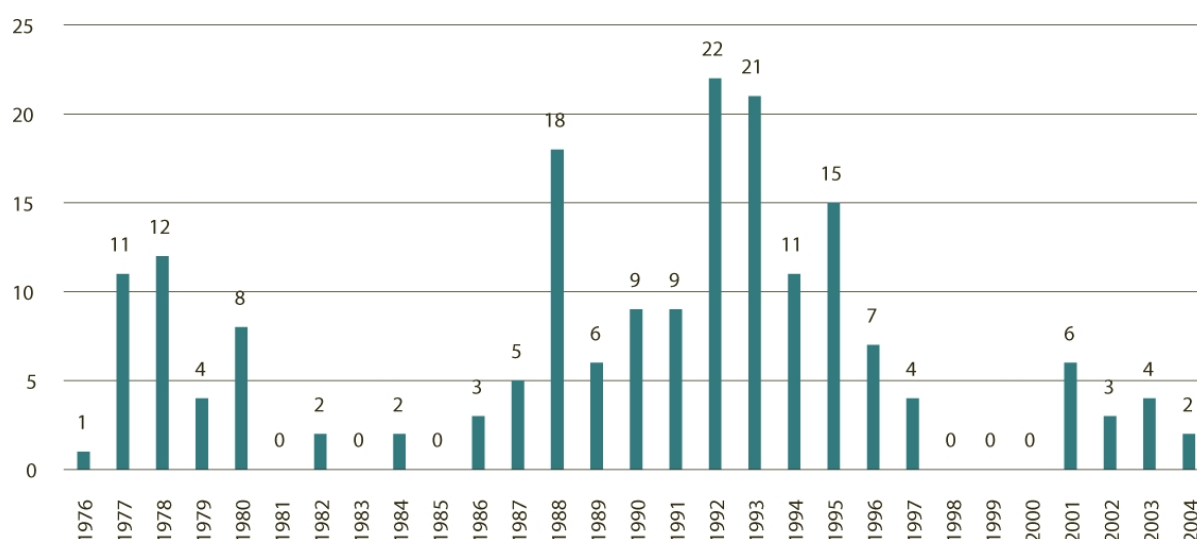


Figure 14.1 Adoptions from Ecuador to Norway through Adopsjonsforum 1976–2004

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

Ecuador was covered by the first placement licence granted to Adopsjonsforum on 19 May 1978. The licence did not specify a duration, and it was not considered necessary to renew it.¹⁰¹² In

¹⁰⁰⁸ AF's letter to RIA dated 10 March 1980.

¹⁰⁰⁹ Interview with Farith Simon.

¹⁰¹⁰ See section 25.3.2.

¹⁰¹¹ AF's application for approval of a contact network, 4 May 1994.

¹⁰¹² In 1997, AF applied to the Ministry for re-approval of its placement licence, but received a reply from SAK stating that the 1978 licence remained valid, and that it was sufficient to re-approve the contact network within the country. It was only following the introduction

the licence, however, that it was stipulated that Adopsjonsforum's foreign contacts (the partner organisations in the relevant countries) should be approved by the Council for International Adoptions within one year.

The Council's approvals of the foreign contacts were granted for a limited period and had to be renewed at regular intervals. In practice, therefore, the assessments of the soundness of the country-specific cooperation following the initial placement licence from the Ministry were carried out by the body that approved the foreign contacts and partner organisations. Initially, this was the Council for International Adoptions (RIA); later, the State Adoption Office (SAK) took over when it was established in January 1987.

In the first twelve years following the granting of the placement licence, there were several changes of contact persons and cooperation partners. From autumn 1989 until 2005, however, Adopsjonsforum had the same contact person, although the children's homes and institutions with which she cooperated varied. The contact persons and cooperation partners were approved by the Norwegian authorities.

Some of the key institutions with which Norway collaborated are as follows:

- The Amparo y Hogar children's home in Quito, which worked exclusively with children awaiting adoption, from 1980 to 1986. The director of this children's home was one of Adopsjonsforum's contacts in Ecuador during the first half of the 1980s.
- The San Vicente de Paul children's home in Quito.
- The FANN children's home in the city of Guayaquil

Norwegian adoption authorities have undertaken several trips and inspection visits to Ecuador. In the 1980s, we have found information about the following trips:

- May 1982: RIA¹⁰¹³
- March 1983: RIA¹⁰¹⁴
- 1988: SAK¹⁰¹⁵

The last two adoptions from Ecuador through Adopsjonsforum were registered in 2004. An application to extend the placement licence beyond 2005 was rejected by Bufdir, partly because there were few placements – only two during the two-year period covered by the last placement licence.¹⁰¹⁶ The rejection cited, amongst other things, that with so few adoptions, there was a long and uncertain waiting period for applicants, which often proved fruitless, and that maintaining a local network was costly relative to the number of adoptions. The rejection was likely influenced to a large extent by information sent by Adopsjonsforum to Bufdir following the application, which indicated that the prospects for new placements from Ecuador were poor.¹⁰¹⁷

14.6 Suspension of adoptions following media coverage

In Ecuador, cases involving international adoption have on several occasions led to major media coverage in the national press. Three of these cases had a significant impact on adoption placements to Norway, including through temporary suspensions of adoptions to Norway. Two of the cases involved adoptions to Norway.

The introduction of a new Chapter 3a in the Adoption Act of 1986, which came into force on 1 December 1999, meant that the original placement licence had to be renewed.

¹⁰¹³ Travel report from RIA dated 1 August 1982.

¹⁰¹⁴ Travel report forwarded by RIA to the Ministry of Foreign Affairs as an annex to a letter dated 8 June 1983.

¹⁰¹⁵ SAK's travel report of 22 November 1988.

¹⁰¹⁶ See Bufdir's letter of 3 January 2006.

¹⁰¹⁷ Letter from AF dated 6 December 2005.

The first case dates from 1981 and concerned an Italian couple who had abused an adopted child.¹⁰¹⁸ This initially led to a suspension of adoptions, before new guidelines for international adoptions were issued. Although the formal suspension did not last long, it became difficult to carry out international adoptions in the years that followed, and in the period up to 1986 no new children were placed with Norwegian adoptive parents. The work to finalise the adoptions of five children matched with Norwegian parents before the temporary suspension was not completed until 1986. Parts of this process are described in more detail below.

The second case is the aforementioned Moncayo case, which is central to the Committee's investigations and is discussed below. Adoption Forum's lawyer and contact person in Ecuador, Roberto Moncayo, was arrested in 1989 and charged with illegal adoptions, and the case received considerable media attention in both Norway and Ecuador. The scandal led to several changes in Ecuador's adoption regulations and a suspension of adoptions to Norway for a few months. However, Norway devoted considerable resources over several years to following up on an adoption linked to this scandal.

The third case concerns two television programmes on adoptions to Norway, which were broadcast on Ecuadorian television in May 1996 and January 1997. In Adoption Forum's report on the programmes to the State Adoption Office, it is stated that in the first programme, several unfounded allegations were made regarding adoptions to Norway, relating to a foster family with three children who were alleged to be living in an illegal home for children.¹⁰¹⁹ According to Adoption Forum, the police investigation confirmed that the allegations were unfounded. The second programme is said to have combined excerpts from the first programme with accusations that children adopted to Norway were being used as 'spare parts in connection with organ transplants'.

An internal memo from the Ministry of Children and Families states that Adopsjonsforum did not, on its own initiative, inform the Norwegian authorities about the first TV programme, a fact which the Ministry described as reprehensible.¹⁰²⁰ In the Ministry's letter to Adopsjonsforum dated 15 February 1997, the Ministry stipulated that Adopsjonsforum should not submit any new applications to Ecuador until the Norwegian authorities had given the go-ahead, and at the same time emphasised 'the need for the association to promptly inform the adoption authorities should any changes occur that may affect the processing of adoptions in countries from which the association places children'. After 1997, no adoptions to Norway were recorded until 2001.¹⁰²¹

14.7 Investigations in other countries

The Committee is not aware of any investigations into adoptions from Ecuador carried out by other receiving countries. Nor are we aware that Ecuador itself has carried out any investigations into adoptions out of the country, apart from the reports/studies mentioned in section 14.6.

14.8 Overview of the Committee's investigations

The investigation into adoptions from Ecuador has consisted of archive searches, interviews, media searches and the collection of research literature. The intensity and duration of the individual investigations have been adapted to the number

¹⁰¹⁸ The case is mentioned, amongst other things, in an internal undated memo from RIA in case 21/86.

¹⁰¹⁹ Letter from AF to SAK dated 15 January 1997.

¹⁰²⁰ BFD's internal memo of 4 February 1997.

¹⁰²¹ A new adoption agreement between the Ecuadorian authorities and AF was signed on 18 September 1999; see AF's application for a placement licence dated 23 November 1999.

adoptions from that country to Norway, the periods during which the risk was greatest, and known cases involving errors or illegalities.

Material of interest has been found in the archives of Bufdir, the Ministry of Children and Families, the Ministry of Foreign Affairs, several government agencies and the National Archives. In this material, the committee has reviewed both general documents concerning adoptions from Ecuador and a selection of individual cases. The review of individual cases has been limited to the period from 1982 to 1989, but the committee has also examined a few individual cases from the period 1989 to 1995.¹⁰²² This time frame was chosen because it was during this period that lawyer Roberto Moncayo worked for Adopsjonsforum, arranging the placement of children in Norway.

In total, we have reviewed 31 individual cases from this period. We have only examined the documents contained in the case files relating to the registration of the adoption with the then State Adoption Office, or with the county governor (cases registered before 1986). The purpose of the document review was to gain an insight into how the cases were handled in Ecuador and in Norway, and to assess what insights the handling of individual cases might have provided the State Adoption Office regarding adoptions from Ecuador.

The committee has conducted five interviews specifically focusing on adoptions from Ecuador, but has also raised questions relating to cases from that country in other interviews. In addition, the committee held a meeting with Esben Leifsen regarding his research on adoptions from Ecuador.

Furthermore, the Committee has carried out a media search in the National Library's database and has reviewed a large number of newspaper articles. Most of the articles concern the Moncayo case from 1989, which is probably the series of cases relating to international adoptions that has received the most attention in the Norwegian press.¹⁰²³

14.9 Findings

14.9.1 Collaboration with the Amparo y Hogar children's home

14.9.1.1 *Overview of the collaboration*

In March 1980, the Amparo y Hogar children's home was approved by RIA as a partner organisation for Adoption Forum.¹⁰²⁴ The application for approval states that the children's home is approved by the Ecuadorian authorities and that it holds its own licence to facilitate adoptions.¹⁰²⁵ The director of the home and its lawyer were approved as the contact person and legal representative, respectively, for Adoption Forum.

From 1981, adoption work in Ecuador became extremely difficult as a result of the case mentioned in section 14.6, in which an adopted child from Ecuador was alleged to have been abused by their adoptive parents in Italy. Although the formal suspension that was introduced did not last long, it became difficult to carry out intercountry adoptions in the years that followed, and in the period up to 1986, no new children were placed with Norwegian adoptive parents. Scepticism towards adoptions during this period meant that the process of finalising the adoptions of several children matched with Norwegian applicants before the temporary suspension took a very long time.

Some of these children came from Amparo y Hogar. Some of the adoptions that had been put on hold were not finalised until 1984, whilst the last ones were not finalised until 1986.

¹⁰²² This concerns the adoptions of some of the adoptive siblings of those adopted between 1982 and 1988.

¹⁰²³ We have found 129 newspaper articles on the Moncayo case from 1989 in Norwegian newspapers.

¹⁰²⁴ See RIA's annual report for 1980.

¹⁰²⁵ AF's letter to RIA dated 10 March 1980.

Adopsjonsforum devoted considerable resources to finalising these adoptions. Among other things, several trips were made to Ecuador where the cases were discussed, mainly by Adopsjonsforum staff, but also by representatives of RIA and the Ministry of Justice.¹⁰²⁶

At times, Adoption Forum was extremely frustrated by the lack of progress and the uncertainty surrounding the status of the cases. On several occasions, their contacts in Ecuador indicated that the situation would be resolved soon, and Adoption Forum had, amongst other things, hoped during a trip in March 1983 to be able to bring some of the children home. However, it was to be a very long time before the adoptions were finalised.

Internal documents at Adoption Forum show that they gradually became very dissatisfied with the efforts of the Amparo y Hogar children's home. This is evident, amongst other things, from an internal memo from RIA dated 1986 and in minutes from Adoption Forum's country representatives' telephone conversations with a partner organisation in Ecuador.¹⁰²⁷ The internal minutes indicate that Adopsjonsforum believed that the head of the children's home and the home's former lawyer had directly obstructed the adoptions.

This may have contributed to the five children remaining in the children's home for years after the allocation, without their long-term care situation being resolved.

In a conversation in 1984 between the director of Amparo y Hogar and Adoption Forum's country representative regarding matters relating to one of the children, the director of the children's home is reported, according to the country representative's minutes, to have suggested sending another child to Norway in the name of the child who was in the adoption process.¹⁰²⁸ The rest of the conversation is described as follows:

'The Norwegian authorities do not accept such things, and Adoption Forum does not do such things,' I said. She insisted, and I insisted firmly but politely in return. She seemed to accept what I had said.

In the spring of 1985, Adopsjonsforum received information that the head of the Children's Court believed Amparo y Hogar had a poor reputation with the court.¹⁰²⁹ Furthermore, there was much to criticise regarding those responsible for Amparo y Hogar's work in providing the necessary documents in connection with adoptions. It was reported, amongst other things, that children who had been put up for adoption in Canada were still missing adoption documents four years after they had travelled there.

Two articles in **Bergens Tidende** on 3 and 4 March 1989 mention Amparo y Hogar. The articles reveal that the children's home's lawyer (not the same one who was approved by the RIA in 1980) had been arrested on suspicion of child trafficking. A woman who had not received the promised payment from the lawyer to declare a child as her own had reported him to the police. According to the newspaper, both she and the lawyer were arrested, and the children's home was cleared of children. Both the chair of the children's home's board and the manager were wanted by the police. The Committee has found no information regarding the outcome of the case or whether anyone from Amparo y Hogar was punished.

The Committee has also received information about Amparo y Hogar from its interview with Professor Farith Simon. Whilst he was a law student in the 1980s, he reviewed a number of adoption cases and produced a report on suspicious circumstances that recurred in some of the cases, involving the same individuals and institutions.¹⁰³⁰ This report was one of the bases for the investigation and arrests in the Moncayo case, which is described below. According to Simon, Amparo y Hogar was one of two institutions that recurred in the suspicious cases he identified. Leifsen also mentions Amparo y Hogar as

¹⁰²⁶ See travel summary in section 14.5.

¹⁰²⁷ Undated case submission in case 21/86 relating to the approval of Moncayo as a contact person, which was followed up in the RIA's letter to AF dated 3 June 1986. Including, amongst other things, minutes of conversations on 29 May and 8 September 1985.

¹⁰²⁸ AF's minutes of a telephone conversation on 7 February 1984.

¹⁰²⁹ AF's minutes of telephone conversations on 28 April and 29 May 1985.

¹⁰³⁰ He stated, amongst other things, that these cases typically involved children aged 3–5 years who had been registered at birth by their alleged mother very shortly before she gave her consent to adoption, and where the adoption was finalised shortly thereafter.

an organisation with several employees who were involved in the illegal activities under investigation in the Moncayosa case.¹⁰³¹

The Committee has found no evidence of cooperation between Adopsjonsforum and Amparo y Hogar after all the adoptions granted in 1980 and 1981 were finalised in 1986.

14.9.1.2 *Assessment of the collaboration with Amparo y Hogar*

Based on the general information the Committee has found regarding the children's home's conduct, we believe there is a risk that there may have been irregularities in adoptions to Norway from Amparo y Hogar in the 1980s. However, the information giving rise to suspicions of irregularities dates from the period between the mid-1980s and 1989, and was not available when the cooperation with the children's home was entered into by Adopsjonsforum and approved by the Council for International Adoptions in 1980.

14.9.2 The Moncayo case

14.9.2.1 *Introduction*

The Moncayo case is a well-known adoption scandal involving Adopsjonsforum's lawyer and contact person in Ecuador, Roberto Moncayo, who was arrested in Ecuador in 1989. The case has been widely reported in the Norwegian media, both when it first came to light in 1989 and in 2023, around the time it was decided to appoint an inquiry committee.

The committee has assessed several aspects of the case. In the following, these assessments are divided into the establishment of the collaboration with Moncayo (14.9.2.2–14.9.2.3) and the follow-up of the case following his arrest in 1989 (14.9.2.4–14.9.2.7).

14.9.2.2 *Adoption Forum's collaboration with lawyer Roberto Moncayo up to 1989*

Moncayo was first proposed as a lawyer for Adoption Forum in November 1982 by their contact in Ecuador, the director of the Amparo y Hogar children's home.¹⁰³² The background to the proposal was that the lawyer with whom Adoption Forum was working at that time had not managed to finalise the adoptions of children who had been matched with Norwegian parents in 1980 and 1981. Adoption Forum wished to—

The case naturally progressed, and the Norwegian consul stated that he had the impression that Moncayo was an 'efficient and aggressive lawyer'.¹⁰³³ The lawyer was appointed around the turn of the year 1982–1983.¹⁰³⁴

The managing director of Adopsjonsforum and a member of staff from RIA met Moncayo whilst they were travelling to Ecuador in March 1983. In the minutes of the visit, the managing director writes that they had heard he was assertive and efficient, but that during the meeting he had been very pleasant and unassuming. It was agreed at the meeting that Moncayo would be paid 800 USD per case for his work in finalising the adoptions.¹⁰³⁵

Adopsjonsforum's country representative also later received a favourable recommendation regarding Moncayo from an Ecuadorian woman who was married to a Norwegian man and who assisted them in Ecuador. In a letter dated 5 December 1983

¹⁰³¹ Leifsen E. (2008), *Child Trafficking and Formalisation: The Case of International Adoption from Ecuador*, Children & Society Volume 22.

¹⁰³² Letter from the contact person dated 17 November 1982 and AF's memo dated 6 December 1982.

¹⁰³³ AF's minutes of 13 December 1982 from a telephone conversation with the consul.

¹⁰³⁴ The Committee has not found any agreement, but it is clear from AF's travel report of 7 April 1983 that Moncayo had already been 'working on the case' when AF was travelling in Ecuador from 6 to 12 March 1983.

¹⁰³⁵ AF's travel report of 7 April 1983.

She writes that Moncayo '[t]hanks to his honesty and competence, has a very good reputation as a lawyer. He does not take unnecessary risks, whatever the case may be'.

Although Moncayo was initially optimistic, it took several years before all the delayed placements were finalised, much to the frustration of Adopsjonsforum and the applicants. According to documents from Adopsjonsforum, the extremely long processing time appears to have been caused partly by the authorities' reluctance towards international adoptions following the adoption case in 1981, in which an adopted child was abused by Italian adoptive parents, and partly by the fact that individuals were working against the adoptions.¹⁰³⁶

It was not until 1986 that the last of the children matched in 1980 and 1981 arrived in Norway. Whilst the final of these cases was nearing completion in Ecuador, Adoption Forum received an offer to arrange the placement of several more children via Moncayo. The offer came via the woman with whom Adoption Forum was collaborating, who had previously spoken highly of Moncayo. Moncayo wished to act as Adoption Forum's legal representative and had six children available who were ready for adoption. One of these children was reported to be a two-month-old boy living with him, whilst the other five were aged between 3 and 8 and were living with nuns. Since Norway did not want them, they were to be adopted to the USA.¹⁰³⁷

On 14 April 1986, Adoption Forum contacted RIA to discuss Moncayo's offer. A week later, the head of the RIA secretariat had discussed the matter with the Ministry of Social Affairs and gave verbal approval for 4–5 pilot cases with Moncayo as the contact person in Ecuador.¹⁰³⁸ The matter was then considered by Adoption Forum's Executive Board on 12 May, and in a letter to Moncayo dated 16 May 1986, Adoption Forum stated that it wished to continue its cooperation with him.

According to the terms of the agreement Adoption Forum offered Moncayo in the letter of 16 May, he was to act as Adoption Forum's 'agent and lawyer'. The financial terms offered were 800 USD per adoption, plus coverage of the costs of medical care, board and lodging, travel documents, etc. Adoption Forum expressed, amongst other things, the following expectations of him:

- Adoption Forum will need to receive concrete offers from you.
- As a minimum, we need certain basic information:
- The children's age and gender.
- An outline of their medical and physical condition
- The children must, of course, be ready for adoption

Furthermore, the letter states that most applicants from Norway wish to adopt young children, preferably as young as possible.

Following the completion of the pilot cases, Adopsjonsforum received permission from SAK in November 1987 to continue the placement process with Moncayo as the contact person and lawyer.¹⁰³⁹ In AF's application for further approval of Moncayo, it is stated that they regarded him as a person of good standing whom they could trust 100 per cent. Furthermore, reference is made to his CV, which includes positions of responsibility, such as that of State Secretary. They stated that the children would either come from various children's homes in Ecuador or be in foster care with Moncayo as their appointed guardian. Moncayo was responsible for liaising with the institutions/foster homes, so that, in addition to handling the cases in court, he would also carry out the typical 'overseas liaison functions'. His fee was USD 2,000 per adoption.¹⁰⁴⁰

¹⁰³⁶ AF's letter of 19 November 1987 and an undated case submission in case 21/86 relating to the approval of Moncayo as the contact person, which was followed up in RIA's letter to AF dated 3 June 1986.

¹⁰³⁷ AF's minutes of a telephone conversation on 12 April 1986.

¹⁰³⁸ Statement from AF's country representative dated 23 May

1986. ¹⁰³⁹ Letter from SAK dated 24 November 1987.

¹⁰⁴⁰ Letter to SAK containing an '[a]pplication for continued placement rights' dated 19 November 1987

In the autumn of 1988, SAK travelled to Ecuador together with Adopsjonsforum. They held meetings with the court, Moncayo and another lawyer with whom Adopsjonsforum collaborated (whose wife later took over as the contact person). No further details are given about Moncayo other than that he made a good impression and appeared to be committed to the cases.¹⁰⁴¹

Moncayo facilitated the adoption of a total of 13 children to Norway during the period from when he became Adopsjonsforum's contact person until his arrest in January 1989; three children (to two families) in 1987, eight children (to seven families) in 1988 and two children (to two families) in 1989.

14.9.2.3 *The Committee's assessment of the cooperation with Moncayo up to January 1989*

The assessment of the cooperation with Moncayo covers the period during which he acted as Adopsjonsforum's contact person, from 1986 to January 1989. The Committee has found no grounds for making any comments regarding the preceding period during which he was engaged in finalising previous placements.

The question here is, in particular, whether Adopsjonsforum carried out sufficient checks before entering into a collaboration with Moncayo as a contact person. Furthermore, the question is whether the authorities¹⁰⁴² carried out sufficient checks before approving his role as a contact person. When assessing the requirements for case investigation prior to the approval of a contact person during the period in question, account must be taken of the RIA's guidelines regarding the information that must accompany applications for the approval of contact persons.¹⁰⁴³

The requirements for the authorities' case investigation in relation to individual decisions were, at the time in question (and remain today), regulated by Section 17, first paragraph, of the Public Administration Act, which states that the administration shall 'ensure that the case is as well-informed as possible before a decision is made'. In practice, the duty to investigate is relative and will vary, amongst other things, depending on the nature of the case and what is necessary to decide it.¹⁰⁴⁴

In assessing the investigation of the case, the committee has taken into account that the collaboration with Moncayo had been ongoing for several years by the time he was approved as a foreign contact, that both Adopsjonsforum and RIA had met him, and that there was at least one favourable verbal reference. This provided a certain basis for assessment, but several factors suggest that this was not sufficient.

Adopsjonsforum had information about various types of problematic issues in the adoption process in Ecuador, which, in the Committee's view, called for great caution when assessing who they should collaborate with in the country. Among other things, they had experienced cases getting bogged down in the bureaucracy for several years for inexplicable reasons.

Furthermore, Adopsjonsforum had information regarding reprehensible conduct on the part of two of their former contacts – the director of the Amparo y Hogar children's home and the children's home's lawyer.

On one occasion, the director of the children's home suggested changing a child's identity by sending another child to Norway instead of, and in the name of, one of the children who was in the adoption process in Ecuador and had been matched with a Norwegian applicant.¹⁰⁴⁵ Adopsjonsforum categorically rejected the proposal.

As mentioned above, Adopsjonsforum was also aware of the criticism of Amparo y Hogar levelled by the head of the Children's Court, which concerned serious shortcomings in the work of securing the necessary documents for adoptions. The Committee is not aware of whether the information regarding Amparo y Hogar was passed on to RIA.

¹⁰⁴¹ SAK's travel report, 22 November 1988.

¹⁰⁴² RIA and SAK

¹⁰⁴³ RIA's guidelines for the approval of associations' foreign contacts, 16 October 1979.

¹⁰⁴⁴ See the Supreme Court's statement on the legal position in HR-2017-2376-A, paragraphs 33–35.

¹⁰⁴⁵ AF's minutes of 14 March 1984 from a telephone conversation on 7 February 1984.

Although the circumstances highlighted in the paragraphs above do not directly concern Moncayo, they indicated that there was a significant risk of irregularities in adoptions in Ecuador at that time, which also related to Adoption Forum's previous country contacts. This suggested that Adoption Forum should have carried out more thorough investigations before selecting partners.

The content of the verbal offer to continue the partnership with Moncayo in 1986 should also have prompted greater caution, as the offer meant that Moncayo was to take on a different role than before. He was not only to carry out legal work relating to the processing of adoptions, but was also to identify children himself who were offered for adoption. It also emerged that he had an infant due to be adopted living in his own home.

According to the RIA's guidelines for the approval of overseas contacts, the organisations were required, amongst other things, to obtain information on how the contact would go about identifying suitable children. Adopsjonsforum failed to follow this up, as they provided no information on how Moncayo was to identify suitable children. Nor was any information on this matter requested by RIA or SAK. The authorities should have asked for a more detailed explanation of this, and as to why Moncayo is said to have had a two-month-old baby living with him in 1986 who was ready for adoption.

Based on the documentation the committee has found, it seems clear that neither RIA's processing of the application for approval in 1986 nor SAK's processing of the renewal of the approval met the requirements that must be imposed on the case investigation under Section 17 of the Public Administration Act. Although Adopsjonsforum is not directly subject to the Public Administration Act, it is clear that, on its own initiative, it should have investigated more closely how Moncayo was to identify children suitable for adoption. It is reprehensible that no more thorough investigations were carried out into this matter.

14.9.2.4 *The criminal prosecution of Moncayo*

Moncayo's arrest in Ecuador in January 1989 was widely reported in both Norwegian and Ecuadorian media. He was arrested along with several others, charged with abducting children for the purpose of adoption. Following the arrest, the Ecuadorian authorities decided to suspend all adoption work pending a review.

The investigation into the case in Ecuador took a long time. As far as the committee has been informed, Moncayo was charged, but we do not have clear information on the outcome of the case. In the interview with Farith Simon, we were told that there were several court proceedings, and that Moncayo eventually left the country and only returned once the case had become time-barred. This information is consistent with an article on VG's website, which states that Moncayo was acquitted at first instance, but that the case was appealed, before he moved to the US after the prosecution had appealed the verdict.¹⁰⁴⁶ VG's methodology report on the case for the SKUP conference, however, states that Moncayo was convicted at first instance before he appealed and left the country.¹⁰⁴⁷ A memo from the embassy in Chile dated 5 January 2000 states that Moncayo was convicted and served a sentence in Ecuador before moving to the USA. The Committee has requested information from the Ecuadorian judicial authorities regarding the outcome of the case, but has not received a reply.

The scandal led to several reforms of the adoption system in Ecuador. In 1990, the UN Convention on the Rights of the Child was ratified, and a presidential decree issued the same year set out new guidelines concerning, amongst other things, consent requirements and the conditions under which a child is deemed to have been abandoned. Placements outside authorised adoption agencies were prohibited, and a new central authority for adoptions was established.

¹⁰⁴⁶<https://www.vg.no/spesial/2023/adopsjon/ecuador-barna/>

¹⁰⁴⁷<https://www.skup.no/rapporter/skup-2023/de-ulovlige-adopsjonene>

14.9.2.5 *Adoption Forum and the Norwegian authorities' general follow-up of the Moncayo case from January 1989*

Both the Adoption Forum and the Norwegian authorities devoted considerable resources to following up the case when it became known that Moncayo had been arrested. At the request of the Adoption Forum, the Norwegian authorities sent two representatives to Ecuador.¹⁰⁴⁸ One of these was Norway's then ambassador to Chile (hereinafter 'the ambassador'), who was to prove a key figure in Norway's and the Adoption Forum's follow-up of the case over the following years.¹⁰⁴⁹ The other was a regional adviser in the Foreign Service.

The mission entrusted to the diplomats included, amongst other things, clarifying the relevant circumstances as far as possible, in order to prevent the Ecuadorian authorities from taking decisions that would be detrimental to Norwegian interests.¹⁰⁵⁰ They were also asked to assure the Ecuadorian authorities that the matter was being taken very seriously by the Norwegian side.

The envoys held meetings with key officials in the country, including the Minister for Foreign Affairs, the President's wife, the Director-General of Child Welfare Services, the Deputy President of the Children's Court, a Deputy Minister in the Ministry of Social Affairs, and the head of the investigation into the Moncayo case.¹⁰⁵¹ Both the Norwegian Minister of Social Affairs, Tove Strand Gerhardsen, and the Minister of Foreign Affairs, Thorvald Stoltenberg, subsequently sent letters to the Minister of Social Affairs in Ecuador.¹⁰⁵² The letter from the Minister of Social Affairs included, amongst other things, thanks for the handling of the difficult situation and pointed out that it would be appropriate to draw up a more detailed agreement on future adoptions.

Adoption Forum engaged an Ecuadorian lawyer to assist. His remit is described as having been to 'safeguard Adoption Forum's interests (name and reputation) in the matter'.¹⁰⁵³ The managing director and other representatives from Adoption Forum undertook several trips to Ecuador. The managing director sent regular reports on the case to the adoptive parents and authorities concerned. In one of the first reports to the families who had adopted through Moncayo, dated 10 February 1989, he emphasises that the situation is uncertain, but offers the following 'educated guesses' regarding the case:

- 'There is still a distinct possibility that none of the 13 children who have returned to Norway have been abducted.'
- Should there nevertheless prove to be 'strong indications' of kidnapping(s), he is inclined to believe that (1) it is not certain that the biological parents will be traced and (2) that there will not necessarily be an absolute requirement for return even if they are found.
- It is likely that the proceedings against Moncayo and the woman would drag on for a long time.
- 'It seems clear that "time is on our side" – for with every week that passes, the chances of us ever seeing the full chain of causation that must underpin an absolute order for the return of a child, and the acceptance of that order by a Norwegian court, are likely to diminish.'

Norwegian newspaper coverage of the Moncayo case dwindled as 1989 progressed, as the case dragged on and no significant new information emerged. Norway actively sought to negotiate an adoption agreement on

¹⁰⁴⁸ The request is described in the minutes of the AF Executive Board meeting of 21 January 1989.

¹⁰⁴⁹ In the book by Nilsen, F. (1993). *On Post in Latin America*. Gyldendal, it is stated that the ambassador was concurrently accredited as ambassador to Ecuador in 1989. However, this is not apparent from the email from the Ministry of Foreign Affairs dated 21 January 2025 containing an overview of the ambassador's accreditations.

¹⁰⁵⁰ See telegram from the Ministry of Foreign Affairs to the Embassy in Santiago dated 15 January 1989.

¹⁰⁵¹ The ambassador's memorandum of 29 March 1989 and a fax from the regional adviser to the Ministry of Foreign Affairs dated 2 February 1989.

¹⁰⁵² Letters dated 16 and 17 March 1989.

¹⁰⁵³ See memorandum from the Ministry of Foreign Affairs dated 25 January 1989.

level of government. This was unsuccessful, but the Ecuadorian side reopened the possibility of adoptions to Norway as early as the summer of 1989, and the State Adoption Office approved the processing of new adoptions in a letter to Adoption Forum dated 12 October 1989.¹⁰⁵⁴ A cooperation agreement on adoptions was subsequently concluded between Adoption Forum and the Ministry of Social Affairs in Ecuador.

In Adoption Forum's managing director's status report dated 21 December 1989, he states that Adoption Forum is confident that all children adopted to Norway will be allowed to remain in the country:

It is still difficult to know what the reality of this case is. Not everyone in Ecuador is convinced that the trial [criminal case against Moncayo] – when (or if) it takes place – will reveal what really happened.

In any case, it is clear that time has worked in favour of the families who have welcomed children into their homes through Dr Moncayo, whether they live in Norway, England or Italy. The chances of extradition requests being made – which would in turn be complied with by the authorities in the respective receiving countries – are now very slim. Those of us who have been working on this case at Adopsjonsforum now feel entirely confident that all the children adopted by Norwegian families through Moncayo will remain in Norway.

In that sense, the case will have a 'happy ending' for the 11 married couples and 13 children concerned. Nevertheless, we know that this case has had tragic implications for everyone who feared they might be affected by the allegations of stolen children. We know that the uncertainty has been painful for you all to live with....

14.9.2.6 *Proceedings regarding a claim to annul one of the adoptions*

One of the adoptions arranged through Moncayo in particular attracted a great deal of attention in Norway. The adoption was finalised in the Children's Court in Ecuador in October 1988, and the child arrived in Norway in November of the same year.

Dagbladet reported on the adoption in several articles at the end of February 1989.¹⁰⁵⁵ A child was alleged to have been abducted on 23 March 1988 and adopted to Norway in the autumn of the same year. The biological mother had taken legal action to have the adoption annulled, with the assistance of lawyer Julio Prado, who was also her employer and head of the Latin American human rights organisation ALDHU.

The mother told *Dagbladet*: 'Even though I am poor, she is my child. It is not fair that I should not get my child back.' Lawyer Prado told the newspaper that the mother loved her daughter very much and that they had to get her back to Ecuador as quickly as possible.

In August 1989, a court hearing was held in Ecuador regarding the case. The ambassador was present and submitted a report on the proceedings to the Ministry of Foreign Affairs (MFA) on 15 September 1989. The court hearing is said to have taken place without lawyer Julio Prado being present. However, the Ecuadorian lawyer whom Adoption Forum had engaged to assist with the Moncayo scandal – referred to as the 'defence lawyer' in the ambassador's report – did make a statement during the court proceedings. In it, he emphasised, amongst other things, that the court must take the child's interests into account. The ambassador writes in the report that he believes there are 'possibilities' that the adoption would not be annulled. Such an outcome was also the ambassador's aim. This is evident from the fact that he stated he had asked the Secretary-General of the Latin American human rights organisation ALDHU to persuade Prado to withdraw his claim for annulment of the adoption because 'this would be in the child's best interests'.

The ambassador's report of 15 September 1989 also states that ALDHU and the Ministry of Social Affairs in Ecuador had asked Norway for financial support for an aid project.

¹⁰⁵⁴ See also SAK's letter to the Ministry of Foreign Affairs dated 14 August 1989 regarding the decision by the Ecuadorian authorities.

¹⁰⁵⁵ Articles in *Dagbladet* on 23 and 27 February 1989.

Adopsjonsforum was in favour of supporting such an aid project, and in a letter to the Ministry of Foreign Affairs dated 23 November 1989, they stated that they might be willing to cover between 2,000 and 4,000 USD. The Norwegian Ministry of Social Affairs was also in favour of the Norwegian authorities supporting the project, and described such support as a 'natural follow-up' to the work the ambassador had carried out with the Ecuadorian authorities. However, the Ministry considered that a prerequisite for providing support was that it 'could be presented in such a way as to rule out any perception that the aid was being given so that Norway might receive benefits in the form of being given priority with regard to children for adoption'.¹⁰⁵⁶

In May 1990, the Ministry of Foreign Affairs pledged to support the aid project run by ALDHU and the Ecuadorian Ministry of Social Affairs with 150,000 kroner.¹⁰⁵⁷ Adoption Forum also supported the project with 4,000 US dollars. The project aimed to improve the situation of abandoned children.¹⁰⁵⁸ The funds from the Ministry of Foreign Affairs appear to have been paid to ALDHU in November 1990.¹⁰⁵⁹

It took a long time before any conclusions emerged from the court proceedings in Ecuador regarding the annulment of the disputed adoption. It was not until a report from the embassy in Santiago dated June 1990 that it became clear a judgement had been handed down in the case.¹⁰⁶⁰ The report states that the judgement 'is expected to be in Norway's favour'. The background to this outcome is said to have been, amongst other things, that the request for annulment originated from a child welfare inspector who did not have the authority to make such a request. Furthermore, it is stated that the judgement had not yet been made public. The reason for this is described as follows:

The reason is said to be that the judgement will automatically be reviewed by the next instance, the 'Corte de menores' [the National Children's Court ¹⁰⁶¹], where Dr Julio Prado is said to have launched an extensive lobbying campaign to have the adoption annulled.

The aim was therefore to neutralise Prado's lobbying efforts and then publish the judgement at an opportune moment.

It is therefore unlikely that the judgement will be published before Christmas.

In August 1990, the president of the National Children's Court and a 'supervisor general' from the same court visited Norway as guests of Adopsjonsforum.¹⁰⁶² During the visit, they met, amongst others, the adoptive family and the adopted child, and held a meeting with the State Adoption Office. During the meeting with SAK, it emerged that the annulment case was on the court president's desk and was causing him some concern. SAK's minutes of the meeting indicate that alternative solutions were put forward by the visitors, which involved entering into negotiations with the mother. According to the minutes, suggestions ranged from inviting the mother to Norway to see how well the child was doing, to covering the siblings' education costs, or providing a sum of money to the mother.

Following the judges' visit to Norway, the Secretary-General of ALDHU sent a proposed solution to the case to the ambassador.¹⁰⁶³ The proposal was stated to have been drawn up following informal contact with the President of the National Children's Court. It is stated that the President of the Children's Court, after

¹⁰⁵⁶ Letter from the SD to the Ministry of Foreign Affairs, 14 November 1989.

¹⁰⁵⁷ Telegram of 3 May 1990.

¹⁰⁵⁸ The ambassador's letter of 23 July 1990 states that the funds were to be used to upgrade three regional children's courts and to organise a series of seminars to raise awareness among officials at the children's courts and heads of child welfare institutions regarding the importance of reducing processing times in child welfare and adoption cases.

¹⁰⁵⁹ Letter from the Ministry of Foreign Affairs to SAK, 20 November 1990.

¹⁰⁶⁰ Memorandum of 5 June 1990.

¹⁰⁶¹ This is inconsistent with the information that the National Children's Court did not have decision-making powers in individual cases; see section 14.4. It is nevertheless clear that they played a role in this case.

¹⁰⁶² SAK's undated minutes of the meeting with the visitors on 8 August 1990.

¹⁰⁶³ Fax dated 26 October 1990 from the Secretary-General of ALDHU to the Ambassador.

Having visited the child in Norway, they believed it would be in the child's best interests to remain in Norway. The mother's lawyer (Prado) was also open to negotiating a solution, which could involve providing educational grants to the child's siblings. This support could be channelled through ALDHU.

The proposal is discussed in a briefing from the Executive Director of Adopsjonsforum to the association's Executive Committee

on 23 November 1990. It states that the Executive Director had discussed the issue of compensation for the mother at a meeting in Ecuador with lawyer Prado and the president of the Children's Court. The Ecuadorian participants in the meeting considered it absolutely clear that 1) the child had been abducted and 2) adopted by the family in Norway. The head of Adoption Forum writes to the board that there is a 'clear likelihood' that both parts were correct, but that neither part can be 'regarded as proven'.

The briefing states that none of the participants at the meeting in Ecuador believed the situation was Adoption Forum's fault, but they are said to have pointed out that Adoption Forum's lawyer was aware of the facts of the case, and that Adoption Forum 'must indirectly feel responsible for what may have happened'. The meeting in Ecuador concluded with the chair of Adoption Forum promising to put forward a proposal for compensation of around 15,000 USD, on the condition that the case for annulment of the adoption in Ecuador was withdrawn.

In his briefing to the board, the managing director recommended offering such compensation, partly because this would provide a definitive resolution for the adoptive family. Furthermore, the briefing highlighted the strain the case had placed on the international liaison officer and the risk that she might resign, as well as the fact that Norway had established itself as a highly regarded receiving country in the eyes of the Ecuadorian adoption authorities, and that it would be a pity if they were to terminate the adoption cooperation or see their adoption opportunities significantly reduced.

The Ministry of Foreign Affairs put forward ALDHU's proposed solution regarding educational grants to the State Adoption Office, which on 3 December 1990 issued a clear recommendation to the Ministry of Children and Families.¹⁰⁶⁴ The recommendation states that Adopsjonsforum had been asked to cover between

15,000 and 25,000 USD, and that they were willing to do so if the authorities agreed. The recommendation from SAK was that neither the Norwegian authorities nor adoption agencies should become involved in such an arrangement, because neither the Norwegian authorities nor adoption agencies 'must be involved in anything that could be perceived as the buying and selling of children'. The Ministry endorsed this recommendation in a letter dated 17 January 1991, and asked SAK to instruct Adopsjonsforum not to pay out the proposed sum. Adopsjonsforum replied that no compensation had been paid and no agreements had been entered into.¹⁰⁶⁵ Furthermore, they were satisfied with 'the clear and unambiguous guidance' they had received, which they would 'naturally' comply with.

At a meeting at the Ministry of Children and Families on 10 June 1991, which was also attended by SAK and the ambassador, the issue of financial support for the family in Ecuador was discussed once again. SAK's internal minutes/memo from the meeting state that the ambassador believed a 'legalistic' solution would likely lead to an extradition case with media coverage and so on, and he instead proposed a 'Latin American solution'.¹⁰⁶⁶ The ambassador believed that an arrangement could be reached by setting up a fund managed by ALDHU, and that funds from this could go to the child's family in Ecuador – 'without the Norwegian authorities or, for that matter, Adopsjonsforum being informed of this'. During the meeting, reference was made to the previous position of the Ministry of Children and Families and SAK, but it was also stated that the Ministry would need to examine the proposal in more detail in consultation with SAK. Following the meeting with the ambassador, the Head of Department from the Ministry who was present outlined a solution 'for further consideration', which is described as follows in SAK's minutes of the meeting:

¹⁰⁶⁴ Fax from the Ministry of Foreign Affairs,

19 November 1990. ¹⁰⁶⁵ AF's letter to SAK,

22 January 1991. ¹⁰⁶⁶ Internal memo from

SAK, 10 June 1991.

[T]he Ministry writes a letter to SAK, emphasising that the principle must continue to be to maintain clear boundaries regarding the buying and selling of children, but that the Ministry, for its part, has no objections to [the ambassador] devising a ‘package deal’ to bring this matter to a close – a solution which in no way involves the Norwegian authorities [sic.]

This is followed up in the Ministry’s letter to SAK dated 17 June 1991. Firstly, it is reiterated that neither the Norwegian authorities nor adoption agencies must be involved in the buying and selling of children. However, it is further stated, amongst other things, that the Ministry ‘would view it as highly positive if the ambassador [...] were to continue his work with the Ecuadorian authorities, so that a resolution to the matter can be achieved through diplomatic channels’.

The content of the meeting at the Ministry of Children and Families appears to have aroused scepticism within the Ministry of Foreign Affairs, as is evident from the Ministry’s internal documents.¹⁰⁶⁷ However, the assessments in those documents conclude with the Ministry of Foreign Affairs issuing instructions to the ambassador, in which he is requested to continue his efforts to find a solution to the matter, whilst at the same time stating that ‘[t]he Ministry nevertheless feels compelled to emphasise that any solution must not take the form of the buying and selling of children’.¹⁰⁶⁸

With this mandate, the ambassador continued his efforts to find a solution. In December 1991, he spoke with Julio Prado in Santiago, and a few days later he received a fax from Prado proposing a project organised by ALDHU, which he hoped the Norwegian authorities would support.¹⁰⁶⁹ At the turn of the year 1991/1992, the ambassador retired, and the Ministry of Foreign Affairs states that he subsequently held no role as a representative of the Norwegian authorities abroad.¹⁰⁷⁰ He nevertheless continued his negotiations with Prado, and will hereinafter continue to be referred to as ‘the ambassador’.

A letter to the Ministry of Foreign Affairs dated 10 March 1992 states that Adopsjonsforum had decided to support the project with USD 15,000 and requested that the Ministry cover a corresponding sum. According to the letter, the project was intended to help a group of disadvantaged children in a specific province and aimed to help children from poor families receive an education. The project cost USD 30,000 over three years and covered 25 children aged between 5 and 18. The Ministry of Foreign Affairs approved the application in full on 10 April 1992.¹⁰⁷¹

A cooperation agreement was then concluded between Adopsjonsforum and ALDHU on 14 April 1992, signed by Julio Prado, the ambassador, and Adopsjonsforum’s representative in Ecuador. In correspondence between the ambassador and Prado in May 1992, they discussed how to proceed with the case concerning the annulment of the adoption.¹⁰⁷² When the withdrawal of the case was confirmed in a fax from Prado on 22 June 1992, the ambassador replied by fax on 24 June, thanking him for the news and informing him that 15,000 USD had been transferred that same day.

In September 1992, Prado sent a fax to the ambassador in which he wrote that he thought the mother in Ecuador should be given a house.¹⁰⁷³ He enclosed a drawing of the house and stated that construction had already begun.

¹⁰⁶⁷ See handwritten note dated 9 July 1990 on the BFD’s letter of 17 June 1990.

¹⁰⁶⁸ Telegram of 23 July 1991.

¹⁰⁶⁹ See Julio Prado’s fax to the Ambassador dated 23 December 1991.

¹⁰⁷⁰ The Ministry of Foreign Affairs’ reply of 21 January 2025 to the committee’s questions regarding the ambassador’s accreditations and roles. It does not indicate that he undertook any assignments for the Norwegian authorities after reaching retirement age, apart from a role as public relations coordinator from 1998 to 1998.

¹⁰⁷¹ Letter from the Ministry of Foreign Affairs dated 10 April 1992.

¹⁰⁷² Julio Prado’s faxes of 20 and 25 May 1992.

¹⁰⁷³ Fax dated 21 September 1992.

In the Executive Director's update to the National Executive Committee of Adopsjonsforum on the 'Moncayo case' on 12 March 1993, he stated that the ambassador had, at some point (which is not specified), negotiated an agreement whereby the Norwegian Ministry of Foreign Affairs and Adoption Forum would support a project run by 'Prado's human rights organisation', in return for the child remaining in Norway. In the briefing, the Executive Director addressed Prado's request for a house for the mother. The Executive Director described this as 'continued blackmail', but nevertheless stated that he had agreed with the ambassador that they could 'consider accepting certain informal "reprioritisations" within the project funding that has already been granted'.

In Adopsjonsforum's letter to the Ministry of Foreign Affairs in the summer of 1994, reporting on the project's progress to date, the house-building is not mentioned explicitly, but it is stated that 'the allocated amount has largely been spent on the acquisition of premises suitable for carrying out the project'. This appears to be a veiled way of referring to the construction of the house for the child's family. It also emerges that part of the funds had been used for other purposes; amongst other things, a number of different courses had been held with the aim of enabling families to cover the costs of schooling themselves. In accordance with the project agreement, the final half of the allocated project funds of USD 30,000 was transferred from Adopsjonsforum in December 1994.¹⁰⁷⁴

Correspondence between Adopsjonsforum and BFD in 2001, and minutes of a meeting from the same period, confirm that a house was built for the child's family, which is said to have been completed in November 1993.¹⁰⁷⁵

In 1996, Julio Prado and his wife travelled to Oslo from Geneva, and Adopsjonsforum covered 54,000 kroner of the costs of their visit to Norway.¹⁰⁷⁶ The Committee is not aware of the reasons why Adopsjonsforum covered the travel costs, but we know that they eventually came to regard Prado as an important source of support for them in Ecuador.¹⁰⁷⁷

In 1998/99, the Norwegian adoptive family contacted Adopsjonsforum and, subsequently, the State Adoption Office and the Ministry of Children and Families.¹⁰⁷⁸ They wanted to find out what had happened, and they wished to establish contact with the mother in Ecuador. Following discussions with Adoption Forum, the Ministry and Julio Prado, the families in Norway and Ecuador had various costs covered to ensure that the child and the birth mother could meet and establish contact. The support was provided over a number of years, and several trips were made in the period leading up to the child turning 18. During this contact, a DNA test was carried out which confirmed the biological relationship. Once the child turned 18, no further support was provided.

The adoptive parents have informed the committee that they received limited information after January 1989 and whilst the adoption negotiations were ongoing, and that the information they did receive was largely verbal. Since the reunion, the adoptive parents and the adoptee have found it distressing that the adoptee's birth family in Ecuador has suspected that the adoptive parents themselves paid compensation for the adoption. They are therefore unsure whether the family in Ecuador has been given sufficiently clear information that it was the Norwegian authorities and Adopsjonsforum that covered the compensation paid.

¹⁰⁷⁴ Fax from Julio Prado to AF, 30 December 1994

¹⁰⁷⁵ AF's memo of 24 January 2001, minutes of a telephone conversation between the managing director of AF and the Ministry of Children and Family Affairs (BFD), and an email from the managing director to the Ministry on the same date. According to these documents, AF stated at the time that the project was primarily funded by the Ministry of Foreign Affairs, but that AF made a contribution of 4,000 USD. However, a summary prepared by AF, which is included in the same correspondence, also shows that AF made a contribution of 26,000 kroner to an aid project organised by the Human Rights Commission in 1994, which was drawn from their risk fund. This information does not appear to have been entirely accurate, as it is well documented that the house was financed through an aid project in which AF and the Ministry of Foreign Affairs each contributed 15,000 USD.

¹⁰⁷⁶ AF's memorandum to the BFD dated 24 January 2001.

¹⁰⁷⁷ See, inter alia, the summary in the BFD's minutes of the meeting of 26 November 1999.

¹⁰⁷⁸ See, inter alia, the BFD's memorandum of 22 December 1999 with annexes.

14.9.2.7 *The Committee's assessment of the authorities' and Adopsjonsforum's follow-up of the Moncayo case after January 1989*

General remarks on the focus of the Norwegian authorities' efforts

When news of Moncayo's arrest became public, both Adoption Forum and the Norwegian authorities devoted considerable resources to the case. The Committee questions how these resources were utilised, both initially and subsequently.

The Committee's view is that the focus of the work appears to have been, first and foremost, to limit the case's damaging effects on the reputation of Norway and the Adoption Forum, and, as time went on, to ensure that the adoption cooperation could continue. Furthermore, it appears that it quickly became a clear objective that the children who had been adopted to Norway should be able to remain in this country.

Several documents indicate that the Norwegian authorities and Adoption Forum regarded the best interests of the child as a key consideration in the assessment of these cases. We have not found any documents in which this is discussed in greater detail, but it appears that it was assumed that it was in the children's best interests to remain in Norway, regardless of whether they turned out to have arrived here as a result of abduction. We have found no evidence of any discussions relating to the legal rights of the biological parents.

The Committee considers that if a child has been abducted or taken away from their parents, the starting point must be that they should be reunited with their parents. At present, such an obligation may arise from Article 8(2) of the Convention on the Rights of the Child, which reads: 'Where a child is unlawfully deprived of his or her identity, in whole or in part, the Parties shall provide appropriate assistance and protection with a view to the prompt restoration of his or her identity'.¹⁰⁷⁹ However, the assessment of the child's best interests may lead to a different outcome than reunification if a considerable amount of time has elapsed and the child has settled in with the adoptive parents.

In the Committee's view, the Norwegian authorities should have been far more concerned with clarifying whether criminal offences had been committed that could provide grounds for reversing the adoptions, and with expediting the assessment of this in Ecuador. It had been only a short time since several of the adoptions had been finalised when the Moncayo case came to light in January 1989. No evidence has been found to suggest that the authorities or Adopsjonsforum itself actively considered whether they might have a duty to arrange for the children to be returned.

The assessments carried out focused rather on the risk that the Ecuadorian authorities and courts might reach such a conclusion, and the fact that the Moncayo case was dragging on was viewed positively by Adopsjonsforum – 'time is on our side', wrote the managing director in his briefing letter of 10 February 1989.

Assessment of the negotiations regarding the claim for annulment of one of the adoptions

When a case was brought in Ecuador in February 1989 seeking the annulment of one of the adoptions arranged through Moncayo, it was only four months since this adoption had been considered by the Children's Court in Ecuador. In the child's best interests, it was therefore important to clarify quickly whether the allegations of child abduction were true and had any bearing on the adoption. However, Adoption Forum and the Norwegian authorities adopted a defensive stance and awaited the protracted proceedings in Ecuador.

When the court hearing took place in August 1989, Adoption Forum's lawyer made a submission in which he argued against the annulment of the adoption. The Norwegian authorities' representative, the ambassador, also made efforts to persuade the mother's lawyer to withdraw the case.

During the subsequent follow-up of the case, considerable resources were devoted to maintaining good relations with the relevant parties in Ecuador. Among other things, as mentioned, Adopsjonsforum invited the president of the court responsible for hearing the appeal concerning the annulment of the adoption to

¹⁰⁷⁹ The Convention on the Rights of the Child was adopted in 1989 and ratified by Norway in 1991.

Norway, and covered the costs of travel and accommodation. During the visit, they also met with Norwegian authorities. The funding of the trip appears questionable in light of current Norwegian impartiality requirements, although Adoption Forum may well have believed that the court could benefit from seeing how the child was faring in Norway.

The support provided by the Ministry of Foreign Affairs (150,000 NOK) and Adopsjonsforum (4,000 USD) to the human rights organisation ALDHU in 1990 appears to have been largely intended to secure the general goodwill of the Ecuadorian authorities. We have found no information to suggest that it was agreed that these funds would have any bearing on the adoption for which annulment was sought. Nevertheless, it must be pointed out that the funding was provided for a project run by the human rights organisation of which the mother's lawyer was president, and that the organisation's request for funding first arose during the same period as the legal proceedings for annulment were taking place, in the autumn of 1989.

As regards the grant of 30,000 USD provided by the Ministry of Foreign Affairs and Adoption Forum to the second project run by ALDHU, which was agreed in the summer of 1992, it is clear that this was compensation for the withdrawal of the claim for annulment of the adoption. Given the dialogue Adopsjonsforum had been conducting with the authorities regarding possible compensation for the mother in Ecuador since the autumn of 1990, and the fact that the ambassador played a central role in the negotiations, the committee assumes that the Ministry of Foreign Affairs must have been aware of the content of the agreement and what the funding was used for. The extent to which the Ministry of Children and Family Affairs and the State Adoption Office were aware of the payments and what they were used for is less certain, but they must in any case be regarded as having paved the way for such a solution through the discussions at the meeting on 10 June 1991 and the subsequent guidance provided. The way the minutes of this meeting are worded also suggests that it may have been the intention that the Ministry and the State Adoption Office should not be informed, in order to avoid them being held accountable for the payment of funds.

The solution ultimately reached in the controversial adoption case was, in reality, more or less the same as the one which SAK and the Ministry had stated, around the turn of the year 1990/91, that Adopsjonsforum must not become involved in, as it could be perceived as the buying and selling of children.

When assessing the authorities' conduct, it is key that they appear to have been motivated by a desire to prevent the adoption from being annulled and to avoid further media coverage and scandals. Despite the fact that it must have appeared highly probable during the negotiations that the child had been abducted – a view which Adopsjonsforum's managing director himself took as a given in his briefing to the board on 23 November 1990 – it does not appear from the documents examined by the committee that any assessment was made as to whether it might be more appropriate to facilitate the child's return.

Abduction constitutes a clear violation of the fundamental human rights of the child and the parents, such as the right to family life, cf. Article 8 of the European Convention on Human Rights and Article 16 of the International Covenant on Civil and Political Rights. Furthermore, an adoption made possible through the abduction of the child would naturally be regarded as having no legal effect in Norway, cf. the provision on so-called 'ordre public' in the Adoption Act (Section 20 of the Adoption Act of 1986, which was in force at the time in question). This provision means that foreign adoptions are not recognised in Norway if they would clearly be contrary to the Norwegian legal order. The assessment must be made on a case-by-case basis and will depend, amongst other things, on the time that has elapsed.

The fact that the Norwegian authorities accepted a proposed solution involving the payment of money to avoid a demand to return an abducted child is open to criticism for several reasons. Firstly, it is and has always been a fundamental principle of intercountry adoption that the best interests of the child must be the overriding consideration and that no party should derive undue financial gain from the adoption, as subsequently set out in Article 21 of the Convention on the Rights of the Child.¹⁰⁸⁰ Decisions on adoption must not be influenced by any payment, as this could provide a basis for the sale of children.

¹⁰⁸⁰ Prior to the Convention on the Rights of the Child, this principle was enshrined in, amongst other instruments, Article 15 of the 1967 Council of Europe Convention on Adoption. Today, Section 11 of the Adoption Act prohibits the offering or promising of remuneration or any other benefit with a view to influencing a person required to consent to an adoption.

The Convention on the Rights of the Child was ratified by Norway on 8 January 1991 and was thus part of Norway's obligations under international law when the agreement on compensation was concluded. Under Article 35 of the Convention on the Rights of the Child, the States Parties shall 'take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form'. The Convention's provision on adoption in Article 21 requires States to take 'all appropriate measures to ensure that intercountry adoption does not result in improper financial gain for those involved in the adoption'.

In the Committee's view, the agreement to pay project funding in exchange for the withdrawal of the annulment claim was contrary to the fundamental principles that adoptions must be decided in the best interests of the child, and that no one should derive any undue financial gain. The breach of these principles is serious.

However, the Committee has found no grounds to criticise the support provided to the families in Norway and Ecuador by Adopsjonsforum and the Ministry of Children and Families around the year 2000, as it was not linked to the outcome of the adoption case. The aim was to compensate for the harm that had already been caused and to ensure that the mother and daughter were given an opportunity to rebuild their relationship.

14.9.2.8 *Errors and irregularities in the cases referred by Moncayo*

The Committee's terms of reference describe as a key issue for the Committee to determine whether any illegalities occurred in connection with adoptions to Norway.

The Committee considers it more likely than not that the one adoption for which annulment was sought was the result of a kidnapping. This follows from the statement made by the mother in Ecuador, which has remained consistent over many years, and is supported, amongst other things, by information that a person is said to have admitted to carrying out the kidnapping during a police interview. In a memo to the organisation's board, the managing director of Adopsjonsforum has described it as likely that the child was abducted, even though the organisation has publicly argued that it is uncertain what happened.

It has not been possible to ascertain whether the other 12 adoptions to Norway in the Moncayosa case were part of the criminal investigation in Ecuador. However, the Committee has received information from interviews with adoptees indicating that several of these adoptions also contain very serious irregularities.¹⁰⁸¹ These include, amongst other things, the use of 'stand-in' mothers to consent to adoption and the use of threats against birth parents. In the report written by Farith Simon prior to the investigation, Moncayo was also a name that recurred in connection with adoptions that appeared suspicious. In an interview with the Committee, he confirmed that Moncayo was a key figure in the unlawful cases. The fact that it can be assumed that Moncayo facilitated the placement of a child who had been abducted, without this being detected during the processing of the adoption case in Ecuador or in Norway, raises the risk that similar circumstances existed in some of the other cases.

However, the Committee cannot conclude with certainty what occurred in each of the other 12 cases facilitated through Moncayo, partly because it falls outside our mandate to investigate individual cases.

14.9.3 Donations to the FANN children's home

The issues surrounding donations to private children's homes, which are discussed in particular in the chapter on adoptions from Colombia, also applied to a children's home in Ecuador from which Norway has adopted children: FANN in the city of Guayaquil.

¹⁰⁸¹ Some errors are also described in VG's articles on the 'Ecuador children' published online on 29 January 2023.

This children's home was an approved partner/foreign contact for Adopsjonsforum from 1980 to 1994, but seven children from there had been placed for adoption prior to this, probably via other contacts.¹⁰⁸² In 1992 and 1993, five and six children respectively were adopted to Norway from FANN.

In the application for renewal of country contacts in Ecuador in 1994,¹⁰⁸³ Adopsjonsforum states that FANN is broadly run in the same way as the Colombian 'casas' (see section 12.4.2), with fixed donations per child placed as the orphanage's main source of funding. When FANN stated in autumn 1993 that they expected donations to increase from 1,500 USD to 5,000 USD, and that, in addition to this, legal fees of 2,000 USD per adoption would be incurred, Adopsjonsforum decided to suspend its cooperation with them until further notice.

In their application, they provided the following detailed justification for terminating the collaboration:

When we refuse to pay a donation of the aforementioned magnitude, it is not solely for purely economic reasons. We believe that the amount is so high that it is not reasonably commensurate with the children's home's standard of living and the expenses the institution incurs for each individual child. Although we accept that a regular donation to a children's home also covers the costs of children who cannot be adopted, any other social programmes run by the institution, as well as general operating costs, there is a limit to how far we believe it is morally right to go. We wish to emphasise that we do not suspect that funds are being used for unrelated purposes. FANN intends to establish children's homes in both Quito and Cuenca, and we anticipate that a fairly substantial amount of funds is being raised for this purpose.

We are aware that there is widespread scepticism towards FANN within public child welfare circles, and a member of the National Assembly has publicly levelled accusations against the organisation. There is open and critical discussion about the large donations. Although there may be an element of 'envy' involved, we have concluded that it would be best for our good working relationship with the public adoption authorities, and with the Christian and state-run children's homes, for us to terminate our cooperation with FANN. Under different circumstances, it might be possible to resume the cooperation, but we see no immediate prospects for this.

The Committee notes that Adopsjonsforum itself took the initiative to terminate the cooperation. It is unclear to the Committee whether the donations to FANN, or the scepticism described regarding this institution in Ecuador, had been discussed with SAK previously. It is possible that this was discussed during the renewal of approvals in 1992, but we have not yet found the correspondence relating to this in our archive searches.

Although the motive for terminating the cooperation is partly described as being out of consideration for the relationship with other institutions and public adoption authorities in Ecuador, it is positive that Adopsjonsforum itself took the initiative here to terminate a cooperation as a result of increased donations.

14.10 Summary

The Committee's investigations have focused on the Moncayo case, but we have also examined certain other matters from the 1980s and the first half of the 1990s.

The main findings are:

- There is a risk that there may be irregularities in adoptions to Norway arranged by Amparo y Hogar in the 1980s.

¹⁰⁸² AF's application for approval of foreign contacts, 10 March 1980.

¹⁰⁸³ Letter dated 4 May 1994.

- When lawyer Roberto Moncayo was approved as Adopsjonsforum's contact person in Ecuador in 1986, the authorities and Adopsjonsforum should have requested a detailed explanation of how he intended to identify children suitable for adoption. The fact that this was not done constituted a breach of the adoption authorities' duty to investigate under the Public Administration Act.
- Following Moncayo's arrest, the Norwegian authorities should have been far more concerned with clarifying whether any criminal offences had been committed that might give grounds for reversing some of the adoptions, and with expediting the assessment of this matter in Ecuador.
- It is reprehensible that the Norwegian authorities accepted a proposed solution that involved paying money to avoid a demand to return a kidnapped child. This contravenes the fundamental principles that adoptions must be decided in the best interests of the child, and that no one should derive any undue financial gain. The breach of these principles is serious.

15 Ethiopia

15.1 Introduction

Between 1991 and 2015, Adopsjonsforum facilitated a total of 693 adoptions from Ethiopia to Norway. This accounts for 3.4 per cent of all international adoptions to Norway. In addition, several children have been adopted outside the framework of adoption agencies, including by Norwegians who have been long-term residents in Ethiopia.¹⁰⁸⁴

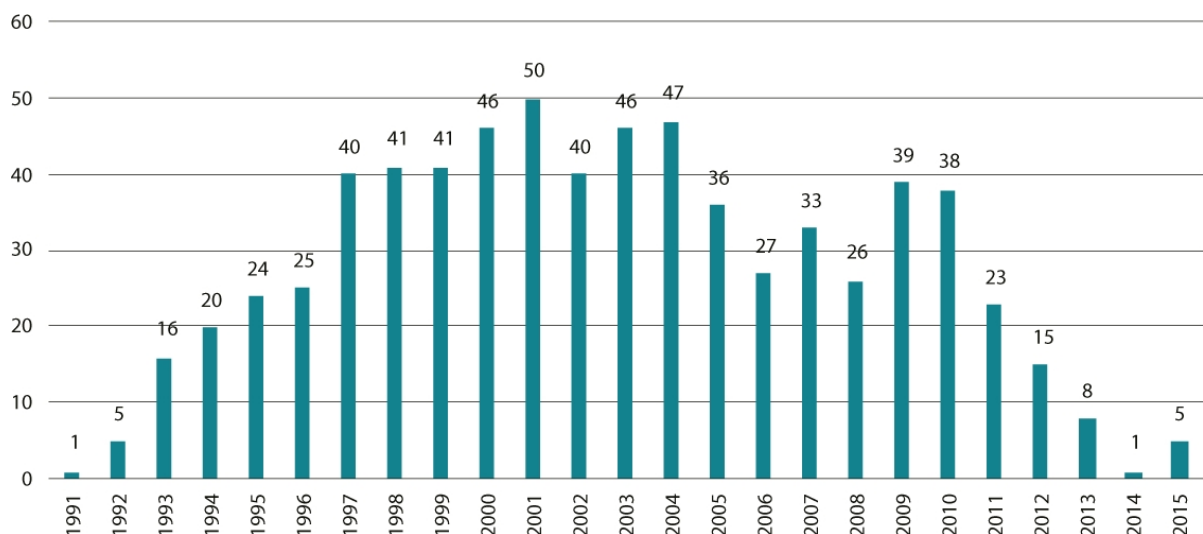


Figure 15.1 Adoptions arranged from Ethiopia to Norway 1991–2005

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

Active placement work in Ethiopia took place over a period of 25 years. The Committee has decided to examine the entire placement period, but has given particular priority to the period from around the year 2000 until the...

¹⁰⁸⁴ The Committee does not have statistics on independent adoptions (see section 3.5). However, a report prepared by or on behalf of the Ethiopian authorities (MOLSA) does contain an overview of international adoptions from the period 1974–1984. This shows that 14 children were adopted to Norway. By way of comparison, during the same period 18 children were adopted to Denmark and 203 to Sweden, cf. 'Request for assistance to upgrade and standardise the adoption unit in the Ministry of Labour and Social Affairs' (undated, but probably the second half of the 1980s), p. 12.

the end of 2015. This choice is due to various factors. Firstly, around the turn of the millennium, there was a significant increase in the number of adoption agencies and in the total volume of adoptions from the country. The media, research and investigations by other receiving countries have highlighted that, in the wake of greater ‘demand’ for adopted children, many irregularities occurred in the field of intercountry adoption.¹⁰⁸⁵ Secondly, the Committee’s access to information is better for this period. The written source material – including that in Adopsjonsforum’s internal archives – appears more complete later in the placement period,¹⁰⁸⁶ and during the Committee’s country visits, it was primarily staff and other stakeholders who were active after 2000 whom it was possible to meet.

The Committee has focused in particular on Adopsjonsforum’s financial arrangements in Ethiopia, and on how these may have influenced the adoption work. Matters examined in greater detail include the remuneration of foreign contacts, sponsorship projects and aid agreements with partner children’s homes.

15.2 General information and background ¹⁰⁸⁷

Ethiopia is situated in the Horn of Africa, in eastern Africa. The country has a population of 107 million and is Africa’s second most populous country. There are around 100 languages and 80 different ethnic groups in Ethiopia, of which the four largest – the Oromo, Amhara, Somali and Tigray – account for around three-quarters of the population.

Christianity (62 per cent) and Islam (34 per cent) are the dominant religions.

Ethiopia has been a federal state since 1995. The formal head of state is the president, but the prime minister is the de facto political leader.¹⁰⁸⁸ The country currently consists of twelve regional states and two city states. The regional states (killil) are divided into various administrative zones, districts (woreda) and neighbourhoods (kebele).¹⁰⁸⁹ Each *kebele* and its administrative head (*kebele manager*) are responsible for a range of tasks relating to, amongst other things, health and education, and one of their main duties is to keep track of the residents.

In the decades prior to 1991, Ethiopia was ravaged by civil war, which resulted in the establishment of Eritrea as an independent state in 1993. In 1998, war broke out once again between Ethiopia and Eritrea, and this lasted until 2000. Between 1991 and 2019 – that is, for virtually the entire period during which adoptions to Norway have been arranged – the country was governed by the same coalition party, the Ethiopian People’s Revolutionary Democratic Front (EPRDF). Elections during this period have been deemed to have been rigged and unfair by foreign observers.¹⁰⁹⁰ Partly as a result of several decades of suppression of political opposition activity, the political situation in Ethiopia has also been extremely turbulent in recent years.

Ethiopia is an agricultural society and is classified as a low-income country. According to the UN, over two-thirds of the population lived in extreme poverty in 1995; by 2004, this figure had fallen to just under one-third.¹⁰⁹¹ In 2022, nearly a quarter of the population was still receiving food aid. Ethiopian women give birth to an average of five children each, and 40 per cent of the population are under 15 years of age. In 2012, UNICEF reported that there were 4.5 million orphaned children in Ethiopia, around 20 per cent of whom were orphans due to HIV/AIDS.¹⁰⁹² Measures for orphaned children exist at various administrative levels, but in 2014, ISS described how the authorities

¹⁰⁸⁵ See section 15.4 for further details.

¹⁰⁸⁶ This applies, amongst other things, to travel reports.

¹⁰⁸⁷ Primarily based on Landinfo (2023), *Ethiopia: Basic Information*, 15 December 2023.

¹⁰⁸⁸ Store Norske Leksikon, <https://snl.no/Etiopia>.

¹⁰⁸⁹ In Addis Ababa, the woreda is now the lowest level of administration.

¹⁰⁹⁰ Store norske Leksikon, <https://snl.no/EPRDF>.

¹⁰⁹¹ UN, Extreme poverty, <https://fn.no/Statistikk/ekstrem-fattigdom?country=41827>.

¹⁰⁹² ISS, *Ethiopia, Country situation*, November 2014.

The authorities lacked an overview of the problem, and limited resources hampered the development of a satisfactory and uniform child welfare system. In cases where children have required alternative care arrangements, this has largely had to be provided by private organisations.¹⁰⁹³

Ethiopia's centralised administration emerged around the beginning of the 20th century, and major codification work was carried out in the 1950s and 1960s. Today, the country is generally regarded as part of the civil law tradition. The legal method is, however, not very well defined, which is partly a consequence of the fact that the level of professionalisation within the legal profession has long been low. The courts consist of a three-tier system at both federal and state levels. In addition to the ordinary court system, however, there are also other recognised judicial and quasi-judicial dispute resolution mechanisms, including religious, administrative and social courts and tribunals.¹⁰⁹⁴

Ethiopia is, and has been, a country with significant levels of corruption. In 2012, Transparency International gave the country a score of 33 points on a scale of 0–100, where 0 is highly corrupt and 100 is not corrupt.¹⁰⁹⁵ By comparison, Norway received a score of 85 that year.

Norway has had an embassy in Addis Ababa since 1991.¹⁰⁹⁶

15.3 International adoptions from Ethiopia – a general overview

15.3.1 International adoptions in practice

In Ethiopia, there is a long-standing tradition of children being raised by people other than their own parents for various reasons. However, this type of care arrangement did not result in any severing of ties with the original family, and so-called 'full adoption' was therefore a concept that was first introduced with international adoptions.¹⁰⁹⁷

From the 1970s onwards in particular, there have been adoptions of children by foreign nationals. These largely involved missionaries, medical staff and other aid workers who took children into their care whilst staying in the country, or facilitated contact with potential adoptive parents in their home country.¹⁰⁹⁸ In the late 1970s, the military regime suspended all international adoptions for over five years, after it was revealed that an adopted child had been sexually abused by his adoptive father in a European country. It was not until the drought and famine disaster of the 1980s that international adoptions were permitted once more, and the practice gradually resumed.¹⁰⁹⁹

In 1998, war broke out between Ethiopia and Eritrea, but this did not lead to any suspension of international adoptions, including those to Norway. A former head of the Norwegian Directorate for Children, Youth and Family Affairs stated in an interview with the committee that staff at the Directorate were critical of continuing to allow adoptions whilst the war was ongoing, and that, in a meeting with the Ministry, they expressed the view that the authorisation to arrange adoptions should be withdrawn until a clearer picture of the situation had been established. According to the head of the State

¹⁰⁹³ Brittingham, S. (2010). *Birth families and intercountry adoption in Addis Ababa, Ethiopia*. (MA thesis), Institute of Social Studies, The Hague, p. 2.

¹⁰⁹⁴ Eyob Awash Gebremariam and Mulu Beyene Kidanemariam, 'An introduction to Ethiopian Legal Culture' in Sören Koch and Marius Mikkil Kjølstad (eds.) *Handbook on Legal Cultures* 2023 (pp. 419–462).

¹⁰⁹⁵ Transparency International <https://www.transparency.org/en/cpi/2020/index/ethy.org>

¹⁰⁹⁶ Store norske Leksikon, <https://snl.no/Etiopia>.

¹⁰⁹⁷ 'Full adoption' means that the family law ties to the birth family are severed and replaced by those to the adoptive family; see section 6.3.

¹⁰⁹⁸ See, inter alia, SOU 2025:61, vol. 2, p. 314 ff.

¹⁰⁹⁹ SAK. Report from the 1995 inspection and fact-finding visit.

However, the Ministry dismissed this view put forward by the State Youth and Adoption Office. The head of the office was himself ‘shocked’ by this feedback, but complied.¹¹⁰⁰ He did not believe that the State Youth and Adoption Office’s assessments in this case had been put in writing, and the committee has found no trace of this either. The then Head of Department at the Ministry stated in an interview with the Committee that he could not recall this meeting or any such discussion.

Towards the end of the 1990s, and particularly in the second half of the 2000s, there was a sharp increase in the number of international adoptions from Ethiopia.¹¹⁰¹ The growing interest from Western countries in adoptions from both Ethiopia and other African countries is often seen in the context of simultaneous tightening of regulations on international adoptions in other countries of origin which had previously made many children available for adoption.¹¹⁰² Between 2003 and 2008, the number of adoption agencies in the country rose from around 20 to around 70.¹¹⁰³

The significant growth in the number of operators eventually led to an undesirable competitive situation, which will be discussed in more detail in section 15.7.4. Gradually, the Ethiopian authorities began to pay greater attention to various irregularities in the adoption process, and on this basis they decided in 2018 to impose a total ban on international adoptions. Adopsjonsforum ceased its adoption work in Ethiopia three years before this ban, and the last children arrived in Norway in 2015.

The 2018 ban led to a sharp decline in financial support from foreign organisations to both private and public children’s homes and aid organisations.¹¹⁰⁴ By this time, many local organisations had established themselves and were taking in children almost exclusively with a view to international adoption. They operated without any form of public support and were therefore dependent on the income generated by their collaboration with foreign adoption agencies. When the ban on international adoption was enacted, many of the institutions were closed down, and within a short space of time a large number of children had to be moved to the increasingly overcrowded state-run children’s homes. At the same time, the state-run children’s homes also lost the financial support from adoption agencies and struggled to pay their staff. This had extremely dramatic consequences, and the mortality rate in the children’s homes rose sharply. During the committee’s field visit, we were informed that on a single day, a few months after the suspension, 50 dead children were removed from the state-run children’s home Kebebe Tsehay in Addis Ababa. Many of these children had been lying dead for several days, because the children’s home was completely overwhelmed.

15.3.2 Well-known issues concerning adoptions from Ethiopia

This section describes some of the Committee’s findings relating to general developments in the field of adoption from around the year 2000 onwards. These are issues that are not specifically linked to adoptions to Norway, but which the Committee considers to be an important context for assessing whether the adoption cooperation with Ethiopia was justifiable. The information is based on media reports, research reports, other countries’ investigation reports and information gathered during the Committee’s country visit in January/February 2025. In particular, indications of problematic issues relating to financial transactions, informed consent and irregular practices regarding the release of children will be highlighted here.

¹¹⁰⁰ Interview with the former head of SUAK on 27 June 2024.

¹¹⁰¹ Steenrod Shelley A. The Legacy of Exploitation in Intercountry Adoptions from Ethiopia: ‘We Were under the Impression That Her Birth Parents Had Died’ in: *Adoption Quarterly*, 2021 and The Adoption Authority of Ireland, *Intercountry Adoption in Ireland: Experiences, Supports, Challenges. Country Briefings Ethiopia*, p. 9.

¹¹⁰² The Adoption Authority of Ireland, *Intercountry Adoption in Ireland: Experiences, Supports, Challenges. Country Briefings: Ethiopia*, p. 9.

¹¹⁰³ SOU 2025:61, vol. 2, p. 317. See also Ethiopian Business Review, ‘What Now? The fate of Ethiopia’s vulnerable children after the ban on intercountry adoption’, 16 March to 15 April 2018. However, the figures for intermediaries vary somewhat across different sources.

¹¹⁰⁴ The information in this section was gathered during the Committee’s country visit in January/February 2025.

From the late 1990s, and particularly in the second half of the 2000s, there was a sharp rise in the number of international adoptions from Ethiopia. According to some sources, the number of children adopted abroad increased by more than 500 per cent over a seven-year period from 2003 to 2010.¹¹⁰⁵ Ethiopian legislation initially made it relatively easy to set up as an adoption agency. Throughout the 2000s, the authorities took several measures to improve oversight of the agencies, including introducing a requirement for adoption organisations to be registered as non-profit organisations. From 2000 to 2010, however, there was a sharp increase in the number of foreign adoption agencies in the country, and by 2010 there were over 70 such organisations. The number of US adoption agencies alone rose from one in 2000 to 22 in 2010.¹¹⁰⁶ Following a legislative amendment in 2000, it was in practice the local children's homes and organisations that were responsible for referring children to the foreign organisations, which then took on much of the responsibility themselves for matching the child with prospective parents, obtaining the necessary documents and bringing the case before the court. Adoption agencies were therefore dependent on a good network of contacts amongst local stakeholders in order to have children allocated for adoption through their organisation. Many local stakeholders used this decision-making authority as a means of raising funds for children's homes and other projects, and throughout the 2000s it appears to have been standard practice to demand financial support in order to enter into cooperation with foreign agencies.¹¹⁰⁷ This could take the form of high fees per child, large one-off donations, or fixed monthly payments. In order to maintain the cooperation and the financial support, the children's homes, for their part, became dependent on having a steady stream of children who could be released for adoption.

In 2017, the researcher Daniel Hailu published an article based on interviews with 54 informants with 'first-hand knowledge of and experience regarding various issues related to institutional care in and intercountry adoption from Ethiopia', conducted between 2009 and 2012.¹¹⁰⁸ In it, he recounts the informants' experiences and knowledge of a number of irregularities relating to the release, placement and adoption of children. These circumstances are largely linked to problematic structures and incentives arising from the collaboration between local actors and foreign adoption agencies.

Although the material on which the article is based was collected over a limited period around 2010, the committee assumes that the practices described had developed over time and also continued thereafter. In 2019, Elvira C. Loibl submitted a doctoral thesis in criminology, in which she describes, amongst other things, cases where various types of irregularities have been uncovered in adoptions from Ethiopia from 2004 onwards.¹¹⁰⁹

Both Hailu and Loibl describe how dedicated 'agents' were paid to find children who could be released for adoption. This could involve locating orphaned children, but also engaging with disadvantaged parents about the 'opportunities' offered by adoption. At the local level – where key stages in the release process took place – there were, according to Hailu, often networks of social workers, police and other public officials who helped to fabricate stories and issue documents (on false pretences), so that the child was made 'adoptable'.

It is described how, in some cases, agents persuaded parents to give up their children, for example by appealing to their desire to give the child a good future. There were also instances where agents made false promises, such as that the parents would be able to maintain contact with the child, or that the child would

¹¹⁰⁵ Peter Selman, 'The Global Decline of Intercountry Adoption: What Lies Ahead?' in *Social Policy and Society*, Cambridge University Press 2012, pp. 381–397, p. 387.

¹¹⁰⁶ Ethiopian Business Review, 'What Now? The Fate of Ethiopia's Vulnerable Children After the Ban on Inter-country Adoption', 16 March to 15 April 2018.

¹¹⁰⁷ See section 15.7.4.

¹¹⁰⁸ Daniel Hailu (2017). 'Children for Families: An Ethnography of Illegal Intercountry Adoption from Ethiopia', **Adoption Quarterly**, 20:3, 201–221.

¹¹⁰⁹ Elvira Carolin Loibl, *The Transnational Illegal Adoption Market*, Maastricht University 2019, p. 231 ff.

return to Ethiopia after completing their schooling, or reference was made to stories of birth families who had received financial support from the adoptive family.¹¹¹⁰

When the child's background was known, the rule was that three witnesses had to appear in court and confirm the child's need for placement in care. Hailu points out that this did not, in reality, ensure the accuracy of the facts in the case, because culturally it would be seen as the duty of family and neighbours to support one another's accounts, regardless of whether they were true. During the Committee's field visit, a birth mother also told the Committee that her aunt had persuaded two other witnesses to corroborate false information in such a release process, before her child was (presumably) adopted to Norway.¹¹¹¹

In addition, Hailu describes what is known as '*staged abandonment*'. This involved the children's carers making an agreement on where and when a child was to be abandoned, with a person who would 'find' the child. The arrangement could also specify which police officer the discovery of the child should be reported to: the police officer assigned to such cases decided for themselves where the child should be placed in temporary care, and in this way it was possible for the agents organising a '*staged abandonment*' to ensure that the child ended up in the 'right' children's home. Although at least some of the parties involved were aware of the parents' identity, the child was registered as abandoned and of unknown background. This could simplify the release process, particularly in cases where both parents were alive and Ethiopian regulations required valid grounds for relinquishing custody.

The Committee also heard about various forms and consequences of *staged abandonment* during its field visit in January/February 2025. Several sources independently confirmed at that time that this practice was well known within the adoption community. Although Ethiopian legislation allows parents to consent to adoption, the conditions – as will be explained in more detail in section 15.4 – for relinquishing parental responsibility have varied over different periods, and the procedure for doing so required a considerable amount of effort on the part of the parents. The regulations – and how they have been interpreted – have led some parents to refrain from contacting the authorities directly, instead leaving their children, for example, in a public place, at or near an institution, or with private individuals. Since it has been, and/or has been perceived as, a criminal offence to leave one's child in ways other than through the regulated procedures, parents have had little opportunity to change their minds or attempt to regain custody of their children afterwards without fear of criminal liability.¹¹¹² In some cases, private individuals and adoption practitioners may have provided incorrect or incomplete information about the child's background, partly in order to protect the parents.

In interviews conducted during the Committee's field visit to Ethiopia, it emerged that several adoption practitioners – including a number of lawyers – viewed the Western adoption model of 'strong adoption' as problematic. Many families have not understood that all ties to the family are severed in an international adoption. Information that the adoptees *could* make contact once they had turned 18 has, in several cases, been interpreted to mean that they would do so, and that they would return to Ethiopia. Two lawyers with extensive experience in adoption referred to Ethiopian legal provisions stating that family ties are not severed by

¹¹¹⁰ It is mentioned, amongst other things, that families had turned up at children's homes to provide their bank account numbers, believing that this information would be passed on to the adoptive family. Excerpts illustrating how such a dialogue between parents and adoption agencies might unfold can also be found in the 2012 Danish documentary film **The Price of Adoption**, directed by Katrine Riis Kjær. The film sparked considerable debate when it was screened in Denmark.

¹¹¹¹ In this case, an unmarried mother had entrusted her newborn child to an aunt. The aunt was working and was therefore unable to look after the baby herself. She therefore decided to place the child in a children's home, but gave a different story and a different name for the mother. The aunt got two other people to corroborate the story. The mother knew that the child had been placed in a children's home, but not that it was to be adopted. The child's mother and father eventually married, and after several years they contacted the children's home. They were then informed that the child had been adopted to Norway. The Committee has not been able to confirm whether it is true that the child came to Norway.

¹¹¹² During the Committee's field visit, we were informed that there are instances where parents visit the state-run children's home Ke-bebe Tsehay wishing to see or collect their children. The staff are then obliged to turn them away; if the authorities discover the identity of the parents who have abandoned their child, they risk several years' imprisonment.

adoption, and considered it problematic that the receiving countries did not respect this. Loibl similarly refers to a study carried out by the organisation *Against Child Trafficking*, and writes:

As it turned out, the relinquishing parents did not often understand the Western concept of adoption, which implied a permanent end to the parent-child relationship. Many were promised updates about their children and expected them to return home once they had finished school.¹¹¹³

A birth mother interviewed during the committee's field visit said that she knew of several families who had given their children up for adoption. In her view, those who did not regain contact with their children regretted the adoption. Those who had been reunited – like herself – were more positive. A director at the Child Welfare Services told the Committee during the same visit that one of the main reasons for the suspension in 2018 was that birth parents were unable to make contact with their children after the adoption and had lodged complaints with the authorities.

The provision in the Ethiopian Adoption Act stating that ties were not severed in the case of international adoption (see section 15.4) was raised by the Norwegian adoption authorities with the Ethiopian authorities during a monitoring visit in 2003. The representative from the ministry explained at the time that this rarely came up, because as many as 95 per cent of the children adopted abroad had unknown origins.¹¹¹⁴ He also gave assurances that no specific information would ever be provided to the biological family about the child, who the adoptive parents were, where they lived, and so on. Norwegian adoption authorities are not reported to have asked any further follow-up questions on this matter.¹¹¹⁵

Another publicly known indication of problematic practices in the adoption process is that the woman who was director of the state-run children's home in Addis Ababa, Kebebe Tsehay, between 2010 and 2016, was suspected of corruption and child trafficking. The Committee was informed during its country visit that the director fled to Kenya when she became aware of the allegations. Before she left, she is said to have burnt documents from the children's home.

15.4 The adoption procedure and legal framework

Adoption in Ethiopia has been regulated by law since 1960 (under *the Civil Code*), and subsequently revised in 2000 (*Revised Family Code*). In addition to these laws, various directives and guidelines have been significant. Several reorganisation processes within the adoption authorities and the courts have also influenced the procedures and requirements of the adoption process. Ethiopia ratified the UN Convention on the Rights of the Child in 1991, but is not a party to the 1993 Hague Convention. In 2002, Ethiopia also ratified the African Charter on the Rights and Welfare of the Child.¹¹¹⁶

The Committee has limited resources to investigate the legislation and legal developments of other countries, and therefore reserves the right to make corrections for any inaccuracies (see the methodology chapter, section 3.3). The following section will outline the general legal developments in the field of adoption in Ethiopia. This analysis is based on laws, directives, guidelines and practices which the Committee has found to be discussed and reproduced in various sources from Adopsjonsforum, Norwegian authorities and in reviews from other countries.

¹¹¹³ Loibl 2019, p. 232.

¹¹¹⁴ However, this ratio does not appear to correspond to the actual situation, at least not in the case of children adopted to Norway; see Figure 1.2, which shows that up to 50 per cent of the children had known biological parents. A later newspaper article from 2012 refers to a report which found that 80 per cent of the children adopted from Africa at that time had living biological parents, *Vårt Land*, 'Popular to adopt African children', 27 August 2012.

¹¹¹⁵ BUFA. Report from an information and monitoring visit to Ethiopia, 19–27 September 2003

¹¹¹⁶ https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf

When the first adoptions to Norway were arranged in 1991, this was primarily based on the Civil Code of 1960. The law did not distinguish between domestic and international adoptions. At a fundamental level, adoption was to be permitted only if there were ‘good reasons’ for it, and the adoption ‘offers advantages for the adopted child’.¹¹¹⁷ For the adoption of children under the age of 15, an adoption contract was to be entered into between the adoptive parents and the child’s guardian, which had to be approved by a court.¹¹¹⁸ The Act also laid down certain requirements for adoptive parents.¹¹¹⁹

Under the 1960 Act, the child’s biological parents had to consent to the adoption if they were alive and known.¹¹²⁰ If one or both parents were deceased, their next of kin or a family council could consent to the adoption in their place.¹¹²¹

After adoptions were once again permitted following the suspension around 1980, MOLSA adopted new ‘[d]irectives for the adoption of Ethiopian children’.¹¹²² An important administrative change resulting from the directive was the establishment of an ‘Adoption Committee’ within the Ministry of Labour and Social Affairs (MOLSA), comprising five members and a secretariat. The committee was tasked with overseeing the adoption sector, as well as proposing changes to address any problems that might arise. It was also given a mandate to draw up ‘internal rules’. In individual adoption cases, the committee was responsible for assessing and approving each adoption application. Among other things, they were to verify that the prospective adoptive parents had submitted the required documents – before the committee’s secretariat presented the case to the court. In the individual cases reviewed by the committee from the 1990s, a representative of the authorities had also signed the adoption contract entered into with the adoptive parents. It was the court that decided the adoption case, but it did not examine the social welfare aspects of the case; it merely assessed whether the legal conditions had been met.¹¹²³

Another key condition introduced following the reopening of the system in the 1980s was that international adoption could only take place in cases where the child’s parents were deceased or missing. Such a condition is described in documents from both the Norwegian Adoption Forum and the Swedish Adoptionscentrum, as well as in the report from the Norwegian adoption authorities’ (the State Adoption Office) inspection visit in 1995.¹¹²⁴ The Committee has found no reference to any written legal source regulating this. It is nevertheless assumed that, in practice, there was a requirement for genuine orphanhood when the Adoption Forum began its placement activities in 1991.¹¹²⁵ This condition is described in more detail in the report from the 1995 inspection visit, which states that the child had to be declared an orphan or abandoned by a local court before being made available for adoption. If the parents were deceased, the local authorities were to attempt to contact the child’s relatives with a view to them possibly taking the child into care. Before a child could be declared abandoned – even where it had been found alone – the mission report stated that advertisements were to be placed in the capital’s newspapers, setting a deadline for...

¹¹¹⁷ Civil Code 1960, Article 805.

¹¹¹⁸ Civil Code 1960, Articles 802 and 804.

¹¹¹⁹ For example, that they were of legal age, that a married person could not adopt a child alone, and that only spouses could adopt a child jointly. Civil Code 1960, Articles 797, 798 and 189.

¹¹²⁰ Civil Code 1960, Article 803(1).

¹¹²¹ Civil Code, Article 803, paragraphs 2 and 3. It should also be noted that it was permitted to adopt an unborn child, but the mother had the right to unilaterally revoke the adoption until the child was three months old, cf. Article 799. This limit was extended to six months in 2000, cf. Article 187 of the Revised Family Code.

¹¹²² The Committee has only seen an undated version of the document, but bases its findings on the year stated in SOU 2025: 61.

¹¹²³ Including AF. Application for a broadcasting licence 2000 (undated; received on 24 August).

¹¹²⁴ See, inter alia, SAK. Report from the monitoring and fact-finding mission 1995 and SOU 2025: 61, p. 323.

¹¹²⁵ It should be noted that during the Committee’s field visits, some of the stakeholders we spoke to – referring to the Civil Code of 1960 – claimed that parents had always been able to consent to the international adoption of their children. It is nevertheless assumed that this may be due to a misunderstanding. One possible reason is that – as the Committee understands it – there have been somewhat differing practices for domestic and international adoption.

elders or other carers to come forward. The police were also involved and interviewed the parties concerned.

All international adoptions were carried out in Addis Ababa. Children in the districts eligible for international adoption were therefore, as a rule, transferred to a public or private children's home in the capital after the local court had declared them abandoned.¹¹²⁶

Following Ethiopia's ratification of the UN Convention on the Rights of the Child, some clarifications and supplementary rules were introduced in 1991 to the 1982 directive, though this did not lead to any significant changes.

Certain reorganisations in the 1990s had an impact on the adoption process. In February 1995, responsibility for processing individual cases was transferred from the Ministry (MOLSA) to a newly established subordinate body, the Children and Youth Affairs Organisation (CYAO).¹¹²⁷ Adoption Forum's 1996 application for a placement licence also describes a restructuring/merger of the courts in Addis Ababa, which led to longer processing times for individual cases.¹¹²⁸

Previous rules on adoption were largely retained in the Revised Family Code of 2000, but with some significant changes. Firstly, children's homes were granted greater authority, in that they 'may give any child under their custody to adopters'.¹¹²⁹ In individual cases after 2000, it was therefore the children's homes themselves – usually private ones – that signed the adoption contract and appeared as a party in court, rather than representatives of the adoption authority as had previously been the case. The adoption authorities were nevertheless to be presented with each individual case, and their 'opinion' was to accompany the case. In practice, therefore, every adoption still had to be approved by the Ethiopian adoption authorities.¹¹³⁰

The second major change to the procedure was that the court was given a more active role. Whereas court proceedings had previously largely consisted of verifying that the necessary documents and conditions for adoption were in place, the new law provided for the courts to carry out a more independent assessment. Among other things, the courts could require further investigations if they found the case to be insufficiently substantiated. It was also enshrined in law that the courts could disregard the authorities' 'opinion' and refuse the adoption if they considered that this would not be in the child's best interests.¹¹³¹

In the wake of the legislative amendment in 2000, MOLSA adopted both new guidelines (2001) and a new directive (2002) relating to the field of adoption.¹¹³² With regard to the placement of children for international adoption, section 2.3.3 of the guidelines introduced an exception to the rule that the parents had to be deceased or missing; children could also be placed for international adoption if a public authority determined that the parents had a terminal illness or were mentally ill.¹¹³³ In practice, there appears to have been a gradual relaxation of these requirements throughout the 2000s, in the sense that birth parents could more easily place their children for adoption if they were unable to

¹¹²⁶ However, throughout the 2000s, it appears that more funding was generated if the child remained in care, and some children's homes therefore insisted on this; see section 15.7.4.

¹¹²⁷ The name of this body and the ministry to which it reports have changed, but this does not appear to have had any significant impact on practice.

¹¹²⁸ AF. Application for a placement licence, 5 November 1996.

¹¹²⁹ Revised Family Code 2000, Article 192.

¹¹³⁰ In addition to the aforementioned amendments, adjustments were made to the requirements for consent; for example, a mother could withdraw her consent to the adoption of an unborn child up to six months after the birth. It was also clarified that the court could grant consent to adoption where the child had no relatives.

¹¹³¹ Articles 193 and 194 of the Revised Family Code.

¹¹³² CYFAD, *National Guidelines on Child Support, Alternative Approaches*, 2001; MOLSA Adoption Service Procedure Directives 2002.

¹¹³³ BUFA. Report from the fact-finding and monitoring mission to Ethiopia, 19–27 September 2003, p. 7. It is also specified here that 'Under Ethiopian law, parents cannot, in principle, voluntarily consent to or give up their child for adoption'.

or wish to care for them, for example due to financial difficulties.¹¹³⁴ The Swedish investigation report contains information indicating that, from around 2005, parents were permitted to hand children over directly to the police.¹¹³⁵

The 2002 directive also regulates the accreditation of adoption agencies and children's homes, which fell under the remit of MOLSA/MOWA until 2010, and subsequently under the Ministry of Federal Affairs, Charity and Societies Agency (CSA).¹¹³⁶

In 2008, a new directive was issued by MOWA, which had by then taken over responsibility for adoption, and new guidelines followed in 2009. The 2008 directive removed the previous restriction on which children could be adopted abroad, and accepted that parents could consent to adoption if the relevant authority confirmed 'that situations do not allow the child to be brought up in the family and that the child cannot be supported by the alternative child care programmes'.¹¹³⁷ Furthermore, the adoption case was heard in two rounds at the court in Addis Ababa. In the first round, the issue of relinquishment was considered, and the birth parents – or the persons who had relinquished the child – were required to appear in person and confirm that they stood by their decision to relinquish custody. If the child had been abandoned, documents and reports from local/regional authorities were reviewed. In the second round of proceedings, the adoptive parents had to appear in person and confirm their wish to adopt, and the final decision on this was made.¹¹³⁸

In the same directive, the previous *expectation* that international adoption agencies would support development aid projects was made a *prerequisite* for continuing their operations.¹¹³⁹

From 2011, the Ethiopian authorities began taking measures to reduce the number of adoptions. Among other things, they limited the number of adoption cases that could be heard in court each day. These restrictions were introduced in response to an increasing number of reports of irregularities in adoptions from the country. A court procedure involving two hearings was also introduced, with the first hearing addressing the child's situation and release for adoption, and the second focusing on the adoptive parents' suitability and willingness to adopt the child. In 2013 and 2014, the authorities also introduced stricter documentation requirements, including to document the child's background and the lack of alternative care within the country.¹¹⁴⁰

In 2013, an American couple were imprisoned for causing the death of their adopted daughter and for abusing their adopted son. This provoked strong reactions in Ethiopia and sparked a debate on international adoption. The number of international adoptions from Ethiopia is reported to have fallen by 90 per cent that year. The Ethiopian legislature argued that Ethiopian children should grow up in their home country, with their own language and culture. Rights groups, for their part, believed that the country's adoption system posed a risk of exploitation and human trafficking.¹¹⁴¹ On 9 January 2018, an amendment was made to the Ethiopian

¹¹³⁴ Several such cases are highlighted in the Committee's review of individual cases from 2003 onwards; see further section 15.7.4.3.

¹¹³⁵ SOU 2025: 61, vol. 2, p. 326.

¹¹³⁶ SOU 2025: 61, vol. 2, p. 321.

¹¹³⁷ *Internal Directive on Procedures for the Provision of Transnational Adoption Services 2008*, section 6.3.4.

¹¹³⁸ Description from AF's application for a placement licence dated 30 September 2011.

¹¹³⁹ *Internal Directive on Procedures for the Provision of Transnational Adoption Services*, section 6.4.3. See also SOU 2025: 61, vol. 2, p. 327. It should be noted that Adopsjonsforum had previously faced some demands for assistance in order to be approved by the Ethiopian authorities; see, for example, internal correspondence from 2006. Adopsjonsforum contributed to various projects in Ethiopia, but the committee has only examined the sibling project in detail; see section 15.7.6.

¹¹⁴⁰ SOU 2025: 61, vol. 2, pp. 328–329.

¹¹⁴¹ Casey Quackenbush, 'Ethiopia Bans Foreign Adoptions Amid Concerns over Abuse'. In *TIME Magazine*, 11 January 2018.

the Ethiopian parliament, which terminated the scheme for international adoptions from Ethiopia.¹¹⁴² Since then, only Ethiopian citizens residing abroad have been permitted to adopt children from the country.¹¹⁴³

15.5 Investigations in other receiving countries

Ethiopia has been the subject of several other investigations in receiving countries.

The Netherlands has adopted 1,091 children from Ethiopia. In the Dutch review in 2021, the country was not examined in depth, but a screening was carried out. In its categorisation of *abuses*, the Dutch review committee for Ethiopia has marked '*Document forgery*', '*Maladministration*', '*Fraud and corruption*' and '*Concealment of status*' as '*Structurally identified*', whilst '*Missing personal data/documents*' is marked as '*Occasionally identified*'. The report does not specify the basis for these conclusions.¹¹⁴⁴

In Flanders (Belgium), news reports relating to adoptions from Ethiopia were, amongst other things, a catalyst for their investigations into adoption practices.¹¹⁴⁵ Between 1981 and 2019, 1,534 children were adopted from Ethiopia to Belgium, and Ethiopia was the largest country of origin for adoptions to Belgium in the decade 2010–2019. The historical and social section of the study primarily refers to findings from research and cases uncovered by the media. Among other things, it refers to document forgery, a lack of oversight of transactions, and unethical practices regarding the placement of children for adoption.¹¹⁴⁶

The French literature review and bibliography also mention several major international media stories concerning Ethiopia.¹¹⁴⁷

The Swedish investigation report from 2025 highlights several criticisable aspects of adoptions from Ethiopia.¹¹⁴⁸ First, the main findings from various articles and research reports, amongst other sources, are summarised. With regard to Swedish adoption practices more specifically, the focus is on adoptions in the 1970s, and in particular independent/private adoptions – which accounted for a significant proportion of adoptions to Sweden. One point of criticism highlighted is that many children arrived in Sweden as foster children, and that it could take several years before their adoption case was finalised. Furthermore, an Ethiopian man who had assisted in a number of adoptions to Sweden, both private and through the Swedish agency Adoptionscentrum, was arrested and imprisoned in 1977, suspected, amongst other things, of financial crime in connection with the adoption activities.¹¹⁴⁹ The Commission further considers that the way the work was organised entailed several risks of 'irregularities'. Among other things, several children placed for adoption are said to have had living parents, yet there is a lack of documented consent in the case files.¹¹⁵⁰ It is also noted that many birth parents did not understand what adoption entailed.¹¹⁵¹ The information provided about the children in the adoption cases is extremely incomplete and, amongst other things, lacks

¹¹⁴² Amendment to the Revised Family Code of 9 January 2018, in force from 14 February 2018.

¹¹⁴³ Confirmed by sources with expertise in adoption whom the committee interviewed during its field visit to Ethiopia.

¹¹⁴⁴ *Report. Commission of Inquiry into Intercountry Adoption* (2021), paragraph 11.1.

¹¹⁴⁵ *Expert Panel on Intercountry Adoption: Final Report* (2021), paragraph 1.1.

¹¹⁴⁶ *Interim report of the historical and social sciences working group: Expert Panel on Intercountry Adoption* (2021).

¹¹⁴⁷ Among others, The Atlantic, '*How Ethiopia's adoption industry dupes families and bullies activists*' (21 Dec 2011), vol. 2. CBS Evening News, '*U.S. Adoption Agency Involved in Child Trafficking*' (15 Feb 2011)

¹¹⁴⁸ Based, amongst other things, on available research. The Inquiry Committee notes that we shared some of our findings with the Swedish Adoption Commission following the country visit in January/February 2025.

¹¹⁴⁹ SOU 2025: 61, vol. 2, pp. 344 ff.

¹¹⁵⁰ SOU 2025: 61 vol. 2, pp. 357, 361, 365.

¹¹⁵¹ SOU 2025: 61 vol. 2, p. 362.

There are no detailed descriptions of the measures taken with a view to possible national placement.¹¹⁵² The information contained in the documents is also unreliable, and several errors were uncovered, particularly in adoption cases from the 1970s.¹¹⁵³

The Adoption Commission also highlights that it was problematic that Adoptionscentrum had to provide aid to local projects in order to obtain permission from the Ethiopian authorities to facilitate adoptions. Although aid and adoption work were separate activities in Ethiopia, it is emphasised that this practice could entail a risk of children being placed for adoption on the wrong grounds.¹¹⁵⁴ The Adoption Commission notes that the Swedish authorities continued to authorise adoptions from Ethiopia until 2015, despite there being several indications of irregularities.¹¹⁵⁵

15.6 Overview of the Committee's country reviews

The Inquiry Committee's investigations into adoption placements from Ethiopia have followed the template for country studies, as outlined in section 3.6.3. General country information from various sources has been obtained. Investigations carried out by other receiving countries and information from ISS have been reviewed, and literature and media searches relating to adoptions from the country have been conducted. Adoption licences and applications for adoption from the country have been reviewed, along with documentation and correspondence relating to these. Archive searches have been carried out at the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) and the Ministry of Children and Families, the National Archives and the Ministry of Foreign Affairs. The Committee has had access to Adopsjonsforum's physical archives and digital shared resources. The Committee has examined the flow of information between Adopsjonsforum's local staff in Ethiopia and its head office in Oslo.

As part of its investigations, the Committee has held several meetings and conducted interviews concerning adoptions from Ethiopia. Adopsjonsforum has provided an account of its country-specific cooperation at a Committee meeting. The organisation UTAD has also presented its views relating to the country at a Committee meeting. Adoptions from Ethiopia have also been discussed at meetings with the secretariat of the Swedish Inquiry Commission, where, amongst other things, experiences and information relating to the country reviews were exchanged. Adoptions from Ethiopia have been the subject of interviews with staff at the adoption authorities (SAK/SUAK/Bufdir) and the Ministry of Children and Families.

Interviews have been conducted with adoptive parents (5), staff at Adopsjonsforum who have worked with the country (3), and chairpersons during the placement period (2). The Committee has not received any individual enquiries or reported cases from people adopted from Ethiopia. Nevertheless, the Committee has spoken to and received input from adoptees (4) from the country through UTAD and through conversations with minors and young adoptees. The Committee contacted the Facebook administrators of the Ethiopia Club in the spring of 2024, who shared a post on Facebook encouraging people to contact the Committee. A number of adoptive parents came forward following this, and the Committee interviewed several of them. In one of the case clusters, the Committee interviewed the adoptive mother, the adopted child and the birth family.

The Committee has reviewed just over 150 individual cases in Bufdir's archive.¹¹⁵⁶ The selection of individual cases has been strategic and flexible; see section 3.6.5. See also section 15.7.4 for further information on the review of individual cases and the assessments relating to it.

¹¹⁵² SOU 2025: 61, vol. 2, pp. 367 and 370.

¹¹⁵³ SOU 2025: 61, vol. 2, pp. 371 ff.

¹¹⁵⁴ SOU 2025: 61 vol. 2, p. 383. The work was separate in Ethiopia, but the aid funds were included as a fixed cost in the adoption fees paid by prospective adoptive parents.

¹¹⁵⁵ SOU 2025: 61 vol. 2, p. 389 ff.

¹¹⁵⁶ The relatively high number of individual cases is due to the fact that Ethiopia was one of the first countries to be investigated. There is some variation in the amount of documentation available for each individual case, and in which of these the committee has examined. In

From 28 January to 2 February 2025, a delegation from the Committee and the Secretariat was in Ethiopia to carry out visits, meetings and interviews with various stakeholders:¹¹⁵⁷

- the Norwegian Embassy in Addis Ababa
- Former employees of Adoption Forum Ethiopia:
 - Foreign liaison officer in Ethiopia (2004–2015). The person in question was previously employed by MOLSA (in the 1980s and 1990s) and was asked about both roles
 - the manager of the Debab transit home
 - the accounts clerk at the Debab transit home
 - two drivers (Amba/Debab)
 - childcare worker (Amba/Debab)
- two lawyers with extensive experience in adoption
- director of child welfare services
- the state-run children's home Kebebe Tsehay
- the organisation Shamida Ethiopia
- two birth mothers, a father and a sister.

15.7 Adoption arrangements from Ethiopia to Norway

15.7.1 Introduction

In June 1990, both Verdens Barn and Adopsjonsforum applied for permission to arrange adoptions of children from Ethiopia.¹¹⁵⁸ The Ministry approved both applications and granted each of the organisations permission to carry out five pilot cases.¹¹⁵⁹ In January 1994, however, Verdens Barn informed the Ministry that they had not succeeded in establishing a foreign contact and that they had put their adoption cooperation with Ethiopia on hold.¹¹⁶⁰ They therefore requested that the placement licence for Ethiopia be revoked, which the Ministry granted.¹¹⁶¹

Consequently, it is only Adopsjonsforum that has, in practice, facilitated adoptions from Ethiopia to Norway, and it is their work that will be described below. Norwegian adoption authorities undertook monitoring visits to Ethiopia in 1995 (SAK) and 2003 (BUFA). Bufdir was also represented at an adoption conference in Addis Ababa in 2012.¹¹⁶²

The subsequent account of the adoption cooperation follows a structure that is partly chronological and partly thematic, and is divided into three main sections. The first section (sections 15.7.2 and 15.7.3) concerns the establishment of the work and the cooperation with Adopsjonsforum's first foreign contact, which lasted from 1991 to 2004. This foreign contact was also the director of *the transit children's home Children's Amba* (see

the majority of cases, it is the court decision on adoption (1–2 pages) and the 'Child report' (2–3 pages) that have been systematically reviewed.

¹¹⁵⁷ The delegation consisted of Camilla Bernt (committee chair), Rudolf Christoffersen (committee member), Vilde Fastvold Thor-bjørnsen (secretariat member) and Siri Elisabeth Bernssen (secretariat member).

¹¹⁵⁸ VB in application dated 7 June and AF in application dated 22 June 1990.

¹¹⁵⁹ Letter from FFD to VB and AF dated 5 July 1990.

¹¹⁶⁰ Letter from VB to BFD dated 21 January 1994.

¹¹⁶¹ Letter from the BFD to the VB dated 27 January 1994.

¹¹⁶² Fifth International Policy Conference on African Child (IPC) Intercountry Adoption: Alternatives and Controversies, 29–30 May 2012. The conference programme is held in the Bufdir archives, case 2012/50719.

(see below for further details), where most of the children who were matched with Norwegian adoptive parents during this period remained until the adoption was finalised. In this section, the committee focuses in particular on the financial aspects of the cooperation with the foreign contact agency.

The second section (sections 15.7.4 and 15.7.5) deals with developments in adoption work during the 2000s and the reorganisation of Adopsjonsforum's work in Ethiopia in 2004, when they changed their foreign contact organisation and established their own transit children's home (*Gooble*) *Debab*. Here, particular focus will be placed on Adoption Forum and the work of its locally employed staff to secure the placement and release of children for adoption, including by entering into financial cooperation agreements with local organisations.

The third section (sections 15.7.6 and 15.7.7) deals with one of Adoption Forum's aid projects in Ethiopia, *the Siblings Project*. This project was launched around 1999 to support orphaned siblings of children adopted to Norway, but gradually developed into a support programme for parents and families as well. The Committee wishes in particular to examine the extent to which the project provided parents and other carers with financial incentives to give up their children for adoption.

15.7.2 Adoption work 1990–2004

15.7.2.1 *The start of organised adoption placement*

Adoption Forum's work to organise adoption placements from Ethiopia began following an international adoption conference in Milan in March 1990. At the conference, representatives from Adoption Forum had come into contact with a deputy director at MOLSA,¹¹⁶³ who, according to Adoption Forum's managing director, 'was very positive about adoption cooperation with Norway through Adoption Forum'.¹¹⁶⁴ In June, Adoption Forum therefore submitted an application to the Ministry requesting permission to carry out a number of pilot cases from the country and stating that they were working to find a foreign contact. Permission for up to five pilot cases was granted in July, subject to Adoption Forum first finding a foreign contact and having this approved by the State Adoption Office.¹¹⁶⁵

Adopsjonsforum faced some challenges in finding a suitable foreign contact.¹¹⁶⁶ Eventually, however, they were put forward a candidate by the same deputy director at MOLSA with whom Adopsjonsforum had been in contact at the conference in Milan the previous year. This was a woman in her late thirties with a bachelor's degree in sociology. She had several years' work experience in various forms of child-related social work and, at that time, held the post of administrator at a French-funded children's home, *Le Toukul*. The application for approval of the contact person stated that she had, amongst other things, experience of adoption work through having assisted several Belgian families with adoptions, but that she would not act as a foreign contact for organisations other than Adopsjonsforum.¹¹⁶⁷

The foreign contact was approved, and the pilot cases were carried out. In May 1992, Adoption Forum sent a report to the Norwegian adoption authorities on the work carried out so far, and applied for a general/or-

¹¹⁶³ The Ethiopian Ministry of Labour and Social Affairs, which at that time was responsible for adoption.

¹¹⁶⁴ Application for a placement licence, 22 June 1990.

¹¹⁶⁵ FFD. Placement licence granted on 5 July 1990.

¹¹⁶⁶ Among other things, they ruled out a candidate proposed by local missionaries because informal enquiries suggested that the person in question would not be approved by the Ethiopian authorities as she had been a member of the political opposition. She also lacked a background in social work, cf. letter from AF to SAK dated 22 January 1991.

¹¹⁶⁷ MOLSA states that, during the period 1974–1985, 107 children were adopted to Belgium, compared with 14 to Norway. See 'Request for assistance to upgrade and standardise the adoption unit in the Ministry of Labour and Social Affairs' (undated, but probably from the second half of the 1980s), p. 12.

temporary placement licence.¹¹⁶⁸ The application process was prepared by the competent authority (the State Adoption Office), which, in forwarding the case to the Ministry, noted that the documents in the pilot cases from Ethiopia had been found to be in order, meaning that the adoptions could be registered in the Adoption Register.¹¹⁶⁹ Adopsjonsforum was granted a general licence to arrange adoptions of children from Ethiopia for two years, during which time it was also asked to submit a new report on its experiences of the work at the end of the period.¹¹⁷⁰ The placement authorisation was subsequently renewed on a number of occasions – for two-year periods up to 2002, and for three-year periods from 2003 until its termination in 2015. Selected sections of the applications and authorisations are highlighted below.

15.7.2.2 *The organisation of the adoption work*

Although, according to the original application, the international liaison officer was only supposed to work for Adopsjonsforum, she continued to assist the Belgian adoption agency Sourires d’Enfants. In the adoption agency application of 1994, Adopsjonsforum states that she was acting as the international liaison officer for both organisations. An internal memo from the Ministry of Children and Families noted that the dual role

‘is not ideal from the point of view of loyalty’,¹¹⁷¹ but the arrangement was nevertheless accepted. Until 2004, these two organisations collaborated on certain projects through the international liaison officer – amongst other things, they ran a joint foster home/transit home – but the collaboration was ‘not close and characterised by openness’.¹¹⁷²

In the early years, children due to be adopted to Norway remained at their original children’s home until their departure. The children could be collected by their adoptive parents or escorted to Norway by one of Adopsjonsforum’s staff members. Once a child had been assigned to Adopsjonsforum, the organisation would normally assume financial responsibility for covering their living expenses until the adoption was finalised.

Allowing the children to remain in the local children’s homes was often expensive, whilst conditions there were poor.¹¹⁷³ Adopsjonsforum therefore worked for some time to recruit local foster families. With the exception of one woman, a travel report states that it was difficult to find suitable families.¹¹⁷⁴ In 1994, Adopsjonsforum therefore joined forces with Sourires d’Enfants to rent a house in Addis, which was to serve as an office for the international liaison officer, whilst also functioning as an extended foster home for children due to be adopted to Norway and Belgium. The international liaison officer was responsible for running the facility, and in return for a monthly fee she took in children awaiting adoption, primarily to Norway and Belgium, but also to other countries.¹¹⁷⁵ The house was referred to as *Yeligosh Amba* or *Children’s Amba*, both of which mean ‘children’s home’. In Adopsjonsforum’s correspondence and documents, the name is often abbreviated to simply ‘*Amba*’, which is therefore also the case hereinafter.¹¹⁷⁶

Gradually, more and more children came to live at Amba, and in practice it became a *temporary home* for children awaiting adoption until the process was completed. As we shall return to in section 15.7.4.3, however, the children were often transferred to the home before they had been matched with specific parents, so that the transfer effectively constituted a pre-allocation to the organisations. The transfer of the children meant

¹¹⁶⁸ Statement/application for a placement licence, 19 May 1992.

¹¹⁶⁹ Apart from a comment that the documents were in both Amharic and English and had been translated by a state-authorised translator, the meaning of ‘in proper order’ was not elaborated upon.

¹¹⁷⁰ BFD. Placement authorisation, 10 August 1992.

¹¹⁷¹ BFD. Internal memo dated 20 December 1994.

¹¹⁷² Written reply to questions from Adopsjonsforum’s former country representative, 5 January 2025.

¹¹⁷³ AF. Travel report, 31 May–9 June 1993.

¹¹⁷⁴ AF. Travel report, 31 May–9 June 1993.

¹¹⁷⁵ Application for a placement licence, 29 October 1998.

¹¹⁷⁶ E.g. AF. Travel report 14–26 September 1995 (in connection with the SAK inspection visit).

This made medical follow-up easier, whilst freeing up capacity at the local children's homes. Although the intention had been to establish a form of extended foster home, Amba was eventually run as an ordinary children's home, with staff working in shifts. In 1995, they moved into new premises. Following discussions with the authorities, Amba was formally applied for and approved as a children's home by the Ethiopian authorities in 1998, at that time under the name *Adopted Children's Amba*. Adopsjonsforum and the Belgian organisation Sourires d'Enfants were then responsible for its operation, whilst the foreign contact remained as 'manager'. In Adopsjonsforum's internal travel report from 1998 – which describes the approval process – it is noted that '[t]he authorities are very satisfied with this model and would like to see other countries establish similar models'.¹¹⁷⁷

From 1997, the number of adoptions to Norway rose from just over 20 a year to around 40.¹¹⁷⁸ This increase placed a heavy workload on the international liaison officer, and Adopsjonsforum decided to also employ the international liaison officer's younger brother, who was a qualified nurse. He was to relieve the international liaison officer and take over as general manager at Amba.¹¹⁷⁹ As will be seen below, however, this did not go according to plan, and in practice the international liaison officer continued to lead both the transit home and the adoption work.

The increase in the number of adoptions also put pressure on the transit home's capacity, and in 2000 it was decided to relocate the children's home once again.¹¹⁸⁰ This time, Amba was moved to a property owned by the foreign liaison officer and her husband.¹¹⁸¹ At the same time, Adopsjonsforum granted a loan of 15,000 USD to the foreign liaison officer, which she was to use for refurbishment and upgrades to the children's home. The loan was to be repaid through deductions from the rent (see section 15.7.2.4 for further details).

The foreign contact had an extensive network of contacts and an established position within the adoption community, which meant that Adopsjonsforum was allocated many children. Despite the increase in the number of adoption agencies from the late 1990s, Adopsjonsforum (according to their own figures) was the single organisation that facilitated the most adoptions from Ethiopia in 2002.¹¹⁸²

As mentioned in section 15.4, the authorities tightened the requirements for adoption organisations in 2002, including through a requirement for the accreditation of adoption agencies. For a period, Adopsjonsforum faced challenges in obtaining the necessary approval from the Ministry of Justice, primarily due to the overlapping roles of the overseas liaison officer.¹¹⁸³ They were informed that the same person could not act as an overseas liaison officer for more than one intermediary at a time. Nor was it permitted to mix private and public activities, and the foreign liaison officer could not act as the landlord of the transit home whilst representing an adoption organisation.¹¹⁸⁴ A major reorganisation of operations was therefore necessary in order to continue the work.

Adoption Forum set about implementing the necessary restructuring measures. Among other things, the plan was for Adoption Forum to terminate the foreign liaison's brother's contract, and for him to take over as foreign liaison for Sourires d'Enfants, whilst the foreign liaison continued to work for Adoption Forum. However, for reasons to be described in more detail below in sections 15.7.2.3 and 15.7.2.4, it proved difficult

¹¹⁷⁷ AF. Travel report (undated), January 1998.

¹¹⁷⁸ See Figure 1.1.

¹¹⁷⁹ AF. Situation report following the working visit 23 February 2004–3 March 2004.

¹¹⁸⁰ AF. Travel report (undated), January 1998.

¹¹⁸¹ BUFA. Report from an information and monitoring visit to Ethiopia, 19–27 September 2003.

¹¹⁸² AF. Travel report, 20–29 November 2002.

¹¹⁸³ AF. Travel report, 16–23 June 2003.

¹¹⁸⁴ AF. Travel report, 22 February–3 March 2004.

It proved difficult to continue working with the foreign contact, and this ultimately led to Adopsjonsforum terminating its collaboration with her and – following a transitional period – with Amba as well.

15.7.2.3 *Cooperation with the foreign contact*

Contemporary documents and interviews/written correspondence with former employees of Adoption Forum indicate that the Norwegian staff had limited insight into and knowledge of how the foreign contact went about securing children for the organisation, and how the release process took place in practice. It is noted that it was the foreign contact's responsibility to identify 'adoptable' children and to arrange the necessary procedures in Ethiopia. Key figures at Adopsjonsforum have told the committee that they trusted the foreign contact to follow the rules and that they had a high degree of confidence in the work carried out by that person.¹¹⁸⁵

However, the Committee has found descriptions in Adopsjonsforum's internal travel reports of a number of circumstances that make it relevant to question whether Adopsjonsforum actually had a high level of trust in the contact person, whether this trust was, if so, well-founded, and whether the organisation of the work was sound. The Committee will therefore describe some findings relating to this collaboration and provide an assessment of it.

In the early years, the work in Ethiopia is described as positive and stable in placement applications and in internal travel reports.¹¹⁸⁶ The foreign contact is described as reliable, easy to work with, and someone who had good relations with the Ethiopian authorities. Adopsjonsforum's travel reports state that she received very favourable references from the adoption authorities in Ethiopia, and, as mentioned, it was these authorities who had recommended her in the first place.¹¹⁸⁷

With the exception of a few minor irritations – such as the fact that the foreign liaison officer did not attend all appointments and was sometimes difficult to get hold of – both the work and the cooperation during the first half of the 1990s appear to have functioned well. From 1997 onwards, however, there is an increasing amount of criticism of the foreign liaison officer in Adoption Forum's travel reports. This coincided both with an increase in the number of adoptions to Norway and with the reorganisation of the adoption authorities in Ethiopia. Adoption Forum's internal travel reports state that working with the authorities became more difficult, and that the new head of the ministry's adoption department caused problems.¹¹⁸⁸ During the inspection visit to the Norwegian adoption authorities (BUFA) in 2003, Adoption Forum's country liaison reported major cooperation problems and a lack of trust in this head of department, and she linked him to several irregular practices in the Ethiopian adoption process.¹¹⁸⁹

As regards the foreign liaison officer herself, it is firstly mentioned on several occasions in Adoption Forum's travel reports that her commitment to and care for the children in her charge were no longer as satisfactory as they had been. During a visit in 1997, it was noted that she no longer had control over the children living at Amba and could not remember who they all were.¹¹⁹⁰ As mentioned earlier, there were many children and limited space at Amba until they moved in 2000.¹¹⁹¹ However, even after this, the issue was raised

¹¹⁸⁵ Including a written reply from AF's country contact and an interview with the former chairperson/head of the 'Sibling Project'.

¹¹⁸⁶ Including the application for a placement licence dated 28 August 1994.

¹¹⁸⁷ AF. Travel report 16 April – 1 May 1996.

¹¹⁸⁸ Including: AF. Travel reports (undated) January 1998 and March (undated) 1999.

¹¹⁸⁹ BUFA. Report from an information and monitoring mission to Ethiopia, 19–27 September 2003.

¹¹⁹⁰ AF. Travel report (undated), March 1999.

¹¹⁹¹ AF. Travel report (undated), January 1998.

that hygiene conditions at the children's home were poor, and that 'our approaches to the issue are more likely to be taken amiss than to inspire improvements'.¹¹⁹²

Secondly, it is evident that the overseas liaison did not follow guidelines regarding the documentation of the children's background histories:

Otherwise, there is a great deal of sloppiness regarding the children's backgrounds. For the most part, we receive information from our children's home stating that everything is 'unknown', and yet it is not uncommon to find information that could be of great significance to the child later on. It is difficult to get a hearing on this matter [...]. Procedures should be improved in this area, and my impression is that the authorities understand the issue, but that our foreign liaison officer does not regard it as particularly important, or simply finds it a bit too much of a faff to write it all down in the report accompanying the placement. We had some rather heated discussions about this.¹¹⁹³

Thirdly, it is repeatedly stated that the employment of the foreign contact's brother did not work out as expected, and that there were constant conflicts and intrigues between him and the foreign contact. Various representatives from Adopsjonsforum raised this issue and engaged in dialogue with the foreign contact and her brother during their visits, though this does not appear to have led to any resolution. During a trip in 2002, for example, the following is noted:

The cooperation between NN [the foreign contact], who is AF's representative in Ethiopia, and her assistant NN [the foreign contact's brother] is also unsatisfactory. I shall not go into the reasons for this, but it is obvious that it largely concerns position, influence and access to a good income.¹¹⁹⁴

Fourthly, it is evident, both directly and indirectly, from the travel reports that the foreign contact and the Norwegian country contact had several disagreements regarding their views on corruption within the adoption system. As mentioned in section 15.3.2, from the turn of the millennium there was a growing number of adoption agencies in the country, and suspicions arose that some of these were paying to be allocated more children and/or to have cases processed quickly through the system. Adopsjonsforum was also aware of this. An internal travel report from July/August 2000 states, amongst other things, that '[c]orruption affects the working environment and may become a growing problem for those of us who do not wish to be part of the "race"'.¹¹⁹⁵

During the same working visit, the challenges associated with rising corruption were also raised with the foreign contact:

Corruption is a major and rapidly growing problem at all levels of the state apparatus and also in the regions of Ethiopia.

NN [the foreign contact] asked us to understand this, as wages are so low!!

I'm afraid we're going to face greater pressure in the future, and have therefore spent a lot of time talking to NN [the foreign contact] and NN [the foreign contact's brother] about these matters. They are well informed about our stance.¹¹⁹⁶

Adopsjonsforum thus appears to have been aware of the issue and, in this context, clearly expressed its position on the matter to its local staff. The following year, however, disagreements arose once again, this time relating, amongst other things, to whether Adopsjonsforum could and should invite a named judge to visit Norway. The travel report states:

¹¹⁹² AF. Travel report (undated) July/August 2000.

¹¹⁹³ AF. Travel report (undated) September 1998.

¹¹⁹⁴ AF. Travel Report 15–28 February 2002. ¹¹⁹⁵

AF. Travel Report (undated) July/August 2000. ¹¹⁹⁶

AF. Travel Report (undated) July/August 2000.

The courts:

In Ethiopia, one can choose which judge or court to use, even though, based on one's address 'parishes' are assigned to specific court districts. Our contact has consequently found a judge who is willing to cooperate on 'her' terms, albeit with certain conditions.

According to our contact, he has long been asking to be invited to Norway. This, according to the contact, is important for continued good cooperation. It was therefore decided, on the recommendation of the contact, that the invitation should be delivered to the judge during my trip to Ethiopia. In my view, this was a poor

'move' and led to some disagreements between myself and the contact. A rule within MOLSA (Ministry of Labour and Social Affairs) is that we cannot invite named individuals, but must only issue open invitations. The contact wished to disregard this because she had promised the judge an invitation.

MOLSA:

A number of 'complications' arose, not least dissatisfaction from the adoption section at MOLSA when the invitation was presented to them, and the contact informed us that AF intended to invite a named judge. This led the contact to hold off on sending the invitation for a while. We were asked by MOLSA to draw up a new invitation without a name, whilst the contact did not want us to do so. She believed she would be able to sort things out and that the judge must be allowed to travel. She therefore wanted to address this after I had returned to Norway, without my involvement*. Much remains unclear to me, and I find it difficult to obtain accurate information. There is a lot of 'beating about the bush', and it is not considered acceptable to ask direct questions. However, I do not feel comfortable with the way the case has developed and the manner in which it has been handled.

During my stay, it was important to make it clear to both my contact and the authorities that Adoption Forum cannot, under any circumstances, buy 'goodwill' with children's homes, as the American organisation has done.

*In the time since this trip, we have been instructed to send an open invitation to MOLSA. They have decided that two people who do not work with adoptions are to be allowed to travel. The purpose of the trip is to check that children adopted into Norwegian families are doing well and are being well looked after.¹¹⁹⁷

In connection with the reorganisation of the work in 2004, a 'status report' provides further information on the foreign liaison officer.¹¹⁹⁸ This concerns, amongst other things, the financial circumstances of the foreign liaison office, which will be described in more detail in section 15.7.2.4. The report suggests that overall satisfaction with the work of the foreign liaison office had been declining for several years:

- 'Unfortunately, it has long been a fact that follow-up and information, as well as the willingness to cooperate on the part of our contact NN, have been inadequate and of "varying quality".'
- 'It should also be emphasised that there have been recurring discussions over several years relating to our contact in Ethiopia. Several staff members have been on escort/work trips to Ethiopia and have been able to contribute to the discussions.'
- "It is also confirmed that there is talk and a number of rumours circulating about our contact in Ethiopia. Other matters¹¹⁹⁹ of which we may be aware or wish to question have not been included in this report."

¹¹⁹⁷ AF. Travel report 12–23 July 2001.

¹¹⁹⁸ AF. Situation report following the trip 23 February–3 March 2004.

¹¹⁹⁹ The Committee has not been given any clarification as to what these 'other matters' were.

In a report following a trip in November/December 2005 – that is, the year after the collaboration was formally terminated – allegations against the foreign liaison officer are made by new local staff at AF.¹²⁰⁰ Various individuals claimed, amongst other things, that she had undermined Adopsjonsforum by asking children's homes not to place children with them, that she had given poor advice to Adopsjonsforum's new international liaison officer, and that she was corrupt. A handwritten note from Adopsjonsforum (presumably from a meeting during the same trip) dated 6 December 2005 further states, amongst other things: 'NN [initials of former international liaison officer] "Pays for children" to Belgium. Asks for "pocket money" that is not to be recorded in the accounts'.

The Committee has found no documentation to suggest that the Norwegian adoption authorities were at any time informed of the challenges and/or mistrust associated with the international liaison officer's work. In the application for a placement licence from September 2002 (the last application before the change of liaison officer), the collaboration is described as follows:

As we see it, there are no particular problems associated with our liaison officer's work. She knows the country and 'the system' well, and does what we expect her to do.¹²⁰¹

15.7.2.4 *Specifically regarding salary and other compensation, 1990–2004*

A key principle in adoption work is that no one should derive any unjust financial gain in connection with adoptions. Among other things, this principle is intended to ensure that the best interests of the child are the overriding consideration both in individual adoptions and in adoption work more generally. This principle applies to all parties and stakeholders involved.¹²⁰²

Adoption Forum's first foreign contact and her close family eventually received very favourable financial arrangements in connection with the adoption work. The Committee considers that the total of various income streams, fees and compensation ultimately reached a level that exceeded reasonable compensation for work performed, cf. Article 32 of the 1993 Hague Convention, and raises questions regarding undue financial gain, cf. Article 21(d) of the Convention on the Rights of the Child. The Committee emphasises that, although Ethiopia has not ratified the Hague Convention, the Norwegian authorities themselves took the view that adoptions should only be carried out from countries whose legislation and practice were in line with the fundamental principles set out in the Convention.¹²⁰³

The various financial arrangements are described below.

Salary/fee

In the application for an intermediary licence dated 26 February 1991, it is stated that the contact person was to receive a salary of between 300 and 400 USD per month, in addition to having all expenses incurred in connection with the adoption work covered. Over the course of the 13 years the collaboration lasted, the monthly payment increased significantly.

The monthly payments are referred to alternately as a salary and a fee in various descriptions from Adopsjonsforum. The Committee's understanding of the collaboration is that the overseas contact was not directly employed by

¹²⁰⁰ AF. Travel report Nov/Dec 2005.

¹²⁰¹ Application for a placement licence dated 18 September 2002, in section 36 of the application form: 'Brief description of any key issues and/or problem areas relating to the approval of the association's collaboration and/or agreement with the contact, as the association itself sees it'. Following the submission of the factual basis, AF stated the following: 'In our view, it can be argued that this was a "personnel matter" which should have been dealt with internally for reasons of privacy, and that it was therefore not appropriate to disclose all the details of the personal conflict that had been ongoing for some time'.

¹²⁰² See section 5.4.6 for further details.

¹²⁰³ See Parliamentary Bill No. 77 (1995–96), Chapter 2. See also Chapter 23 for further details.

Adoption Forum, but that she ran her own business. She received a fixed remuneration as an international liaison officer, in addition to which she invoiced Adoption Forum or requested reimbursement for various expenses.¹²⁰⁴

In 1992, the year following the conclusion of the agreement, a letter from Adopsjonsforum to the international liaison officer indicates that she had requested an increase in her remuneration.¹²⁰⁵ The letter describes the remuneration received by Adopsjonsforum's international liaison officers in other countries, noting that very few had a monthly salary exceeding 500 USD. In the letter, Adopsjonsforum nevertheless agreed to increase the foreign liaison officer's salary to 600 USD per month with immediate effect, and it is stated that she had also received 0.25 USD per kilometre driven on necessary errands. Furthermore, she was promised a further pay rise as the number of cases in Ethiopia increased: once the number of adoption cases exceeded eight, her salary was to be increased to 800 USD, and once it exceeded twelve, to 1,000 USD per month.¹²⁰⁶

By 1994, the amount had risen to USD 1,000. This prompted reactions to the salary level from several quarters. Firstly, in April 1994, Adopsjonsforum received a letter from the Belgian association Sourires d'Enfants, for which the international liaison officer also worked. They expressed scepticism that Adopsjonsforum could have agreed to such a sum:

She told us she would like to work only for you and us and said you proposed to pay her a monthly salary of 1,000 \$ Is this possible? I just started laughing, and told her: 'If this is true, then they are just crazy! You know this is too much!'¹²⁰⁷

For its part, the board of the Belgian association had, in 1994, agreed on a sum of 400 USD per month.¹²⁰⁸ They suggested that the two intermediaries should liaise regarding salary levels without the foreign contact's knowledge, so that she could not 'play with both of us'.¹²⁰⁹

An internal memo from the Ministry of Children and Families' deliberations on the renewal of the agency's licence in 1994 indicates that the Norwegian authorities also considered the salary level to be high:¹²¹⁰

I have no comments on this approval case apart from one thing. The foreign contact is also used by a Belgian association. I imagine this is not ideal from a loyalty perspective. Moreover, the contact is very well paid, at 1,000 USD per month plus rent coverage.¹²¹¹

No correspondence has been found to show that this view was communicated to Adoptionforum.

The foreign liaison's salary continued to rise in the following years. In its application for a placement licence in 1996, Adoption Forum states that the salary is still 1,000 USD per month, but that 'a certain adjustment to the fee is now under consideration'.¹²¹² The 1998 application for a placement licence states that

¹²⁰⁴ This was, amongst other things, stated by the former chair of the board in an interview on 5 March 2025.

¹²⁰⁵ Letter from AF to the foreign liaison officer, 11 June 1992.

¹²⁰⁶ The letter refers to 'documents'. This is assumed to refer to sets of documents, i.e. the number of applicants who had been approved for placement and had sent their papers to Ethiopia. See also the placement application dated 29 August 1994. The Committee notes here that this did not concern financial remuneration per child actually adopted, but rather the number of parallel processes requiring follow-up.

¹²⁰⁷ Letter from Sourires d'Enfants to AF's managing director dated 13 April 1994.

¹²⁰⁸ It should nevertheless be noted that AF's travel reports state that more children were placed in Norway than in Belgium.

¹²⁰⁹ No further correspondence between the two organisations relating to this matter has been found.

¹²¹⁰ Placement application dated 29 August 1994; placement authorisation dated 4 January 1995.

¹²¹¹ Internal memo from BFD dated 20 December 1994. Note: 'coverage of rent' probably refers to the information that Adopsjonsforum paid rent for office premises and foster homes, and thus does not concern the coverage of the foreign liaison officer's personal expenses.

¹²¹² Mediation application, 5 November 1996.

The fee has been increased to 1,200 USD per month.¹²¹³ In placement applications from 2000 and 2002, the salary is still stated as 1,200 USD.¹²¹⁴ However, an internal status report from Adopsjonsforum dated 2004 states that the salary had by then increased to 1,400 USD per month.¹²¹⁵ At this time, the contact person was also paid 750 USD per month to cover travel expenses, in addition to several other adoption-related sources of income; see further details below.

The Committee is aware that there are significant variations in salary levels in Ethiopia, and that staff in international organisations normally receive a much higher salary than staff in local organisations. During the Committee's field visit, however, we were informed by several sources that USD 1,400 in 2004 had to be regarded as a very high monthly salary. By way of comparison, it is also noted that Adopsjonsforum's new foreign liaison officer from 2004 – who must be regarded as highly qualified following many years in senior positions within the ministry / the Ethiopian adoption authority – received 8,000 ETB per month, which was equivalent to approximately 930 USD at the time. In other words, he received approximately two-thirds of the previous international liaison's fee.¹²¹⁶

Other sources of income for the foreign liaison officer and her husband arising from the adoption work

As described above, children placed for adoption lived at the Amba foster/transit home until their departure for their respective destination countries. This home was managed by the foreign contact.¹²¹⁷ From 2000, the house itself was both owned and run by the foreign contact (and her husband).¹²¹⁸ Operating costs, such as rent and staff salaries, were split 50/50 between Adopsjonsforum and Sourires d'Enfants.

The foreign liaison officer herself states that Adopsjonsforum's share of the rent was 1,790 ETB per month (approx. 200 USD) during the period 2001–2004 (see below for further details).

In addition to the children's home itself, the foreign contact and her in-laws also ran (from an unknown year) a guest house where, according to BUFA, it was common for adoptive parents to stay during their collection trip. Accommodation here cost 40 USD per night.¹²¹⁹ In 2003, 46 children were adopted to Norway alone. Although a few children still travelled to Norway under escort, and some families chose other options, the guesthouse business had the potential to generate a significant sum. Assuming that 25 families each stayed at the guesthouse for 10 days, this amounts to, for example, 10,000 USD.

A gift and two interest-free loans

In 1998, the foreign contact wished to buy a new car, partly for use in adoption work. In a letter dated 8 July 1998, Adopsjonsforum offered to subsidise the car purchase with 9,000 USD. They estimated that this would cover approximately one-third of the cost of a new Toyota Corolla, which the foreign contact had presumably indicated she wished to buy. At the same time, they granted an interest-free loan of 9,000 USD, which could be increased if necessary. The loan was to be repaid through a monthly deduction of 250 USD from her salary. In a fax dated 22 October of the same year, the overseas contact asked Adopsjonsforum to transfer 20,000 USD, of which 11,000 was a loan,

¹²¹³ Mediation application dated 29 October 1998.

¹²¹⁴ Mediation applications dated 2000 (undated, received 24 August) and 18 September 2002.

¹²¹⁵ AF. Situation report following the visit 23 February–3 March 2004.

¹²¹⁶ AF. Application for approval of a new representative in Ethiopia, 13 December 2004.

¹²¹⁷ In SAK's Report from the monitoring and fact-finding visit in 1995, it is stated that the foreign contact sent accounts to Adopsjonsforum four times a year, and that Adopsjonsforum sent money to cover expenses as required.

¹²¹⁸ BUFA. Report from the information and monitoring visit to Ethiopia, 19–27 September 2003.

¹²¹⁹ BUFA. Report from the information and monitoring visit to Ethiopia, 19–27 September 2003. The guest house was owned by her husband's family, but the foreign liaison officer carried out much of the work herself.

and 9,000 ‘donation’. She also informed them that she had decided to buy a slightly larger car, which cost 43,000 USD. In addition to the gift and the loan for the car purchase, Adopsjonsforum increased the compensation for travel expenses from 0.25 USD to 0.3 USD per km.¹²²⁰

In connection with the relocation of the transit home to the overseas contact’s property in 2000, an agreement was reached, as mentioned above, for a new interest-free loan from Adopsjonsforum. This loan amounted to 15,000 USD (approx. 125,000 ETB) and was to be used to upgrade the ‘new’ Amba.¹²²¹ 5,000 USD was transferred in October 2000, and 10,000 USD in February 2001. The agreement was that the loan would be repaid through the rent, so that Adopsjonsforum would not have to pay its share of the monthly rent until the loan had been repaid. When the collaboration ended in 2004, the foreign contact calculated a rent of 1,790 ETB per month, and that 53,703 ETB therefore remained outstanding.¹²²² Adopsjonsforum, for its part, based its calculations on a rent of 1,500 ETB per month and concluded that the outstanding amount was 70,500 ETB.¹²²³

The foreign liaison officer’s brother

As mentioned above, it was decided in 1998 that an assistant should be appointed to relieve the foreign liaison officer. Adopsjonsforum then employed the foreign liaison officer’s brother, who was a qualified nurse. In 1998, it appears that he was to receive 250 USD per month, and from 2000 this was increased to 500 USD.¹²²⁴ By way of comparison, the nurse employed at Adopsjonsforum’s new transit home in 2005 received a monthly salary of 1,420 ETB, equivalent to approximately 165 USD.¹²²⁵

During a work trip in 2001, it was noted that the foreign contact’s brother also wished to buy a car. In the summer of 2002, an agreement was reached for an interest-free loan of 10,000 USD for this purpose.¹²²⁶ The loan was to be repaid through deductions from his monthly salary, reducing his salary to 350 USD from the previous 500 USD. However, he was also to receive 150 USD per month as compensation for the use of the car in adoption work, on condition that he covered the cost of fuel and other expenses himself. The actual payment amount therefore remained unchanged. When the collaboration ended in 2004, according to Adopsjonsforum, USD 7,525 of the loan remained outstanding.¹²²⁷ Following a work trip in 2005, Adopsjonsforum’s then chairperson noted that:

It seems clear that we will not recover the money we believe NN [the foreign contact’s brother] owes us. Furthermore, it is our view that we have nothing to gain by pursuing the matter in Addis Ababa. NN1 [AF’s lawyer] was therefore to inform NN [the foreign contact’s brother] of this in writing.¹²²⁸

¹²²⁰ It is noted that in 2004, AF described the car as jointly owned, with AF, the Belgian organisation and the foreign contact each owning one-third. However, no mention has been found of any claim whereby Adopsjonsforum demanded that Assefash buy out the remaining share upon termination of the collaboration. The Committee therefore treats the sum of 9,000 USD as a gift.

¹²²¹ Currency calculated using the Historical Currency Converter, <https://fxtop.com/en/historical-currency-converter.php>.

¹²²² Minutes from a meeting with the foreign contact during the trip to Ethiopia, 2–5 July 2004.

¹²²³ Document from AF containing the calculation. The document itself is undated, but the remaining balance is stated as being ‘as at 30 September 2004’.

¹²²⁴ Funding applications dated 29 October 1998 and 2000 (undated, received 24 August).

¹²²⁵ The nurse’s salary is set out in AF’s internal documents relating to the renegotiation of all employees’ salaries in 2006. Converted using the exchange rate as at 1 January 2005, using the Historical Currency Converter by Date.

¹²²⁶ Agreement signed on 13 August 2002.

¹²²⁷ AF. Situation report following the trip 23 February–3 March 2004.

¹²²⁸ AF. Travel report 10–21 January 2006 (chairman).

Tax evasion, mileage allowance and over-invoicing for transport costs

As described above, cooperation with the foreign contact became more difficult for various reasons, and in 2004 it became clear that Adopsjonsforum wished to terminate this arrangement. In connection with a business trip in February/March 2004, an internal situation report described several matters of concern relating to the foreign contact's financial circumstances.¹²²⁹

Firstly, it was stated that the contact person had only reported around a quarter (370 USD per month) of their income from Adopsjonsforum (1,400 USD per month) to the Ethiopian tax authorities. During this trip, Adopsjonsforum's Ethiopian lawyer confirmed that such tax evasion could be punishable by several years' imprisonment.

Secondly, the situation report indicates that the contact person received a 'very high monthly mileage allowance'. Instead of being paid per kilometre, it appears that she (from an unknown date) had been receiving a fixed monthly sum from Adopsjonsforum to cover transport costs. Adopsjonsforum's local contact pointed out that the sum corresponded to an average of '17 mil per day for work-related travel'.¹²³⁰ A later report states that the specific amount was 750 USD per month.¹²³¹ By way of comparison, the new contact person from 2004 received a monthly transport allowance of 800 ETB, equivalent to approximately 93 USD.¹²³²

In addition to the travel allowance, the situation report notes that taxi usage at Amba was very high. Adopsjonsforum reimbursed sums equivalent to more than eight hours' driving per day, six days a week. In addition, the overseas contact had the equivalent amount covered by Sourires d'Enfants.

The situation report's discussion of these points concludes as follows:

Unfortunately, it is not possible to establish a constructive dialogue regarding these matters. Over several years, attempts have been made to raise financial issues on various occasions, but these have achieved nothing other than progressively higher demands for wages and compensation for various types of expenses.

In addition, since 1 January 2004, Adopsjonsforum has agreed to pay for health insurance and life insurance amounting to USD 90 per month.¹²³³

15.7.3 The Committee's assessment of adoption work 1990–2004

Until 1991, Ethiopia was a military dictatorship. The Norwegian authorities granted an adoption placement licence for Ethiopia in 1990. In general, the Committee considers it questionable to enter into adoption cooperation with countries under military dictatorship.¹²³⁴ However, the Committee's investigation has not uncovered any specific circumstances worthy of criticism relating to Adopsjonsforum's placement work in the first half of the 1990s.

The Committee finds several indications of irregularities and problematic circumstances in the second half of the 1990s. From 1997 onwards, Adoption Forum's internal travel reports contain frequent references to complications and disagreements in its cooperation with the authorities. It is mentioned that there was greater 'demand' and fewer children available for adoption, and that officials in Ethiopia reacted to the fact that too many foreign adoption agencies were establishing themselves there. In addition, corruption

¹²²⁹ AF. Situation report following the trip 23 February–3 March 2004.

¹²³⁰ It is not clear how the country contact arrived at this specific figure. Assuming an allowance of 0.3 USD per kilometre, 750 USD corresponds to 250 mil per month.

¹²³¹ Minutes from the managing director following a meeting with the foreign contact on 2–5 July 2004. ¹²³² AF. Application for approval of a new representative in Ethiopia, 13 December 2004. ¹²³³ AF. Situation report following a trip from 23 February to 3 March 2004.

¹²³⁴ The Committee has not prioritised examining this issue in greater detail with regard to Ethiopia.

become a visible problem in adoption work. The legislative amendments of 2000 further gave private actors more power in the adoption process. In the Committee's view, this development called for a high degree of diligence in adoption work, and ongoing risk assessments on the part of Adopsjonsforum and the Norwegian authorities.

On the one hand, the committee finds that Adopsjonsforum intended to operate legitimately. The mission reports show that it was explicitly stated to both foreign contacts and others that Adopsjonsforum would follow all the rules and, for example, would not agree to pay for 'goodwill' to private actors. The descriptions and conversations reproduced in the travel reports demonstrate an awareness of the problem of bribery and corruption, and a clear stance that this was not an accepted practice in Adoption Forum's work.

On the other hand, it is evident that, in practice, Adopsjonsforum had little control over how its foreign contacts worked to secure children for their organisation. At the same time, the travel reports mention an increasing number of criticisable circumstances that gave cause for concern, and which clearly indicated that there was no reason to maintain unconditional trust in the work she was carrying out. Firstly, there was an increasing number of points of conflict between the international liaison officer and Adopsjonsforum's Norwegian country liaison officer, for example regarding documentation of the children's backgrounds, conditions at the children's home and so on. The description in the 2004 situation report indicates, amongst other things, that it had long been known that the foreign liaison officer was withholding important information, and that she was constantly making new demands for increased financial compensation. Her handling of the relationship with a specific judge who was willing to cooperate, including inviting him to Norway, shows that she was operating outside the framework of the applicable regulations, and apparently also outside Adopsjonsforum's guidelines. Adopsjonsforum nevertheless chose to continue the collaboration for several years, despite the foreign liaison officer's conduct.

The Committee finds it reprehensible that Adopsjonsforum continued to cooperate with the foreign liaison officer despite several matters of concern regarding the terms of her contract and what they knew about her conduct and her professional and ethical standards. In this situation, it is particularly reprehensible that they continued to express confidence in the foreign contact to the Norwegian authorities, and that they failed to disclose the full extent of the financial arrangements. Adopsjonsforum was fully aware of the existence and extent of corruption and bribery in the Ethiopian adoption system around the turn of the millennium, and that local actors were using their role in the allocation process as a means of financial gain. In light of this, the committee considers it particularly reprehensible to entrust key aspects of the process of allocating and releasing children to a foreign contact who withheld information, received a disproportionately high salary and had significant financial interests linked to the adoption— activities, who only appeared to share Adopsjonsforum's ethical stance to a limited extent, and who paid little heed to Adopsjonsforum's guidelines and recommendations.

The Committee has further concluded that the financial compensation paid to the foreign contact was, on the whole, so high that it contravened the principle of undue financial gain set out in Article 21(d) of the Convention on the Rights of the Child, and the prohibition against unreasonably high remuneration in Article 32(3) of the Hague Convention.

3. Reference is made, amongst other things, to the size of the fixed fee, mileage allowances, reimbursements of (partly fictitious) expenses, rent, personal insurance, income from accommodating parents on their collection trip, interest-free loans and the gift of 9,000 USD for the purchase of a new car.

The circumstances uncovered, as set out in the internal progress report from 2004, further suggest that Adopsjonsforum did not have sufficient oversight of the foreign contact's use of the organisation's financial resources. Viewed in the context of the foreign contact's other conduct,¹²³⁵ the committee considers there to be a risk that funds from Adopsjonsforum may have been recorded in the accounts

¹²³⁵ Amongst other things, the descriptions shortly after the collaboration ended stating that she was corrupt and 'pays for children to Belgium'.

incorrectly by the international liaison officer and used for her own enrichment and that of her close family and/or for irregular transactions in connection with the adoption work. Particular reference is made to the fact that Adopsjonsforum, in addition to a car loan and a substantial mileage allowance, covered taxi expenses in 2004 on a scale said to correspond to 8 hours' taxi travel per day, 6 days a week, whilst the foreign contact received equivalent taxi cover from the Belgian adoption agency.

The Committee finds it reprehensible that neither the Ministry nor the Norwegian central authorities reacted to specific information they received regarding the adoption work, including during BUFA's supervisory visit in 2003. This applies, for example, to verbal information from Adopsjonsforum that a key figure in the adoption department at MOLSA was involved in illegal adoptions. It also applies to information regarding the foreign liaison officer's overlapping roles as a contact person for several organisations, and the private letting business linked to the adoption work.

15.7.4 Adoption work 2004–2015 and the placement/release of children for adoption

15.7.4.1 *Introduction*

The following account is divided into four parts. Firstly, section 15.7.4.2 provides a brief summary of the practical arrangements relating to Adopsjonsforum's placement work following the reorganisation in 2004.

Section 15.7.4.3 describes the adoption work in more detail, with particular focus on the process of placing and releasing children for adoption.

Section 15.7.4.4 deals with agreements that Adopsjonsforum entered into with local children's homes/organisations regarding adoption cooperation and financial support.

Section 15.7.4.5 discusses a specific case in which the committee has uncovered errors in connection with the release of a child for adoption.

15.7.4.2 *Organisation after 2004*

Following the termination of its cooperation with its first overseas contact, Adopsjonsforum carried out a major reorganisation of its operations in Ethiopia in 2004. Adoption Forum established its own transit home – *Gooble Debab* (hereinafter Debab). Adoption Forum acted as the employer for all staff, in contrast to the previous situation at Amba where the foreign contact agency was responsible for this.

Adopsjonsforum rented premises and fitted them out to serve as a children's home.¹²³⁶ Staff at Amba – nurses, drivers, carers and cleaners – were given the choice of whether they wished to continue at Amba or to move over to Debab. Adopsjonsforum enlisted the help of a recruitment agency to hire a new international liaison officer, a children's home manager and an accounts clerk.¹²³⁷ The new international liaison officer had a background at MOLSA, where he had been in charge of the adoption department from the late 1980s to the mid-1990s. He therefore had a good knowledge of the regulations and the adoption system.

During the Inquiry Committee's field visit to Ethiopia, interviews were conducted with six of Adoption Forum's staff members from Debab.¹²³⁸ Two of these had previously worked for Amba. The staff described Adoption Forum as a good and well-organised employer, and Debab as a good place for children. Of those who had previously worked at Amba, it was stated that both pay and working conditions had improved significantly

¹²³⁶ This is noted, amongst other things, in AF's travel report for 22 September–11 October 2004.

¹²³⁷ Described by the individuals concerned during the Committee's field visit.

¹²³⁸ Two of these were (permanent) drivers who worked on assignment but were not directly employed.

improved following a change of employer. In addition, the conditions for the children were described as very good; the house itself was well suited for use as a children's home, and Adopsjonsforum spared no expense when it came to food and medical care for the children.¹²³⁹

The staff also emphasised that Adopsjonsforum was very clear and strict when it came to following all the rules. Among other things, they described a system whereby all expenses were strictly monitored to guard against irregular and undocumented payments.

In 2011, the Ethiopian authorities tightened the limits on the number of adoption cases the courts could process each day, and following this, there was a clear decline in adoptions to Norway from Ethiopia. From 2010 onwards, Adopsjonsforum only accepted second- and third-time applicants.¹²⁴⁰ In December 2012, the decision was taken to close Debab, and Adopsjonsforum reports that the waiting time for both the release of children and other administrative work was taking increasingly longer.¹²⁴¹ Adoption work continued for a further three years, until 2015. In recent years, the work was led by the international liaison officer, the former children's home manager and the accounting secretary. The children were then housed in local children's homes until their departure, and were monitored there through visits by Adopsjonsforum staff.¹²⁴²

In the spring of 2015, the challenging situation in Ethiopia became the subject of correspondence and a meeting between Adoption Forum and Bufdir.¹²⁴³ Adoption Forum reported that it had stopped matching children with applicants and was moving towards winding up its placement work once the final cases had been concluded. In a letter dated 22 July, Adopsjonsforum stated that all cases had been finalised and that they were working on winding up their operations. In a letter dated 28 October, they provided a further update on the status. This letter states, amongst other things:

Adoptions are still being carried out for organisations that apparently have no problems with their financial management. When it became known this summer that Adopsjonsforum was planning to wind up its operations, we received, amongst other things, an offer of cooperation. It was made absolutely clear that we could take on more children and complete the processes quickly if we had no financial constraints. This confirms precisely the unfortunate developments we have seen in Ethiopia, and this is a major contributing factor to our decision that we could not continue the work.

In 2016, all the documents Adopsjonsforum held in Ethiopia concerning children adopted to Norway were transferred to Adopsjonsforum's head office and subsequently handed over to Bufdir. The reason for this was that, following dialogue with the Ethiopian authorities, it was considered that there was a high risk that the documents would be destroyed if they were to be stored in Ethiopia, due to a lack of archiving procedures.¹²⁴⁴ The Committee has reviewed some files/individual cases from this 'Ethiopia archive'. The contents of the files vary, but in several cases include documents that were not part of the adoption case in Norway, and which may, for example, relate to health, information about the stay at the transit home, and in some cases documents from the release process. Some of the documents are available only on the AMHA-RISK system, and the Committee has had limited opportunity to examine these.

15.7.4.3 *Placement and release of children for adoption after 2000*

As described above, the standard procedure was that children who had been abandoned or handed over were first placed in a private or state-run children's home. If attempts to reunite the child with their family or to find other national care alternatives were unsuccessful, the child could, following a set procedure, be released for

¹²³⁹ Most of the adoptive parents the committee has spoken to who were on adoption trips during the years in question have also described the conditions at Debab positively, although some have expressed certain reservations.

¹²⁴⁰ Application for a placement licence, 30 September 2012.

¹²⁴¹ Application for a placement licence dated 29 September 2014.

¹²⁴² Information from the committee's field visits.

¹²⁴³ It should be noted that this correspondence is not complete in Bufdir's archives.

¹²⁴⁴ Letter from AF to Bufdir dated 26 April 2016.

international adoption. After 2000, it was the children's home or organisation to which the child belonged that could place children who had been released into the care of agencies or prospective adoptive parents, before the case was submitted to the authorities for approval and forwarded to the court for a final decision. Adoption Forum and other adoption agencies were therefore dependent on cooperating with local children's homes and organisations in order to be allocated children for their applicants.

As mentioned, Adopsjonsforum's new international liaison officer had extensive experience in adoption and a good knowledge of the regulations and the agencies involved. However, this was the first time he had worked for an adoption agency, and he did not have the same experience or network as the previous international liaison officer when it came to securing children for the organisation. At the same time, there was rapid growth in the number of adoption agencies in Ethiopia during these years, and consequently increasing 'competition' for adoptable children.¹²⁴⁵ In Adopsjonsforum's travel reports from the years following the change of foreign liaison officer, a recurring concern is evident – among both local staff and staff in Norway – regarding the allocation of a sufficient number of children.

An internal report from an escort trip in autumn 2005 describes the situation in more detail:¹²⁴⁶

NN [the foreign liaison officer] believes there are three main reasons why we have few children available for adoption via De-bab. One is that other countries 'pay more for the children', i.e. they pay more for transport and compensation for the children coming from the district. They [Adoption Forum staff at De-bab] had previously been promised children who did not arrive. It turned out that they had been given to another organisation that had paid more. The second reason is that we do not take older children. Other countries accept much older children than we do. The third and perhaps most important reason is that we follow the rules, i.e. we are not corrupt like most others. He does not take children whose paperwork is not in order. He sends these back or refuses to accept them

The following is quoted from the report based on a conversation with the children's home manager:

She went on to say that staff had, on several occasions, brought children who might be suitable for Debab, but that NN [foreign liaison officer] had not accepted them because he felt the paperwork was not up to standard. Having tried to help find children for Debab, they have now given up [...]

The report also describes a conversation on this matter with one of the security guards at Debab:

He also said that he had tried to help find children for Debab, but that NN [foreign contact] was never satisfied with the paperwork they provided, so the children had to be returned.

As the Committee understands Ethiopia's 2000 adoption regulations, it was the local children's homes that were supposed to carry out the (preliminary) matching with prospective adoptive parents.¹²⁴⁷ Such matching could only take place once the child had been formally released for adoption.

In practice, however, the process did not always proceed in this way. Firstly, it appears that the local children's homes did not allocate children directly to prospective adoptive parents, but initially 'pre-allocated' the children to an intermediary organisation that had suitable applications on file (in terms of age, sibling approval, etc.).

Although the adoption contract was ultimately signed by a representative of the local children's home, and the match was formally approved by the Ethiopian adoption authorities, it therefore appears that it was Adopsjonsforum itself that, in reality, was responsible for matching the children with adoptive applicants holding the correct authorisation. After the adoptive parents accepted the placement, the case was referred to the adoption authorities

¹²⁴⁵ See section 15.3.

¹²⁴⁶ Summary of information from an escort trip in November/December 2005.

¹²⁴⁷ The law states that local organisations 'may give any child under their custody to adopters', cf. the Revised Family Code 2000, Article 192.

the authorities and subsequently the court. A description of matching procedures in various countries provides the following information about this process:

Children are not matched directly to a specific family. We receive enquiries regarding specific children. These enquiries come via our representative and not directly from the authorities or cooperating institutions.¹²⁴⁸

In Adopsjonsforum's case, children were also moved to the transit home before the placement/matching with prospective adoptive parents had been approved by the adoption authorities.¹²⁴⁹ In the minutes of a meeting with a representative from the Ethiopian Ministry, Adopsjonsforum's representative writes:¹²⁵⁰

The children's homes are responsible for children who have been released for adoption until the case is approved by the court. However, there is nothing to prevent the children's homes from making arrangements with the transit homes for them to take over the day-to-day care of the child once it is released for adoption.¹²⁵¹

In the context of the previous quotation, the Committee understands this to refer to children who *have been released for adoption* but who have not necessarily been matched with a specific family.

Secondly, in some cases the transfer to the transit home nevertheless took place before *the release process* had been completed.¹²⁵² A former employee at Debab stated in conversation with the committee that some children were moved to the transit home before they had been formally released for adoption for medical reasons. This occurred in cases where it was assumed that the child would be released, but where it became apparent that the child's medical needs were not being adequately met at the original children's home.

Furthermore, in its review of individual cases, the committee has identified a number of cases after 2000 (both before and after the change of contact person) where it is stated that the child never resided in any local children's home ('no orphanage involved'). In 2005 and 2006, this applied to around 40 per cent of the cases reviewed. In these cases, the children appear to have been placed directly in the transit home either through social workers or other officials/authorities in various regions, or – in a few cases – directly from the children's biological parents or family. It is not explicitly stated whether the release process for these children had been initiated or completed before the transfer took place. In some cases, however, it is reported that a very short time elapsed – in one instance as little as two days – from the child being found abandoned in another region until they arrived at Debab. It is therefore assumed that the transfer of some of these children to the transit home was based on a mere *assumption* that they would be released for adoption.

A former employee at Debab emphasised in discussions with the committee that, although some children arrived more or less directly at Debab, the paperwork always had to go through the correct channels. In practice, this meant that the necessary release documents had to be obtained from the local authorities and the court (if this had not already been done), an adoption contract had to be drawn up between the child's legal guardian (the local children's home or organisation authorised to carry out such activities) and the adoptive parents (the foreign contact signed on their behalf under a power of attorney), obtain a statement from the adoption authority, and bring the case before the court. As mentioned in section 15.4, following the legislative amendment in 2000, it was the local

¹²⁴⁸ AF. 'Matching procedures in countries of origin' (undated, but the document appears to have been drawn up in 2012).

¹²⁴⁹ Various travel reports mention, amongst other things, that there were several children living in the transit homes who had not yet been placed with parents. Furthermore, as shown in the quote above, it is described that children have been 'sent back' due to deficiencies in the paperwork, which suggests that the children were physically at Debab when this was clarified.

¹²⁵⁰ In 2008, MOWA was responsible for adoption.

¹²⁵¹ AF. Travel report from Ethiopia, 19–31 October 2008.

¹²⁵² However, some children's homes insisted that the child remain with them for longer, in some cases right up until they were collected by their adoptive parents. These children were monitored through visits by Adopsjonsforum's local staff, who also often took responsibility for taking them for health checks and similar appointments.

the children's home where the child lived, which had formal responsibility for the child and was therefore required to sign the adoption contract and represent the child in court.

It was therefore necessary to cooperate with a local children's home or organisation that could act as the child's guardian in order to complete adoptions. In cases where there were 'no orphans involved', it is evident that there are primarily two organisations that recur as parties to the adoption contract and court decision: Berhane Hiwot and HOREB Children Helping Organisation.

The Committee has found limited information on the activities of these organisations, but has noted that in the summer of 2005, Berhane Hiwot was running a newly opened children's home for children up to the age of five.¹²⁵³ The collaboration with HOREB Children Helping Organisation is mentioned in a travel report from Adopsjonsforum in the spring of 2005, which contains a description of a meeting with the organisation. One of the topics of discussion at the meeting was '[to] collaborate with regard to the signing of adoption contracts'. Furthermore, the travel report states the following:

Both NN [foreign liaison] and I [head of department at AF] were somewhat puzzled by the way this organisation operates. There are neither specific work programmes nor project descriptions. Nevertheless, this organisation has been granted official authorisation by the authorities to work on, amongst other things, the placement of children for adoption.¹²⁵⁴

The Committee understands that both of these organisations ran their own children's homes, and that they were recognised by the Ethiopian authorities as local actors responsible for placing children for adoption. The records of *some* of the children who have been adopted to Norway through Berhane Hiwot and HOREB indicate that they lived at the children's home for a period before arriving at Debab. In the majority of cases where these organisations have represented the child, however, the documentation states 'no orphanage involved', which the committee interprets to mean that the children did *not* live in any orphanage other than Adopsjonsforum's transit home. The organisation listed as a party to the adoption case thus appears to have had very little or nothing to do with the children in practice. Children represented by these two organisations account for around half of the adoptions to Norway in the first few years following the change of overseas contact.

Another issue the committee has examined is the background of children who were made available for adoption to Norway. As mentioned, the regulations and practice in the 1990s stipulated that only orphaned children could be made available for adoption. In addition to children whose parents were known (but had died or gone missing), this included so-called 'foundlings'. In this context, the term refers to children who had been (or were reported to have been) found abandoned, and about whose background nothing was known. The descriptions in Adopsjonsforum's applications for placement licences from 2002 to 2008 indicate that there was a trend whereby an increasing number of the children made available for adoption had a known background. The wording in the application regarding the proportion of children who were 'foundlings' gradually changed. In 2002, this applied to 'the vast majority'; in 2005, to 'most'; whilst the 2008 application states that 'many of' the children were 'foundlings'.

The Committee has reviewed approximately 150 individual cases from Ethiopia, which accounts for just over 20 per cent of the adoptions arranged for Norway. The cases were selected strategically, in that the Committee requested the first completed cases from specific years. However, for some years more cases have been examined than for others, and the statistics are therefore more or less complete in different periods.¹²⁵⁵ In around half of the cases reviewed, the committee has found information about the children's background indicating that their birth parents were known. Most of the information about the children's background can be found in

¹²⁵³ The information is evident from the description in an individual case.

¹²⁵⁴ AF. Travel report, March 2005.

¹²⁵⁵ The dates of the adoption itself, arrival in Norway and registration of the adoption in Norway may span several months; in particular, around the turn of the year, cases are often registered in the year following the adoption.

The Children's Archive (see section 29.3.1).¹²⁵⁶ These documents are not part of the actual adoption case or registration case held by the Norwegian authorities, but are documents concerning the child and their background that the adoption agency has compiled, and which have subsequently been forwarded to Bufdir to be included in the children's case files. The Child Archive primarily contains some health information, but also a child report, drawn up by Adopsjonsforum's international liaison officer or other local staff. In some periods, certain details regarding the child's background are also found in the court's decision; however, the following statistics are primarily based on the information contained in the child report. In many cases, the information provided about the child's background is very sparse, and in some instances it appears incomplete and/or contradictory.¹²⁵⁷ This applies both before and after the change of contact person in 2004. Although there is information suggesting that the child's origins were known, this does not necessarily mean that it is possible to identify the parents today.

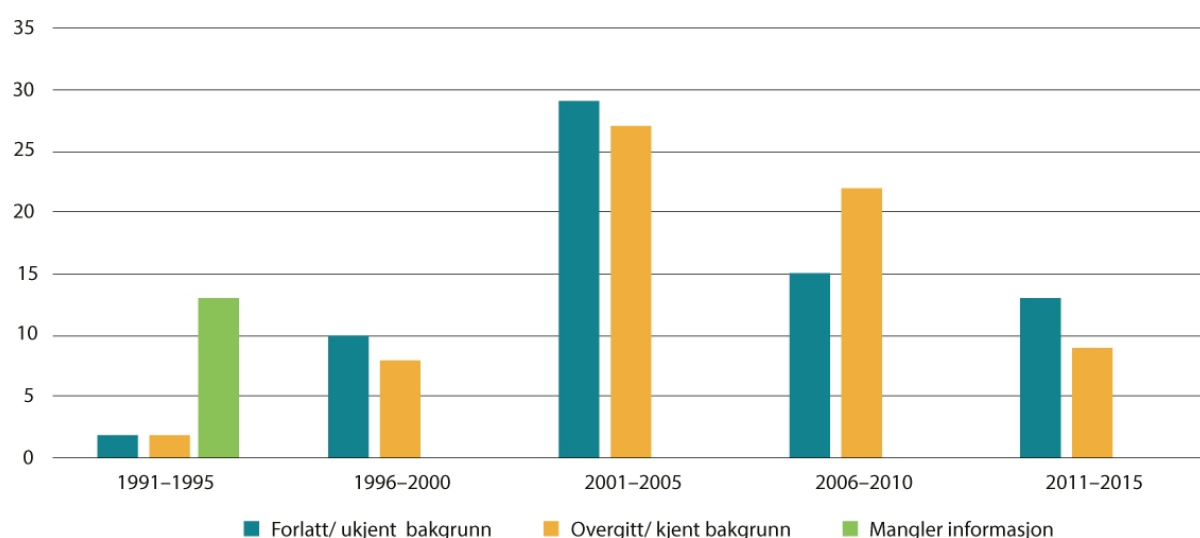


Figure 15.2 The children's backgrounds broken down by five-year periods

Source: The Committee's review of individual cases

As the bar chart shows, throughout the entire period, children have been adopted into Norway where information about the child's background is available.^{1,258} The Committee has reviewed fewer cases from the early part of the period, and the statistics may therefore be somewhat skewed. Nevertheless, the Committee assumes that a significant proportion of the children adopted into Norway throughout the entire placement period had a known background.

¹²⁵⁶ The Committee has primarily reviewed the Norwegian registration files and the Children's Archive. During the first part of the period, documents from the Children's Archive were missing from the files we received from the archive. This is because the two files had been stored separately in the earlier cases, due to Bufdir's archiving procedures, a fact which was later clarified to us. It is only in some of these cases that there is information enabling the child's family to be identified, but details in the documents show, directly or indirectly, that those who originally took the child in had been in contact with the child's previous carers.

¹²⁵⁷ For example, the documents may state that the child was handed over by a grandparent, whilst also noting that the child's parents are unknown. In the overview, all cases containing this type of information about the child's background have been classified under the category 'known background', and the example where a grandparent was involved is therefore placed in this category.

¹²⁵⁸ In the cases marked as 'information missing', the committee has not seen the file from the children's records archive. It is possible that information about the child's background is contained therein.

The Committee is otherwise aware of several cases where the adoption documents state that the parents are dead or missing, but where they have subsequently reappeared and been linked to specific children. Among other things, the Committee has seen enquiries from the birth mother in a case where the child is stated in the adoption documents to have been found abandoned. An adoptive parent has also informed the Committee that the birth mother was reported as missing at the time of adoption, but later returned. During the Committee's field visits, we also met a birth mother who explained that she had entrusted her child to an aunt.

The aunt had subsequently handed the child over to a children's home, where she gave a false name for the mother, and, together with two others, she gave false testimony about the child's background so that the child could be released for adoption. When the mother contacted the children's home a few years later, she was told that the child had been adopted to Norway. The Committee has not had the opportunity to investigate these specific cases in greater detail, but based on the information available, the Committee believes there is a high risk that children may have been adopted to Norway following *staged abandonment*, as described in section 15.3.2.

Among children with a known background, there has also been a marked development regarding the role of the parents. Up until 2000 – in line with the legal regulations concerning orphaned children – no parents were involved in the release of children for adoption. However, following the legislative amendment in 2000, there has been a growing trend for parents themselves to be involved in the handover of their children.¹²⁵⁹

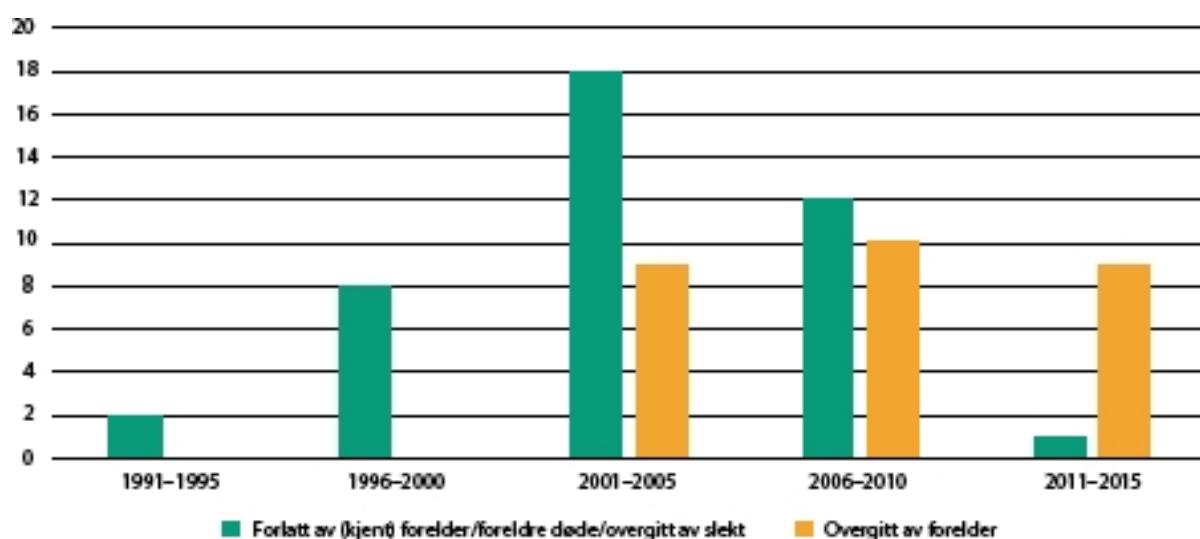


Figure 15.3 Children with a known background, trends over time

Source: The Committee's review of individual cases

Although there is a gradually increasing trend throughout the 2000s, a further change can be seen after 2008, where it is stated in the court decision on adoption that the birth parents themselves also appeared in court. This is likely linked to the regulatory changes introduced that year, which made it easier to place the child for adoption (see section 15.4).

¹²⁵⁹ The information contained in the documents reviewed by the committee is sometimes very scant. It is not always clear whether a parent who is unable or unwilling to care for the child has abandoned the child or voluntarily placed the child for adoption. Prior to 2008, there is no mention or documentation of the parents' consent in these cases. After 2008, however, the birth parents were required to appear in court and confirm that they were relinquishing custody. In such cases, a discretionary overall assessment of the information has been carried out in order to place the case in one of the categories. The decisive factor has been whether it appears that the parent has agreed to the child being placed for adoption.

15.7.4.4 *Adoption Forum's financial agreements with children's homes from 2006*

As described in section 15.3, both the total volume of adoptions and the number of adoption agencies in Ethiopia increased considerably throughout the 2000s. At the same time, a number of agencies describe how this led to a 'competitive situation', in which money became the decisive factor in being allocated children and completing adoptions.¹²⁶⁰

Adoption Forum's internal travel reports from 1999 onwards describe how the emergence of a constant stream of new adoption agencies resulted in fewer children being referred to their organisation. In addition, various

'adoption scandals' and suspicions of corruption are mentioned.¹²⁶¹

After 2000, local children's homes were given expanded responsibility for the placement of children; see section 15.4. Many became more selective in their choice of foreign partners and began to require that foreign intermediaries enter into fixed agreements on financial support in order to be allocated children. A growing number of private children's homes were established and organised more or less as 'adoption-only' homes, where children were cared for solely with a view to adoption. In AF's travel report from January 2005, the country contact describes the development as follows:

The adoption situation: During 2004, a total of approximately 1,400 children were adopted from Ethiopia. Many of the children have been adopted to Spain, the USA, France and Italy. The adoption situation is actually less transparent than it has been for some time, and there is a certain degree of concern about the future. It is possible for an organisation to enter into a contract with private children's homes regarding cooperation and the allocation of children.

This presupposes that the private children's home receives something in return, in the form of funds for various projects, or to cover 'foster care' expenses.

Several of these children's homes insist that the children must stay there until they are collected by their parents. We were told that one of the reasons for this was that it enables them to secure more funding for their operations. At the place we visited, we received a clear answer to our question: 'those who pay the most get the most'. This organisation, *the Almaz Children and Family Support Organisation* (AFSCO), wanted to sign a contract with AF. They had an ambitious project they wished to realise over the next three years and were dependent on 'income' from adoption.

The Missionaries of Charity, from whom we have previously received many children, also say that they will keep the children until they are collected by their adoptive parents. The private homes have many children.

The *state-run children's homes*, on the other hand, receive almost no children. Several of them were 'empty'. We also wanted to get to the bottom of this, but no one has a satisfactory explanation as to why the police do not take the children to the state-run children's homes, but to the private ones instead. It would appear that there is poor management regarding the release of children for adoption, and that the authorities are unable to manage the system following the legislative change three years ago.

MOLSA was contacted when we wished to discuss the situation regarding developments in international adoption. Their view on the matter was clear – some of the private children's homes appear to function as 'transit homes' rather than ordinary children's homes.¹²⁶² This largely confirms what we heard from ACFSO.

MOLSA promised to address this, and a so-called 'workshop' is being planned where the issues will be discussed in more detail. They will need to initiate cooperation with the Ministry of Justice (MOJ), and hopefully it will be possible to change the situation in the long term.

¹²⁶⁰ Including journalists and researchers; see section 15.3. This is also supported by statements from officials and others interviewed by the committee during its field visit. AF also writes about this in its travel reports.

¹²⁶¹ For example, in AF. Travel report, April/May 1999.

¹²⁶² Note again that this refers to local/private children's homes. The fact that the adoption agencies operated transit children's homes for children assigned to their organisation does not appear to have been regarded as problematic by the authorities.

The descriptions show that Adopsjonsforum was aware of what they themselves describe as a worrying development. They contacted MOLSA on their own initiative to discuss the situation. The issue was also followed up in meetings with MOLSA and the Ministry of Justice (MOJ) when the head of the Africa and Asia department visited Ethiopia in March 2005.

An internal memo from Adopsjonsforum dated December 2005 states the following:

OTHER ACTORS:

Some private children's homes (including the Missionaries of Charity) have decided that the children should remain with them at least until the case has been heard in court.

Among other things, this means that these children are a source of income for the children's homes that demand this arrangement.

This lies at the heart of many of the problems that have arisen since MOLSA, in 2000 (I believe that was when), granted greater freedom to individual adoption agencies by making it possible to 'buy contacts' at private children's homes. This quickly led to poor oversight and a lack of clarity regarding what was taking place. A number of new organisations bought, amongst other things, goodwill from the Missionaries of Charity (in Spain and the USA, to name but a few).

Several smaller, privately run children's homes have also 'cashed in' on international adoption. The cost of obtaining children from these places is, in some cases, very high.

On this matter, both we and NN [foreign contact] have a clear view – be critical and *steer clear*.

PLANS FOR CHANGE:

Since the reform in 2000, the situation has become increasingly opaque, and corruption has really taken off in Ethiopia in general. 'Shady dealings' have become more visible, and the authorities have finally realised that something must be done.

This summer, a group was set up comprising representatives from the authorities, the police, children's homes, adoption organisations, social workers, etc., to review the entire field of *international adoption*. Proposals for changes and new guidelines are likely to emerge in the wake of this work.¹²⁶³

The mission reports from the first half of the 2000s thus reveal a clear reluctance and scepticism towards entering into agreements with private children's homes regarding financial support in order to secure placements. Gradually, however, Adopsjonsforum changed this stance, and from 2006 onwards they themselves began to enter into agreements with several different private children's homes and organisations, a development which will be described in more detail below. The financial support was regarded as an adoption cost and was funded by the adoption fee paid by the adoptive applicants.¹²⁶⁴ The Committee has not had the opportunity to examine all the cooperation partners. This is a selection of those that appear to have been the most significant.

2006–2007 Senaye Ethiopian Association

A travel report from October 2006 mentions that Adopsjonsforum was asked to contribute financially to a project run by an organisation established in April 2006, Senaye Ethiopian As-

¹²⁶³ AF, document from the digital archive entitled 'The adoption process in Ethiopia, Dec. 2005'.

¹²⁶⁴ Confirmed by the former managing director in an interview with the committee.

sociation (SEA). The organisation was approved by the Ministry of Justice and, amongst other things, ran a children's home. Furthermore, the travel report states that:

By providing assistance with equipment, rent and similar costs, we can take in children released for adoption. As this is largely how things are done in Ethiopia today, this looks promising, as the budget is reasonable and sensible.¹²⁶⁵

The Committee has only seen limited documentation relating to this collaboration. However, in a letter dated 29 June 2007 to SEA, Adopsjonsforum states that it wishes to support the organisation with 65,000 ETB for 2007.¹²⁶⁶

In connection with a meeting of international *adoption service* providers (*Adoption Service Provider Organisation*), a list was drawn up around 2011 in which the various member organisations had reported their partners in Ethiopia and provided a brief 'observation' on each of them. Adopsjonsforum stated there that it had collaborated with SEA in 2006–2007. Under 'observation', they wrote: 'Lack of communication. Demanding money/capacity-building programme. Little transparency'.¹²⁶⁷

The Committee has not found any mention of this collaboration in correspondence with the Norwegian authorities.

2008–2013 Kingdom Vision International (KVI) and Faya

From January 2008, the travel reports again show that Adoption Forum saw a need to enter into cooperation agreements with private children's homes in order to be allocated more children:

More work is needed to find more 'partners' so that we may be able to increase the number of applications to Norway. AF is not competitive compared with countries such as Spain, the USA and France, but we should be able to increase the number of applications somewhat (in 2007, 33 children arrived). So far, the outlook is positive regarding the number of placements expected throughout the spring, but NN [international liaison] admits that we have been 'lucky' and that we need to diversify our approach. It was agreed that he should prioritise and attempt to identify opportunities for cooperation in other regions, and possibly explore whether we can expand our sphere of activity. Initially, the focus is on Gonder (Amhara Region) and possibly Jimma and Awassa (Oromia Region). NN [international liaison] and NN [children's home manager] have a wide network of contacts which we should be able to make use of.

The problem with trying to expand our 'scope of operations' is that we are expected to make financial contributions to the children's homes with which we establish partnerships. This is because funds are extremely scarce and they are entirely dependent on donations to survive. Without financial contributions, AF loses out in the 'competition' with other countries. We also discussed this a year ago.¹²⁶⁸

During a working visit in October 2008, Adoption Forum's country representative and international liaison, amongst others, held meetings with two newly established non-profit organisations: Faya and KVI (Kingdom Vision International). Both organisations ran children's homes, whilst also running or planning other aid projects. A handwritten note amongst the papers relating to the subsequent agreement with these organisations reads as follows:

40% of expected monthly expenditure. Minimum.

More payment, more children

Can place children before the paperwork is finished ¹²⁶⁹

¹²⁶⁵ AF. Travel report 15–25 October 2006.

¹²⁶⁶ The letter was found as an unsigned Word file in AF's digital archive.

¹²⁶⁷ WG members' partner orphanages (undated).

¹²⁶⁸ AF. Travel report 19–26 January 2008.

¹²⁶⁹ The note is dated 28 January 2009. It is unsigned.

In an email dated 11 February 2009, Adopsjonsforum confirmed to its international liaison officer that it could offer monthly support to the organisations KVI of 25,900 ETB (40 per cent of the orphanage's budgeted expenditure) and to Faya of 20,000 ETB (50 per cent) for the following six months.¹²⁷⁰ The international contacts were asked to inform the orphanages and enter into agreements as soon as possible.

The collaboration with Faya will be described in more detail in section 15.7.6 on *the sibling project*; in the following, we therefore focus primarily on KVI.

After six months, the agreement with KVI had to be renewed, and in September 2009, Adoption Forum received a letter in which KVI stated, amongst other things, that since March they had placed 12 children through Adoption Forum, and that 'The common effort we have made so far can clearly show that we can do better in order to achieve more results in our next partnership period.'¹²⁷¹ Furthermore, they wrote that they had terminated their collaboration with another organisation due to problems within its board, and thus had the opportunity to place even more children through Adoption Forum. KVI expected to receive support for various projects and requested a 100–150 per cent increase in its monthly budget. KVI would then be 'ready to place as many children as possible for the coming Ethiopian year'.

A handwritten note from the international liaison dated 18 September paints a somewhat different picture of the collaboration: the adoption partnership, which was due to start in February, did not get underway until May, and only four cases had actually been finalised, whilst six were (in some cases at an early stage) in progress. Two six-year-old boys had been proposed but no families had been found for them, and one intended child had been returned to their birth mother. Three of the children had also come to KVI via Adopsjonsforum itself, through a different partnership.

He goes on to write:

In general, I am not happy with their request and the number of children placed with us, because they have many more children and greater capacity than FAYA.

Adopsjonsforum nevertheless continued the collaboration. In November 2009, the financial support increased to 32,500 ETB per month,¹²⁷² and in 2010 to 40,000 ETB per month.¹²⁷³

Adopsjonsforum described the support as follows in its application for a placement licence in 2011:

Since 2009, Adoption Forum has provided a fixed monthly grant for the administration and running of the children's homes run by Faya and KVI.

In 2011, *Faya* received 32,500 ETB per month

In 2011, *KVI* received ETB 40,000 per month

The support is provided regardless of the number of adoptions, and there are no conditions attached to it other than that it must ensure the best possible care for the children¹²⁷⁴

In a letter dated 13 September 2011 to Adopsjonsforum, KVI stated that they had not had as many children released for adoption (they had 'referred' four in 2011), partly because the Ethiopian authorities were focusing more on domestic adoption and foster care placements. Nevertheless, they promised that Adopsjonsforum would soon be allocated more children and gave assurances that they were working hard to achieve this. At the same time, they requested that the grant be increased as much as possible.

In connection with the renewal of the agreement in 2012, KVI submitted a draft contract. The contract listed the obligations of both parties. Under Adopsjonsforum's obligations, it was proposed that

¹²⁷⁰ In 2010, 20,000 ETB amounted to approximately 1,500 USD.

¹²⁷¹ Letter from KVI to AF dated 2 September

2009. ¹²⁷² Letter from AF to KVI dated 19

November 2009. ¹²⁷³ Letter from AF to KVI dated

26 October 2010.

¹²⁷⁴ Application for a distribution licence dated 30 September 2011.

that the donations would be increased to 80,000 ETB per month. The following point was set out under KVI's obligations:

KVI undertakes to propose orphaned and vulnerable children (infants and very young toddlers or children under the age of 3) to at least 24 proposed adoptive families during the project period through the AF representative

In its reply, Adopsjonsforum stated that it was unable to increase its support to more than 53,000 ETB per month. Furthermore, the following points were raised:

It is further required that the first bullet point under 'Duties of Kingdom Vision International' be amended *so as not to contain any direct 'promise' regarding the number of children*. It is not ethically correct to link this agreement to any specific number of adoptions, as this could be interpreted as a 'price' for the adoption of children [...] [original emphasis]

In the agreement signed on 13 March 2012, the clause has been amended to read:

KVI undertakes to propose orphaned and vulnerable children (infants and very young toddlers or children under the age of 3) from among the children at KVI's orphanage sites via AF. The number of children available for adoption during the term of the agreement may not be known. The number shall vary depending on the availability of children for this programme and the proposals from families via Adoption Forum.

In 2013, Adopsjonsforum terminated its cooperation with both KVI (from 1 November) and Faya (from 1 October) by means of two identical letters.¹²⁷⁵ The reason given in this letter was:

Due to various circumstances, Adoption Forum's financial difficulties and the very small number of children placed for adoption with Norwegian families over the last two years ([KVI:] six in 2012 and none in 2013 / [Faya:] four in 2012 and three in 2013), we deeply regret to inform you that we must cease further cooperation [...]

2014–2015 Biftu and Tikuret

In 2014, Adopsjonsforum entered into cooperation agreements with two new children's homes, Biftu (March) and Tikuret (September). As with the agreements with KVI and Faya, Adopsjonsforum undertook to provide monthly support of 208,000 ETB to Biftu and 101,000 ETB to Tikuret respectively. For their part, Biftu and Tikuret undertook, amongst other things, to facilitate adoptions.

In the 2014 application for an intermediary licence, the support provided to these two organisations is described as follows: Adopsjonsforum provides a fixed monthly grant to both partner organisations.

Biftu: approx. 208,000 ETB per month (approx. NOK 64,500)

Tikuret: approx. ETB 101,000 per month (approx. NOK 31,600)

The support is provided regardless of the number of adoptions. The support is intended to ensure that all children associated with the centres receive the best possible care and opportunities for development.

However, as Adopsjonsforum terminated its adoption cooperation in Ethiopia in 2015, these agreements were short-lived. The agreement with Tikuret was terminated in March 2015, with effect from 20 April.¹²⁷⁶ The agreement with Biftu was terminated in June 2015 with immediate effect.¹²⁷⁷ The letters are relatively similar in content, and the termination was also justified to these organisations on the grounds that few

¹²⁷⁵ Letter from AF to Faya dated 30 August 2013 and from AF to KVI dated 3 September 2013.

¹²⁷⁶ Letter from AF to Tikuret dated 13 March 2015 (the letter is incorrectly dated 2014).

¹²⁷⁷ Letter from AF to Biftu dated 22 June 2015.

children and that the adoption process was taking too long: ‘It is no longer within our financial means to continue a large programme in the country when few adoption processes are being completed’.

Adoption Forum’s comments

Following the presentation of the factual basis (see section 3.6.11), Adoption Forum submitted the following written comment regarding the financial support provided to partner children’s homes:

With the large influx of new organisations and the increase in the number of adoptions from the early 2000s, there was clearly an undesirable ‘competition’ for adoptions. The number of adoptions to Norway fell from a level of 46–47 per year (2003–2004) to 15 in 2012. It was clear that some of the new operators were spending a great deal of money, and it has since come to light that at least one organisation offered families money to give up their children.

Following internal discussions, Adopsjonsforum agreed to support certain children’s homes that had made a positive impression on us. These were run by non-profit and religious organisations that appeared genuinely committed to children’s welfare, and where money was not the primary motive for running the children’s homes. It should be noted that during those years we also visited a number of organisations and institutions with which we did not wish to collaborate, based on the impression that they were either driven purely by financial motives or appeared to be unprofessional in their work.

Support for children’s homes can be seen as support for the care and support of the children, and children who could not be adopted also benefited from this support. At the same time, it is important to mention that almost all children’s homes in Ethiopia are run without public funding, and costs for staff, premises, water and electricity, food, medical care, etc. must be covered by donations and voluntary contributions. It was always the case that we were not to link the support to a specific number of adoptions, but it was implicit that without adoptions we would not have the financial means to continue the support.

Adoption Forum may be criticised for the fact that cuts to funding at short notice caused problems for the institutions and that the children suffered as a result. At the same time, there was dialogue and informal warnings were given regarding the uncertainty of Adoption Forum’s funding in the long term.

15.7.4.5 *Falsification of background history*

In the years following the change of foreign contact, a particular situation arose at one point at the Debab transit home in connection with a specific adoption case. The Committee bases its understanding of the sequence of events primarily on two emails from one of Adoption Forum’s local staff members in Ethiopia to the country contact in Norway.¹²⁷⁸ The Committee has reviewed the case files, correspondence and board papers from the period, and the case has been discussed in interviews with the former chair of the board and staff at Adoption Forum in both Norway and Ethiopia.

The adoption case concerned a child who had been received at Debab from another region in Ethiopia. Documentation of the child’s release was missing at that time, but it was assumed that this would be sorted out. The staff at Debab made repeated attempts to obtain the necessary documents from the relevant authorities, but as it was approaching a year since the transfer, they realised that this would not be successful. To resolve the situation, the local staff therefore entered into an agreement with a woman and a kebele in Addis. The agreement was that the woman would take temporary care of the child and inform the local authorities that she had found the child abandoned.¹²⁷⁹ With the assistance of the Kebele, the documents required to release the child for adoption were thus issued, and the child was returned to Debab.

¹²⁷⁸ For privacy reasons, the dates of these are not disclosed.

¹²⁷⁹ As the Committee understands the process, she also had to produce two witnesses to this effect.

The child was subsequently matched with a Norwegian applicant couple. However, approximately one month before the adoption was finalised, Adopsjonsforum's country contact appears to have become aware of what had happened and requested further information. In an email from the local staff member to the country liaison at Adopsjonsforum's office in Norway, it is explained that this solution had been chosen because the child's background was unknown in any case, and that sending him back was not an option.

The email goes on to say:

It will be very difficult to tell other people that we have drawn up a false document. This will cause people to lose confidence in us.

As professionals, we have to be careful about what we say or write. I think we have to stick to what is written. NN [the child] has not experienced any incidents worth mentioning during [his/her] one-year stay with us; [he/she] is healthy and developing well.

The child was matched with a Norwegian applicant couple, and the adoption was finalised about a month after the email exchange. As far as the committee can ascertain, the adoption was finalised on the basis of the story that the child had recently been found abandoned in Addis. The local organisation Berhane Hiwot signed the adoption contract and is named as a party to the court decision. The child's report from Debab states a date of arrival at the transit home of around three months prior to the adoption, which is consistent with the fabricated story. However, other internal documents (health report / log from Debab) indicate that the child was much younger when they arrived at the transit home and had been living there for over a year.

The Committee has raised the matter in interviews with the then chair of the board and staff at Adopsjonsforum. The locally employed staff member stated in an interview with the Committee that she could not recall such a case. The then managing director stated that he was aware of this case, but that, as far as he could remember, it was the country representative who was tasked with following it up. The managing director has made it clear to the Committee that the responsibility nevertheless lay with him. The Committee has found no information to suggest that Adopsjonsforum's board was informed, and the former chair of the board stated in an interview with the Committee that he could not recall having been made aware of the case. The matter does not appear to have had any internal consequences within Adopsjonsforum, either in Norway or for the staff involved in Ethiopia. Neither the Norwegian nor the Ethiopian authorities were informed of the matter.

15.7.5 The Committee's assessment of adoption work 2004–2015 and the placement and release of children for adoption

The Committee finds that the system for the placement and release of children in Ethiopia, particularly following the legislative amendment in 2000 which gave private operators a greater role, entailed several weaknesses and risks that required a high degree of diligence in order to conduct responsible adoption work in the country.

Firstly, the placement of children with various organisations was heavily dependent on personal contacts and networks. The system appears to have entailed a significant risk that personal acquaintances and reciprocal favours took precedence over the best interests of the child when the child was to be placed with an organisation or parents. In this regard, Adoption Forum – both in Norway and on the part of its foreign contacts – appears, in principle, to have been very conscious of the need to comply with the regulations. Among other things, they did not pay fees to children's homes beyond the documented expenses for each individual child, and the foreign contact (from 2004) is reported to have been very restrictive in not accepting children whose paperwork was not in order. This was probably the main reason why Adopsjonsforum had difficulty finding partners and was allocated fewer children. It is noted in this context that the number of adoptions to Norway showed a slight downward trend throughout the 2000s, whilst the total number of adoptions from Ethiopia increased significantly.

The Committee bases its assessment on accounts stating that Adopsjonsforum operated in a far more restrictive manner than many other international organisations during these years. Among other things, this concerns the payment of undocumented fees in connection with individual placements from private children's homes. The Committee also believes that financial management following the establishment of Debab reduced the risk of any form of hidden fees being paid to private actors and/or public officials in connection with the placement and release of children for adoption.

In other areas, however, the Committee finds several matters worthy of criticism relating to adoption work during this period. The highly unfortunate developments in the field in Ethiopia gradually made it more difficult for organisations wishing to operate legitimately. Although Adopsjonsforum appears in several respects to have been a more conscientious and law-abiding organisation than some others during this period, this is not sufficient to justify the practices in question. The soundness of the organisation's operations must be assessed on its own merits against the fundamental principles of adoption work, and not on the basis of the risks and errors that occurred among other similar organisations.

Adopsjonsforum continued its operations despite the clear weaknesses and risks that existed and were developing within the Ethiopian adoption system. Nevertheless, the committee has not found any documented procedures or risk assessments relating to the challenges described here. The committee therefore considers that Adopsjonsforum was not sufficiently aware of the challenges and/or accepted an excessive level of risk.

Adopsjonsforum chose, to a large extent, to admit children to the transit home before the release process and matching had been completed. In several cases, the children were, in practice, placed in a transit home for children intended for international adoption shortly after their original care situation had been disrupted, for example because they had been found abandoned or their parents had handed them over themselves. This suggests that international adoption was regarded as the first choice, and that in these cases no investigation was carried out nor were any genuine attempts made to reunite the children with their parents, place them with other members of their biological family, or explore other national alternatives. This contravenes, amongst other things, the principle of subsidiarity. It was a weakness in the Ethiopian adoption system that such practices were accepted, something of which Adopsjonsforum should have been aware. The practice contravened, amongst other things, Article 21 of the Convention on the Rights of the Child, and Adopsjonsforum should therefore have brought this to the attention of the Norwegian authorities in its applications for a placement licence.

Furthermore, the possibility that staff at the children's home could themselves 'find' children for adoption entailed an increased risk that release/adoption processes were initiated on an incorrect basis, a matter which will be discussed in more detail in sections 15.7.6 and 15.7.7. Adopsjonsforum should not have accepted this method of channelling children to the organisation. In light of this, the Committee considers it concerning that Adopsjonsforum accepted that relatively newly established organisations, which in reality had little or no practical involvement with the children, represented the children in the adoption contract and in court.

Following a meeting with one of these organisations, Adoption Forum's representative was himself 'somewhat puzzled by the way this organisation operated', and by the fact that they had been granted permission to carry out adoption activities.¹²⁸⁰

The Committee further considers that Adoption Forum's agreements with various private organisations/children's homes were contrary to the principles relating to financial transactions in adoption work, cf. inter alia Article 21(d) of the Convention on the Rights of the Child. Although Adopsjonsforum objected to a specific number of placements being stipulated in the agreement with KVI, the Committee considers that both this agreement and the corresponding agreements with other organisations were clearly based on a shared understanding and intention that the size of Adopsjonsforum's financial contribution would have consequences for the number of children allocated ("more payment, more children"). Upon entering into these agreements, Adopsjonsforum appears to have recognised that such arrangements were necessary to sustain the adoption work, as "this is largely how things are done in Ethiopia today". In the Committee's view, this realisation should have led Adopsjonsforum to cease its work in

¹²⁸⁰ See section 15.7.4.3.

Ethiopia, rather than becoming part of what they themselves had, just a few years earlier, regarded as unacceptable arrangements.

The Committee believes that Adoption Forum provided incorrect information to the Norwegian authorities when, in its applications for authorisation, it stated that no conditions were attached to this support and that it was provided regardless of the number of adoptions. The Committee considers it likely that Adopsjonsforum understood that the Norwegian adoption authorities would have objected to an agreement on financial support which simultaneously obliged local organisations to allocate children to Adopsjonsforum, and that this was the reason why they provided incorrect information.

At the same time, the Committee finds it reprehensible that the Norwegian authorities did not follow up to a greater extent on the information provided in the placement applications in both 2008 and 2011, stating that Adopsjonsforum supported partner organisations/children's homes with substantial monthly sums of money. In the Committee's view, this form of direct financial support to local organisations is likely to create a relationship of financial dependency between local organisations and adoption agencies, a risk of which the Norwegian authorities should also have been aware and which they should have monitored more thoroughly. In this connection, reference is made to the fact that as early as 2000, there was a unanimous recommendation from the Special Commission at the Hague Conference:

Receiving countries are encouraged to support efforts in countries of origin to improve national child protection services, including programmes for the prevention of abandonment. However, this *support should not be offered or sought in a manner which compromises the integrity of the intercountry adoption process, or creates a dependency on income deriving from intercountry adoption. Furthermore, decisions concerning the placement of children for intercountry adoption should not be influenced by levels of payment or contribution.* These should have no bearing on the possibility of a child being made available, nor on the age, health or any characteristic of the child to be adopted.¹²⁸¹ [emphasis added by the Committee]

The Committee finds it reprehensible that Adopsjonsforum unilaterally and at short notice terminated its financial support to its partner organisations when it became clear that the adoption figures – for various reasons – were too low.¹²⁸² It is assumed that many local organisations and aid projects in Ethiopia were both established on the basis of such support and were dependent on it to maintain their operations. Although this type of dependence on income from adoption work should not, in principle, occur in the first place – cf. the quotation above – the Committee considers that a significant ethical responsibility rests with the foreign organisations that nevertheless entered into such agreements. The Committee is not aware of the direct consequences that Adopsjonsforum's decision to abruptly withdraw from agreements/projects had for children (and others) who were supported by the respective organisations. However, the Committee has found no evidence that risk assessments were carried out before the financial support was terminated. In general, the Committee considers that the practice of committing to large, regular sums of money only to withdraw at short notice is potentially highly problematic. In the Committee's view, Adopsjonsforum contributed to a practice that entails a risk of situations such as those described in section 15.3.1, where dramatic consequences ensued when private operators lost their income and were suddenly forced to hand over a large number of children to the public child welfare system, which did not have sufficient capacity to care for them.

The Committee considers it positive that Adopsjonsforum itself chose to cease its operations in Ethiopia when it no longer regarded the adoption work as justifiable. However, it appears to the Committee that the assessments regarding the soundness of the work and a possible termination only really came to the fore when the challenges of being allocated children and completing a sufficient number of adoptions became so great that, in any case, it was no longer

¹²⁸¹ HCCH (2000) *Report and Conclusions of the Special Commission on the Practical Operation of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*, 28 November–1 December 2000, p. 28.

¹²⁸² Following the submission of the factual basis, the AF notes that there was 'dialogue and informal warnings' that the funding was uncertain in the long term; see section 15.7.4.4.

it was possible to continue operations. The Committee finds it clear that Adopsjonsforum had been aware of the unfortunate developments for a long time, and, in the Committee's view, the assessments regarding the soundness of the work and the decision to discontinue it came too late. Adopsjonsforum should have informed and involved the Norwegian adoption authorities much earlier. The first written report that the Committee has found from Adopsjonsforum to the Norwegian authorities in which the unfavourable developments in Ethiopia are described in plain terms appears in the letter of 28 October 2015, cited in section 15.7.4.2, i.e. after the work had been terminated.¹²⁸³ The then managing director informed the Committee that there had also been some verbal dialogue with Bufdir regarding these matters.¹²⁸⁴ Bufdir was also represented at an adoption conference in Addis Ababa on adoption from African countries in 2012, where various issues were discussed.¹²⁸⁵ The Committee nevertheless considers that these are matters which clearly should have been reported and described in the formal correspondence. The Committee finds that the failure to notify the Norwegian authorities of these matters constituted a breach of the placement licence.

The Committee further considers that the Norwegian authorities themselves did not take sufficient measures to ensure the soundness of adoptions to Norway throughout the 2010s, when several irregularities in adoption practices in Ethiopia were uncovered internationally.

According to the then head of department at Bufdir, the situation was monitored and attention was stepped up, particularly in connection with placement applications. He believed this had a preventative effect, as Adopsjonsforum was aware that they could lose their licence if they did not act properly. Otherwise, the Committee has found no documentation of what this increased scrutiny specifically entailed, and the case officer who processed the applications could not recall, in an interview with the Committee, whether any additional checks were carried out.

The Committee finds that the case referred to in section 15.7.4.5, in which Adopsjonsforum's local staff in Ethiopia deliberately initiated a process to have a child released on the basis of false information, constitutes a serious breach of several rules and principles. The Committee takes the view that the forgery of documents also constitutes a criminal offence in Ethiopia. The misrepresentation of the child's background meant that the court's assessments of whether fundamental principles of adoption law – including consent and subsidiarity – had been upheld were made on the wrong basis. The Committee considers the deliberate forgery to be a very serious matter.

The Committee further considers that the response from Adopsjonsforum's management in Norway was not commensurate with the seriousness of the matter. It is reprehensible that Adopsjonsforum's board was not informed, and that the circumstances uncovered did not result in any internal follow-up within the organisation or for the parties involved. The Committee further considers that Adopsjonsforum's failure to notify the Norwegian authorities of the matter constituted a clear breach of its placement licence. The Ethiopian authorities should also have been informed.

A key figure at Adoption Forum – who was not personally involved or recalls being made aware of the case, but who was presented with it during an interview with the Committee – assumed that the intentions behind the action were probably good, and that a pragmatic solution had been chosen in a difficult situation for the child's sake.¹²⁸⁶ The Committee recognises that the consequences for the child were potentially a prolonged existence in 'limbo'. The risks and implications inherent in accepting or contributing to the fabrication of

¹²⁸³ A somewhat more general description of certain problematic circumstances is nevertheless also set out in a letter from AF to Bufdir dated 19 January 2011; see section 15.7.6.5 for further details.

¹²⁸⁴ A general description of this problematic development is set out in the minutes of the liaison meeting of 11 November 2010.

¹²⁸⁵ Fifth International Policy Conference on African Child (IPC) Intercountry Adoption: Alternatives and Controversies, 29–30 May 2012. One of the presentations was given by a representative of the Ministry of Women, Children and Youth Affairs and was entitled '*Policies, practices and challenges in intercountry adoption: Ethiopia's experience*'. The conference programme is held in Bufdir's archives, case 2012/50719.

¹²⁸⁶ This was presented as a possible explanation, not an excuse. The speaker made it clear that this should not have happened.

However, the falsification of information or documents to make children eligible for adoption is nevertheless a very serious matter, and it is under no circumstances acceptable for procedures to be disregarded on the basis of the adoption agency's internal assessment of the best interests of the individual child, without consultation with the Ethiopian and Norwegian authorities.

The Committee considers it a positive and proactive step that Adopsjonsforum, together with Bufdir – due to concerns about archiving procedures – chose to transfer Adopsjonsforum's local archive material from Ethiopia to Norway. During its field visit in January/February 2025, the Committee was informed that there is still no satisfactory archiving system in Ethiopia, and that adoptees will face difficulties in obtaining documents there. The transfer to Norway has therefore likely improved adoptees' access to information. According to the information provided to the Committee, until recently (2024) the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) had not routinely included documents from the Ethiopia archive when adoptees applied for access, as they were of the opinion that the Ethiopia archive was a duplicate of the Norwegian file. It was only when the Committee, during its archive searches, pointed out that this was not the case that the practice was changed. The Committee considers this to be unfortunate, as adoptees have still not been granted access to all available information about themselves and their adoption.

15.7.6 The Siblings Project

15.7.6.1 *Introductory remarks*

In the following, the Committee will review matters relating to one of Adoption Forum's aid projects in Ethiopia. The reason this project is singled out is that the Committee believes it was organised in a way that entailed a significant risk of creating expectations among birth parents or other relatives/caregivers, prior to the adoption process, regarding financial compensation in the event of the adoption of one or more children. The Committee has also found documented evidence that such incentives were offered in some cases.

15.7.6.2 *General information about the project*

The Siblings Project was a support project organised by Norwegian parents who had adopted children from Ethiopia, and was launched in 1998/99.¹²⁸⁷ The background to the project was that the then Ethiopian adoption authority (CYFAD) had, in a number of specific cases, asked Adopsjonsforum to support the remaining siblings of children who had been adopted to Norway.¹²⁸⁸ On the Norwegian side, the support was organised as a sponsorship scheme and eventually came to automatically include all remaining siblings of children adopted to Norway. The project was funded by recruiting regular donors, including through *the Ethiopia Club* and Adoption Forum's website.¹²⁸⁹

Initially, aid projects such as this were run by volunteers, independently of Adopsjonsforum's board and secretariat. Adopsjonsforum nevertheless organised annual meetings for project leaders and was presented with project reports and accounts. The leader of the sibling project sat on Adopsjonsforum's board for several years. Adoption Forum also listed the project as one of 'its' aid projects in all its applications for mediation in Ethiopia between 2000 and 2011. Until 2009, it was Adoption Forum's Ethiopian foreign liaison officer and the orphanage manager who administered the project locally.

The aim of the project was to ensure that siblings who (mainly due to their age) could not themselves be adopted abroad would have the means to support themselves and be given the opportunity to attend school in Ethiopia. Under Ethiopian law, as shown in section 15.4, until 2001 it was in principle not permitted to place children for adoption abroad if one or both parents were still alive. The basic premise was therefore that

¹²⁸⁷ The year cited by Adopsjonsforum varies between different sources. This is likely because the project was in its start-up phase during those years.

¹²⁸⁸ AF. Travel report, January 1998.

¹²⁸⁹ As stated by the project manager. The Ethiopia Club was one of several active country clubs, run by and for adoptive families.

The children included in the project were orphans, often without any carers. In practice, the support was provided in the form of a fixed monthly sum paid in cash. The funds were handed over by Adopsjonsforum's locally employed representative, and the recipients signed to confirm that the money had been received. The handover took place primarily by the recipients themselves turning up at the transit home or Adopsjonsforum's office. In some cases – where the recipients lived further away – payment was made via transfers to a local bank, or by the representative travelling to meet them in person.¹²⁹⁰ As the children reached adulthood, they left the project, but some also received support during a transitional phase, for example in connection with finding accommodation or settling into a job.¹²⁹¹

Until 2004, enrolment and payments were administered by Adopsjonsforum's first overseas contact / manager of the Amba transit children's home. When Adopsjonsforum ended its collaboration with her and established its own transit children's home, Gooble Debab, the first foreign liaison officer continued to manage payments for the siblings who had been included in the project up until 2004, whilst the manager of the Debab children's home was given responsibility for new siblings added after 2004.¹²⁹² In 2009, responsibility was transferred once again. As mentioned earlier, Adoption Forum entered into a partnership with the Faya children's home in Nazret that year. Faya then also took over the sibling project and quickly included a number of new children in it. In 2010, however, Adopsjonsforum suspended its partnership with Faya – for reasons set out below – and subsequently reorganised the sibling project. Responsibility was transferred to another of the partners – Kingdom Vision International (KVI, see section 15.7.4.4) – and the project was gradually transformed into a 'family empowerment' programme.

15.7.6.3 *The Norwegian authorities' knowledge of the project*

As shown, the sibling project was launched in 1998/99. Adopsjonsforum informed the Norwegian authorities about the project in its application for accreditation in 2000. It was described as follows:

We run a small, mentor-based 'sibling project' which provides assistance to older siblings of children adopted to Norway. This concerns orphaned children and young people who live alone, more or less without adult supervision. The children have a roof over their heads, but otherwise lack most things. They receive general financial assistance as well as support to complete their schooling. Any unforeseen expenses, such as medication or medical treatment, will also be covered as required. The aim is for them to gain an education that will enable them to become self-sufficient in the medium term.

The 2002 application describes the project as follows ¹²⁹³:

A sponsorship project in Ethiopia was launched in 1998. The idea behind the project is to provide assistance to children who have siblings adopted to Norway. (In Ethiopia, it is not uncommon for some members of a sibling group to be adopted away, whilst the eldest remain behind). The board of the children's home is responsible for monitoring the project together with the contact person. There are currently 29 children in the project.

In 2003, BUFA undertook a monitoring visit to Ethiopia, during which they were able to visit some participants in the sibling project, and wrote the following about this in their report:

The sibling project in Ethiopia is run with the approval of Adopsjonsforum's aid committee. A group of dedicated individuals, including those who have adopted children from Ethiopia, are responsible for the practical running of the project. Adopsjonsforum's central office is responsible for the funding. The Ethiopia Club also organises fundraising campaigns for the project from time to time. The project provides financial support to siblings of

¹²⁹⁰ Information obtained from local staff during the committee's field visit.

¹²⁹¹ Information taken from the 'Report from the Siblings Project 2010'

¹²⁹² The application for a placement licence dated 28 September 2005 states that it was the new overseas contact who took over responsibility. However, it appears that responsibility was transferred to the children's home manager relatively soon afterwards.

¹²⁹³ Under the heading 'Description of the scope of the association's any aid projects and programmes in the country of origin'.

children who have been adopted to Norway and who cannot themselves be adopted, for example because they are too old. For the most part, these are older siblings living with other siblings, grandparents, aunts, uncles or other family members, or with friends. The money is used to cover living expenses and schooling for these children/young people.

On the way back from Arba Minch on Tuesday 23 September, we had arranged to visit some sisters in NN, a small town just south of Addis Ababa. There had been a misunderstanding and these sisters were not at home when we knocked on the door. These were two girls aged 12–14 who lived with a sister aged around 20. As far as we understood, the eldest girl was due to start university. We got a glimpse of the area where the siblings lived and their house from the outside. The area was poor and characterised by slum-like conditions.

We later arranged a meeting on Friday 26 September with a grandmother and a pair of siblings – a 13-year-old girl and a 14-year-old boy – who were being supported by the project. These children had two younger brothers and two cousins who had been adopted into Norway. We were warmly welcomed by this family. Thanks to the support provided by the project, the grandmother and the children now have enough money to use their entire house (which is very small by our standards, but clean and cosy), whereas previously they had to let out a room to cover the rent. The children's schooling is also secured.

[...] As of September 2003, 46 children were receiving support from the Sibling Project.

In the funding applications from 2005 and 2008, the information from the 2002 application is repeated almost word for word, but the number of children covered by the project is stated in both applications as 50.

The 2011 funding application states the following:

A sponsorship project ('the Sibling Project') in Ethiopia was launched in 1999. The idea was that the project would support children who have siblings adopted to Norway. In Ethiopia, it is not uncommon for some members of a sibling group to be adopted away, whilst the eldest remain behind. The children who received support were primarily those whose parents were no longer alive. Our former representative is responsible for the eldest children in the project.

There are currently just over 50 children in the project, which primarily provides support for education, health and social welfare. Many new children joined the programme in 2010 – particularly through Faya, who also took over responsibility for following up on most of the new children. However, several of the children have living parents, and the project is now being restructured. KVI has been commissioned to help the families set up their own businesses that can provide them with a regular income, rather than funding their children's schooling and so on.

Neither the sibling project nor the new project is mentioned in the funding application from 2014.

15.7.6.4 *The sibling project prior to 2009*

It is worth noting here some links between the sibling project and adoption work prior to 2009.

When the sibling project was launched towards the end of the 1990s, as mentioned, only orphaned children could be adopted abroad. The children's parents therefore had to be either deceased, unknown, or impossible to locate or contact.

The starting point for the Sibling Project was to support surviving siblings who lacked carers. However, as outlined in section 15.7.4.3, a shift occurred during the 2000s whereby the children placed for adoption in Norway were, to an ever-greater extent, put up for adoption by their own parents. All remaining siblings of children adopted to Norway were offered support from the project – even where the parents were alive.

Those responsible for the project – both locally in Ethiopia and in Norway – have informed the committee that parents were only made aware of the project after the child had been released for adoption, and that support was only paid out after the child had arrived in Norway. As the children were already in the process of being released from care when the overseas contact became aware of them, the sibling project could not, in their view, create any incentives to consent to adoption.

The Committee's investigations show that, as a general rule, it appears to be correct that Adopsjonsforum's representatives first came into contact with the children after they had been placed in a local children's home and/or were in the process of being released for adoption. Nevertheless, as shown in section 15.7.4.3, there are several cases where there is explicit information that Adopsjonsforum's overseas contact or other staff at the children's home had been in direct contact with parents who, for various reasons, had been unable to provide for their children, and that the children were subsequently adopted to Norway through Adopsjonsforum.

The Committee has interviewed adoptive parents who adopted children from Ethiopia between 2000 and 2008, and who, during the collection trip and/or subsequently, have been in contact with the birth family. Several adoptive parents stated that they had gained the impression that expectations of compensation had underpinned the decision to give up one or more of the children for adoption. Some of these birth families have received support from the Siblings Project. During the field visit to Ethiopia, the committee also had such cases confirmed by one of Adopsjonsforum's local staff members. She explained, amongst other things, that she herself had informed a single mother who was struggling to provide for her children about the possibility of financial support. She had asked the mother to give her youngest child up for adoption through Debab ('please give us the smallest one'), so that it would be easier for the mother to work, and she could receive support for her older remaining children. The youngest child was adopted to Norway. The staff member went on to say that she personally knew of 4–5 families from the same village who had given children up for adoption via Adopsjonsforum – several of them still came (in 2025) to ask for news of the children when she visited her relatives there. In another case, the two youngest children had been adopted to Norway, and the family had received support to ensure that the older siblings received a good education in Ethiopia. The staff member expressed that she was proud to have contributed to this, and viewed it as a positive outcome for everyone involved.

As more children with (at least) one living parent were adopted, more of the beneficiaries of the Sibling Project also came to be families of this type. During the committee's field visit, the manager of Debab (project leader between 2004 and 2009) explained that, as far as she could recall, only children with living parents were included in the Sibling Project:

If they did not have a living parent, they would not be in the Sibling Project. Who would collect the money?

The manager's impression is to some extent confirmed by a 2008 report on the second phase of the project (i.e. those who joined after 2004), in which seven out of thirteen beneficiaries were the children's mothers, and one was a grandmother. However, five sibling groups appear to have been represented by people other than family members, including a social worker.

15.7.6.5 *In particular, regarding the sibling project administered by Faya from 2009 to 2010*

In 2009, Adopsjonsforum, as outlined in section 15.7.4.4, entered into a cooperation agreement on adoption with the Faya children's home. Faya was a local organisation with its own children's home in Nazret which, initially, ran various programmes for people living with HIV, but also placed children for adoption. In connection with an application to the AF board to increase support for the organisation's projects, the country representative described it as follows:

The organisation was primarily established to assist HIV-positive children, but has also developed an adoption partnership with us, as other children also come to the children's home run by the organisation.¹²⁹⁴

When the adoption partnership was established and agreements on operational and project support were entered into, Faya simultaneously took over responsibility for the part of the sibling project that the orphanage manager at Debab had administered until then. A larger group of children was included during the years Faya administered the project; in 2008, it is stated that 53 children were being supported by the project, and by 2010 the number had risen to 70

¹²⁹⁴ Application for support for HIV-positive children in Ethiopia – FAYA Orphanage, dated 26 April 2010.

children.¹²⁹⁵ At the end of 2010, the collaboration with Faya was temporarily suspended, and the sibling project was reorganised after Adopsjonsforum became aware of problematic circumstances regarding how the project was being run. These circumstances will be described in more detail here.

As the Committee understands the sequence of events, Adopsjonsforum received a report from an adoptive parent in November 2010. During conversations with the head of Faya on a return journey, the adoptive parent had gained the distinct impression that the head saw no problem in approaching poor and disadvantaged parents with offers of financial support if they gave some of their children up for adoption.¹²⁹⁶ The country representative and another staff member, who happened to be on a work trip to Ethiopia at the time, subsequently appear to have raised the issue at a meeting with Faya. The travel report states that:

A number of unfortunate circumstances came to light just before and during the meeting. As a result, we immediately decided to issue a directive to halt the project in its current form. It is considered highly 'harmful' that the sibling project, as it is currently organised, can in fact be linked to adoptions. [...] Following the meeting, it was deemed highly uncertain whether to continue the collaboration with Faya, given their apparent views on adoption placement.¹²⁹⁷

A report specifically relating to aid work in Ethiopia from the same working visit states the following:

Meeting with FAYA

There is uncertainty as to whether, during counselling sessions with families considering giving a child up for adoption, they are informed about the sibling project and that they can become part of it once they have given up a child. If this is the case, the sibling project could act as a catalyst for families to give up their children for adoption. When we raise this with FAYA, they themselves state that they do not provide information in advance. They go on to say that for most families, adoption is the 'first option'. The support coordinator and case worker emphasise that adoption should always be the 'last option', regardless of the family's situation, and that it is our responsibility to ensure that the parents are 100 per cent certain of what it means to give their children up for adoption, and that this is what they want.

Meeting with KVI:

KVI states that we face two challenges:

- 1) According to KVI, it is not permitted to give money directly to families (cash in hand). If this is discovered, local staff at Adoption Forum Ethiopia may be imprisoned, including KVI staff.
- 2) The sibling project could be linked to human trafficking because families who give their children up for adoption are automatically enrolled in the sibling project.

Recommendations:

The Sibling Project has developed in such a dangerous direction and is so closely linked to adoption that the risk of being associated with human trafficking is extremely high. Unfortunately, we cannot rule out that we have already been involved in such cases, as there is considerable uncertainty surrounding the release of children for adoption from FAYA

¹²⁹⁵ It is not clear how many of these 70 were 'new', but it is assumed that several left the project during the same period due to age, so the figure is likely to be more than 17.

¹²⁹⁶ Reported directly to the committee by the adoptive parent.

¹²⁹⁷ AF. Travel report, November 2010.

[...]

One of the challenges is that families can go to the authorities and say we have stopped the support – meaning that we are stopping direct payments to families. We therefore need to work with these families over a longer period to prepare them for the changes that are coming.

[...]

According to KVI, we have not been caught out on this ‘cash in hand’ issue before because we are small, we keep a low profile and have not been scrutinised. We are not an NGO, but all NGOs and adoption organisations will be evaluated in 2011, starting around February.

Adoption Forum suspended its cooperation with Faya immediately on the basis of the information that had come to light.¹²⁹⁸ A reorganisation of the sibling project was also initiated with the assistance of another partner, KVI (Kingdom Vision International), mentioned in the quotation.¹²⁹⁹ It is nevertheless stated that ‘[c]hildren from Faya who have already arrived at Debab may be put forward for adoption in Norway once the case has been reviewed once more and found to be in order’.¹³⁰⁰ Adoption cooperation with Faya was also resumed after a few months’ suspension.¹³⁰¹

The Committee has found two letters from Adopsjonsforum in which they provide information about the reorganisation of the project. The first (10 December 2010) was distributed to the authorities and relevant partners in Ethiopia,¹³⁰² and the second (19 January 2011) to Bufdir. Both letters describe problematic issues relating to the partner organisation in Ethiopia, but the serious issues concerning the organisation of the sibling project are only briefly outlined.

The first letter, addressed to ‘whom it may concern’, with a copy to the Norwegian Embassy in Addis Ababa, states the following:

As part of Adopsjonsforum’s work in Ethiopia, we have for many years supported orphaned and very poor children and their families with educational needs, etc. These are children who may be in need of support and who, for various reasons, are not available for adoption.

In November 2010, Adopsjonsforum’s aid and development work was reviewed by two experienced members of our staff. They interviewed several stakeholders and partners in Ethiopia in order to evaluate our activities. It appears that some of the work carried out is not fully in line with Ethiopian regulations and needs to be redesigned. A local NGO in Ethiopia will assist us with these changes.

Adopsjonsforum will always comply with and respect national legislation and government regulations in the countries where we operate. We have initiated a process to amend some of our projects in Ethiopia – including a so-called ‘sibling project’ supporting the education of the biological siblings of children who have been adopted to Norway. Mrs [NN], manager of the transit home Google De-

¹²⁹⁸ Letter from AF to Faya, 16 December 2010.

¹²⁹⁹ See draft agreement and correspondence with KVI from 2011.

¹³⁰⁰ AF. Travel report, 5–11 November 2010. The same is stated in a letter from AF to Faya dated 16 December 2010. The Committee has found no documentation as to whether such an additional review was carried out, or what this might have entailed. The then managing director stated in an interview with the Committee that he assumed the foreign liaison officer had been in contact with local authorities to enquire about the release process in the individual cases, but could not know or remember this for certain.

¹³⁰¹ Decided at AF’s board meeting in March 2011.

¹³⁰² Stated by the managing director in an interview with the committee.

Bab, and other persons working on this support, have acted in good faith on our behalf, and will actively participate in the necessary adjustments to the redesigned project.¹³⁰³

No reply to this letter has been found. The Committee cannot see that Bufdir was sent this letter by the Ministry of Foreign Affairs/the embassy or was informed of its contents.

The following information, amongst other things, was provided to Bufdir:

In November 2010, Adopsjonsforum undertook a trip to Ethiopia. Adoption consultant NN and aid coordinator NN held meetings with our representative, the authorities, and partners in the fields of adoption and aid. Their report has not yet been considered by the Adoption Forum's national board, but highlights the need for improvements to both adoption cooperation and aid work [...]

There is a weak tradition of domestic adoptions and foster care in Ethiopia. One of our partners – a children's home in the Oromia region – presented international adoption as the 'first choice' for children arriving at the institution. Adoption Forum immediately decided to suspend adoption work with this institution pending further investigations into how adoption work is carried out there. Whilst it was previously illegal for Ethiopian parents to voluntarily give up their children for adoption, this became permitted following regulatory changes some time ago. An increasing number of children in Ethiopia are therefore being voluntarily placed for adoption by their parents or other relatives.

However, there is uncertainty regarding the quality of the information provided to the parents/relatives about the consequences of international adoption. It is also important to ensure that no dubious financial transactions take place in connection with such adoptions.¹³⁰⁴

The case file at Bufdir contains no documentation to show that this letter was replied to or followed up by Bufdir.

The Adoption Forum's board was first presented with the travel and assistance reports at a board meeting in March 2011. It was then decided to resume adoption cooperation with Faya. The Committee has not found any documents in Bufdir's archives showing that the authorities were informed that the cooperation had been resumed.

15.7.7 The Committee's assessment of the sibling project

Initially, the sibling project was run by parents, independently of the Adoption Forum's board and secretariat. The Committee nevertheless finds that, in reality, no real distinction can be drawn between this support project and the adoption work. Firstly, Adoption Forum was provided with project reports and accounts, and thus had a good insight into the work. Secondly, Adoption Forum listed the project as one of its aid projects in all its applications for placement in Ethiopia between 2000 and 2011, thereby expressing a certain degree of ownership of it. Thirdly, there was significant overlap between the individuals involved in adoption work on the one hand, and in the sibling project on the other: the project's Norwegian manager sat on the board of Adoption Forum for several years. Furthermore, locally in Ethiopia, until 2009, the project was managed by Adopsjonsforum's orphanage manager and (former) international liaison officer.

Subsequently, responsibility was handed over to the partner organisation Faya, which also referred children to Adopsjonsforum for adoption. Although the adoption work and the sibling project had separate accounts and (partly) different management in Norway, the committee considers that, in all cases, it was not possible for those receiving the support in Ethiopia to distinguish between Adopsjonsforum as an adoption agency and the support they received through the sibling project. Adopsjonsforum's staff and board were aware of the sibling project and were actively involved in its implementation. The Committee finds

¹³⁰³ Letter from AF to 'whom it may concern', 10 December 2010.

¹³⁰⁴ Letter from AF to Bufdir, 19 January 2011

it is therefore clear that the Sibling Project must be viewed in direct connection with Adoption Forum's adoption activities in Ethiopia.

As shown, the sibling project was originally a response to a request from the Ethiopian adoption authorities to care for remaining sibling groups, and was aimed at orphaned children who had been left to fend for themselves. In these cases, those receiving the support had no influence themselves on the decision to release the children for adoption. Any prior knowledge or promises of financial support were therefore not likely to influence the adoption process in any way. The Committee finds no grounds for criticising the project as it was originally conceived and organised. The Committee's criticism is directed at how the Sibling Project developed and Adoption Forum's failure to carry out risk assessments in this regard.

The Committee's investigations into individual cases show that nearly half of the children adopted through Adoption Forum were handed over by relatives or other adult carers – and, over time, to a large extent by their own parents. As a result, from an early stage, the sibling project was, in practice, an arrangement whereby the very same people who had been instrumental in the child's release for adoption subsequently became recipients of a regular financial allowance, as they often also had custody of the siblings who received support.

In cases where children were referred to Adopsjonsforum from children's homes in other regions, and/or where the release process was already underway or had been completed before Adopsjonsforum made contact with the children, the committee considers it unlikely that knowledge of the Sibling Project had any influence on the carers' decision to place the children for adoption. The head of the Sibling Project in Norway has informed the committee that, in his view, all children were referred to Adopsjonsforum in this way, and that there was therefore no risk of children being released on the basis of an expectation of support.

As mentioned earlier, however, there are documented cases where children came to Debab directly from parents or other carers via Adopsjonsforum's international liaison officer or other staff at the transit home. The Committee has seen examples of such cases both before and after the change of international liaison officer in 2004. At the same time, key staff members at the transit home were responsible for incorporating new participants into the sibling project. There is a clear risk that the decision by parents or other carers to give a child up for adoption was taken after they were made aware of the possibility of financial support for the remaining children. The Committee has also received confirmation of cases where this occurred.

None of the former staff members or other individuals involved with whom the Committee has been in contact – neither in Norway nor in Ethiopia – have indicated that, prior to autumn 2010, they were aware of the risk that the support might become a financial incentive to give children up for adoption. Nor were any guidelines or measures introduced to prevent this. One of the locally employed staff members, however, told the committee that it was a win-win situation and had no qualms about presenting this as an 'offer' to birth parents or other carers.

The Committee has concluded that, through the sibling project, Adopsjonsforum has, in an unethical and improper manner, influenced the consent of parents/carers to adoption by, in practice, providing financial compensation in exchange for consent to adoption. This contravenes, amongst other things, Article 4(c)(3) of the Hague Convention (consent must not be induced by payment), Article 21(d) of the Convention on the Rights of the Child (prohibition of undue financial gain) and Article 3 of the Optional Protocol to the Convention on the Rights of the Child (prohibition of 'improperly inducing consent').¹³⁰⁵ The Committee has found indications that, in some cases, this may have amounted to the 'sale and purchase' of children.

¹³⁰⁵ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, United Nations, 25 May 2000, Article 3.

The Committee considers it a breach of Adopsjonsforum's placement licence that it failed to inform the Norwegian authorities of the circumstances discovered in connection with Faya and the sibling project during the working visit in November 2010. It is positive that Adopsjonsforum reacted immediately to the information it received and suspended the cooperation. Nevertheless, the Committee considers that the subsequent handling of the matter was not commensurate with the seriousness of what had been discovered. The Committee believes that Adopsjonsforum should have consulted with the Norwegian and Ethiopian authorities before the ongoing adoptions from this children's home were finalised, and before resuming cooperation with Faya. The fact that Adopsjonsforum's staff carried out an internal review of the cooperation and a review of the individual cases in question was not a sufficient measure, and it is also unclear what this might have entailed. In the letter sent to Bufdir on 19 January 2011, Adopsjonsforum states that their partner organisation had not provided sufficient guidance to the birth parents, but does not mention the information that the parents had probably been informed about the sibling project and the possibility of financial support before they consented to the adoption. Otherwise, no evidence has been found to suggest that Adopsjonsforum discussed the matter with Bufdir before resuming its cooperation with Faya.¹³⁰⁶

The Committee also finds it reprehensible and indefensible that the Norwegian authorities did not themselves take the initiative to investigate the sibling project more closely. It is noted that Adopsjonsforum provided information about the project in all placement applications between 2000 and 2011, and that BUFA itself visited participants in the sibling project during its inspection visit in 2003. In particular, the information obtained during the supervisory visit concerning an extended family that had, on two occasions, placed children for adoption via Adopsjonsforum and therefore received support from the sibling project appears to the Committee to be a cause for concern and should have prompted further investigation. The letter from Adopsjonsforum (a copy of which was sent) to the embassy on 10 December 2010 and to Bufdir on 19 January 2011, in which they reported problematic aspects of the adoption work, does not appear to have been followed up either. This is open to criticism.

Comments regarding the extent of errors

The Committee's investigations do not provide a sufficient basis for any definitive conclusion regarding the number of adoptions that have been carried out where, on the basis of the sibling project, consent has been improperly induced. It is clear that this has occurred in several cases, although it *cannot* have occurred in the majority of adoption cases from Ethiopia. Although the Committee does not, as a matter of principle, take a position on the extent of errors and injustices, we find that the nature of the situation is such that, out of consideration for adoptees and their families' ability to assess their own cases, it is appropriate to say more about which cases have presented the greatest risk and where such risk is absent.

A large proportion of cases can be ruled out for practical reasons:

- The Sibling Project operated as normal from 1999 until admissions were suspended at the end of 2010. Adoptions before and after this period cannot be linked to the Sibling Project.
- The Committee's review of individual cases shows that approximately half of the children adopted into Norway (over the entire period) are registered as having an unknown background. When a child's background is (registered as) unknown, the family cannot, for obvious reasons, be included in the Sibling Project, nor can they have been offered financial incentives through this scheme to give up the child.
- Furthermore, only a small number of children adopted to Norway have surviving siblings who have become part of the sibling project. By way of illustration, it may be noted that 122 adoptions to Norway were arranged from 2005 up to and including 2008, whilst the project report of December 2008 stated that there were thirteen support recipients/sibling groups in the 'new part' of the project (following the change of contact person in 2004).

¹³⁰⁶ In an interview with the committee, the then managing director was also unable to recall whether this had been done.

Furthermore, there are other factors considered to limit the risk that the case is affected by such errors:

- With the exception of adoptions via the Faya children's home, it is considered unlikely that individuals with knowledge of or links to the sibling project have had prior contact with the families of children who have come from regions other than Addis Ababa.

The cases where the risk of this type of error is considered to be *highest* are therefore those where the child has a known background, surviving siblings, and in addition:

- have been placed directly in Adopsjonsforum's transit home by their birth parents or family, or
- arrived at Adopsjonsforum's transit home from the Faya children's home during the period 2009–2010

The Committee emphasises that although the risk of errors must be considered *higher* in these cases, this does not necessarily mean that errors *have* occurred. It is not possible to document what information was provided to parents and at what point in time; in each individual case, clarification of this will have to rely on the testimony of those involved.

Although parents/carers were improperly offered financial incentives to give their consent through the sibling project, the Committee does not rule out the possibility that there were also other, legitimate reasons for the adoption. The Committee has documented examples of this.

15.8 Summary of findings and overall assessment

15.8.1 Introduction

The Committee considers that general developments in the field of adoption in Ethiopia led to a gradually increasing risk of errors in adoption cases. In the following, the Committee will summarise the types of errors that have been uncovered and the risk factors that we believe have been at play in this adoption work.

15.8.2 Risk factors and breaches relating to the consent of the birth parents

The Committee has identified several issues worthy of criticism relating to cases where one or both of the adoptive children's birth parents were still alive.

Both the provisions of Ethiopian law and the general understanding of such a transfer of care were likely to give birth parents a false impression of what an intercountry adoption entailed. Furthermore, there are examples of certain adoption practitioners deliberately misinforming parents in order to persuade them to consent to the adoption. Although the Committee has no specific knowledge that the latter has occurred in connection with adoptions to Norway, large parts of the adoption process were subject to the control of local agencies, without Adopsjonsforum or the Norwegian authorities having an overview, or the opportunity to monitor or verify the course of events. The Committee therefore believes there is a significant risk that the birth parents of children adopted to Norway consented to adoption without fully understanding the absolute severance of ties that such a decision entailed.

'*Staged abandonment*' was a well-known phenomenon in adoption work in Ethiopia. These are cases where children who initially had a known background were, by agreement, handed over to an agent who would subsequently claim that the child had been found abandoned. The Committee is aware of two such cases (see section 15.7.4.3), and believes there is a risk that this has also occurred in several adoptions to Norway. In cases of *staged abandonment*, it is not documented – and therefore impossible to verify – whether any birth parents actually consented to the adoption, and if so, whether that consent was informed.

In some cases, birth parents or relatives have only decided to give up one or more children for adoption after being made aware of the possibility of receiving financial support for any remaining children or siblings through Adopsjonsforum's sibling project. Providing information about the possibility of financial support that is conditional on consent to adoption constitutes undue influence on the parents' or relatives' decision and is a clear breach of international conventions. Adoption Forum's organisation of the project – in which the same staff and partners were responsible for both adoptions and the disbursement of support payments – created a significant risk of this type of influence. The Norwegian authorities should have acted on the information they received regarding the sibling project.

15.8.3 The ban on remuneration/profit in adoptions

The Committee has concluded that the financial compensation paid to Adoption Forum's first overseas contact (1991–2004) was, taken as a whole, of such a magnitude that it contravened the principle of undue financial gain in Article 21(d) of the Convention on the Rights of the Child and the prohibition against unreasonably high remuneration in Article 32(3) of the Hague Convention. The Committee considers it reprehensible that Adoption Forum did not itself limit this, nor did it report the full extent of the financial arrangements to the Norwegian authorities. It is also particularly reprehensible that Adoption Forum described in its applications that the cooperation with the foreign contact was working well and that they had a high level of trust in her, whilst internal documents show otherwise.

From 2006, Adoption Forum entered into several agreements with various private organisations and children's homes. The Committee considers that there was undoubtedly an understanding between the parties that the size of Adoption Forum's financial contribution would have consequences for the number of children allocated. Adopsjonsforum provided incorrect information to the Norwegian authorities regarding the preconditions for and terms of the agreements. The agreements contravened principles relating to financial transactions in adoption work, cf. inter alia Article 21(d) of the Convention on the Rights of the Child.

The Committee considers, in light of this, that it was reprehensible that Adoption Forum, on several occasions, unilaterally and at short notice, withdrew its regular and substantial support for the running of specific children's homes and various aid projects.¹³⁰⁷ The Committee considers Adopsjonsforum's conduct in this area to have been irresponsible and unethical, and in breach of the principles concerning improper financial gain, cf. inter alia Article 8 of the Hague Convention. The combined actions of all the adoption agencies that engaged in such 'aid' – that is, supporting children's homes and aid projects for as long as this generated (a sufficient number of) children for adoption, and then withdrew – must be regarded as the direct cause of the fatal incidents at the state-run children's home Kebebe Tsehay in Ethiopia in the months following the suspension in 2018 (see section 15.3.1).

15.8.4 The principle of subsidiarity

Staff at Adopsjonsforum's partner children's home, Faya (2009–2013), stated that international adoption was presented as a 'first option' for birth parents who were struggling to care for their children. Such a practice is clearly contrary to the principle of subsidiarity.

The Committee has also observed that, in a significant proportion of adoption cases – particularly from around 2005 – children were placed directly in Adopsjonsforum's transit home shortly after their original care situation had been terminated, without first having stayed at a local children's home. The transit home was intended for children to be adopted abroad, and it must therefore be assumed that there was a clear presumption of such an adoption when a child was transferred there. The role of the staff at the transit home also consisted primarily of driving the adoption process forward, and it is unclear whether any investigations or measures were taken to trace

¹³⁰⁷ Following the presentation of the factual basis, the AF notes that there were 'discussions and informal warnings' that the support was uncertain in the long term; see section 15.7.4.4.

any biological parents and other family members, or to find alternative placements within the child's local community. The Committee considers that the process entailed a risk that the principle of subsidiarity was not adequately upheld in the adoptions from Ethiopia.

15.8.5 The Norwegian authorities' control and supervisory activities

Norwegian adoption authorities processed placement applications, approved contact networks and undertook supervisory visits to Ethiopia in 1995 (SAK) and 2003 (BUFA).

The Committee has identified several issues worthy of criticism relating to the Norwegian authorities' control and supervisory activities.

When adoption work began in 1991, Ethiopia was a military dictatorship. In general, the Committee considers it a matter of concern that the Norwegian authorities permitted adoption cooperation with countries under military dictatorship.¹³⁰⁸

A minority consisting of committee member Rudolf Christoffersen considers it particularly reprehensible that the Norwegian authorities granted permission for the facilitation of adoptions from Ethiopia in 1990. At that time, the country was a military dictatorship. The judiciary was politically subordinate to the military, and the legal framework in Ethiopia made it extremely difficult to ensure fair proceedings. There was a high risk of serious violations of fundamental human rights, weak legal certainty due to corruption within the judiciary, and a complete absence of independent, robust oversight mechanisms. This entailed a significant risk that considerations other than the best interests of the child might come to dominate the adoption processes.

Between 1998 and 2000, a war was raging between Ethiopia and Eritrea. The Committee believes that thorough investigations and assessments are required in order to proceed with adoptions in such a situation. The then head of the Norwegian Directorate for Children, Youth and Adoption stated in an interview with the Committee that the Directorate's concerns regarding adoption in such a situation were raised verbally with the Ministry, but were dismissed.¹³⁰⁹ The Committee has found no evidence to suggest that the State Youth and Adoption Office or the Ministry carried out any investigations or detailed assessments in connection with this matter. This is open to criticism.

A minority consisting of committee member Christoffersen considers it particularly reprehensible that the Norwegian authorities did not halt adoptions from Ethiopia when war broke out between Ethiopia and Eritrea in May 1998.

During the monitoring visit in 2003, Adoption Forum's country contact informed BUFA of various rumours and suspicions relating to a key figure in the adoption department at MOLSA. Apart from noting this information in a footnote in the mission report, BUFA does not appear to have carried out any investigations or assessments as to whether these were circumstances that affected the propriety of proceeding with adoptions from Ethiopia. The Committee considers it reprehensible that the Norwegian authorities remained passive in the face of information of this nature, even though at that time these were merely unsubstantiated allegations.

Both in adoption applications and during the monitoring visit in 2003, the Norwegian adoption authorities became aware of Adopsjonsforum's 'sibling project'. Given that many of the children adopted into Norway had known origins and living parents or relatives, the Committee considers it reprehensible that the authorities did not react to the project and/or clarify in more detail how it was organised. It is noted in particular that, during its inspection visit in 2003, BUFA was informed that, on two occasions, children from the extended families of participants in the sibling project had been adopted through Adopsjonsforum.

¹³⁰⁸ The Committee has not prioritised examining this issue in more detail with regard to Ethiopia.

¹³⁰⁹ The then Head of Department stated to the Committee in an interview that he did not recall this meeting or this discussion.

The Committee believes that the Norwegian authorities should have questioned and investigated more thoroughly the information in the placement applications stating that Adopsjonsforum provided financial support to the children's homes from which they were allocated children.

The Committee considers that the Norwegian authorities did not carry out sufficient investigations or take adequate measures to ensure the soundness of adoptions to Norway throughout the 2010s, when several irregularities in adoption practices in Ethiopia were uncovered internationally.

15.8.6 Risk factors associated with private organisations acting as adoption intermediaries

The Committee considers that adoption activities from Ethiopia highlight several risk factors associated with private organisations acting as adoption intermediaries.

The Committee finds that the many private organisations operating as adoption intermediaries in Ethiopia throughout the 2000s created a competitive environment in which those who paid the most were allocated the most children.

Adoption Forum itself became part of this system by entering into financial agreements with private children's homes and organisations. The Ethiopian authorities were unable to gain control over the many actors involved and ultimately decided to impose a complete ban.

Although Adopsjonsforum was aware of problematic circumstances in Ethiopia, it largely failed to inform the Norwegian authorities of this. This applies both to general knowledge of corruption and a problematic competitive situation, but also to serious issues relating to its own partners and individual cases.

The Committee believes that Adoption Forum's interest in continuing its adoption work was prioritised over an open dialogue with the Norwegian and Ethiopian authorities. It appears to the Committee that, on several occasions, Adopsjonsforum deliberately withheld key information, partly to avoid negative reactions and consequences for its future adoption work. Reference is made here, amongst other things, to the fact that neither the Ethiopian nor the Norwegian authorities were informed about:

- co-operation problems and suspicions relating to the foreign contact
- the fact that a child had been released for adoption on the basis of a falsified background story
- that the agreements on financial support for children's homes contained conditions regarding the release of children for adoption
- that some parents had (probably) been offered support from the sibling project before they made the decision to adopt.

15.8.7 On the possibility of learning about one's biological origins

The following section describes the opportunities available to adoptees from Ethiopia to find out about their origins.

As stated above, many adoptees from Ethiopia have been registered as having unknown origins. For children whose origins were known, the extent to which the names of their birth parents appear in the adoption documents varies. In some cases, the names of parents or relatives are recorded in documents drawn up by Adopsjonsforum's staff or partners, which have been filed in the Children's Archive. In consent cases after 2008, the name of the consenting parent is also usually stated in the court's adoption order. In several cases, however, the names of the birth parents or relatives are not recorded, even though it is evident in other ways that the child's background is known.

It is evident from Adopsjonsforum's internal documents that the information about the children was often incomplete, partly because the foreign liaison officer did not record known information. This description is also supported by the Committee's review of individual cases, which shows that the information in the child report

(‘child report’) is sometimes incomplete and, at times, contradictory. This also applies to cases where it is evident in various ways that the child’s background or family was known. It is unclear how accurate or precise the information in these child reports is, and there is reason to believe that in several cases there was further information about the child’s background that was not documented. This limits the adoptees’ ability to trace their biological origins.

Secondly, the Committee believes there is a risk that *staged abandonment* has occurred in adoptions to Norway.¹³¹⁰ This means that the child’s background history has been lost or is not apparent from the documents, even though some of the parties involved were aware of where the child came from. The Committee has no basis on which to comment on the extent of this, but believes there is a risk that such errors have occurred. In cases where children are (reported to have been) abandoned, it is largely impossible to trace the adoptee’s origins.

In connection with the winding up of adoption work in Ethiopia, Adopsjonsforum, in collaboration with Bufdir, chose to transfer all documents from Ethiopia to Norway. This ‘Ethiopia archive’ contains further background information and supporting documents relating to a large proportion of the adoptions arranged for Norway. This means that Ethiopian adoptees in Norway are better placed than adoptees from many other countries to gain insight into the process leading up to their adoption, as well as other details relating to their time in Ethiopia. In some cases, the Ethiopia Archive contains information that may help to identify the adoptee’s birth family, even if this is not apparent from other adoption documents. However, some of the documents are available only in Amharic, and the committee has not had the resources to carry out a systematic review of the contents of these files. According to the information provided to the Committee, until recently (2024) Bufdir had not routinely included documents from the Ethiopia archive when adoptees requested access, as they were of the opinion that the Ethiopia archive was a duplicate of the Norwegian file. It was only when the Committee, during its archive searches, pointed out that this was not the case that the practice was changed. The Committee considers this to be unfortunate.

The Committee is also aware that a number of adoptive parents and adoptees have been contacted directly by their birth families in Ethiopia, including via Facebook. Biological families have often tracked down the adoptive family on the basis of information they have accessed from a public register in Ethiopia, or directly from the follow-up reports that adoptive families were required to send regularly to Ethiopia. By contacting the children’s home through which the child was adopted, the family could, as the Committee understands it, obtain a general update on the child and, where applicable, view the photographs attached to the adoptive parents’ reports. However, the birth family was not supposed to have access to information that could identify the adopted child or the adoptive family in Norway.¹³¹¹ The Committee is nevertheless aware that, in at least one case, the birth family has been in possession of follow-up reports containing both photographs taken in Norway and the adoptive family’s name and contact details. The Committee recognises that such a situation may place a burden on the adoptees and adoptive families concerned, and that this has been a weakness in the process. However, as the possible disclosure of follow-up reports and information about adoptive families in Ethiopia are matters over which Norway has had little control, the Committee does not take a further position on this.

15.9 Summary

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

¹³¹⁰ See the explanation of ‘*staged abandonment*’ in section 15.3.2.

¹³¹¹ See confirmation from the Ethiopian authorities regarding BUFA’s supervisory visit in 2003.

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

- When adoption work began in 1991, Ethiopia was a military dictatorship. In general, the Committee considers it questionable that the Norwegian authorities permitted adoption cooperation with a country under military dictatorship.
- Between 1998 and 2000, a war was raging between Ethiopia and Eritrea. The Committee considers it reprehensible that neither the Norwegian Directorate for Children, Youth and Family Affairs nor the Ministry carried out any investigations or detailed assessments in connection with this.
- The Committee believes that there is a significant risk that the birth parents of children adopted to Norway consented to the adoption without fully understanding the absolute severance of ties that such a decision entailed.
- The Committee is aware of two cases of staged abandonment involving children adopted to Norway, and believes there is a risk that this has also occurred in several other cases.
- In some cases, birth parents or relatives have only decided to give their child up for adoption after being made aware of the possibility of receiving financial support for any remaining children or siblings through Adopsjonsforum's sibling project. This constitutes undue influence on the parents' consent and is a breach of fundamental principles of adoption law.
- Staff at Adopsjonsforum's partner children's home, Faya (2009–2013), stated that international adoption was presented as a 'first option' to birth parents who were struggling to care for their children. Such a practice contravenes the principle of subsidiarity.
- The Committee considers that the practice of transferring children to Adoption Forum's transit home before the release process had been completed entailed a risk that the principle of subsidiarity was not adequately upheld.
- The Committee considers that the financial compensation paid to Adoption Forum's first overseas contact (1991–2004) was, on the whole, of such a magnitude that it contravened the principle of undue financial gain in Article 21(d) of the 1989 Convention on the Rights of the Child and the prohibition against unreasonably high remuneration in Article 32(3) of the 1993 Hague Convention.
- The Committee considers that the agreements on financial support which Adopsjonsforum entered into from 2006 with private organisations/children's homes responsible for placing children for adoption were in breach of the principles governing financial transactions in adoption work, cf. inter alia Article 21(d) of the 1989 Convention on the Rights of the Child.
- The Committee considers it reprehensible that, on several occasions, Adopsjonsforum unilaterally and at short notice withdrew fixed and substantial funding for the running of children's homes and various aid projects.
- The Committee considers it reprehensible that the Norwegian adoption authorities did not carry out further investigations following the information they received during the monitoring visit in 2003. This applies both to information regarding suspicions surrounding a key official in Ethiopia and to information concerning Adopsjonsforum's sibling project.
- The Committee considers that the Norwegian authorities should have questioned and investigated more thoroughly the information in the placement applications stating that Adopsjonsforum provided financial support to the children's homes from which they were allocated children.

- The Committee considers that the Norwegian authorities did not carry out sufficient investigations or take adequate measures to ensure the soundness of adoptions to Norway beyond the 2010s, when several irregularities in the adoption process in Ethiopia were uncovered internationally.

16 Indonesia

16.1 Introduction

Between 1977 and 1983, 155 adoptions were arranged from Indonesia to Norway. This accounts for around 0.8 per cent of international adoptions to Norway arranged through an intermediary.

Adopsjonsforum was responsible for arranging these adoptions. They assisted in the implementation of adoptions both before and after they were granted a formal authorisation to act as an intermediary for the country in May 1978; see section 7.5 for further details.

The distribution of children who arrived is shown in Figure 16.1.

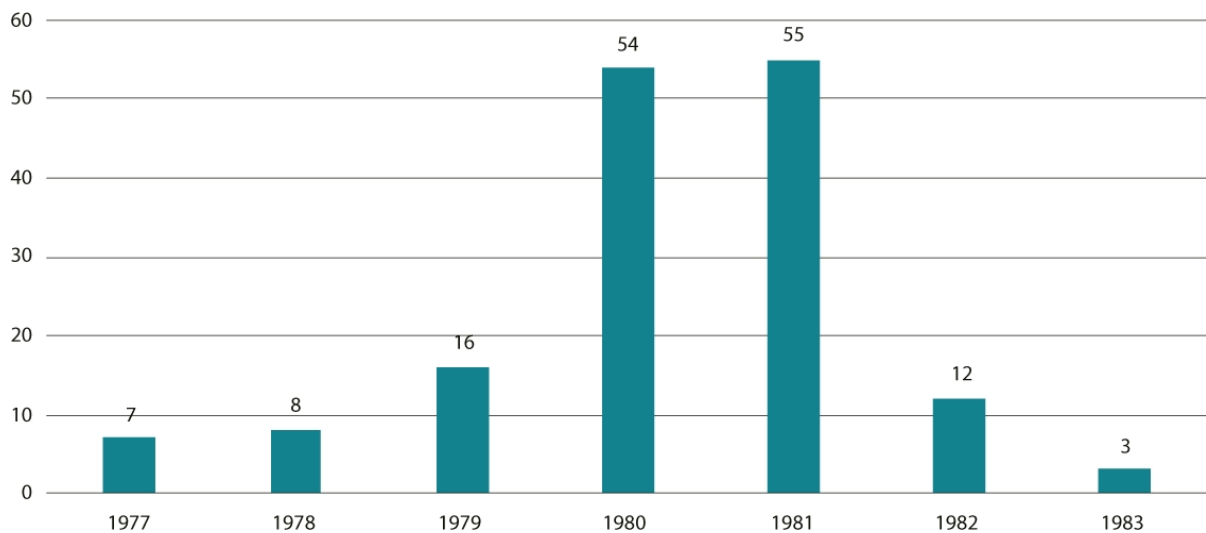


Figure 16.1 Adoptions arranged from Indonesia to Norway 1977–1983

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

The period during which adoptions were arranged from Indonesia was relatively short, partly because the country introduced new adoption regulations in 1984, thereby effectively closing the door to international adoption.¹³¹²

The placement work was characterised by the internal conflict within Adopsjonsforum from the winter of 1980/81, which, amongst other things, led to a group that had been working on adoptions from Indonesia withdrawing from the organisation and forming the new organisation InorAdopt in August 1981. InorAdopt subsequently applied to take over the placement licence in Indonesia, but this was repeatedly refused by the Norwegian authorities. In 1982, the Norwegian authorities imposed a temporary suspension on adoptions from Indonesia. The Indonesian authorities themselves imposed a complete suspension with effect from 1984.

The Norwegian adoption authorities (RIA) carried out inspection visits to Indonesia in September 1980, December 1981 and August 1983.

¹³¹² However, an exemption was granted to allow cases already in progress to be completed; see below.

16.2 General information and background

Indonesia is a republic and the world's largest archipelago, comprising over 17,000 islands. Adoptions to Norway have taken place from the country's most populous island, Java. Indonesia is (as of 2023) the world's fourth most populous country. There are around 300 different ethnic groups and over 700 languages in Indonesia. Nearly 90 per cent of the population are Muslims.¹³¹³

Until the Second World War, Indonesia was under Dutch colonial rule. When Japan withdrew from Indonesia following its occupation during the Second World War, self-government increased. In the decades that followed, however, the archipelago was marked by various political and military conflicts. Between 1955 and 1999, no free elections were held, and from 1966 to 1998 the country was under military dictatorship.¹³¹⁴

From the 1960s onwards, measures were taken to industrialise the country.¹³¹⁵ Between 1970 and 1980, the number of people living in poverty was halved, from around 60 per cent of the population in 1970 to just under 30 per cent in 1980.¹³¹⁶ Indonesia has been known as one of the countries in the world with the highest levels of corruption.¹³¹⁷

The administration of justice in Indonesia is a combination of codified and customary law. There are both religious and secular courts.¹³¹⁸

Norway has had an embassy in Indonesia since 1971.¹³¹⁹

16.3 Regulations and adoption procedure

The Committee has limited scope to carry out an independent investigation into Indonesian legal provisions from the 1970s and 1980s; see section 3.3 for further details. The following description of the regulatory framework and the adoption process in Indonesia is based on accounts in other countries' review reports, descriptions in Norwegian government documents (the Council for International Adoptions, the Ministry of Social Affairs and the Ministry of Foreign Affairs), and in documents obtained from Adopsjonsforum and InorAdopt. We reserve the right to correct any inaccuracies.

At the start of the adoption cooperation, Indonesia had no law or other regulations that explicitly governed international adoption.¹³²⁰ Prior to 1978, children could be adopted both through the courts and via local Notarius Publicus. However, as far as the committee has been able to ascertain, all adoptions to Norway were nevertheless processed by a court.¹³²¹ A circular from the Indonesian Ministry of Justice dated 24 February 1978 also stipulated that *all* adoptions were to be processed through the courts. In the same circular

¹³¹³ Store norske leksikon, <https://snl.no/Indonesia> (accessed 12 March 2026).

¹³¹⁴ Store norske leksikon, https://snl.no/Indonesias_historie (accessed 12 March 2026).

¹³¹⁵ Store norske leksikon, https://snl.no/økonomi_og_næringsliv_i_Indonesia (accessed 12 March 2026).

¹³¹⁶ BPS-Statistics Indonesia, <https://www.bps.go.id/en/statistics-table/1/MTQ5NCMx/number-of-poor-people--percen-tage-of-poor-people-and-the-poverty-line--1970-2017.html> (accessed 12 March 2026).

¹³¹⁷ Ross H. McLeod, 'Soeharto's Indonesia: A Better Class of Corruption', *Agenda*, Volume 7, No. 2, 2000, pp. 99–112 (Australian National University). Indonesia was first included in Transparency International's rankings in 1995, when it was ranked last out of 41 countries, with a score of 1.94 out of 10 <https://www.transparency.org/en/cpi/1995>.

¹³¹⁸ Store norske leksikon, https://snl.no/Indonesias_politiske_system (accessed 12 March 2026).

¹³¹⁹ <https://www.norway.no/en/indonesia/for-nordmenn/om-ambassaden/> (accessed 12 March 2026). ¹³²⁰

According to the Dutch report, however, regulations governing domestic adoption did exist.

¹³²¹ As far as the committee is aware, the children adopted in 1977 came from Jakarta, where court proceedings were standard practice.

The document stated that the adoptive parents had to appear in person in court, meaning that it was not possible to escort the children to the receiving countries.¹³²²

After 1978, the adoption process was as follows:¹³²³

The first step in an adoption process was the relinquishment of parental responsibility. If parents (mothers) did not wish to or were unable to care for a child, they could approach a notary and transfer custody to a children's home or a foundation.¹³²⁴ If the child was born at or handed over to a clinic or children's home, the staff would usually assist with the practical aspects of this process. The mother's signature or fingerprint was sufficient for the child to be released; there was no requirement for her to appear in person before a notary.¹³²⁵ However, in principle, the mother could withdraw her consent until the adoption had been formally completed.¹³²⁶

The children's home obtained the necessary release documents and contacted a foreign adoption agency so that it could assist in matching the child with prospective parents.¹³²⁷ The adoption agency, for its part, maintained a register of approved parents who could be matched with the children.

To finalise the adoption, the adoptive parents had to travel to Indonesia themselves.¹³²⁸ There, they took custody of the child, and supervision was to be provided during a socialisation phase.¹³²⁹ To finalise the adoption itself, the adoptive parents had to appear in court together with a lawyer and/or representatives of the relevant children's home, where the adoption was formally approved. Most adoptions to Norway were formally finalised in Jakarta, but many children had first been transferred there from other regions. It was the Indonesian organisation/children's home Yayasan Sayap Ibu – which had local authorisation for international adoptions – that administered the adoptions. From 13 August 1981, however, an instruction was issued by the Indonesian Ministry of Justice stipulating that adoption cases had to be processed locally, in the place where the child was born or had been resident for the previous six months.¹³³⁰ It was therefore necessary to use other partners for children in regions other than Jakarta.

During the Norwegian adoption authorities' (RIA) visit to Indonesia in 1980, they were able to observe two adoption cases to Norway first-hand as these were heard in court in Jakarta. The report describes how the judge asked the adoptive parents several questions, and RIA noted that '[t]he judge appeared to place emphasis on the

¹³²² This information is taken from the descriptions provided by AF/IA and RIA. It should be noted that the Dutch investigation report describes the sequence of events somewhat differently. Among other things, it states that it was initially a circular from the Supreme Court dated 7 April 1979 that made court proceedings mandatory (point 7.2.).

¹³²³ Based on the Dutch report and the descriptions provided by AF/IA and RIA.

¹³²⁴ In the individual cases reviewed, the committee has not found any examples of fathers being involved in the release process. It should be noted, however, that the review of individual cases has been somewhat limited.

¹³²⁵ An addendum to the application for a placement licence from IA to RIA dated 4 February 1982 states that the release process in Surabaya had become more cumbersome – amongst other things, the mother now had to appear in person before a notary for the process to be completed in Jakarta. The Committee interprets this to mean that personal attendance had not previously been required.

¹³²⁶ Description provided by AF in a letter to prospective adoptive parents dated 15 January 1982. However, the Committee assumes that the transfer of (most) of the children to Jakarta in connection with the completion of the adoption, in practice, reduced the birth mother's ability to withdraw her consent.

¹³²⁷ In Norway's case, placements after 1978 took place after the application had been processed by the PU; see Chapter 26.

¹³²⁸ Formally, this rule was introduced by the circular of 24 February 1978, but Norwegian adoption applicants who completed adoptions in Jakarta had to appear in person before the court as early as 1977.

¹³²⁹ Judging by the adoption trip reports, it appears that it was the children's home (YSI) that carried out the supervision, and that the extent of these visits varied.

¹³³⁰ RIA travel report, 1–12 December 1981. As will be seen below, AF was nevertheless able to complete adoptions in Jakarta where the documents from Surabaya had been issued prior to this date.

‘the same questions as our own placement committee, and it was clear that the judge was trying to ensure that the child’s welfare was safeguarded as best as possible’.¹³³¹

Once the adoption had been finalised and the necessary travel documents arranged, the child could be taken to Norway.

In March 1982, the Norwegian authorities decided to impose a temporary suspension on adoptions from Indonesia.¹³³² During a visit to Norway in August of that year, representatives from the Indonesian Ministry of Justice stated that they did not wish any more children to be adopted.¹³³³ Norway did, however, receive approval from the Indonesian Ministry of Social Affairs to complete five cases that had already been initiated (of which, apparently, only three were finalised).¹³³⁴ With effect from 1 January 1984, the Indonesian authorities themselves suspended international adoptions.¹³³⁵

16.4 Investigations in other receiving countries

Adoptions from Indonesia have been investigated by the Netherlands (1973–1984) and Denmark (1976–1981), and are scheduled to be investigated by Germany.

According to the Dutch report, over 3,000 adoptions from Indonesia to the Netherlands took place during the period 1973–1981. This relatively high number can be attributed to the historical ties between the countries, stemming from the fact that Indonesia was a Dutch colony for a period. Several Dutch intermediary organisations were active during this period, and in addition, a large number of adoptions were arranged through private individuals. A kidnapping case in 1981, in which a girl had been adopted to the Netherlands without her parents’ knowledge or consent, attracted considerable attention in the Netherlands and led to a major debate. The Dutch investigation concluded that there were various forms of *abuse* associated with adoptions from Indonesia. These included abductions, document forgery, fraud and corruption. Among other things, children were allegedly wrongly registered as orphans,¹³³⁶ and parents were misinformed before they consented to adoption.¹³³⁷ In addition, the report describes accounts and suspicions regarding so-called ‘baby farms’, where private individuals made money by accommodating women in labour and arranging for their children to be adopted.¹³³⁸ The inquiry report concludes that the Dutch authorities were aware of these irregularities from 1977 onwards, but did not actively intervene to prevent them.¹³³⁹

The Danish investigation concerns the approximately 50 adoptions that took place from Indonesia to Denmark during the period 1976–1981. The investigation was carried out by the Danish central authority (Anke-styrelsen). The report is based on cases from the archives of the Ministry of Justice and the Adoption Board, documents from DanAdopt, and 13 individual cases. It appears that private/independent adoptions did not characterise the placement process, in contrast to the situation in the Netherlands. Furthermore, there has been no

¹³³¹ RIA travel report, Asia trip 13 September – 12 October 1980, p. 6.

¹³³² Temporary suspension; see RIA News, April 1982. Adoptions from East Java were suspended by local authorities; see, inter alia, a letter from RIA to InorAdopt dated 8 September 1982.

¹³³³ Response from the Minister of Social Affairs during Question Time in the Storting on 8 December 1982, forwarded to the Embassy in Jakarta on 28 January 1983.

¹³³⁴ Telex to the Ministry of Foreign Affairs from the Embassy in Jakarta on 3 February 1983 and letter to the Indonesian Embassy from the Ministry of Foreign Affairs on 30 March 1983.

¹³³⁵ *Report. Commission of Inquiry into Intercountry Adoption* (2021), paragraph 7.1. ¹³³⁶

Report. Commission of Inquiry into Intercountry Adoption (2021), paragraph 7.3.3. ¹³³⁷

Report. Committee of Inquiry into Intercountry Adoption (2021), paragraph 7.3.6.

¹³³⁸ In the report, ‘baby farms’ are defined as places where women gave birth (with or without consent and/or in return for payment), after which the children were placed for adoption.

¹³³⁹ *Report. Commission of Inquiry into Intercountry Adoption* (2021), paragraph 7.5.

adopted children from the Kasik Bunda children's home and the island of Biak, which were highlighted in the Dutch report. The Appeals Board could not establish that the Danish contact persons had collaborated with local intermediaries, and the children were therefore not moved from place to place prior to adoption. There are examples of contact persons having terminated cooperation due to unethical behaviour on the part of various parties. The Appeals Board concludes that, overall, the available information does not indicate a process that involved illegal placement, even though the adoption process was relatively unregulated by today's standards.

16.5 Overview of the Committee's country studies

Adoption work in Indonesia dates back a long time (1977–1983), covered a limited period (7 years) and involved relatively few adoptions (155, i.e. approximately 0.8 per cent of all international adoptions to Norway). The Committee's investigations have been somewhat limited by the availability of sources, particularly informants.

The Inquiry Committee's investigations into adoption placements from Indonesia have followed the template for country-specific investigations, as outlined in section 3.6.3. General country information from various sources has been gathered. Investigations carried out by other receiving countries have been reviewed, and a media search and a limited literature search relating to adoptions from the country have been conducted. Adoption authorisations and applications for adoption from the country have been reviewed, along with related documentation. Archive searches have been carried out at the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir, RIA), the National Archives (Ministry of Social Affairs and Ministry of Justice) and the Ministry of Foreign Affairs. The Committee has also reviewed the physical archives of Adopsjonsforum and InorAdopt.

The Committee has conducted an interview with one adoptive mother who contacted the Committee. Apart from this, we have not received any individual enquiries regarding adoptions from Indonesia. Indonesia was the subject of an interview with a former employee of Adopsjonsforum who played a key role in the final phase of the placement work, as well as one of the individuals who later became a key figure in InorAdopt.

The Committee has reviewed 17 individual cases. Adoption cases up to 1987 were processed by the county governors, and the adoption documents are therefore currently held in their respective archives. The range of documents available in the public archives varies somewhat, but the Indonesian court decision on adoption is present in all the cases the committee has reviewed.¹³⁴⁰

16.6 Adoptions to Norway

16.6.1 Introduction

Adoption Forum began exploring the possibility of adoptions from Indonesia in the mid-1970s, and the first adoptions with their assistance took place in 1977. In the peak years of 1980 and 1981, over 50 adoptions were completed each year. In total, Adoption Forum facilitated 155 adoptions from Indonesia between 1977 and 1983. Section 16.6.2 provides a more detailed description of the practical organisation of the adoption work during these years.

As mentioned at the outset, from 1981 onwards, the work was characterised by an internal conflict between Adopsjonsforum's board and the group working on adoptions from Indonesia. This conflict persisted until the Norwegian authorities imposed a temporary suspension in 1982, and Indonesia itself halted adoptions from the country from 1984. The Committee has found no reason to conduct any further investigation into the background

¹³⁴⁰ The committee has examined cases from the (former) County Governor of Oslo and Akershus and the (former) County Governor of Østfold, respectively. The number of documents archived varies from case to case, but the general impression is that the files held by the County Governor of Østfold are somewhat more comprehensive.

for the conflict, or to assess the role played by various individuals and groups in it. However, in connection with the reorganisation in 1981, several criticisable circumstances were uncovered and described relating to the adoption work that had taken place up to that point. In section 16.6.3, we therefore provide a brief summary of how this conflict unfolded, before describing in more detail the various irregularities that were uncovered. The Norwegian authorities' supervision is briefly described in section 16.6.4. In section 16.7, the committee presents its assessment of adoption arrangements from Indonesia.

16.6.2 The organisation of adoption work

Before Adopsjonsforum was granted its first placement licence – covering, amongst other countries, Indonesia – in May 1978, adoptions were not formally *arranged*, but Adopsjonsforum nevertheless assisted applicants through its *information-providing activities*. See section 7.5 for further details. The 1978 placement licence was open-ended, and Adopsjonsforum therefore did not apply for its renewal during the placement period. However, RIA had to approve the contact network, and in this connection new applications for approval of overseas contacts and Indonesian partner organisations were submitted in 1979 and 1981, in which the general adoption work was also described in more detail.

As Adopsjonsforum did not establish a paid secretariat until 1981, it was volunteers in Norway – often with one primary country contact – who were responsible for the placement process until then, whilst the organisation also had its own (volunteer) foreign contacts in the country of origin. In the early years, the foreign contacts were primarily Norwegian nationals, often women who had accompanied their husbands to the country for work. This led to a somewhat higher turnover of foreign contacts than was seen in later periods (in other countries).

Adoption Forum's first overseas contact was appointed in 1976 and was British. As she returned home to England, a Norwegian woman took over as early as the beginning of 1977.¹³⁴¹ In January of that year, an agreement was also signed between Adoption Forum and the Yayasan Sayap Ibu (YSI) foundation in Jakarta.¹³⁴² YSI is later described as the only officially approved adoption agency in Indonesia, and remained a key partner throughout the placement period.¹³⁴³ When children released from care in the Jakarta area were matched with Adoption Forum applicants, the children were often already living at YSI's children's home, or they moved there whilst awaiting adoption.¹³⁴⁴ As will be explained in more detail below, however, YSI eventually also assisted with the actual adoption process for children from other regions, even when the child was not living with them.

In addition to Jakarta, which is situated in the west of the island of Java, contact had already been established in 1977 with institutions in the Surabaya area in the east of the same island.¹³⁴⁵ In the application for approval of the contact network submitted to the Norwegian authorities in 1979, the following institutions in Surabaya are mentioned:

- The Salvation Army's *Matahari Terbit* children's and maternity home
- the *Siti Miriam* children's and maternity home (Sr. Marie Michael BKJA Siti Miriam), later also referred to as 'the clinic in Lawang'

¹³⁴¹ In the years that followed, a network appears to have developed in Indonesia comprising Norwegians who assisted in the adoption work in various ways, though not all of them held formal roles.

¹³⁴² Agreement signed on 30 January 1977.

¹³⁴³ As shown, there was no legislation regulating adoption activities, and therefore this does not imply that other 'unauthorised' institutions were operating illegally. The organisation had been authorised to do so by the Governor of Jakarta. The foundation is still active and currently carries out various tasks (in addition to adoption), including counselling families and providing rehabilitation for children with disabilities, <https://www.sayapibujakarta.org/eng/about.html>.

¹³⁴⁴ In some cases, the children also lived in the home of the foreign contact, cf. interview with adoptive mother.

¹³⁴⁵ In a letter from AF to JD dated 28 September 1977, AF states that they are in contact with Matahari Terbit and have submitted documents there for a pilot case.

- the *Panca Dharma* children's and maternity home,¹³⁴⁶ later also referred to as 'the clinic in Sukorejo/Pandaan'

The same application reveals that Adopsjonsforum had entered into an agreement with its own overseas contact in Surabaya (hereinafter 'the Surabaya contact'). This was another Norwegian woman, who was responsible for maintaining contact with partner organisations and looking after any children assigned to her in East Java in the period leading up to adoption. The Surabaya contact worked closely with the overseas contact in Jakarta, as it was the latter who was primarily responsible for supporting parents on their journey to Indonesia and for carrying out the adoption itself in collaboration with YSI.¹³⁴⁷

Adopsjonsforum changed its overseas contact in Jakarta in 1979 and 1981 respectively; both were Norwegian women. Following the conflict in 1981–82, Adopsjonsforum appointed new overseas contacts in both Jakarta and Surabaya, both of whom were Indonesian. However, only four adoptions were completed following the final break with InorAdopt.

Most of the children adopted to Norway are reported to have been adopted from the Panca Dharma children's home and maternity clinic in Surabaya.¹³⁴⁸ Pregnant women could stay at the clinic until giving birth and receive medical assistance from visiting doctors. In cases where the mother was unable or unwilling to keep the child, the clinic facilitated adoption and contacted the Norwegian representative in Surabaya (or an adoption agency from another country).

Adopsjonsforum's application for approval of a contact network in May 1979 states that children adopted to Norway from Panca Dharma were transferred to the Salvation Army's children's home, Matahari Terbit, before the adoption was finalised by a local court through their contacts.¹³⁴⁹ From 1980 onwards, however, all adoptions to Norway are said to have been carried out via YSI in Jakarta.¹³⁵⁰ The Surabaya contact and her assistant – a Norwegian female missionary who was a trained nurse – visited Panca Dharma to follow up on the children assigned to them. In 1981, it is reported that the Surabaya contact regularly transferred children allocated to Norwegian applicants to the other partner children's home, Siti Miriam in Lawang, for further care. When the adoptive parents arrived in Indonesia to finalise the adoption, the children were collected by representatives from YSI at Surabaya airport. This was usually done on the same day that the children were to be handed over to the adoptive parents in Jakarta, so that the children never stayed at the children's home there.¹³⁵¹ After the adoptive parents had taken charge of the child, a number of supervisory /follow-up visits by a YSI employee before the court proceedings took place. The adoption case was heard in Jakarta, with assistance from YSI.

However, following a change in the regulations in the autumn of 1981 and the reorganisation of the Adoption Forum's network of contacts in 1981, the cases were once again heard in local courts.¹³⁵² From the autumn of 1981, however, only 15 adoptions to Norway from Indonesia were completed. The first 11 of these were cases that had been initiated

¹³⁴⁶ The name of the clinic is spelled differently in the sources: Pancha Dharma and Panca Dharma.

¹³⁴⁷ This was certainly the case for most of the adoptions in 1980 and 1981.

¹³⁴⁸ Around 120 out of a total of 135 adoptions during the period 1977–1981. This is an estimate provided by the former country liaison officer in a letter from IA to the Ministry of Social Affairs dated 20 December 1981. RIA's travel report for 1–12 December 1981 also states that 'most Indonesian adopted children in Norway come from this place'.

¹³⁴⁹ Application for approval of a contact network, 16 May 1979.

¹³⁵⁰ Described, amongst other things, by parents from the collection trip in the NRK documentary **Gitt bort** (2023). In 1981, it was claimed at a board meeting that all adoptions to AF had gone through YSI. It is possible that this is correct for adoptions from around 1980, but apparently not for all adoptions going back further in time.

(¹³⁵¹) As described, amongst other things, by an adoptive father in the NRK documentary **Gitt bort** (2023).

¹³⁵² RIA travel report, 1–12 December 1981.

initiated by the representative who was then in the process of founding InorAdopt, but was completed by Adopsjonsforum.¹³⁵³

16.6.3 The 1981 conflict and various issues that came to light

16.6.3.1 *A brief overview of the conflict itself*

From the autumn of 1980 and throughout 1981, relations between Adopsjonsforum's Executive Board and the country contact/team for Indonesia became increasingly strained. By the autumn of 1981, this had developed into an open conflict with relatively extensive media coverage.¹³⁵⁴ From the perspective of the country liaison and her supporters, the disagreement centred primarily on the Executive Board's failure to engage sufficiently with the work in Indonesia. They further believed that Adopsjonsforum's board allowed bureaucracy and a focus on paperwork to take precedence over the children's best interests and the efficiency of the processes. The Executive Board, on the other hand, highlighted, amongst other things, the scale of expenditure and inadequate accounting for the joint fund for Indonesia.¹³⁵⁵ As new representatives from Adoption Forum began to familiarise themselves with and take over the work in Indonesia, disagreements also arose regarding the soundness of the work that had been carried out. This culminated in the country liaison and a number of key figures involved in the work in Indonesia resigning from Adopsjonsforum, and in August 1981 they founded InorAdopt. The international liaisons and the existing network in Indonesia largely chose to join InorAdopt.¹³⁵⁶

Over the following years, InorAdopt was in repeated contact with the Norwegian authorities, including through applications to obtain (or take over) a placement licence for Indonesia, but these were rejected.¹³⁵⁷ Adopsjonsforum thus retained the licence, but due to the split with InorAdopt, it lost its network of contacts in Indonesia. By the autumn of 1981, the situation was therefore such that there were ongoing adoption processes in Indonesia that were formally under the auspices of Adopsjonsforum, but without the organisation having any functioning contacts there. Challenges arose in particular in 12 cases where the children (according to InorAdopt) had already been allocated to Norway, but where the process had more or less come to a standstill.

Adopsjonsforum, which at that time was run by unpaid volunteers, received assistance from a woman who was originally Indonesian but had been living in Norway for around ten years.¹³⁵⁸ Together with a board member of Adopsjonsforum and the head of the secretariat at RIA, she travelled to Indonesia in December 1981 to investigate the situation and help ensure that adoption processes already underway were completed. In January 1982, the same woman travelled there again. The previous foreign contacts were, to a certain extent, helpful with the processes that had already begun, although the situation gave rise to some complications.¹³⁵⁹ During the first few months of 1982, however, the adoption of 11 children was finalised.

¹³⁵³ The documents relating to this appear to show some back-and-forth regarding whether it was possible to finalise some of these adoptions in Jakarta, as the paperwork had been ready since before the rule change. The Committee does not have a complete overview of all the adoptions, but understands that at least some of these cases were handled locally in the Surabaya area.

¹³⁵⁴ See, for example, *Vårt Land* 10, 18 and 28 November 1981; *VG* 23, 29 and 30 December 1981, 6 and 15 January 1982 and 1 April 1982, *Aftenposten* 29 December 1981 and 11 February 1982, *Drammens Tidende* and *Buskeruds Blad* 28 December 1981.

¹³⁵⁵ See section 7.5 on financial management at AF in the early years.

¹³⁵⁶ Including IA, InorAdopt – background to the application for the right to arrange adoptions from Indonesia, dated 29 January 1981 (the correct year is probably 1982).

¹³⁵⁷ Including application to IA dated 17 September 1981; SD's rejection of the application for a provisional licence dated 23 November 1981. In early October 1981, several dozen applicants for adoption from Indonesia and prospective adoptive parents also wrote to RIA to express their support for InorAdopt; see letters dated 2–5 October.

¹³⁵⁸ In 1982, the woman was employed in a part-time post at the AF secretariat with responsibility for Indonesia.

¹³⁵⁹ Among other things, questions arose regarding the handover of the children's documents via the embassy.

The last child died before the adoption was finalised. The mother of this child had signed the release documents, but was nevertheless unsure whether she wished to give the child up for adoption. Adopsjonsforum had therefore postponed matching the child with Norwegian applicants and had informed the mother that, regardless of the outcome of the decision, they would cover the child's stay at Siti Miriam.¹³⁶⁰ However, the child died before the situation was finally resolved. Contradictory information was provided by Adopsjonsforum and InorAdopt regarding the cause of death.¹³⁶¹

16.6.3.2 *Circumstances uncovered in connection with the dispute*

During Adopsjonsforum's visits in December 1981 and January 1982, a number of serious issues came to light which led them to question the soundness of the adoption work that had been carried out up to that point. Adoption Forum's description of errors and shortcomings in the work of those previously responsible for Indonesia must, to a certain extent, be read in the light of the ongoing conflict, in which it was in Adoption Forum's interest that InorAdopt should not be considered fit to take over the placement work. Nevertheless, several of the reports highlight issues which the committee considers it necessary to examine.

Panca Dharma

Much of the criticism of the adoption work in Indonesia put forward by various parties in 1981 centred on the Panca Dharma maternity home.¹³⁶² Around 90 per cent of all Indonesian children adopted into Norway are said to have come via this clinic.¹³⁶³

On 13 August 1981, an Indonesian newspaper levelled a series of allegations against Panca Dharma. The married couple who ran the clinic were accused of using it to conceal an illegal operation in which they offered illegal abortions and adoptions. It was reported that prostitutes would come to the clinic to give birth and return home with a sum of money – but without a child. An informant had told the newspaper that it was not difficult to obtain false documents, and that large sums of money might be involved. The newspaper claimed that foreigners had to pay 800,000 IDR per child (equivalent to 7,500–8,000 kroner).¹³⁶⁴

The newspaper article was picked up by the Norwegian media, and both Adopsjonsforum and the newly established association InorAdopt commented on several occasions regarding the conditions at the clinic. Whilst Adopsjonsforum believed there were good grounds for better oversight of adoptions from Indonesia in general, and this clinic in particular, InorAdopt rejected the allegations. InorAdopt believed that there were 'certain forces in Indonesia trying to give the children's clinic a bad reputation', and pointed out that their foreign contacts had visited the clinic regularly for several years without discovering anything irregular.¹³⁶⁵

During Adopsjonsforum's visits to Indonesia in December 1981 and January 1982, they made a point of investigating the conditions at the clinic more closely. The reports from these visits must be assessed in the light of the ongoing conflict. The author of the report was engaged by Adopsjonsforum, but at that time

¹³⁶⁰ AF's travel report, December 1981.

¹³⁶¹ InorAdopt believed the child died as a result of a salmonella outbreak which also threatened the remaining children if they stayed. Adopsjonsforum, on the other hand, believed the death was due to refusal to eat, as the child (under the auspices of a previous international adoption agency) had been separated from the mother and would not accept 'artificial nutrition'.

¹³⁶² The clinic is not named, but it is clear that it was Panca Dharma, as Sukoreju/Pandaan is mentioned, as well as the initials of the clinic's director.

¹³⁶³ In 1981, the former country contact stated that 120 of the adoptions completed from Indonesia involved children who came via this clinic; see the letter from the former country contact to Adopsjonsforum in 1981. In the 12 cases that had been initiated in the autumn of 1981, the children also came from Panca Dharma.

¹³⁶⁴ Pos Kota, 13 August 1981. The newspaper article has been found in its original form and in a translated version at Adopsjonsforum. It is not stated who translated it, and InorAdopt later claimed that it had been inaccurately reproduced. Various documents indicate that the exchange rate was estimated at 10,000 IDR being (just under) 100 NOK at the time.

¹³⁶⁵ VG, 'Are prostitutes "selling" adopted children?', 30 December 1981.

no formal connection to the organisation – beyond personal acquaintance with a board member. At the same time, the author of the report was herself born and brought up in Indonesia, and, in the committee's view, was particularly well placed to make contact with – and to understand – the various actors she encountered. The information must be cross-checked with other sources, but the committee considers this report to be central to shedding light on the circumstances at Panca Dharma, and has therefore chosen to reproduce the relevant sections in full below. The committee's additions/explanations are marked with [brackets].

'During my work in Indonesia, I have personally visited Panca Dharma and met various people to obtain information regarding the allegations that had been made in Indonesian newspapers.

Sukorejo is situated approximately 40 km from Surabaya and 45 km from Malang. The clinic (which is what we here in Norway call a health centre) is located in the countryside and there is no doctor on site. The clinic receives medical assistance from two district doctors from Bangil (approx. 30 mins' drive) and Pasuruan (approx. 40 mins' drive) twice a week.

The clinic has an agreement with the Netherlands regarding the placement of a certain number of children per month (BIA Holland).¹³⁶⁶ According to a statement by NN [a lawyer who assisted with cases from there], there are approximately 8 families per month who adopt children from PD. The rest go to Sweden and Norway. Norway has been promised up to two children a week (minutes from the InorAdopt meeting on 24 August 1981) and I myself have been offered four children per month. Italy has also recently received children from the clinic.

On my first visit in December, I was struck by the hygienic conditions. The children's rooms smelled strongly of urine and faeces. Children were lying on sheets that were soaked through with urine (on a subsequent visit, hygiene was better and the number of children had been significantly reduced).

The staff had to iron the clothes on the floor because they lacked an ironing board. The clinic was clearly understaffed. Due to the large influx of children, the clinic was undergoing renovation. It seems that the funds were spent on building extensions and that the children benefited little from them.

Medical records (weight, height, postnatal examination, etc.) were not available for the children due to be sent to Norway.

During a second visit in January, I visited the accommodation centre for expectant mothers, which is situated opposite the clinic. Expectant mothers can arrive at the clinic early, receive board and lodging, and stay at the clinic until the baby is born.

What is concerning about this?

The mother will find herself in a kind of pressured situation by living, eating and spending her days at the clinic right up until the birth. This makes it difficult for the mother to change her mind (after all, the clinic has already been paying for her for months). Furthermore, it has emerged that the paperwork is often finalised as early as 2–3 weeks after the birth, which puts further pressure on the mother and thus makes it even more difficult if she should nevertheless wish to keep the child.

Furthermore, they offer Rp 50,000 on departure. [Just under 500 NOK]

E.g.: The story of C [a child who was allocated to Norway].

During our first visit to Indonesia in December, NN [board member AF] and I visited the Siti Miriam clinic in Lawang. Among others, there was a small baby of about 3 months old named C. Sister NN1 [nurse] and midwife NN2 told us that C's mother cried every time she visited her child, and the mother was also keen to know where the child was to be adopted. She gave the impression that she was attached to the child.

We therefore asked Sister NN1 to contact the mother to find out whether she wished to keep the child. We also suggested arranging a godparent arrangement or similar.

¹³⁶⁶ Panca Dharma is not mentioned in the Dutch investigation report.

During my second visit in January, Sister NN1 said that C's mother had told her that she wanted to 'redeem' the child in order to buy it back.

What did she mean by 'buying the child back'? What financial leverage does PD have over this mother and others?

It has become apparent that women are flocking to the clinic from all over (Madium, Jember, etc.). WHY?

It is then easy to understand that the manager can 'guarantee' a certain number of children per month. It is really just a matter of counting pregnant women.

Child documents have been forged.

Norway wanted to accept twins for a couple. When twins happened to be born later, one of them died. A girl born on the same day took the 'place' of the deceased child, and the papers were altered accordingly. The girl's mother signed the forged documents. (This was the manager's explanation in January this year, but in December last year she gave a different explanation. See first report).¹³⁶⁷

At that time, the home had quite a number of children, and in this way two children were sent away at the same time. Has this happened before?

Some of the children's documents reveal that medical/physiological findings do not correspond with the child's stated age.

The manager of PD, Mrs IB, expressed her disapproval of the children being taken to the clinic in Lawang [Siti Miriam].

E.g.: In one instance, a child, who had already been allocated to Norwegian parents, died in Lawang [Siti Miriam]. NN [former Surabaya contact] demanded a new child *without* being willing to pay the costs (Rp. 400,000) for this. Why?

The parents were unaware of this and might have had to pay extra. NN [former Surabaya contact] was responsible for the child whilst it was in Lawang and was therefore accountable to the parents. The manager believed that the child would not have died in Sukorejo [Panca Dharma], and was annoyed because she 'lost' money by giving a new child 'for free'.

On the one hand, this confirms that NN [former Surabaya contact] was aware of the poor hygienic conditions in Sukorejo, because all children bound for Norway were transported to Lawang [Siti Miriam] for a stay before being sent on to Jakarta.

On the other hand, it shows that it is easier for the manager to sort the matter 'internally' in Sukorejo if the child had died there. When children are transferred, the paperwork is in order, the middlemen have been paid, etc. In other words, she loses money!

The clinic in Lawang [Siti Miriam] has made it clear that they disapproved of the clinic being used as a transit point for children bound for Jakarta. NN [former Surabaya contact] resolved this by approaching the head manager of the clinic in Malang.

During December, the local population in the Pandaan district staged a demonstration against the activities at PD. Reason for the demonstration: it came to the attention of the district's population that PD only handled international adoptions when an Indonesian came forward wishing to adopt a child from the clinic. He was turned away, and this provoked strong reactions.

¹³⁶⁷ In the report from December 1981, the manager of Panca Dharma explains that the twins' mother had died, and that arrangements had been made in this way because otherwise they would have had to obtain the signature of the twins' grandmother. The two children ended up being adopted separately to Norway, cf. a handwritten list from AF in a folder containing board documents (undated but probably from 1982).

A person who has had close ties to PD for many years has confirmed the following:

Almost all the children from PD were in poor health, contrary to what the manager, Mrs IB, said: 'all the children were in fine form'. This also explains why NN [former Surabaya contact] moved all the children to the clinic in Lawang [Siti Miriam].

A child, who had already been assigned to a family abroad, died. A replacement was soon found, but this child was younger and smaller, and the child was overfed [sic.] in order to reach the same height and weight as the first child who had died. The manager might have avoided having to swap the papers had she succeeded.

The manager, Mrs IB, is disorganised; it is therefore important to have a good understanding of her working methods so as to avoid the falsification of documents.

Information from the manager at Siti Miriam – Lawang: Almost all the children from PD were in poor health. All data and information about the children bound for Norway was provided *verbally* by NN [former Surabaya contact], not in writing.

Her neighbour approached PD regarding adoption, and they demanded Rp. 700,000 for a child. They asked for a child for Rp. 400,000 but were turned down.

The clinic in Sukorejo [PD] has a bad reputation in the district. She herself has no desire to have any connection with PD.

Information from Yayasan Sayap Ibu in Jakarta:

Almost all the children from PD were in poor health. Many of them needed medical attention as soon as they arrived in Jakarta.

YSI had requested to take some children from PD for domestic adoption, but had been refused by Mrs IB. Why?

Sister NN, former director of Siti Miriam – Lawang, believed that the clinic in Sukorejo was run for commercial gain.

I can confirm that neither the Indonesian authorities, nor the managers of children's homes, nor private individuals in Indonesia endorse PD. Indonesians themselves regard PD as a commercial enterprise."

The report thus highlights several problematic issues, which, for the sake of clarity, are summarised point by point here, together with some further details.

- The clinic was perceived as poorly run, understaffed and with poor hygiene. Several other institutions and individuals who were in contact with the children from Panca Dharma confirmed that the state of health of many of the children was poor.
- In an interview with the committee, the woman who wrote the report stated that the 1982 descriptions of conditions at Panca Dharma were probably made through a 'Norwegian lens'. She compared them with conditions in Norway rather than with similar clinics in Indonesia.
- Two cases were described in which the manager had falsified or attempted to falsify a child's background history and swap the identities of children, apparently to avoid extra paperwork following the death of another child. In several other cases, the information in the documents did not match the children in question. There was also a lack of documentation regarding the health records of the children who had been allocated to Norway.
- It was explained to us by three different sources that the children's home refused to allow locals to adopt children, or else demanded a very high price for doing so.
- It appears that a fee of 400,000 IDR per child was paid, but that this money apparently did little to benefit the children.

- The mothers who chose to give their children up for adoption received a payment of 50,000 IDR on departure. One mother spoke afterwards of ‘buying back’ her child, although it is unclear what she meant by this.¹³⁶⁸
 - In an interview with the committee, the woman who wrote the report stated that this payment must also be viewed in the context of Indonesian culture. She explained that Indonesians often hold the view that one does not value something received for free as highly as something for which one has paid. The fact that the mothers received a sum of money in connection with the adoption would therefore signal to them that the children would be well looked after wherever they went.¹³⁶⁹ Furthermore, they were extremely poor and had no means of earning an income during the period around the birth.
- Several accused the manager of being profit-driven and preoccupied with money.
 - In the NRK documentary **Gitt bort** (2023), however, a former carer describes how the couple who ran the clinic were primarily concerned with helping as many women as possible and saving the children. There was a great need for assistance for unmarried mothers, and some travelled a long way to receive this kind of help. The carer also said that at one point the couple took out a loan to provide food for all the pregnant women they were accommodating.¹³⁷⁰

As regards the financial aspect of the adoption partnership, the amount Adopsjonsforum paid to Panca Dharma per child was around 400,000 IDR (equivalent to around 4,000 NOK) in 1981. This is said to have included both living expenses and a donation. Information relating to the last 12 children who were allocated before the breakdown in relations between InorAdopt and Adopsjonsforum nevertheless indicates that the payment did not cover the actual costs of the allocated children, but was an advance payment for future allocations:

The minutes of Adopsjonsforum’s Executive Board meeting on 15 December 1981 reveal further details from Adopsjonsforum and RIA’s visit to Indonesia in the autumn of 1981:

During the visit, it was revealed how adoption work had been conducted in Indonesia; there are aspects of this work that had been completely unknown to the Executive Board. Much of the attention is focused on the children’s clinic in Pandaan [Panca Dharma]. The former country representative in Indonesia transferred NOK 60,000 to Pandaan last autumn as an advance payment. This sum was intended to cover 12 children. None of the children have arrived in Norway, and their identities were hardly known when the advance payment was transferred. The former country representative in Indonesia had a verbal agreement with Pandaan for two children a week.

At a subsequent board meeting, the figure for the advance payment was revised to NOK 48,000 (equivalent to NOK 4,000 / approx. IDR 400,000 per child).¹³⁷¹

The assumption that the money transfer was not linked to specific children, but was a form of ‘advance payment’ for placements, is supported by information in other documents. In a supplementary note to InorAdopt’s placement application dated October 1981, the former country contact lists, amongst other things, twelve children who had been allocated to Norway, stating their gender, age and/or first names. All are stated to have been born before August 1981.¹³⁷² When the adoptions were finally finalised in January/February 1982, an overview from Adopsjonsforum shows that the children corresponded only to a limited extent with those InorAdopt had referred to,

¹³⁶⁸ In a letter from AF to RIA dated 31 December 1981, which explains that this child later died, it is stated that this mother had been paid 35,000 IDR.

¹³⁶⁹ Interview with a former AF employee on 5 September 2025. ¹³⁷⁰

NRK (2023), *Gitt bort*, episode 4: *Is the story about me true?* ¹³⁷¹

AF. Board meeting on 16 February 1982.

¹³⁷² IA. Application for a placement licence, 1 October 1981.

as both the names and ages of a number of the children differed: ‘Incidentally, the 12 children who eventually arrived do not match the 12 children referred to in InorAdopt’s application of 1 October 1981. Most of the 12 children were, in fact, born in September 1981.’¹³⁷³ InorAdopt explained the discrepancy by stating that it was not unusual for children who had initially been allocated to be replaced, for example due to death or because the birth parents had decided to keep them after all.¹³⁷⁴

The Committee has found little mention of Panca Dharma in documents from the Norwegian authorities. In correspondence with the embassy, the birth home does not appear to have been mentioned.¹³⁷⁵

The travel report from RIA’s visit in 1980 states the following about the clinic:

It is somewhat unclear how funds are raised to cover running costs. Patients pay a portion themselves, some comes from the adoption fee paid by applicants (approximately 100 dollars) and the rest is likely to be donations.¹³⁷⁶

The travel report from RIA’s visit on 1–12 December 1981 states the following:

The fact that the Pancha Dharma maternity home has, amongst the 12 children, ‘created’ twins from two non-biological siblings is a serious matter, but hardly unique in Indonesia. Most adopted children in Norway come from this place, and there has previously been no reason to suspect them of falsifying the children’s documents. Nevertheless, it will present problems to approve the home as a partner for future adoption placement activities.

A memorandum from the RIA secretariat dated 15 January 1982 reiterates that there had previously been no grounds for suspecting any irregularities. The information reported in the newspapers was difficult to assess, but it was clear that the clinic had issued false documents for the two ‘twins’. It is stated that Adopsjonsforum will not continue its collaboration with the clinic, but beyond this, no position is taken on, nor is there any discussion of, whether irregularities might have occurred in several of the cases. The memo later concludes that ‘[i]t is quite clear that Adopsjonsforum’s former Indonesia team – now elected representatives in InorAdopt – has done a good job with adoptions from Indonesia’.

In its annual report, RIA concluded as follows regarding Adopsjonsforum: ‘Furthermore, it was emphasised that Adopsjonsforum has not breached the conditions of its licence to arrange adoptions of children from Indonesia, and the Council cannot therefore recommend that this licence be withdrawn.’¹³⁷⁷

Documentation, background and identity

As described above, most of the children allocated to Adoption Forum’s applicants from Panca Dharma were quickly transferred to the other partner clinic, Siti Miriam. In connection with the aforementioned ‘twin case’, Adoption Forum’s representative also became aware of another practice that posed challenges.

During the field visit in December 1981, the representative visited Siti Miriam, where several of the children who had been allocated to Norway were staying. The staff were then able to recount an incident that had taken place the day before the representative’s visit, relating to the aforementioned ‘twin case’.

¹³⁷³ AF. Handwritten note (undated, but probably from 1982).

¹³⁷⁴ RIA memo, the InorAdopts Association’s application for authorisation to arrange adoptions of children from Indonesia, 15 January 1982.

¹³⁷⁵ The Committee has reviewed material relating to Indonesia from the Ministry of Foreign Affairs, which includes some correspondence concerning other matters.

¹³⁷⁶ Reproduced in RIA memorandum, the InorAdopts Association’s application for authorisation to arrange adoptions of children from Indonesia 15 January 1982.

¹³⁷⁷ RIA Annual Report 1981, p. 15.

A's mother had come to the clinic to have her photograph taken with the child before the adoption went ahead. When two children (A and B) were presented to her, she became hysterical and denied knowing B ('I have only given birth to *one* child').

The sisters had been told by NN [former Surabaya contact] that they were twins.

As will become clear, it was the manager at Panca Dharma who had listed the two as 'twins', as one of the actual twins had died. The former Surabaya contact had therefore probably merely passed on the information she herself had received.¹³⁷⁸

Elsewhere in this travel report, the Adoption Forum's representative was told by staff at Siti Miriam how the procedure worked when the children were transferred to them from Panca Dharma.

NN [former Surabaya contact] did not have a list of the children's names and dates of birth. This was noted on the children's records following NN's statement. The children's records differed on certain points from the list we [AF's representatives] had been given. Two children on our list were not at the clinic. The nurse felt that communication with NN [former Surabaya contact] was difficult because she spoke 'unintelligible' Indonesian and they spoke (poor) English.

This also corresponds with the description from January 1982, which is also reproduced above.

Information from the manager at Siti Miriam – Lawang: Almost all the children from PD were in poor health. All data and information about the children bound for Norway were provided *verbally* by NN [former Surabaya contact], not in writing.

The children's documents therefore apparently did not accompany the children from Panca Dharma to Siti Miriam. In InorAdopt's description of the proceedings from autumn 1981, it is stated that the children's documents were sent to the overseas contact in Jakarta, so that the latter could begin the administrative preparations for the adoption.¹³⁷⁹ It is possible that this is the reason why the children's papers did not physically accompany the children. In any case, the description in the Adoption Forum's report suggests that the children's identity and state of health were not documented for Siti Miriam, but were merely communicated verbally and subsequently recorded in the children's 'files'.

As regards the children's background and the mothers' identities as set out in the documents from Panca Dharma, there is also further evidence to suggest that this was not always accurate. In the documentary series **Gitt bort** on NRK (2023), a nurse who previously worked at Panca Dharma is interviewed. She explained that several of the mothers who gave birth at the clinic had false identities and signed using false names. In some cases, the carer's name was also entered on the adoption papers instead of the mother's.¹³⁸⁰ It is not clear who signed the release documents in the latter case. In an interview with the Committee, a representative of Adopsjonsforum also stated that it was possible to enter incorrect names in the documents. For various reasons, women might themselves wish that the child could not be linked to them.

In all the individual cases examined by the Committee where the children came from Panca Dharma, there is a 'Statement of Surrender of a Child'. The mother is, however, identified solely by a first name, age and a place name. In cases where the child comes from other children's homes, there appears to be somewhat more information.

¹³⁷⁸ 'The twins' were eventually adopted into Norway separately.

¹³⁷⁹ IA. A description of the proceedings, 15 October 1981.

¹³⁸⁰ NRK (2023), *Gitt bort*, episode 4: *Is the story about me true?*

Suspensions regarding the matron of the Matahari Terbit children's and maternity home

One of the points of disagreement between Adopsjonsforum and the group that later formed InorAdopt concerned allegations against a board member of Adopsjonsforum who temporarily took over as country contact for a short period (one week) during the winter of 1980–1981. The allegations included claims that the board member and his spouse had acted improperly in connection with an adoption process from Indonesia. Among other things, the former country contact believed that the adoption was 'tainted' because the couple had had a great deal of direct contact with the director of the Salvation Army's Matahari Terbit children's and mothers' home, Major NN.¹³⁸¹ The former country representative (now a elected representative at InorAdopt) was reported to have believed, amongst other things, that Major NN had forged the birth mother's signature.

The board member was initially asked to resign – which he did voluntarily. In February 1982, however, he was invited back onto the board – after the board, having reassessed the case, concluded that the couple had done nothing wrong.¹³⁸²

Nevertheless, the allegation appears to have led to increased scrutiny of Major NN and her role and conduct in the adoption process.

In a letter to Adopsjonsforum dated July 1981, the Swedish Adoptionscentrum describes its experiences with Major NN. The background to the letter is stated to be an enquiry from the aforementioned couple, who requested information to clarify the rumours surrounding Major NN. The Adoptionscentrum writes that it has been working with Matahari Terbit and Major NN for several years. They had not received many children from there, but had never encountered any problems with finances or forged documents. In June 1980, however, they were informed that Major NN had been transferred to another children's home with older children. During a trip in October 1980, they learnt that the reason Major NN had been transferred to another children's home was that she had arranged adoptions for her own financial gain, primarily in collaboration with Australia.

In September 1981, the couple themselves invited Major NN to Norway whilst she was visiting the Netherlands. The aim was for her to meet the children, and they wished to enquire further into the circumstances surrounding their own adoption.

When InorAdopt learnt that Major NN was in Norway, they wrote a letter to Adopsjonsforum in which they outlined the 'reservations' they had regarding her.¹³⁸³ According to InorAdopt, the most serious allegation concerned the use of forged documents in a Norwegian adoption case.¹³⁸⁴ Her employer was said to have become aware of this, and Major NN was therefore transferred to another children's home which only housed children aged 7–17, and where adoption was not permitted. Her employer had ordered that she was not to be involved in any further adoptions, but according to InorAdopt, she had failed to comply with this order.

Furthermore, InorAdopt states that several children who were transferred to Matahari Terbit on the clear understanding that they were to be adopted to Norway had nevertheless been allocated to other countries. When they had asked her about this, she said that the children had died. InorAdopt was nevertheless aware that some of these

¹³⁸¹ Statement by the couple to RIA dated 4 October 1981. The title 'Major' belonged to the Salvation Army and is used here to make it easier to identify who is being referred to.

¹³⁸² The case is described in the minutes of the board meeting of 16 February 1982.

¹³⁸³ Letter from IA to AF dated 21 September 1981. The letter concludes by stating that '[w]e assume that Miss NN's [Major NN's] visit to Norway is not taking place in collaboration with Adopsjonsforum.'

¹³⁸⁴ This matter has not been mentioned elsewhere, and it does not appear that the country contact had previously informed either AF or the Norwegian authorities of such a suspicion. In a statement to the RIA (4 October 1981) from the couple suspected of collaborating with Major NN, they state that a former country contact had told another country contact that Major NN himself had signed the release declaration in their adoption case. It is possible that this is the case to which InorAdopt refers in its letter to AF.

The children were in Sweden and Australia. According to InorAdopt, Major NN is also said to have asked parents to ‘pay for services of a magnitude that was completely unacceptable and for expenses that had not been incurred’. She is also said to have allocated children at her own ‘discretion’. Several Norwegian applicants were left waiting for up to a year and a half, whilst many children were placed in other countries. InorAdopt believed one reason for this might be that the Norwegian international liaison office exercised stricter control over payments than in cases where foreign agencies only had local partners.

In an open letter from the Australian adoption agency ASIAC (‘To whom it may concern’) in October 1981, however, the allegations were rejected. They denied that Major NN had enriched himself through the adoptions, or that Australian parents had paid larger sums for adoptions.

During Adoption Forum’s visit in December 1981, the matter was followed up, and views were sought from various parties. Following the trip in January 1982, the Adoption Forum’s representative concluded that both Matahari Terbit and Major NN had a good reputation in Indonesia. She believed that former representatives / InorAdopt had used the case to ‘promote themselves and their own prestige’.

The head of the secretariat at RIA, who had taken part in parts of the trip in 1981, nevertheless instructed the Adoption Forum not to cooperate any further with Major NN.¹³⁸⁵ Apart from this instruction, which is only briefly mentioned in Adoption Forum’s own travel report, the committee has found no evidence that any further assessments of this cooperation were carried out by the Norwegian authorities.

16.6.4 Norwegian authorities

RIA undertook monitoring visits to Indonesia in 1980 and 1983. In addition, the Ministry of Social Affairs instructed RIA to send a representative in December 1981 to clarify the circumstances surrounding the 12 ongoing adoptions.

During the 1980 visit, the RIA representatives met with several key figures, including both Adopsjonsforum’s partners and representatives from the authorities.¹³⁸⁶ During the meeting with two directors from the Ministry of Social Affairs, it was emphasised, amongst other things, that Indonesia was prioritising economic development at that time, but that social development would follow. As far as adoption was concerned, this was a ‘delicate’ issue, and one of them stated that ‘since 80 per cent of the population of Indonesia are Muslims, adoption is not permitted or “non-existent”’. It was emphasised that although international adoption existed to a ‘not insignificant extent’, the trend was towards a complete halt. The minutes further state that ‘[t]he authorities are aware that children are being trafficked and are trying to control this’.

In a subsequent meeting with a director at the Ministry of Justice, the question of a possible agreement between the countries was discussed. The director pointed out that there had never been any problems with adoptions to Norway, but expressed the view that international adoption was generally a difficult issue. The same scepticism was also evident during a meeting with four representatives of the Social Affairs Committee of the Indonesian Parliament:

‘We are not against adoption, but we have reservations’.

As the conflict between InorAdopt and Adopsjonsforum escalated during the autumn of 1981, the Norwegian authorities were made aware of the challenges involved in completing the twelve adoptions that had already been initiated. As mentioned, the head of RIA was asked by the Ministry of Social Affairs to travel to Indonesia herself in December 1981 to clarify the situation and to assist with the process.

During her trip, she helped to secure the handover of children’s documents from the former country representatives and held several meetings with various stakeholders, including the Indonesian Ministry of Justice, the Ministry of Social Affairs, the immigration authorities in Jakarta and Surabaya, and several private organisations.¹³⁸⁷ They received a re-

¹³⁸⁵ This is evident from AF’s travel report. Major NN is not mentioned in RIA’s report on the trip from 1 to 12 December.

¹³⁸⁶ All quotations are taken from RIA’s mission report, mission to Asia 13 September–12 October 1980.

¹³⁸⁷ RIA’s travel report on Indonesia, 1–12 December 1981.

clarification of the authorities' views on how international adoptions should be carried out and the possibilities for continuing to facilitate adoptions.

16.6.5 Adoption work 1982–1983

After the 11 adoptions initiated by individuals associated with InorAdopt had been finalised, only a handful of adoptions from Indonesia to Norway took place. As mentioned, these adoptions appear to have taken place following dialogue between the Norwegian and Indonesian authorities.¹³⁸⁸

In connection with the Norwegian authorities' inspection visit to Asia in the autumn of 1983, the State Secretary and the Director-General of the Ministry of Social Affairs visited Indonesia. Meetings were held with representatives from the Indonesian Ministry of Justice and the Ministry of Social Affairs, and the representatives also visited Yayasan Sayap Ibu (YSI). Based on the information obtained during these meetings, it was concluded that 'the situation is not such that adoptions from Indonesia to Norway should be resumed at the present time'.¹³⁸⁹

16.7 The Committee's assessment of cooperation with Indonesia

Cooperation on adoption with Indonesia dates back quite some time and concerns a limited number of adoptions over a relatively short period. The source material and the individuals the Committee has been able to interview regarding the circumstances have been somewhat limited. The Committee's assessments and conclusions must take account of the source situation. At the same time, the Committee believes that the information that has come to light – including in connection with the conflict between Adopsjonsforum and the group that later became InorAdopt – provides sufficient information to identify several different risk factors and criticisable aspects of the adoption work from Indonesia.

The Norwegian authorities permitted independent adoptions from Indonesia from 1977 and granted authorisation for adoption placement from the country in 1978. At that time, the country was under military dictatorship. In general, the Committee considers it questionable to enter into adoption cooperation with countries under military dictatorship.

Indonesia had no adoption legislation at the time when adoptions to Norway were taking place. The Committee considers it a matter of concern that the Norwegian authorities permitted adoptions from a country where there was no legislation governing this. From February 1978, however, adoptions were regulated by a circular from the Ministry of Justice, which stipulated that adoption cases were to be dealt with by the courts. Although the adoption system was regulated to a certain extent, Indonesia was, as mentioned, a military dictatorship and was characterised by widespread corruption, including within the judiciary. The Committee considers that this entailed a significant risk that the legal proceedings were not sound and reliable, and that the accuracy of the documents could not be trusted. The Norwegian authorities must have been aware of this risk.

There are several indications that the children's true identities and backgrounds were not adequately documented and verified before the adoptions from Indonesia were finalised. Firstly, the former country representative describes suspicions that an adoption to Norway from the Matahari Terbit children's home took place on the basis of false documents and a forgery of the mother's signature.¹³⁹⁰ Secondly, a former carer at Panca Dharma has stated that several mothers used false names, and that nurses were sometimes listed as the mother.¹³⁹¹ A representative of Adopsjonsforum also stated in an interview with

¹³⁸⁸ Telex to the Ministry of Foreign Affairs from the Embassy in Jakarta, 3 February 1983, and letter to the Indonesian Embassy from the Ministry of Foreign Affairs, 30 March 1983.

¹³⁸⁹ RIA, report from an inspection visit to Asia, 12 August–3 September 1983.

¹³⁹⁰ The Committee has found no further mention or documentation of this. However, the suspicion itself indicates that the country contact did not consider it unlikely that this could occur in adoptions from Indonesia.

¹³⁹¹ NRK (2023), *Gitt bort*, episode 4: *Is the story about me true?*

the Committee that false names were likely to occur. Thirdly, representatives of Adopsjonsforum uncovered two cases in which the matron at Panca Dharma swapped children's identities because a child who had already been allocated had died. Fourthly, Adopsjonsforum moved children between institutions without the documents relating to the child's identity accompanying the child.

Overall, the Committee considers that the practical circumstances surrounding the release process created a significant risk that children's identities were swapped, either deliberately or due to inadequate procedures; that release documents were forged; or that key information about the children or their backgrounds was lost or concealed. The Committee considers it a clear weakness in the process that children were moved between clinics without documentation. This created a significant risk both in terms of identity mix-ups and errors in health information. The Committee has no basis on which to comment on the extent of any errors, but in light of these circumstances, we believe there is a risk that children may have been adopted into Norway on the wrong grounds or under a false identity.

The Committee considers it reprehensible that Adopsjonsforum did not previously respond to the circumstances surrounding the release of the children, and did not inform the authorities of suspicions regarding forged documents and the possibility of incorrect information. Furthermore, the Committee considers that the information RIA eventually received regarding the circumstances at Panca Dharma, including the 'twin case', should have prompted stronger reactions and more thorough investigations and measures on the part of the Norwegian authorities. The authorities should have taken greater initiative to uncover whether errors or irregularities had occurred in previous adoptions to Norway from this clinic.

The Committee considers that the arrangement reportedly agreed with Panca Dharma regarding a certain number of children per organisation per week – which the Committee interprets as an advance payment – created a risk that considerations other than the best interests of the child would take precedence in the adoption process. The Committee considers that this type of commitment on the part of a children's home increases the likelihood of undue pressure being exerted on mothers to consent to the release of their children. It is reprehensible that Adopsjonsforum entered into this type of agreement.

The Committee considers that it was not sufficiently clarified whether the children's mothers gave informed and voluntary consent to adoption. In the 'twin case', where a deceased twin was replaced with another child born on the same day, the manager stated that it was the mother of the single child who had signed/consented to the release of the 'twins'. Nevertheless, this mother became 'hysterical' when she was later handed two children to have her photograph taken with. The situation suggests that the mother herself was not aware that she had signed a consent form for the release of two children.¹³⁹²

It is further stated that women who gave birth at Panca Dharma and who decided to give their children up for adoption were paid 50,000 IDR.¹³⁹³ The Committee considers that this practice could have exerted an undue and unethical influence on the mothers' decision to give a child up for adoption. The fact that one mother subsequently expressed a wish to 'buy back' her child indicates that the mothers perceived the arrangement as receiving financial compensation in exchange for their child. The Committee has found no information on how the payment scheme operated in practice, or whether explicit demands for repayment were made of women who regretted their decision to give their child up for adoption. Nevertheless, the Committee believes there is reason to believe that, in practice, this payment made it more difficult for some mothers to change their minds about the decision to give their child up for adoption.

The Committee considers that the process for the release of the children did not sufficiently ensure voluntary and informed consent from the birth parents. It is reprehensible that the Norwegian authorities permitted

¹³⁹² In this connection, the Committee also points out that in 1980, only 58 per cent of women in Indonesia were literate, cf. <https://data.worldbank.org/indicator/SE.ADT.LITR.FE.ZS?locations=ID> (accessed 12 March 2026).

¹³⁹³ Based on the travel reports and the Committee's interview with the woman who wrote them, it is the Committee's understanding that only women who gave their children up for adoption received this sum.

adoptions from a country without adequate mechanisms to ensure that the children had been released in a lawful and responsible manner.

In the Adoption Forum's travel report, it is mentioned by three different sources that local people had contacted Panca Dharma wishing to adopt children, but that this was rejected by the manager there. Insofar as it is true that Indonesians were turned away because the organisation only wished to place children for adoption abroad, this contravenes the principle of subsidiarity, which stipulates that attempts should first be made to place children domestically before considering international adoption. At that time, the principle of subsidiarity was not enshrined in a convention, but was nevertheless a central principle in the international debate, and one to which the Storting gave its endorsement in 1977.¹³⁹⁴

The Committee considers it positive that Adopsjonsforum sent representatives to investigate the potentially criticisable circumstances in the autumn of 1981, and to ensure that the processes already underway were carried out lawfully. At the same time, it was Adopsjonsforum itself that was responsible for the practices which it subsequently described as untenable. The Committee considers that the board should have had sufficient insight into the work to intervene in these matters at an earlier stage.

The Committee considers that the Norwegian authorities took some positive steps as the situation in Indonesia developed and information about the work came to light. It is positive that the Ministry of Social Affairs instructed RIA's representative to travel to Indonesia in person to clarify regulations and procedures with a view to potentially completing the twelve adoptions that had been initiated. Furthermore, it is positive that, in March 1982, the Ministry of Social Affairs introduced a temporary suspension of adoptions from Indonesia, and subsequently entered into direct dialogue with the Indonesian authorities regarding whether cases already in progress could be completed, and whether the general adoption placement work could potentially be resumed. However, the Committee believes that the Norwegian authorities should also have established a dialogue with the Indonesian authorities at an earlier stage, in order to ensure that the adoption work was both considered responsible and was desired by the Indonesian side.

Adoptions from Indonesia took place in the late 1970s and early 1980s. The Committee is in no doubt that the scope for control, supervision and communication was far more limited than it has been in more recent times. Awareness and regulatory frameworks relating to financial transactions in connection with adoption work were also less developed. At the same time, the country was characterised by widespread poverty and high infant mortality. Many mothers found themselves in a position where it was neither socially nor financially possible for them to keep their children, and the need for alternative care was therefore great. Furthermore, it is assumed that the country had underdeveloped child protection and welfare systems. The Committee considers that the immediate need to safeguard the welfare of vulnerable children is a factor that must be taken into account when assessing the degree of due diligence required in adoption work. Nevertheless, the Committee finds that both Adopsjonsforum and the Norwegian authorities had the opportunity to do – and should have done – more to ensure that the adoptions from Indonesia were lawful and sound. Particular reference is made to the fact that Indonesia was under a military regime and was known for widespread corruption.

16.8 On the possibility for adoptees to trace their biological origins

The Committee is aware of one case in which a person adopted to Norway has succeeded in being reunited with their birth family in Indonesia. In this case, however, the adoptive parents had contacts in Indonesia who knew the birth mother and were able to pass on the request for contact.

The Committee's investigations, including a review of individual cases, suggest that adoptees from Indonesia may face challenges when it comes to tracing their biological origins. The information provided

¹³⁹⁴ The adoptions from Indonesia took place before the Convention on the Rights of the Child (1989) and the Hague Convention (1993). The principle of subsidiarity was nevertheless recognised, inter alia through the principles drawn up at the European conference in 1960; see section 5.4.5.2, cf. *'Fundamental principles in inter-country adoption' (as amended at the seminar) 1960*, appendix to NOU 1976: 55. Subsidiarity was also one of the principles endorsed by the Storting in 1977; see section 5.4.5.3.

In the adoption documents concerning the birth family, the information provided is, in the Committee's experience, limited and will often be insufficient to identify the birth mother. It should be noted here that the level of detail provided regarding the children's background varies depending on which children's home the children originally came from. For children adopted from Panca Dharma – which accounts for the majority of adoptions to Norway – such information is sparse. Furthermore, it is uncertain whether the information that does exist is reliable. For various reasons, many mothers wished to remain anonymous, and it appears that key parties have agreed to use fictitious names. It is not clear whether fictitious names have been used only in cases where the mother herself expressly wished to remain anonymous, or whether the parties involved have also recorded incorrect names for mothers on their own initiative. The Committee has no basis on which to comment on the extent of this practice, but considers it likely that the information provided about the biological mother in the release documents will not always be correct.

16.9 Summary

The Committee's mandate is to investigate 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, as well as how reports of matters requiring follow-up have been handled 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 Indonesia, involving both Indonesian and Norwegian parties.

- During the period when adoptions from Indonesia took place, the country was under military dictatorship. In general, the Committee considers it a matter of concern that the Norwegian authorities permitted adoption cooperation with a country under military dictatorship.
- There is a risk that children may have been adopted to Norway on the wrong grounds or under a false identity. The information about the mother in the release documents is often incomplete, and it is likely that the information is not always correct. This applies in particular to adoptions from the Panca Dharma clinic.
- The process for the release of the children has not sufficiently ensured voluntary and informed consent from the birth parents.
- The agreement that Adopsjonsforum's representative entered into with the Panca Dharma clinic regarding a certain number of children per week and advance payment of a fixed sum per child entailed a risk that considerations other than the best interests of the child would take precedence in the adoption process.
- The Norwegian authorities took some positive steps as the situation in Indonesia developed and information about the work came to light. Among other things, it was positive that they sent a representative to the country, established contact with the Indonesian authorities and introduced a temporary suspension. The Committee nevertheless believes that the authorities should have established direct contact with the Indonesian authorities at an earlier stage.
- The adoptions from Indonesia took place at a time when guidelines and principles for international adoption were relatively underdeveloped. The Committee nevertheless believes that the Norwegian authorities could and should have carried out more thorough investigations into the possibility of carrying out responsible adoptions and imposed stricter requirements on the organisations involved.

17 China

17.1 Introduction

From the mid-1990s, China became one of the largest countries of origin for international adoption.¹³⁹⁵ A key reason for this was China's one-child policy, which led to a high number of baby girls being abandoned, until the policy was relaxed in the 2000s.¹³⁹⁶

China is the third-largest country of origin for children adopted into Norway. A total of 3,030 adoptions from China to Norway were arranged between 1991 and 2017. This accounts for nearly 15 per cent of all adoptions arranged to Norway. Three organisations have held authorisation to arrange adoptions from China. Adopsjonsforum has arranged the most, with a total of 1,454 adoptions in the period 1991–2017, followed by Verdens Barn, with 1,276 adoptions in the period 1991–2017. InorAdopt has arranged 300 adoptions in the period 1999–2017.

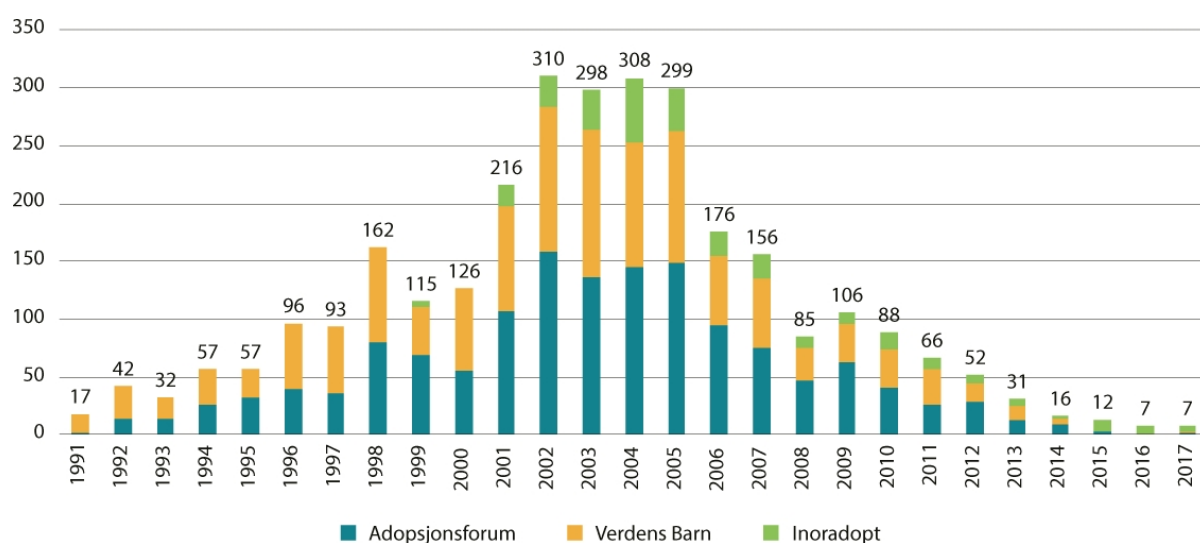


Figure 17.1 Adoptions arranged from China to Norway 1991–2017

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

The various adoption agencies had different international contacts in China. In the first half of the 1990s, they also worked with different parts of the Chinese state apparatus and in different provinces. Gradually, however, the system in China became centralised and more streamlined. There are therefore no significant differences in how the various agencies eventually organised adoption arrangements from China. In the same way as other intermediaries and receiving countries, they dealt with central Chinese authorities, which both approved foreign applicants and were responsible for the allocation of specific children. These allocations could involve children from all children's homes in the intercountry adoption programme, and from all regions.

¹³⁹⁵ Selman, P (2002). Intercountry adoption in the new millennium: the 'quiet migration' revisited. *Population Research and Policy Review* 21 (pp. 205–225), p. 214.

¹³⁹⁶ Boa, X., Galiana, S., Li, K. & Long, C. X. (2023). Where have all the children gone? An empirical study of child abandonment and abduction in China. *Journal of Economic Behaviour & Organisation* (208) 2023, pp. 95–119; John-sen, K. (2002) Politics of International and Domestic Adoption in China. *Law & Society Review* (2), 2002, pp. 379–396.

This means that, from the latter half of the 1990s onwards, everything that is known about unethical and illegal practices relating to international adoptions arranged from China could, in principle, also have affected adoptions to Norway. Investigations into what has generally been reported and is known about such irregularities are therefore central to the Committee's assessments of adoption placements from China. On the other hand, the details of the placements linked to each adoption agency are somewhat less significant than in other country studies.

China differs from many other countries of origin in that it holds a prominent economic and geopolitical position on the world stage, as well as being an authoritarian regime without freedom of the press. The Chinese authorities gradually established clear frameworks for adoptions from the country, and intermediaries and the authorities of other countries had little opportunity to influence these or gain insight into key aspects of the process. For example, from the outset there were high official fees associated with various parts of the process in China, as well as a requirement or expectation that each adoption should be accompanied by a donation of between 10,000 and 35,000 kroner to the children's home where the child was living. However, the Norwegian authorities and the adoption agencies had limited knowledge of how the funds were used (see 17.5.2.1 and 17.5.6.2). By permitting adoption cooperation with China, these political and economic frameworks for adoption mediation have been accepted.

The Committee's assessments and investigations concerning China have therefore focused on two main issues: What assessments have Norwegian actors and authorities made at various points in time regarding the soundness of the system and the risk of illegal practices? What is known about illegal and unethical practices relating to adoptions from China, and are there any indications that such practices have involved children adopted to Norway?

17.2 General information and recent history

China is a republic in Asia and was for a long time the world's most populous country. Today, China has a population of 1.4 billion. In 1949, China was reunified under a stable central government when the People's Republic of China was established with Chairman Mao Zedong as its supreme leader.¹³⁹⁷

China is, in practice, a one-party state, with the Communist Party of China as the ruling party. The party leader holds the title of General Secretary, and since 1992 this person has also served as President. The Communist Party determines policy, whilst the state implements it. State bodies at all levels have parallel party bodies.¹³⁹⁸

The administrative system consists of five levels: provinces, prefectures, counties, municipalities and villages. China has 22 provinces, five autonomous regions and four centrally administered municipalities. 'Municipalities' often encompass both the urban centre and surrounding rural areas. Minority areas – such as autonomous regions and certain prefectures and counties – formally enjoy certain cultural and political rights.¹³⁹⁹

Since 2004, China's constitution has stipulated that the state shall respect and protect human rights. Nevertheless, the country faces criticism from organisations and other states for serious and systematic violations of several of these rights. Freedom of expression, assembly and association is severely restricted, and both traditional and social media are subject to state control.¹⁴⁰⁰ At World Press

¹³⁹⁷ Filseth, G. and Garberg, B. *Store norske leksikon* (2005–2007). 'The history of the People's Republic of China' in *Store norske leksikon* at snl.no. Retrieved 30 April 2025 from https://snl.no/Folkerepublikken_Kinas_historie

¹³⁹⁸ Berg, O. T., Garberg, B. and Sjøstedt, G. 'China's political system' in the *Store norske leksikon* on snl.no. Retrieved 30 April 2025 from https://snl.no/Kinas_politiske_system

¹³⁹⁹ Berg et al. (30 April 2025).

¹⁴⁰⁰ Garberg, B., Klepsvik, E. and Wedul, C. F. 'China' in the *Store norske leksikon* at snl.no. Retrieved 30 April 2025.

On the Freedom Index, China currently ranks 178th out of 180 countries, above only Eritrea and North Korea.¹⁴⁰¹ In 2002, the year the index was established, the country ranked second from last out of 139 countries.¹⁴⁰²

The administration of justice in China is organised through a system of ‘people’s courts’ at all levels, with the Supreme People’s Court as the highest authority.¹⁴⁰³ Judges are formally appointed by the National People’s Congress or its equivalent at lower levels.¹⁴⁰⁴ A parallel system exists for the prosecution authorities, with the Supreme People’s Procuratorate as the highest body.¹⁴⁰⁵

According to various sources, the courts in China are not independent in the same sense as in Norway and other Western constitutional states, but form part of a system in which political authorities exert considerable influence.¹⁴⁰⁶ It is argued, amongst other things, that the prosecution service holds a strong position in criminal cases, and that the role of the courts in such cases may be limited, whilst judges’ discretion in civil cases allows greater scope for independent judgement.¹⁴⁰⁷ Furthermore, the judiciary is described as characterised by structural challenges, including widespread corruption and the use of informal connections.¹⁴⁰⁸ Judges are formally appointed by the National People’s Congress or its standing committees, with corresponding arrangements at lower levels. Alongside the court system, there is a separate public prosecution system, with the Supreme People’s Procuratorate as its highest body.¹⁴⁰⁹

On Transparency International’s Corruption Perceptions Index, the country currently has a score of 43 (where 100 = no corruption). The index contains data dating back to 1995. At that time, China was ranked 40th, with a score of 2.16 (out of 10). During the period when the highest number of children were adopted to Norway (2002–2005), the country ranked 59th, 66th, 71st and 78th respectively, with a score of between 3.5 and 3.2 (the lowest being in 2005).¹⁴¹⁰

Norway is represented in China by its embassy in Beijing (established in 1985) and consulates-general in Shanghai and Guangzhou.¹⁴¹¹

17.2.1 The one-child policy (1979–2015)

Adoptions in and from China were strongly influenced by the one-child policy, which was introduced by the authorities in 1979 and remained in force until 2015. The one-child policy was introduced as a measure to curb rapid population growth and promote economic development.¹⁴¹²

¹⁴⁰¹ Reporters Without Borders, World Press Freedom Index 2025: <https://rsf.org/en/index>

¹⁴⁰² Reporters Without Borders (2016). ‘Reporters Without Borders publishes the first worldwide press freedom index (October 2002)’, <https://rsf.org/en/reporterswithout-borders-publishes-first-worldwide-press-freedom-index-october-2002>

¹⁴⁰³ Berg et al. (30 April 2025).

¹⁴⁰⁴ Berg et al. (30 April 2025).

¹⁴⁰⁵ Berg et al. (30 April 2025).

¹⁴⁰⁶ Amnesty (2013). ‘China: The lawyer standing up to government injustice’, <https://amnesty.no/kina-advokaten-som-star-opp-mot-myndighetenes-urett>

¹⁴⁰⁷ ‘Fact-finding and monitoring mission to China, 4–9 March 2006’, dated 17 March 2006, Ref. No. 06/6543, Bufdir

¹⁴⁰⁸ Berg et al. (30 April 2025).

¹⁴⁰⁹ Berg et al. (30 April 2025).

¹⁴¹⁰ Transparency International (2024). Corruption Perceptions Index – China: <https://www.transparency.org/en/cpi/2024>

¹⁴¹¹ Email from the Ministry of Foreign Affairs to the committee, 20 February 2025.

¹⁴¹² Cai, Y. and Feng, W. (2021). The Social and Sociological Consequences of China’s One-Child Policy. *Annual Review of Sociology*, 47(1), pp. 587–606.

Until the 1960s, the Chinese population was encouraged to have many children, and the population grew rapidly.¹⁴¹³ In the 1970s, however, the authorities began to encourage the population to marry later and to have only two children. Nevertheless, the Chinese authorities believed that the population was growing too quickly, and in 1980 they introduced a limit of just one child per family.¹⁴¹⁴ Exceptions were made for ethnic minorities, and from the late 1980s, most couples in rural areas were also permitted to have a second child if their first child was a girl.¹⁴¹⁵ In 2016, the limit for all families was raised to two children, and in July 2021, all limits were removed.¹⁴¹⁶

The strictness with which the one-child policy was enforced varied between periods, regions and according to social status. Generally speaking, it was enforced more strictly in densely populated areas. In many cases, it led to harsh sanctions, including forced abortions, forced sterilisation and the compulsory use of contraceptives.¹⁴¹⁷ Families who broke the rule could be subjected to heavy fines and other penalties. The policy was implemented, amongst other things, through a strong system of negative incentives, whereby officials could be punished or dismissed if breaches of the policy occurred within their area of responsibility.¹⁴¹⁸ Children born without authorisation could be denied registration in the Hukou system (a system for residence control¹⁴¹⁹).

This registration was necessary for access to healthcare, schooling and employment, particularly in urban areas. Failure to register could persist until the parents paid the fines imposed as a penalty. These fines varied over time and place. According to some sources, they could amount to 10–20 per cent of a family's annual income; according to others, they could exceed an average annual income.¹⁴²⁰

Due to the one-child policy and a cultural preference for boys, the policy led to girls being abandoned or given away on a large scale.¹⁴²¹ In 1991, the Chinese authorities also increased the penalties for the fairly widespread practice of having an 'unauthorised' child living with them, and this led to around two million Chinese children, mainly girls, being placed in children's homes.¹⁴²²

All of this resulted in a significant increase in the number of orphaned girls made available for international adoption, particularly in the 1990s and 2000s. China became one of the largest countries of origin for

¹⁴¹³ Hemminki, E., Wu, Z., Cao, G., & Viisainen, K. (2005). Illegal births and legal abortions—the case of China. *Reproductive Health*, 2, 5. <https://doi.org/10.1186/1742-4755-2-5>

¹⁴¹⁴ Kane, P.; Choi, C. Y (9 October 1999). 'China's one-child family policy'. *BMJ*. 319 (7215): 992–994. doi:10.1136/bmj.319.7215.992.

¹⁴¹⁵ Cai, Y. & Feng, W. (2021), p. 591.

¹⁴¹⁶ Cai, Y. and Feng, W. (2021).

¹⁴¹⁷ The first specific statutory provision in this area did not come into force until 2001, with *the Population and Family Planning Law* (enacted on 29 December 2001), which authorised administrative sanctions and 'social maintenance fees'. In the 1980s, a central administrative structure (State Family Planning) was established, which issued regulations, implementation measures and guidelines to provinces and municipalities. Much of the enforcement took place through local regulations that specified sanctions, registration rules, requirements for birth certificates, etc. Source: Hemminki et al. (2005).

¹⁴¹⁸ Cai, Y. and Feng, W. (2021).

¹⁴¹⁹ All Chinese citizens must be registered as residents of a specific area, and their access to public services such as education and healthcare is linked to this place of residence. To move from the countryside to a city, one must apply to have one's registration changed, and only once this has been granted does one – together with any family members – gain full access to social rights in the new area. Source: Garberg, B.: *The Hukou system in the Great Norwegian Encyclopaedia* at snl.no. Retrieved 30 April 2025 from <https://snl.no/Hukou-systemet>

¹⁴²⁰ Hemminki et al. (2005).

¹⁴²¹ Johnson, K. (2016). *China's hidden children: Abandonment, adoption, and the human costs of the one-child policy*. Chicago: University of Chicago Press.

¹⁴²² Cai, Y. and Feng, W. (2021). The Social and Sociological Consequences of China's One-Child Policy. *Annual Review of Sociology*, 47(1), pp. 587–606.

children adopted abroad during this period. In 2005, the UN estimated that 11,230 children were adopted from China for placement abroad.¹⁴²³ In total, at least 150,000 children were adopted from China between 1992 and 2017.¹⁴²⁴

17.3 Overview of the Committee's country studies

The Inquiry Committee's investigations into adoption placements from China have followed the template for country-specific investigations, as outlined in Chapter 3. General country information from various sources has been obtained. Investigations by other receiving countries and information from ISS have been reviewed, and literature and media searches relating to adoptions from the country have been carried out. Adoption licences and applications for adoption from the country have been reviewed, along with related documentation. Archive searches have been carried out at Bufdir, the Ministry of Children and Families, the National Archives and the Ministry of Foreign Affairs. The Committee has also been granted access to the physical archives and shared digital repositories of Adopsjonsforum, Verdens Barn and InorAdopt.

In its work on the country studies, the Committee has exchanged experiences with the Swedish inquiry and received input from the China Association. The Committee has received a total of two enquiries from adoptees from China and conducted interviews with both. In addition, we have spoken to three adoptees from China in connection with meetings with organisations for adoptees and the Committee's work on gathering input from children. Interviews have also been conducted with several people who have been involved in work relating to adoptions from China, both within the Norwegian authorities (7) and at Adopsjonsforum (3), Verdens Barn (3) and InorAdopt (1).

A total of 22 individual cases from the period 1991–2013 have been reviewed. See 17.6.3.1 for further information on the review of individual cases and the assessments relating to this.

Adoptions from China have been investigated by Sweden (2025) and are also mentioned in the Dutch investigation report (2021). The Dutch investigation report concludes that a number of irregularities have been documented in connection with adoptions from China. The Swedish review report concludes that there was a high level of risk associated with adoption arrangements from China. Other findings and issues from these reports that are relevant to adoptions from China to Norway will be addressed in the following description and wherever else they are relevant.

17.4 Overview of the adoption procedure in China

17.4.1 Legislation

China has a long tradition of adoption dating back to the imperial era (900–1800). For a long time, it was common for families who did not have a son to adopt boys, often from other family members, in order to continue the male line of descent. Informal domestic adoption still exists today.¹⁴²⁵

When China's Marriage Law came into force in 1981, the first legal provisions on adoption in China were introduced.¹⁴²⁶ Prior to 1981, there was no formal regulation of adoptions or laws on adoption in China. However, informal

¹⁴²³ United Nations – Department of Economic and Social Affairs – Population Division, *Child Adoption: Trends and Policies*, New York, United Nations, 2009.

¹⁴²⁴ Selman, P. (2019). *International Adoptions from the People's Republic of China, 1992–2017*. Newcastle University, 2 May 2019.

¹⁴²⁵ Johnson, K. (2002). 'Politics of International and Domestic Adoption in China'. *Law & Society Review*, Vol. 36: 2; ISS report (2023). *Annex 'Search for origins' China*.

¹⁴²⁶ China: Marriage Law, 1 January 1981, Article 20: 'The state shall protect lawful adoption. The relevant provisions of this Law governing the relationship between parents and children shall apply to the rights and duties in the relationship between foster parents and foster children. The rights and duties in the relationship between a foster child and his

adoptions or verbally agreed adoptions could nevertheless be formalised by obtaining a ‘Notarial Adoption Certificate’, provided the notary could establish that the adoption was in accordance with local practices and regulations.¹⁴²⁷

According to some sources, China began to permit adoption by foreign nationals from the late 1980s.¹⁴²⁸ Following increased demand from abroad in the early 1990s to adopt children from China, China’s Adoption Law came into force on 1 April 1992.¹⁴²⁹ The Act standardised international adoptions, with the aim of eliminating the confusion and corruption that existed at local level.¹⁴³⁰

The 1992 Act established criteria for who could be adopted.¹⁴³¹ This applied to children under the age of 14 who were orphans (i.e. both parents were deceased), abandoned (parents unknown) or where the parents could not be located, or were unable to raise them due to ‘exceptional difficulties’ (this applied to cases where the child had disabilities¹⁴³²). Under the law, guardians, child welfare institutions and parents could all place children for adoption.¹⁴³³ However, the widespread perception was, and remains, that it was not legal to place one’s child for adoption in China. The process for lawful surrender therefore appears unclear to the committee.¹⁴³⁴ The Adoption Act in force at the time also contained a provision stating that anyone who abandons an infant shall be fined, and if the circumstances constitute a criminal offence, the person concerned shall be investigated for possible criminal liability.¹⁴³⁵

‘natural parents shall terminate with the establishment of his adoption.’ <https://www.refworld.org/legal/legislation/nat-legbod/1981/en/67024>

¹⁴²⁷ ISS report (2023). Annex ‘Search for origins’ China.

¹⁴²⁸ According to some sources, prior to 1992, international adoption was only permitted if the prospective adoptive parents had a special connection to China (see, for example, Gordon, S. (1997), ‘The New Chinese Export: Orphaned Children – An Overview of Adopting Children from China’, 10 *Transnat’l Law* 121 (1997), pp. 132–133. However, the committee has found no information to suggest that there was any *prohibition* on international adoptions by applicants without such a connection. If such a guideline, rule or practice did exist, it is unclear how strictly it was adhered to.

¹⁴²⁹ The Adoption Law of the People’s Republic of China, 1992.

¹⁴³⁰ ISS report (2023). Annex ‘Search for origins’ China.

¹⁴³¹ Article 4, The Adoption Law of the People’s Republic of China.

¹⁴³² This is according to a memorandum sent to SAK by the Norwegian Embassy in Beijing in June 1993, but which originally came from the US Embassy in Beijing, and which concerns adoptions by US citizens. The following is stated under ‘Children eligible for adoption: [...]’ (c) Children whose natural parents are incapable of providing for them because of unusual hardship.’ The Ministry of Civil Affairs and the Ministry of Justice have advised the American Embassy in Beijing that the above categories, as defined under the new adoption law, mean: [...] c) A child ‘whose natural parents are incapable of providing for them *because of unusual hardship*’ is a disabled child.”, 16 June 1993, from SAK to VB, “Adoptions from China”, 1340/93.

¹⁴³³ Art. 5, The Adoption Law of the People’s Republic of China. Despite the provision stating that parents had the right to place their child for adoption, it is unclear how this was interpreted and implemented. According to O’Halloran, it is possible that this was restricted to placement with relatives. See Chapter 19. China, in O’Halloran (2021). **The Politics of Adoption**, Springer, p. 841.

¹⁴³⁴ See, for example, SOU 2025:61, vol. 2, p. 400: ‘As it is not legally possible to transfer custody of a child in China and it is forbidden to abandon a child, this has in many cases taken place in secret’. This was also the information provided to the Norwegian adoption authorities by the Chinese authorities, for example during an inspection visit to the country in 2002: ‘As it is not permitted in China to hand over one’s child for adoption, this results in the children being abandoned; however, as we understood it, this usually takes place in such a way that the children’s biological mothers or parents presumably expect them to be found’. See BUFA, 2002, ‘Report on the Information and Monitoring Visit to Korea and China, 1–13 September 2002’. See also Chapter 19 in O’Halloran (2021). **The Politics of Adoption**, Springer.

¹⁴³⁵ Chapter V, Article 30, The Adoption Law of the People’s Republic of China, 1992. Furthermore, the Chinese Criminal Code of 1979 contained a provision stating that a person who grossly neglects their statutory duty to support or care for a person unable to support themselves, including children, the elderly or the sick, may be punished by imprisonment for up to five years, see Article 183, Criminal Law of the People’s Republic of China, 1979 (in the revised version of the Act from 1997, the provision is continued in Article 261).

The adoption was to be registered with a ‘Civil Affairs Department’. A written agreement between the adoption applicant and the party releasing the child for adoption was to be signed.¹⁴³⁶ In the case of intercountry adoptions, the adoption agreement was also to be signed by a notary.¹⁴³⁷ If either party (biological or adoptive parents) wished to keep the adoption confidential, this was to be respected.¹⁴³⁸ China is the only one of the 12 priority countries in the committee’s mandate to have this form of adoption decision: in the other 11 countries, a court made the decision on adoption, with the exception of cases where adoption authorisation was granted in Norway (see Chapter 27).

The law also imposed certain requirements on prospective adopters. They had to be over 35 years of age, childless and capable of raising the child. Furthermore, it was only permitted to adopt one child. In the case of the adoption of children with disabilities or orphaned children, exceptions were made to the age requirement, the requirement to be childless and the rule that one could only adopt one child.¹⁴³⁹

The law prohibited the buying and selling of children and the abduction of children for adoption. The law also prohibited the abandonment of an infant and punished this with a fine of up to 1,000 Chinese yuan (CNY, approximately 1,000 NOK).¹⁴⁴⁰

The accompanying regulations came into force in November 1993.¹⁴⁴¹ Among other things, the regulations set out the documentation requirements depending on who had placed the child for adoption. If a child welfare institution placed the child for adoption, there had to be written documentation confirming that the child had been abandoned, that a search had been made for the parents or guardian, or that the parents were deceased and that other persons with obligations towards the child had consented to the adoption. If the child had disabilities, this was to be documented by a health institution.¹⁴⁴²

The regulations also set out the fees payable in connection with adoptions and provided for the acceptance of donations.¹⁴⁴³ The regulations stipulated that the Chinese agencies were to be supervised by ‘the civil affairs department of the State Council’.¹⁴⁴⁴

In April 1999, the law was amended to facilitate adoptions, including domestic ones. The age requirement for applicants was lowered to 30 years, and families with several children were permitted to adopt children without health problems as well.¹⁴⁴⁵ Following this amendment, the adoption was to be registered with the ‘Civil Affairs Department’. Notarisation of the adoption relationship was only required if one of the parties so wished.¹⁴⁴⁶

¹⁴³⁶ Article 15 of the Adoption Law of the People’s Republic of China, 1992. ¹⁴³⁷

Article 20 of the Adoption Law of the People’s Republic of China, 1992. ¹⁴³⁸

Article 21 of the Adoption Law of the People’s Republic of China, 1992. ¹⁴³⁹

Articles 6 and 8 of the Adoption Law of the People’s Republic of China, 1992. ¹⁴⁴⁰

Article 19 of the Adoption Law of the People’s Republic of China, 1992.

¹⁴⁴¹ Measures for the Registration of the Adoption of Children by Foreigners in the People’s Republic of China, 1993.

¹⁴⁴² Article 5, Measures for the Registration of the Adoption of Children by Foreigners in the People’s Republic of China, 1993.

¹⁴⁴³ Article 17, Measures for the Registration of the Adoption of Children by Foreigners in the People’s Republic of China, 1993. ‘A foreign adopter who adopts a child in China should pay the registration fee and the notarisation fee [...] The Chinese adoption organisation may collect service fees [...] The adopter may pay the adoptee’s upbringing fee [...] such fee can only be used for the improvement of the welfare institution’s facilities and cannot be diverted for other purposes.’

¹⁴⁴⁴ Article 15, Measures for the Registration of the Adoption of Children by Foreigners in the People’s Republic of China, 1993.

¹⁴⁴⁵ SOU 2025:61, vol. 2, p. 409; Johnson, K. (2002). ‘Politics of International and Domestic Adoption in China.’ *Law & Society Review*, vol. 36: 2.

¹⁴⁴⁶ Article 21, Adoption Law of the People’s Republic of China, Amendment 1998. A new circular was also issued: Measures for the Registration of the Adoption of Children by Foreigners in the People’s Republic of China (25 May 1999).

China signed the Hague Convention on Intercountry Adoption in 2000, and the Convention entered into force in 2006.¹⁴⁴⁷ China's Ministry of Civil Affairs became the central authority, but most of the tasks arising from this were delegated to the China Centre of Adoption Affairs (CCAA), which in March 2011 became the China Centre for Children's Welfare and Adoption (CCCWA).

The Adoption Law has now been replaced by a new Civil Code, which came into force in 2021, with Chapter V dealing with family and adoption matters.¹⁴⁴⁸

In September 2024, China suspended international adoptions. The reason given was that the country wished to prioritise domestic care solutions.

17.4.2 About the adoption procedure

17.4.2.1 *Before the Adoption Act came into force in April 1992*

The process for the first adoptions from the country is not described in great detail in the source material. Based on the information in the placement applications from the intermediary organisations, the first adoptions from China to Norway were arranged as follows:

Verdens Barn

Verdens Barn sent the application documents from approved adoptive applicants to the overseas contact, a Norwegian woman living in Hong Kong. The overseas contact arranged for the documents to be translated and took them to children's homes with which she was in contact in the Nanjing area. The Party representative at the children's home had to be in favour of the adoption and sign the papers. The adoption then had to be approved by the local council where the children's home was located, and by the local authorities in the districts. After that, an application could be made at the local police station for a Chinese passport and an exit permit for the child. Once this had been done, a request was made for the child's birth/registration number at the children's home to be deleted.¹⁴⁴⁹

It is not clear to the committee who allocated the children. This was probably done by the children's home. Nor is it clear when the matching took place, but the committee has been in contact with people adopted in 1991 who have explained that their adoptive parents were not given the children's names or dates of birth before the collection trip. The parents travelled to China themselves to collect the child. They stayed in the country for approximately two weeks. The foreign liaison officer acted as a tour guide and assisted the applicants throughout the process.¹⁴⁵⁰ Approval for the adoption was granted in Norway on the basis of a 'Notarial Certificate of Adoption' issued by a public notary's office in China.

Adoption Forum

Adoption Forum forwarded the documents of approved adoptive applicants to the 'Division of Civil Affairs', the 'Department of Notarisation', under the Ministry of Justice in China. They required prior approval from the Norwegian adoption authorities, as well as a social report, marriage certificate, birth certificate, medical certificate, employer's

¹⁴⁴⁷ HCCH (2023). Country profile: China.

¹⁴⁴⁸ ISS report (2023). Annex 'Search for origins' China; HCCH (2023). Country profile China.

¹⁴⁴⁹ VB's application does not state why this was required, and the committee has found no documentation or information to suggest that the Norwegian adoption authorities requested further information on this matter. The application merely states: 'Once this is in order [approval of the adoption and application for a passport and exit permit], the journey returns to the children's home, where a request is made to have the child's birth or registration number deleted. Everyone in China must have such a number in order to buy food, attend school, etc.' Source: VB to the Ministry of Family and Consumer Affairs, 22 June 1990, 'Regarding the approval of adoption from China'.

¹⁴⁵⁰ Regarding the approval of adoption from China, from VB to the Ministry of Family and Consumer Affairs, 22 June 1990.

certificates of good conduct and police certificates for the applicants. The documents had to be translated in Norway and legalised by a Notarius Publicus, the Ministry of Foreign Affairs, and the Chinese Embassy in Norway. If the applicants were approved, the Department of Notarisation would then send a placement proposal to the Adoption Forum.¹⁴⁵¹

For children residing outside Beijing, the adoption was decided by the relevant county administration, which then registered the case with the central authorities.

The applicants had to travel to China themselves to collect the child. Once the application had been approved and the child's documents checked by the Department of Notarisation, an application could be made for a Chinese passport for the child. The process took around ten days.¹⁴⁵²

Adoption Forum eventually made use of the state-run travel agency China Travel Service in connection with the families' accommodation and transport. Adoption Forum had little contact with the individual children's homes.¹⁴⁵³

Adoptions arranged through Adopsjonsforum were also initially finalised by the granting of authorisation in Norway. In March 1991, the Norwegian adoption authorities (the State Adoption Office) informed the Ministry that they treated the documents from China as 'release documents', and that the children were adopted in accordance with Norwegian law.¹⁴⁵⁴ This practice appears to have ceased around September 1992. After this, the adoption was merely registered in Norway; no Norwegian authorisation was granted.

17.4.2.2 *Adoptions after 1 April 1992*

In a report following a trip to China towards the end of 1992, undertaken by the Norwegian adoption authorities (see 17.5.2), the placement and adoption process was described as follows: Organisations approved by the authorities in the receiving country sent the application documents to China's Ministry of Social Affairs, which reviewed them and forwarded them to the provincial offices. This is where the allocation of children took place. Information about the child was sent to the adoption agency. Once the applicants accepted the allocation, the children's home drew up an 'agreement'. On this basis, the applicants travelled to China. A written consent agreement between the children's home and the parents was signed. The applicants then went to a 'Civil Affairs Bureau' for registration in the 'Civil Register', followed by a visit to a Notary Public, after which passports were issued.¹⁴⁵⁵ The Norwegian Embassy in Beijing was involved in issuing a visa for the child.¹⁴⁵⁶

However, it appears that Adopsjonsforum continued to receive its allocations from the Chinese Ministry of Justice's 'Department of Notarisation' until the China Centre for Adoption Affairs (CCAA) became operational in June 1996.¹⁴⁵⁷

Whilst Adopsjonsforum had previously paid less per adoption than Verdens Barn, from June 1996 onwards the donations and fees associated with adoption became the same for everyone. Donations to the children's homes were standardised at 3,000 USD, and other expenses in China (registration fee, passport issuance, notarisation, translations, etc.) amounted to approximately 1,200 USD.

In 2009, the donation requirement rose to approximately 5,000 USD (35,000 RBN).¹⁴⁵⁸

¹⁴⁵¹ AF to BFD, 5 March 1990, 'Application for agency rights for the People's Republic of China'. ¹⁴⁵² AF to BFD, 5 March 1990, 'Application for agency rights for the People's Republic of China'. ¹⁴⁵³ Application for re-accreditation for the People's Republic of China, from AF to SAK, 13 April 1994. ¹⁴⁵⁴ SAK to BFD, 5 March 1991.

¹⁴⁵⁵ SAK, 12 January 1993, 'Report on a trip to Asia, 16 November – 9 December 1992'.

¹⁴⁵⁶ SUAK, February/March 1999, 'Report: Information and monitoring trip to China and Vietnam, 8–27 October 1998'.

¹⁴⁵⁷ 23 May 1996, AF to SAK, 'Application for re-approval of adoption from China', 2005/94.

¹⁴⁵⁸ SOU 2025:61, vol. 2, p. 411.

17.4.2.3 *Following the entry into force of the Hague Convention in 2006*

The adoption process from the child's perspective is not described in detail in the source material from the adoption agencies or by the Norwegian authorities in the 1990s, but the 1993 regulations (Art. 6 [5]) stipulated that children's homes had to provide documentation proving that the child had been abandoned and that a search had been conducted for the parents or guardian. However, following the Norwegian adoption authorities' visit to China in 2006 (see 17.5.8.3), the process from the child's perspective is described in somewhat greater detail:

When a child was found abandoned, the police placed the child in a children's home and simultaneously initiated a search for the biological parents. If the parents did not come forward or were not found within 60 days, a document was issued formally establishing that the child had been abandoned ('Abandonment Certificate').

The child remained at the children's home, and as they approached their first birthday, an assessment was made as to whether they should remain there or be placed in a programme for domestic or international adoption. The orphanage's management submitted proposals to the local authorities under China's Ministry of Social Affairs regarding which children were suitable for international adoption, and it was the authorities who made the formal decision on release.

Once the release document was available, information about the child was sent to the CCAA in Beijing. The CCAA reviewed the documentation to ensure it was adequate and, if so, assumed that the process in the province had been conducted correctly. The CCAA then selected an adoptive family and proposed a placement, which was organised in groups.

The CCAA notified partner intermediary organisations abroad of the placements and requested confirmation as to whether the prospective adoptive parents accepted them. Once this had been clarified, the adoption intermediary reported back to the CCAA, which then liaised with the province to determine when the adoption could take place.

The families travelled to China and on to the relevant province at the agreed time. They took custody of their children as soon as possible, usually within 24 hours of arrival. The handover did not take place at the children's home, and the families were not allowed to visit the institutions.

The adoption was finalised within one to two days of the families taking custody of the child. The adoption authorisation was issued by an administrative body under the 'Department of Civil Affairs' and was usually notarised, although this was not a formal requirement for validity.

The children were then issued with a Chinese passport and a visa for Norway, as well as a Norwegian travel document for entry into Norway. The families then travelled back to Norway with the child.¹⁴⁵⁹

17.4.2.4 *From 2009, the adoption of children with special needs was facilitated via digital databases*

From 2000, it appears that the CCAA encouraged intermediary organisations to place children with special needs,¹⁴⁶⁰ and in 2005, Adopsjonsforum was informed that these applicants would be given priority. Adoption costs would also be reduced in these cases.¹⁴⁶¹

From 2009, children with special care needs accounted for approximately half of all international adoptions from China.⁽¹⁴⁶²⁾ In the same year, the CCAA introduced the digital database 'Online Operational System for Special-Needs Programme', to which licensed international adoption agencies could gain access for a fee. The adoption agencies were granted encrypted access to information published by children's homes regarding

¹⁴⁵⁹ Bufdir, 17 March 2006, 'Information and monitoring visit to China, 4–9 March 2006', 06/6543.

¹⁴⁶⁰ IA's archives, 'Report from the trip to China, 21 February to 2 March 2001'.

¹⁴⁶¹ AF, 23 November 2005, 'Travel report: China, 13–21 October 2005', AF's archives.

¹⁴⁶² 'CCAA's visit to Norway, 25–27 May 2010', minutes in AF's archives, dated June 2010.

children available for adoption, including name, gender, date of birth, diagnosis, how the child was found, province and children's home, as well as photographs.¹⁴⁶³

When new children were added to the database, the adoption agencies obtained an assessment from a consultant doctor. The adoption agencies then published anonymised information about the child on their websites. Prospective adoptive parents could then express their interest, and the adoption agency would 'reserve' the child for the family that made contact first. The family then had a set deadline (from March 2010, this was 72 hours) to obtain a medical assessment, decide whether they wished to apply to adopt that specific child, and present a rehabilitation plan for the child. The agency then sent the application to the central authority in China, which made the final decision. Adoption agencies were not to have any contact with the children's homes; all communication was to go through the central authorities. Applicants also had to submit their adoption application for the specific child to the Expert Committee.¹⁴⁶⁴ The programme was often referred to as the '72-hour programme'.

From September 2010, a special list for 'children of particular focus' was also introduced, for children who had been on the online list for a long time or whom the Chinese authorities considered difficult to place with a family. Under this scheme, adoption agencies could 'reserve' specific children for three months whilst they sought to find applicants for the child amongst their members.

From 2011, the CCCWA operated a 'bonus scheme' whereby adoption agencies that facilitated adoptions of children from the 'special focus' list could receive additional allocations, either from the 'non-special focus' list or from the 'special focus' list.¹⁴⁶⁵

In 2013, the system was replaced by the Child Placement Information System for Inter-country Adoption (CPIS), administered by the CCCWA, to further regulate and streamline inter-country adoptions. CPIS continued to include children with special needs, and receiving countries could upload information about adoptive families, documents and accreditation certificates for the agencies. Registered adoptive parents could apply for children with 'special focus' and 'non-special focus', whilst new applicants could only apply for children with 'special focus'. Following adoption, follow-up reports were also uploaded to the system.¹⁴⁶⁶

17.5 Adoption placement to Norway

17.5.1 The first authorisations – various partners and adoptions carried out in Norway

17.5.1.1 *Verdens Barn*

On 22 June 1990, Verdens Barn applied for an adoption placement licence for China.¹⁴⁶⁷ In addition to what is stated in section 17.4.2.1, it was noted that China did not have an adoption law, but that Norway's embassy

¹⁴⁶³ SOU 2025:61, vol. 2, pp. 411–412.

¹⁴⁶⁴ From IA to Bufdir, 20 December 2010, 'Procedures for the CCAA's online programme'.

¹⁴⁶⁵ CCCWA (18 October 2011). 'An Announcement on Relevant Issues of Inter-country Adoption'. It is evident from a letter from VB to EurAdopt's member organisations in the 'China group' (8 May 2012, 'Regarding China's 72-hour programme – Working Group China') and subsequent email responses from various intermediary organisations within EurAdopt, May–September 2012, that VB is critical of such a bonus scheme. AF, on the other hand, does not consider it problematic.

¹⁴⁶⁶ SOU 2025:61, vol. 2, pp. 411–412.

¹⁴⁶⁷ VB to FFD, 22 June 1990, 'Regarding the approval of adoption from China'.

in Beijing could assist Children of the World with ‘a public document concerning adoption, if necessary’.¹⁴⁶⁸

The application does not provide further details as to what kind of document is in question, nor has the committee found any other written documentation indicating that the Norwegian adoption authorities raised this issue and, if so, what response they received.

The Ministry initially granted permission to carry out five pilot cases, subject to the foreign contact being approved by the State Adoption Office.¹⁴⁶⁹ Approval was granted on 20 July 1990.¹⁴⁷⁰ It appears that the Norwegian adoption authorities met with the foreign contact before approval was granted.¹⁴⁷¹

In February 1991, Verdens Barn reported on the first adoptions and, at the same time, applied for general authorisation.¹⁴⁷² This was granted in April 1991, but was limited in time until the end of 1993 and applied only to the Nanjing area.¹⁴⁷³

Children of the World facilitated its first 16 adoptions from China in 1991. The collaboration came about through a Norwegian missionary, born and raised in China, who lived in Hong Kong and worked for a Chinese aid organisation: the ‘Amity Foundation’. She had herself adopted a child from China and, according to Children of the World, was ‘willing to make an effort’ on behalf of the children living in children’s homes, where conditions were described as ‘appalling’. Children of the World’s application stated that Amity was awarded projects by the Chinese authorities and worked, amongst other things, with orphaned children in the Nanjing area. Amity was authorised to accept financial support from abroad for its humanitarian work and was in favour of international adoption.¹⁴⁷⁴

In September 1991, a representative from Children of the World travelled to China and held meetings with a senior official at the Civil Affairs Department in Jiangsu. The official explained that 50 per cent of the children’s homes’ operating costs were covered by the state; the remainder had to be raised by other means. The Children of the World representative visited a children’s home to which Children of the World had made allocations, and to which Children of the World had also donated an incubator and other medical equipment. Children of the World understood that the children’s homes were entitled to request a donation for each adoption.¹⁴⁷⁵ From the outset, donations amounted to 3,000 USD (at that time 21,000 NOK). The foreign liaison officer received a monthly salary of 5,000 kroner.¹⁴⁷⁶

In addition, Children of the World ran various smaller aid projects in China:

‘To maintain our goodwill with the local authorities, we need to assist the children’s homes with practical equipment such as beds, bed linen, nappies, children’s clothing, etc. Target: 1992: approx. 15,000 NOK.’¹⁴⁷⁷

An internal report from a collection trip in February 1993 states that, in this specific case, Children of the World had received allocations directly from Jiangsu Province, without the Ministry of Social Affairs in Beijing having been informed of this. The report describes internal ambiguities regarding the adoption system, and states that it was unclear whether the Ministry of Social Affairs or the Ministry of Justice was to have primary responsibility

¹⁴⁶⁸ VB to FFD, 22 June 1990, ‘Regarding approval of adoption from China’.

¹⁴⁶⁹ FFD to VB, 31 July 1990, ‘Application for authorisation to act as an intermediary for adoptions from China’, 90/03953. ¹⁴⁷⁰ SAK to VB, 20 July 1990, ‘Approval of the association’s foreign contact for China’, 1675/90. ¹⁴⁷¹ SAK to FFD, 9 July 1990, ‘Application for authorisation to arrange adoptions from China’, 1091/90.

¹⁴⁷² VB to BFD, 11 February 1991, ‘Application for general authorisation for the adoption of children from China’.

¹⁴⁷³ BFD to VB, 4 April 1991, ‘Application for authorisation to arrange adoptions from the People’s Republic of China’, 90/03953.

¹⁴⁷⁴ VB to FFD, 22 June 1990, ‘Regarding approval of adoption from China’.

¹⁴⁷⁵ VB’s archives, ‘Report from a trip to China, September–October 1991’.

¹⁴⁷⁶ VB’s archives, ‘Report from a working visit 19–26 November 1991’.

¹⁴⁷⁷ To VB’s local branches from the Chair, March 1992, ‘Adoption-related projects’.

responsible for international adoptions. Children of the World generally dealt with the Ministry of Social Affairs. The trip report notes that 'it does not appear that there is any system in place regarding local and central authorities'. The Ministry of Social Affairs in Beijing was furthermore surprised to hear that Children of the World had paid so much for the legalisation and stamping of documents in Jiangsu. Regarding donations, the Ministry of Social Affairs stated that the individual institution could determine the amount of these based on how long the child had been at the institution. Children of the World also visited a children's home in Wuxi, which claimed that the donation amount did not benefit the children's home itself, but went to Wuxi's social services department, which distributed the sum amongst various institutions in the area according to need. The children's home manager therefore demanded an additional 500 USD per family to cover the children's expenses. Children of the World, however, calculated what they believed the children's home's actual expenses had been, and persuaded the manager to agree to this, even though she did not wish to sign the document Children of the World had drawn up on this matter.¹⁴⁷⁸ The Committee has found no information to suggest that this report was shared with the Norwegian adoption authorities.

Statement from an adoptee from the early period

The committee has interviewed a person who was adopted during the initial period of adoption placements from China, via Children of the World. This person has explained that adoptive parents in the group who collected children together have reported various irregularities:

- Parts of the process were only carried out after the parents had paid what they understood to be bribes, including to the notary. The foreign liaison officer was opposed to these payments but eventually agreed to them.
- Uncertainty on the part of the foreign liaison officer as to whether the process would go smoothly led to a rush when they were due to collect the children from the children's home, and the parents therefore did not dare or wish to ask questions about the children (regarding their habits and preferences, or the child's background and where they were found, etc.) that they might otherwise have asked.
- The parents could not recall having been given the children's names, dates of birth or photographs before they travelled to China.

The adoptee has further explained that she was told the children showed signs of under-stimulation; amongst other things, the adoptee could not speak, stand or crawl, despite the fact that she was probably over one year old at the time of adoption.

17.5.1.2 Adoption Forum

Whilst Verdens Barn dealt with the Chinese Ministry of Social Affairs, Adoption Forum worked through the Chinese Ministry of Justice.

In March 1991, Adoption Forum applied for placement rights in China for Beijing and Hebei Province.

In addition to providing a description of the process (see 17.4.2.1), Adoption Forum stated that although there was no adoption law in China, a draft bill was to be considered by the National People's Congress, and that this was already serving as a guideline. In February 1991, one of Adopsjonsforum's case officers had travelled to Beijing, where she met with officials, mainly from the Ministry of Justice, and visited a state-run children's home in Beijing which housed 400 children under the age of 15. According to Adoption Forum, 'many' officials had 'a surprisingly positive view' of international adoption and wished to cooperate with Norway.¹⁴⁷⁹

¹⁴⁷⁸ VB's archives, 'Report from the China trip 13–28 February 1993', case 20/93 B.

¹⁴⁷⁹ AF to BFD, 5 March 1991, 'Application for placement rights for the People's Republic of China'.

The State Adoption Office recommended allowing 10 pilot cases and approved the foreign contact.¹⁴⁸⁰ In April 1991, the Ministry granted permission for 10 pilot cases from Beijing, Hebei and Tianjin, and requested a report once these had been completed.¹⁴⁸¹

In October 1991, Adopsjonsforum reported that the Division of Civil Affairs, Department of Notarisation, under the Ministry of Justice, now wished to be involved in the placement process, and that they were placing children from regions other than those for which Adopsjonsforum had authorisation. Adoption Forum applied to have the authorisation amended to cover all children allocated through the Department of Notarisation in Beijing.¹⁴⁸² The Norwegian adoption authorities approved this.¹⁴⁸³

Adoption Forum's first adoption took place in October 1991, from Nanchang in Jiangxi Province. In March 1992, five families then travelled to collect their assigned children. All of the children were girls aged between 3 and 8 months. A problem arose in these five cases when the local child welfare services requested a donation of 3,000 USD per adoption. However, the Department of Notarisation had instructed Adoption Forum not to make any payments locally. Adoption Forum was aware that other organisations were making donations of this size and believed that an expectation had been created in this regard. The matter ended with the applicants refusing to pay. Adoption Forum subsequently received an invoice from China's Ministry of Justice for various expenses (paperwork, the children's accommodation, etc.), totalling 1,508 USD per adoption. In China, Adoption Forum used the state-run tourism agency China Travel Service to arrange transport, accommodation and interpreters for the travellers.¹⁴⁸⁴

In its application to retain its placement rights, Adopsjonsforum emphasised that it was the first foreign placement organisation to make direct contact with central authorities rather than approaching individual children's homes, and believed this was appreciated by the central authorities.¹⁴⁸⁵

Adoption Forum further stated that, despite the adoption law having been passed, it still seemed unclear whether, in future, the Ministry of Justice or the Ministry of Social Affairs in China would have overall responsibility for the field of adoption, and that there appeared to be 'some uncertainty regarding principles and procedures'.¹⁴⁸⁶

Adopsjonsforum was granted its first general licence for adoption placement in September 1992.¹⁴⁸⁷

17.5.1.3 *The Norwegian authorities' work on the first authorisations*

The archives of the Norwegian adoption authorities do not indicate that information on the situation in the country and the adoption process in China was obtained from any parties other than the adoption agencies before the first authorisations for pilot cases or the general authorisations were granted.

¹⁴⁸⁰ SAK to BFD, 7 March 1991, 'Application for authorisation to act as an adoption intermediary for the People's Republic of China', 410/91; SAK to AF, 10 April 1991, 'Approval of foreign contact in China', 560/91.

¹⁴⁸¹ BFD to AF, 4 April 1991, 'Application for authorisation to act as an intermediary for adoptions from the People's Republic of China', 91/02003.

¹⁴⁸² AF to SAK, 22 October 1991, 'Adoptions from the People's Republic of China', 560/91.

¹⁴⁸³ SAK to BFD, 28 October 1991, 'Application from Adopsjonsforum to amend the terms and conditions for the implementation of the association's authorisation for pilot cases in China', 1780/91; BFD to AF, 27 November 1991, 'Application to amend the conditions for the implementation of the association's authorisation for pilot cases in China', 91/02003.

¹⁴⁸⁴ AF to BFD via SAK, 19 May 1992, 'Preliminary report on Adoption Forum's placement activities in China and application for continued placement rights', 2013/91.

¹⁴⁸⁵ AF to BFD via SAK, 19 May 1992, 'Preliminary report on Adoption Forum's placement activities in China and application for continued placement rights', 2013/91.

¹⁴⁸⁶ AF to BFD via SAK, 19 May 1992, 'Preliminary report on Adoption Forum's placement activities in China and application for continued placement rights', 2013/91.

¹⁴⁸⁷ BFD to AF, 18 September 1992, 'Application for continued authorisation to act as an intermediary in China', 91/02003.

The Committee has found information regarding a meeting between the Norwegian adoption authorities and the Chinese Embassy on 25 June 1991.¹⁴⁸⁸ The documents do not reveal what was discussed at this meeting.

In March 1992, the Embassy in Beijing sent China's new Adoption Act to the adoption authorities.¹⁴⁸⁹

In July 1992, the embassy in Beijing sent an article on the Adoption Law to the Norwegian adoption authorities.¹⁴⁹⁰ It is claimed here that although the Ministry of Social Affairs in China considered the process for international adoption to be stricter and more complex for foreigners than for Chinese citizens wishing to adopt, Chinese citizens still had to wait a long time to adopt Chinese children.¹⁴⁹¹

Apart from this, the committee has not found any information regarding assessments or documentation that was obtained before or around the time the first licences were granted. The committee has asked former employees of the Norwegian adoption authorities what investigations were carried out in connection with the granting of placement licences for new countries. The Ministry emphasised that expertise on country-specific conditions lay with the subordinate body, even when the Ministry granted the placement authorisations, as the matter was prepared by the subordinate body, but that priority was often given to a visit to new partner countries.¹⁴⁹² However, an employee at the subordinate body claimed that, in general, there was not a strong focus on the work relating to placement authorisations. This was because there was a political desire for 'more children and more partner countries'. Several staff members at the subordinate body had the impression that the Ministry set the threshold for approval lower than Bufdir and its predecessors had done.¹⁴⁹³ It is, however, unclear how representative these statements are of conditions in the early 1990s, as the committee lacks informants who were involved in the work on placement authorisations at the subordinate body during this period.

17.5.1.4 *Adoptions are carried out in Norway*

As described (17.4.2.1), Norwegian adoption authorities initially treated the documents from China as release documents, and the children were adopted in Norway upon arrival and in accordance with Norwegian adoption law.

The Committee has examined three cases finalised in China before the Chinese Adoption Law came into force, and four cases in which authorisation was granted in Norway. The basis for the authorisation in Norway is the following document from China: a Notarial Certificate of Adoption in Chinese and an English translation. This is a one-page document confirming that an adoption has been finalised by the issue of the certificate. Following details of the adoptive applicants' names, dates of birth and places of residence, and the child's name, date of birth and place of residence, the following wording appears:

This is to certify that the Children's Social Welfare Institute of [NN] city has agreed, following the application by the adoptive parents [NN1] and [NN2] to adopt the infant [NN3] as their adopted daughter, to be named [NN4], that this adoptive relationship has been established as of the date of issue of the Notarial Certificate.

The document is stamped and signed by a local notary. No further information is provided regarding the child's background or how the child came to be in the children's home, nor are any documents such as a birth certificate or medical

¹⁴⁸⁸ SAK to the Chinese Embassy in Oslo, 15 July 1991, 'Norwegian associations authorised to work for the adoption of Chinese children into families residing in Norway', 1231/91.

¹⁴⁸⁹ Royal Norwegian Embassy via the Ministry of Foreign Affairs to SAK, 12 March 1992, 'China's new Adoption Law', 1536/92 III.

¹⁴⁹⁰ Royal Norwegian Embassy via the Ministry of Foreign Affairs to SAK, 10 July 1992, 'China's new adoption law'. ¹⁴⁹¹ Beijing Review, 29 June–5 July 1992: 'Foreign Adoption of Chinese

Children Legalised'. ¹⁴⁹² Interview with a former employee of the Norwegian Directorate for Children, Youth and Family Affairs (BFD), 8 December 2025.

¹⁴⁹³ Interview with a former head of department at Bufdir, 27 June 2024; interview with a former employee at Bufdir, 26 May 2025.

Reports or social reports are on file. The children were 3, 11, 6 and 7 months old at the time of adoption, respectively.

17.5.2 The Norwegian adoption authorities' trip to China in December 1992

In December 1992, Norwegian adoption authorities travelled to China.¹⁴⁹⁴ They travelled to Nanjing and Beijing. In Nanjing, they visited a children's home for 250 children, from which Children of the World had received several allocations. They also observed the process at the Civil Affairs Department in Nanjing, where the documents granting adoption applicants permission to proceed with the adoption process were issued. The applicants paid 150 USD, answered questions, received a photograph of their child and signed various documents, including the adoption authorisation from the orphanage director.

Norwegian adoption authorities were informed that a directive had been issued stating that all adoptions must be accompanied by a donation of between 2,000 and 3,000 USD to the children's home. Chinese couples who adopted were required to pay three months' wages.

In Beijing, the Norwegian adoption authorities met with representatives from the Ministry of Justice and the Ministry of Social Affairs, as well as the head of the CCAA. The allocation and adoption process was described (see 17.4.2.2), but the Chinese authorities warned during the meeting that constant changes to the system were to be expected.

This was because international adoptions from the country were a new phenomenon. The Norwegian adoption authorities' summary of the trip was as follows: 'We are left with the impression that the division of responsibilities between the ministries and between central authorities and the provincial offices has not yet been definitively clarified.'¹⁴⁹⁵

17.5.2.1 *The Norwegian Embassy in Beijing with questions about the donations*

The Norwegian Embassy in Beijing was subsequently sent the mission report. In its feedback to the Norwegian adoption authorities, the Embassy recommended that, as the adoption regulations were new and subject to change, Norwegian intermediary organisations should only operate within limited geographical areas where they could establish good contacts with local institutions and authorities.¹⁴⁹⁶

The embassy further stated that 'great caution must be exercised on the Norwegian side regarding adoption from China'. This was because adoption was a sensitive issue which the embassy feared could lead to 'a political strain on relations' between the two countries. The embassy recommended that the Norwegian adoption authorities invite a delegation from China to Norway.¹⁴⁹⁷

Furthermore, the embassy had questions regarding the donations of 2,000–3,000 USD. They wished to know whether these stemmed from a provision in the new law, whether the provision was, if so, consistently enforced, whether the amount was subject to negotiation in each individual case, to whom the payment was made, what currency was used, and whether it was made in cash.¹⁴⁹⁸

Adoption Forum replied as follows to the embassy's questions: Their impression was that it was China's Ministry of Social Affairs that had encouraged the institutions to demand such a high donation, and that China's Ministry of Justice tended to support Adoption Forum's view that this donation should not be paid. However, this had caused some distress for applicants on their collection trips. Other organisations

Adoption-

¹⁴⁹⁴ SAK, 12 January 1993, 'Report from a trip to Asia 16 November – 9 December 1992'.

¹⁴⁹⁵ SAK, 12 January 1993, 'Report from a trip to Asia 16 November – 9 December 1992'.

¹⁴⁹⁶ From the Royal Norwegian Embassy in Beijing to SAK, 27 January 1993, 'Information and inspection trip to Asia 16 November – 9 December 1992', 103/93.

¹⁴⁹⁷ From the Royal Norwegian Embassy in Beijing to SAK, 27 January 1993, 'Information and inspection trip to Asia 16 November – 9 December 1992', 103/93.

¹⁴⁹⁸ From the Royal Norwegian Embassy in Beijing to SAK, 27 January 1993, 'Information and inspection trip to Asia 16 November–9 December 1992', 103/93.

The organisations with which Adopsjonsforum was in contact paid these donations. Adopsjonsforum had instead paid just over 2,000 USD to the Ministry of Justice per adoption, which then covered both the notary public fee (205–250 USD), the registration fee (150 USD), the cost of issuing documents and passports (125–500 USD), the child's stay (600–1,050 USD), translation (350–380 USD), police clearance (100 USD) and a donation (250–300 USD).¹⁴⁹⁹

Verdens Barn stated in a letter that they paid the donation in US dollars, and that they had been able 'to a large extent' to 'have a say in how the money was spent', through the purchase of an incubator, refurbishment, new appointments, etc.¹⁵⁰⁰

In May 1993, the Norwegian adoption authorities held a meeting with Children of the World regarding the donations. It was stated that between 3,000 and 5,000 USD in donations were made per adoption. Receipts were issued for the amounts received, and Children of the World also requested a signature confirming that the children had been voluntarily placed for adoption. Verdens Barn stated that they sought to ensure that the donations were used for specific and tangible purposes. Chinese provincial authorities and China's Ministry of Social Affairs were aware of the donations; the adoptive parents, however, were not. In addition, between 800 and 1,000 USD was paid for passport issuance, translations and other expenses. The total cost of an adoption from China through Verdens Barn could therefore be as high as 6,000 USD.¹⁵⁰¹ According to China's 1991 Statistical Yearbook, the average annual income in China in 1990 was 2,140 CNY, which at the exchange rate at the time amounted to just over 440 USD.¹⁵⁰² A donation of 5,000 USD to a children's home thus amounted to just over 11 average annual salaries in China at the exchange rate and wage levels of the time.¹⁵⁰³

It also emerged that Adopsjonsforum and Verdens Barn had differing views on the age requirements for applicants, and on whether a second child would need to have a health note in order to be allocated.¹⁵⁰⁴

17.5.3 Adoption freeze in 1993 to counter 'commercialisation'

In May 1993, the Norwegian Embassy in Beijing reported that China had temporarily suspended adoptions abroad. The suspension was linked both to the fact that the issue was politically sensitive and to problems with the implementation of the new Adoption Act. The embassy stated that 'the Chinese authorities appear to be very keen to establish a regulatory framework that complies with the Adoption Act and international law in this area, and which also functions better in practice than has been the case to date'. An employee at the US Embassy in China suggested that the authorities wished to prevent 'an increased commercialisation of adoptions, and to channel the revenue back to relevant welfare

¹⁴⁹⁹ AF to SAK, 12 February 1993, 'Adoption of children from China', 341/93.

¹⁵⁰⁰ VB to SAK, 15 April 1993, 'Your ref 341/93 LL of 11 February 1993 concerning adoptions from China', 406/93.

¹⁵⁰¹ Minutes of the meeting on 19 May 1993 between SAK and VB. No reference number.

¹⁵⁰² Table 3.3, p. 38, in World Bank, 1992, 'China: Reforming the Urban Employment and Wage System'. According to this report, 1 Chinese yuan (CNY) in 1991 was equivalent to 0.19 USD. 1 USD was equivalent to 5.33 CNY. In 1995, the average annual income in China stood at 4,538 CNY, or approximately 530 USD (Source: Table 4.7, p. 50, in World Bank, 1997, *China: Higher Education Reform*). In 1999, the average annual income in China was approximately 8,350 CNY, or approximately 1,000 USD. (Sources: China Statistics 2005, '5-21 Average Wage of Staff and Workers and related Indices', https://all-countries.org/china_statistics/5_21_average_wage_of_staff_and.html?; World Bank 2024, 'Official exchange rate (LCU per US\$, period average) – China', <https://data.worldbank.org/indicator/PA.NUS.FCRF?locations=CN>).

¹⁵⁰³ Demick writes that orphanage directors in China in the 1990s earned barely around 3,000 USD per year, but does not specify the exact date of this estimate. Demick, B. (2025). **Daughters of the Bamboo Grove. China's Stolen Children and a Story of Separated Twins**. Granta, pp. 73–76.

¹⁵⁰⁴ Minutes of the meeting on 19 May 1993 between SAK and VB. No reference number.

measures. However, a great deal of money is already involved in adoption cases, and the extent to which the central authorities will be able to control what is happening at local level is more uncertain'.¹⁵⁰⁵

Adoption Forum stated, however, that the Ministry of Justice in Beijing had never informed Adoption Forum of any 'adoption freeze'; this had come solely from China's Ministry of Civil Affairs. In a meeting Adoption Forum held with the Ministry of Justice in Beijing, it was stated that this concerned a conflict between the ministries. Adoption Forum expressed a desire to continue its cooperation with the Ministry of Justice, partly because they perceived them to be 'considerably more moderate in terms of financial requirements for applicants/the association than the Ministry of Civil Affairs', and asked the State Adoption Office for permission to do so. Adoption Forum emphasised that no country where children's homes are state-run has adoption costs anywhere near those in China.¹⁵⁰⁶

The Committee has not found the Norwegian adoption authorities' response to Adoption Forum's application to continue cooperation with China's Ministry of Justice, despite the suspension.

In November 1993, new rules governing the procedures for the adoption of Chinese children by foreigners came into force, and the suspension imposed by China's Ministry of Social Affairs was lifted.¹⁵⁰⁷

The Norwegian Embassy in Beijing stated that adoption applications would henceforth be sent to the newly established China Centre for Adoption Affairs (CCAA), which reported to both the Ministry of Social Affairs and the Ministry of Justice. Applicants would no longer be able to contact individual provinces directly. The CCAA would henceforth assist applicants in identifying suitable children. Once the parents have consented to a placement, a notification letter is issued, which forms the basis for a visa application to China. It was still the intention that applicants should pay between 3,000 and 4,000 USD to the children's homes, to cover the actual costs of the child's stay and to improve conditions at the children's homes.¹⁵⁰⁸

Adoption Forum noted in a letter to the Norwegian adoption authorities that it found it concerning that a fee/donation of 4,000 USD was being suggested, and believed that the Chinese authorities were treating international adoption as a 'cash cow' for the social services sector. Although a 'certain surplus' from international adoptions was not unreasonable in countries with limited resources in the child welfare sector, Adoption Forum considered the amount to be too high. Adoption Forum wanted to know whether this was something the embassy might be willing to discuss with the Chinese authorities. Adoption Forum also considered raising the issue with EurAdopt.¹⁵⁰⁹

Children of the World's international liaison officer believed that a power struggle was underway in China over which department should be responsible for the adoption sector. It was reported that the CCAA was not yet operational because the ministries could not agree on where the office should be located. Whilst the Ministry of Social Affairs was responsible for the children's homes in the country, the Ministry of Justice was responsible for adoption approvals at the local notaries. When the CCAA was established under the Ministry of Social Affairs, the Ministry of Justice is said to have asked Children of the World to disregard this, and whilst the Ministry of Social Affairs suspended adoptions, the Ministry of Justice continued to process them. Children of the World hoped that the ministries had now reached some agreement, and that the office would soon become operational.¹⁵¹⁰

¹⁵⁰⁵ From the Royal Norwegian Embassy in Beijing to SAK, 11 May 1993, 'China: Temporary suspension of international adoptions', 791/93.

¹⁵⁰⁶ From AF to SAK, 29 June 1993, 'Adoption from China'.

¹⁵⁰⁷ From the Royal Norwegian Embassy in Beijing to SAK, 1 February 1994, 'Adoption of children from China'. ¹⁵⁰⁸ From the Royal Norwegian Embassy in Beijing to SAK, 1 February 1994, 'Adoption of children from China'. ¹⁵⁰⁹ AF to SAK, 14 February 1994, 'Adoptions from China', 269/94.

¹⁵¹⁰ From VB to SAK, 18 February 1991, 'Adoptions from China', 982/94.

In connection with the applications by Verdens Barn and Adopsjonsforum for re-accreditation to act as intermediaries for adoptions from China in 1994, the State Adoption Office asked the Ministry of Children and Families to assess whether USD 4,000 was an unreasonable donation amount, and, if so, how the issue should be addressed. However, the State Adoption Office recommended 'waiting and seeing' until it was clear how this would work in practice once the CCAA had been fully established and was operational.¹⁵¹¹

Internal memos on the case in question at the Ministry indicate that their assessment was that the Chinese Adoption Act contained an absolute ban on the buying and selling of children, but that the guidelines of 10 November 1993 set out a framework for fees and donation amounts.¹⁵¹² When questioned by the Ministry, the National Adoption Office was unable to explain how the Swedish adoption authorities dealt with the issue of donations.¹⁵¹³ It was emphasised that the National Adoption Office was in close contact with the embassy in Beijing and was concerned about the issue, and it was stated that 'the money is paid into a named account held by the central authorities'.¹⁵¹⁴ The Ministry's assessment was therefore that '[s]ince it is the Chinese authorities who require the sums to be made available, there appears to be little we can do at this stage'. It was proposed to grant approval until the end of 1995, with a recommendation that the State Adoption Office monitor developments closely.¹⁵¹⁵

The Ministry renewed the licences of Verdens Barn and Adopsjonsforum and wrote the following to the latter:

The Chinese Adoption Law does not appear to prevent adoption organisations or adoption applicants from being charged a sum to cover expenses relating to the child's maintenance at the institution and the like. We therefore ask the Adoption Forum to assess the reasonableness of any such claim at all times, and to ensure that any payment is made in a controlled manner. In this connection, it is assumed that the State Adoption Office will monitor developments closely.¹⁵¹⁶

In the new approval of international contact dated September 1994, the Norwegian adoption authorities also asked Children of the World to 'at all times assess the reasonableness of the relevant donation amounts, and ensure that payments are made in a controlled manner'.¹⁵¹⁷ The Ministry required that the State Adoption Office monitor developments closely.¹⁵¹⁸

The Committee has asked a former employee of the Ministry who was involved in the case whether the Ministry should have carried out its own assessment of the reasonableness of the demand. The person in question referred to the assessments made at the time: that as it was the Chinese authorities who were setting the requirements, the Ministry found it difficult to do anything about them. The person also elaborated:

Saying that the donations were too high did not make much sense when the consequence of saying so was to bring the process to a halt. It would be a difficult political issue. There were powerful forces in Norway that wanted

¹⁵¹¹ SAK to BFD, 6 May 1994, 'Application for re-approval for the People's Republic of China', 820/94.

¹⁵¹² BFD, 8 July 1994, 'Comment on case no. 91/02003 and case no. 90/03953'.¹⁵¹³

BFD, 7 July 1994, 'Comment on case no. 91/02003 and case no. 90/03953'.¹⁵¹⁴ BFD,

2 May 1994, 'Comment on case no. 91/02003 and case no. 90/03953'.¹⁵¹⁵ BFD, 31

August 1994, 'Comment on case no. 91/02003 and case no. 90/03953'.

¹⁵¹⁶ BFD to AF, 7 September 1994, 'Application for re-approval of an intermediary licence for the People's Republic of China – Adoption Association Adopsjonsforum', 91/02003.

¹⁵¹⁷ From SAK to VB, 15 September 1994, 'Re-approval of foreign contact in China', 2004/94.

¹⁵¹⁸ From BFD to VB, 7 September 1994, 'Application for an extended placement licence for China – the adoption association Verdens Barn', 90/03953.

to increase the number of international adoptions. Many people were on the waiting list for a long time. These attitudes also characterised the situation in the 1990s.¹⁵¹⁹

17.5.4 Exchange of information with Swedish adoption authorities

Sweden's adoption authority, the NIA (Nämnden för internationella adoptionsfrågor),¹⁵²⁰ shared its report from a trip to China with the Norwegian adoption authorities in 1994. The NIA was informed that the figures for international adoptions from China now stood at 'several hundred' per year, and that cooperation had been established with a number of countries. The NIA enquired about family planning policy and was told that each province had its own quota and that the rules varied. If a married couple's first-born child was a girl, they were permitted to have one more child. Having too many children resulted in financial penalties. The NIA raised issues they considered problematic – including China's practice of separating siblings in connection with adoptions, and the fact that the Chinese authorities accepted applicants aged 45–50 – but found little support for these concerns. The Chinese authorities made it clear that, under China's Adoption Law, it was only possible to adopt one child at a time, with a possible exception for twins.¹⁵²¹

The Chinese authorities stated that there were three categories of children living in care homes: orphans (children whose parents had died or who had relinquished their parental rights), abandoned children (children with no known parents), and children with disabilities. China now had 1,200 children's homes and also had systems for foster care.¹⁵²²

Contrary to the perception that children in care in China were largely abandoned by unknown parents, the Chinese authorities stated that it was usually the parents who placed their children in children's homes, and that the parents covered the costs of their stay. The NIA was granted a visit to the Beijing Welfare Institution. Of the 440 children living there, it was reported that most were in contact with their parents and travelled home regularly. The NIA also visited Nanjing and two children's homes there.¹⁵²³

NIA was also given detailed explanations of the adoption process. It was stated that the case documents were archived in China and preserved indefinitely. It was stated that the adoptee would have the opportunity to access their documents as an adult. Adopted children lost their Chinese citizenship upon adoption, as China did not permit dual citizenship.¹⁵²⁴

There is no indication in the archives of the Norwegian adoption authorities that the NIA's report led to further investigations, for example into the background of the children placed for international adoption.

Whilst the NIA's 1994 report is approximately 13 pages long, the Norwegian adoption authorities' report from their trip to China in 1992 was 2½ pages long. The former appears to be far more detailed and thorough.

¹⁵¹⁹ Interview with a former employee of the BFD, 8 January 2026.

¹⁵²⁰ Between 1973 and 1979, the NIA was responsible for facilitating international adoptions. From 1979, it authorised and supervised the intermediary organisations. In 1997, the NIA became the central authority under the Hague Convention. See SOU 2025:61, vol. 1, p. 182.

According to a booklet published by the Norwegian adoption authorities in 1993, the NIA was more similar to the system previously in place in Norway under the Council for International Adoptions (RIA). The RIA ceased to exist in 1987 when the State Adoption Office was established (see section 6.4). The NIA had 11 members, comprising representatives from political parties and professionals, who were appointed by the government for a limited period. In 1993, the NIA's secretariat consisted of nine people. In 1993, the State Adoption Office had six staff members, two of whom worked in general administration, two were social workers, one was a lawyer and one was a social scientist. Source: *Statens adopsjonskontor informerer*, No. 1, 1993.

¹⁵²¹ Bufdir's archives: NIA, 18 January 1995, 'Report on the NIA's visit to China, 17–28 November 1994'.

¹⁵²² Bufdir's archives: NIA, 18 January 1995, 'Report on the NIA's visit to China, 17–28 November 1994'.

¹⁵²³ Bufdir's archives: NIA, 18 January 1995, 'Report on the NIA's visit to China, 17–28 November 1994'.

¹⁵²⁴ Bufdir's archives: NIA, 18 January 1995, 'Report on the NIA's visit to China, 17–28 November 1994'.

17.5.5 Assessment of the launch in China

The Committee has found little information regarding the assessments carried out prior to the first authorisations for pilot cases from China being granted in 1990 and 1991, and the first general authorisations being granted in 1991 and 1992.

It is apparent from the archive material that, from 1992, the Norwegian adoption authorities were in contact with the Norwegian Embassy in Beijing, and to some extent with the Swedish adoption authorities; however, the committee has found no information or documentation to suggest that a genuine assessment of the appropriateness of permitting adoption cooperation with the country was requested or carried out by the Norwegian adoption authorities. Political circumstances¹⁵²⁵ do not appear to have been assessed, including the country's lack of respect for fundamental human rights and the fact that the country was highly closed off.

Neither the Norwegian authorities nor the Norwegian adoption agencies appear to have raised concerns about the fact that the children who came to Norway, without exception, had unknown backgrounds. China's one-child policy, how it was enforced, and how this might have affected the children's release process do not appear to have been investigated. The Committee considers this to be open to criticism and believes that far more thorough investigations should have been carried out.

Nor does it appear to have been raised as an issue that the country did not have an adoption law when the first authorisations for pilot cases were granted. The process for the children's release for adoption, the allocation process and the procedure for the adoptions do not appear to have been sufficiently investigated, cf. Section 17 of the Public Administration Act. When the general authorisations were granted to Verdens Barn and Adopsjonsforum, it was primarily the adoption agencies' own reports that formed the basis for the assessment. Furthermore, no assessment appears to have been made, with regard to risks, of the fact that the adoption system appeared unclear and was the subject of a power struggle between various ministries in China throughout the 1990s. An unclear system and an ambiguous division of responsibilities were particularly relevant factors to consider, given the high costs associated with the adoptions. The Committee considers this to be open to criticism and believes that far more thorough investigations should have been carried out.

The Committee considers it positive that the Norwegian adoption authorities engaged in dialogue with other receiving countries and obtained information about conditions in those countries in this way. However, compared with the Swedish adoption authorities' visit to China in 1994, the investigations carried out by the Norwegian adoption authorities during their visit to the country in 1992 appear to have been very limited. The NIA's report from the 1994 visit is far more detailed and thorough than the Norwegian report from 1992. Although the NIA was likely able to draw on experience from more completed adoptions than the Norwegian adoption authorities had at the time of their visit, it is nevertheless striking how limited the Norwegian adoption authorities' information-gathering was at the outset of adoption arrangements from China. The NIA's 1994 report shows that several key issues were already identifiable at that time and should have been investigated earlier in the 1990s.

Norwegian adoption authorities were, however, preoccupied with the requirement for donations. The Committee considers it positive that questions were raised regarding the costs of adoptions from the country, that detailed information was obtained on how the adoption costs were broken down into various items, and how and to whom the donations were specifically paid.

The Committee considers, however, that the Ministry should have carried out more thorough investigations and assessments of the reasonableness of the donation requirement in connection with the renewal of the placement licence in 1994, particularly in light of the fact that adoption agencies had requested further guidance from the Norwegian adoption authorities. The Ministry's recommendation to adoption agencies in 1994 that they themselves assess the reasonableness

¹⁵²⁵Such as those linked to the demonstrations in Tiananmen Square in the spring of 1989, where the army cracked down on the demonstrations and a large number of people lost their lives, followed by numerous arrests, the expulsion of the foreign press and censorship; see Filseth, G. 'Tiananmen Square' in *Store norske leksikon* at snl.no. Retrieved 30 April 2025 from https://snl.no/Den_himmelske_freds_plass

The requirement for donations without further guidance is open to criticism. This meant that a disproportionate amount of responsibility was placed on the intermediary organisations, and that too much trust was placed in them.

17.5.6 Adoption mediation 1995–2000

17.5.6.1 *The CCAA became operational in 1996*

Although the establishment of the CCAA had been announced as early as 1993, it was not until July 1996 that a formal letter was sent out stating that the centre was operational.¹⁵²⁶ After much wrangling, the centre was placed under the Ministry of Civil Affairs in China. All arrangements for the placement of children for adoption were henceforth to go through this central body.

When Adoption Forum visited the centre in October 1997, it had 26 staff members spread across four departments: the first handled general administration; the second registered applications and checked documentation; the third reviewed the applications and verified that Chinese requirements were met; and the fourth was responsible for matching and issuing allocation decisions to intermediary organisations and provincial authorities. In addition, they received the required follow-up reports from adoptive parents after the adoption.¹⁵²⁷

When Children of the World visited the centre in May 1997, the deputy director of the CCAA admitted that they were under considerable pressure from many organisations, particularly from the USA, which had over a hundred organisations. Children of the World concluded: 'If VB is to secure more adoptions in 1997 and 1998, we must have a person in Beijing who, on an almost daily basis, has the trust and authority to "push" our cases through the CCAA. [...] Much can be achieved here if this is done in a sensible and ethically sound manner.'¹⁵²⁸

17.5.6.2 *Donations still an issue*

Norwegian adoption authorities were still focusing on donations. On various occasions, they asked the intermediaries to confirm that donations to the children's homes were not made in cash.¹⁵²⁹ The Norwegian adoption authorities also asked the embassy to investigate this, and the embassy reported that the Ministry of Social Affairs in China had confirmed that the donation was paid directly to the children's home.¹⁵³⁰

Adoption Forum stated, however, that (until the CCAA became operational) it transferred donations and other fees to China's Ministry of Justice.¹⁵³¹ Adoption Forum's impression was that 'the donations paid in China actually go towards improving standards in the children's homes'. They reported that applicants who had returned to children's homes they had previously visited had noted an improvement in standards.¹⁵³²

In 1997, Adoption Forum stated that donations to children's homes were transferred to Adoption Forum's overseas contact, who then transferred them on to the institution's dollar account or paid them by bank remittance. An official receipt was always received.¹⁵³³

¹⁵²⁶ CCAA to VB, 12 July 1996, 'China Centre of Adoption Affairs'.

¹⁵²⁷ AF to SUAK, 7 September 1998, 'Report on a trip to China – Oct./Nov. 1997'.

¹⁵²⁸ VB's archives, 'Report from a working visit to China 10 May 1997–15 May 1997', case 27/97 A.

¹⁵²⁹ E.g. SAK to AF, 27 June 1996, 'Application for renewal of placement licence in the People's Republic of China', 1374/95, or BFD to VB, 9 September 1996, 'Application for extension of placement licence for adoption from China – Children of the World', 90/03953.

¹⁵³⁰ Fax from the Royal Norwegian Embassy in Beijing to SAK, 24 June 1996, 'Adoptions in China', 133/96. ¹⁵³¹ AF to SAK, 2 July 1996, 'Application for a renewed placement licence for the People's Republic of China'. ¹⁵³² AF to SAK, 23 May 1996, 'Application for re-approval of adoptions from China', 2005/94.

¹⁵³³ AF to SAK, 3 November 1997, 'Application for renewal of placement licence for China', 1947/96.

Verdens Barn, on the other hand, had transferred donations either to the children's homes' accounts, to state authorities, or handed them over in cash to the children's home during the collection trip. This was standard practice until 1996.¹⁵³⁴ Verdens Barn's 1996 placement licence stipulated that 'donations must only be paid via the central adoption authorities in China and not as cash donations directly to the children's homes'.¹⁵³⁵ During one of Verdens Barn's trips to China in 1996, a solution was therefore devised whereby the donations were transferred via the account of an educational institution with which Verdens Barn was collaborating in connection with an aid project they were running in the country.¹⁵³⁶

In practice, however, this proved impossible. The Children of the World secretariat explained to the Children of the World board why the children's homes were reluctant to accept donations via bank transfer:

The children's homes are reluctant to give us their bank account details because the bank holds onto the money for a long time in order to earn interest on it. There is often a long distance between the children's home and the bank. They are often not even in the same town. Consequently, it takes a long time for the children's home to check whether the money has been transferred and credited to their account. [...] Not all children's homes accept that we have transferred the money; they want the money in their account before they allow the children to travel. This leads to a delay in an already lengthy adoption process.¹⁵³⁷

It was suggested that, where a bank transfer was not possible, the tour leader should bring a cheque for the relevant amount. The cheque was to be made out to the children's home and the children's home's bank account details were to be included. The tour leader was then to accompany the head of the children's home to the bank, where the amount was to be deposited into the children's home's account.¹⁵³⁸

In an explanatory note accompanying a financial overview of various adoption countries, which Verdens Barn sent to the Norwegian adoption authorities in September 1997, they stated that donations to the children's homes were 'sent locally'.¹⁵³⁹

17.5.6.3 *InorAdopt's launch in China*

In the spring of 1995, InorAdopt (IA) applied for placement rights in China.¹⁵⁴⁰ InorAdopt's assessment was that China 'is such a large country that there is room for several [placement organisations]', and it wished 'to be able to offer our applicants an alternative country, where we know there are many young children in need of parents'. IA stated that it wished to 'reduce the waiting time for those wishing to adopt infants', particularly IA's older applicants who could not expect to be matched with young children from IA's other countries of origin, Brazil and Hungary.¹⁵⁴¹

IA also applied for approval of a foreign contact in China, a Chinese national who also worked in adoption placement for Canadian intermediary organisations, and to whom they intended to pay 1,000 USD for each completed adoption.¹⁵⁴²

¹⁵³⁴ VB's archives, 'Transfer of donations to China', case 48/98.

¹⁵³⁵ BFD to VB, 9 September 1996, 'Application for an extended authorisation to arrange adoptions from China – Verdens Barn', 90/03953.

¹⁵³⁶ VB's archives, 'Working visit to China 28 December to 9 January 1996'.

¹⁵³⁷ VB's archives, 'Transfer of donations to China', case 48/98.

¹⁵³⁸ VB's archives, 'Transfer of donations to China', case 48/98.

¹⁵³⁹ VB to SAK, 15 September 1997, 'Explanatory notes on the financial overview of various adoption countries', 2049/97.

¹⁵⁴⁰ AI to SAK, 8 March 1995, 'Application for authorisation to arrange the adoption of children from China' 90/03953; IA to SAK, 10 May 1995, 'Application for pilot cases in China', 954/95; IA to SAK, 12 May 1995, 'Application for authorisation to act as an intermediary in China', 1137/95.

¹⁵⁴¹ IA to SAK, 10 May 1995, 'Application for pilot cases in China', 954/95.

¹⁵⁴² IA to SAK, 15 May 1995, 'Application for approval of foreign contacts in China', 1138/95.

Children of the World and the Adoption Forum were opposed to yet another Norwegian organisation being granted authorisation.¹⁵⁴³ They believed this was not in the applicants' best interests, as it would lead to higher overall costs the more organisations there were that had to 'share' the children allocated to Norwegian applicants.¹⁵⁴⁴

In June 1995, the Norwegian adoption authorities asked the Embassy in Beijing for assistance in assessing the issue of whether IA should be granted permission to operate in China. The State Adoption Office wished to know whether 'whether such a concentration in China is desirable for Norwegian interests, and given how sensitive the issue of adoption is considered to be in China'.¹⁵⁴⁵

The embassy had difficulty arranging a meeting with the relevant authorities in China. It was not until March 1996 that they managed to speak to a representative from the CCAA.¹⁵⁴⁶ The Embassy stated that it 'gained the impression that the Chinese side had no particular views on the number of organisations from Norway, provided that the organisations comply with Chinese regulations and go through the Adoption Centre in China'.¹⁵⁴⁷

The State Adoption Office subsequently asked the Ministry for an assessment of the matter. The Office itself did not consider it possible to attach decisive weight to the fact that Children of the World and the Adoption Forum had raised concerns about a third organisation being granted authorisation. They were informed that in both Sweden and Denmark there were two intermediaries authorised to work with China. The National Adoption Office recommended that IA be granted provisional authorisation for up to 15 cases.¹⁵⁴⁸

The Ministry granted authorisation for ten trial cases in September 1996.¹⁵⁴⁹ The trial authorisation was first issued in August 1997, then extended until the end of 1997,¹⁵⁵⁰ and subsequently until the end of 2000.¹⁵⁵¹

The first adoptions were not finalised until towards the end of 1998, because IA had postponed accepting applicants wishing to adopt from China until they had received authorisation for pilot cases.¹⁵⁵² Subsequently, the approval process for applicants in Norway and China took a long time.

Due to problems registering IA with the CCAA, which from autumn 1998 stated that it did not wish to cooperate with any further intermediary organisations, IA was unable to complete any adoptions from China in 1999.¹⁵⁵³ This was resolved towards the end of 1999.¹⁵⁵⁴ In 2001, IA facilitated 19 adoptions from China.

A general authorisation to act as an intermediary for China was granted to IA in December 2000, limited in time until the end of 2002.¹⁵⁵⁵

¹⁵⁴³ VB and AF to SAK, 19 April 1995, 'Re: InorAdopt's application for authorisation to arrange adoptions in China', 671/95.

¹⁵⁴⁴ AF to SAK, 23 May 1996, 'Application for re-approval for adoption from China'.

¹⁵⁴⁵ SAK to the Royal Norwegian Embassy in Beijing, 27 June 1995, 'Adoptions in China'.

¹⁵⁴⁶ SAK to BFD, 30 April 1996, 'Application from InorAdopt for a trial licence to arrange adoptions from China', 0638/96.

¹⁵⁴⁷ Royal Norwegian Embassy to SAK, 18 March 1996, 'Adoptions in China', 177/96.

¹⁵⁴⁸ SAK to BFD, 30 April 1996, 'Application from InorAdopt for a provisional licence to arrange adoptions from China', 0638/96.

¹⁵⁴⁹ We have not been able to locate the first licence granted to IA, but it is clear from subsequent correspondence that this was issued on 9 September 1996. Source: IA to BFD, 27 June 1997, 'Application for an extension of the time limit for the provisional licence for adoption mediation from China'.

¹⁵⁵⁰ BFD to IA, 30 October 1997, 'Application for an extension of the provisional licence for adoption mediation from China', 97/00194.

¹⁵⁵¹ BFD to IA, 20 September 1999, 'Application for renewal of placement licence – provisional licence for adoption from China', 97/00194.

¹⁵⁵² IA to SUAK, 28 September 1998, 'Regarding SUAK's visit to China – InorAdopt's accreditation in China'.

¹⁵⁵³ IA's archives, 'Status China – May 1999'.

¹⁵⁵⁴ IA's archives, 29 February 2000, 'Status report – China'.

¹⁵⁵⁵ SUAK to IA, 20 December 2000, 'Application for general authorisation to place children for adoption from China', 98/02053.

17.5.6.4 *The Norwegian adoption authorities' visit to China in 1998* ¹⁵⁵⁶

In October 1998, Norwegian adoption authorities undertook an information and monitoring visit to China. Three people from the Norwegian Directorate for Children, Youth and Family Affairs took part, as well as one from the Ministry of Children and Families. The Embassy in Beijing was involved in preparing the trip, and the Norwegian adoption authorities sent a number of questions in advance which they wished to have clarified and answered during the visit.¹⁵⁵⁷

At that time, China was the country accounting for the highest number of adoptions to Norway per year.

The delegation first met with the Norwegian Embassy. They then travelled to Wuhan to observe an adoption process in the province. The handover of the children took place at a hotel, as it was not possible to visit the children's homes. The children were aged between 1.5 and 2.5 years and appeared to be closely attached to their foster mothers and the staff at the children's homes.

In a meeting with local authorities from Hubei's Civil Administration and three representatives from the CCAA, the Norwegian adoption authorities raised questions about the medical certificates and their credibility. It was explained that the CCAA carried out the matching process on the basis of documents from the provinces, and that they did not request updated medical certificates even though a long time may have elapsed.

The Norwegian adoption authorities were also given a tour of the largest and newest children's home in the city, which housed around 500 children aged between 0 and 16. The children were said to be orphans – either abandoned or having lost their parents. Many were in contact with relatives, who were unable to provide daily care.

In Beijing, the Norwegian adoption authorities held a meeting with the management of the CCAA. They were given a tour of the office and met several of the case workers.

The Norwegian adoption authorities' summary of the trip was that everything indicated that the adoption process was 'well-organised, transparent and conducted in an appropriate manner'. They pointed out that the children's health certificates from the provinces were not very detailed and were out of date, and that the children's background histories could have been better documented, but that their impression was that the CCAA would work to improve the situation.

It is not clear from the minutes whether any questions were asked about the one-child policy or the process of releasing the children, or whether the risk of corruption was discussed with, for example, the Norwegian Embassy. Nor were any meetings held with organisations, such as UNICEF, which were active in the country at that time.

The representative from Adopsjonsforum, who was part of the delegation, wrote his own report on the trip. These minutes show, amongst other things, that when asked about control mechanisms, the CCAA had stated that 'the Chinese adoption system was based on trust – in the local and central authorities doing their job. [...] In a country with 1.2 billion inhabitants, it was not possible to exercise detailed control'.¹⁵⁵⁸

17.5.7 Adoption placement in the 2000s

17.5.7.1 *Increase in applications and adoption placements of children with special care needs*

From the early 2000s, all three Norwegian adoption agencies were therefore operating in China. At the same time, the CCAA indicated that the number of applications from abroad was rising. In order to limit the number of applications, in 2001 the CCAA allocated a quota to all adoption agencies working in China, specifying the number of applications they were permitted to submit

¹⁵⁵⁶ SUAK, February/March 1999, 'Report: Information and monitoring visit to China and Vietnam, 8–27 October 1998'.

¹⁵⁵⁷ The committee has not found these questions, but they are mentioned in SUAK, February/March 1999, 'Report: Information and monitoring mission to China and Vietnam, 8–27 October 1998'.

¹⁵⁵⁸ AF's archives, 3 November 1998, 'Travel report. Participation in SUAK's monitoring trip to China, 7–14 October 1998'.

given year. The quota was based on an average of adoptions arranged through the organisation over the previous three years.¹⁵⁵⁹

A travel report from Adopsjonsforum in 2002 states that the CCAA feared the waiting time would gradually increase, and that the centre received between 12,000 and 13,000 applications during 2001. By spring 2002, the waiting time from an application being registered in China to the allocation of a child had increased to 13–14 months.¹⁵⁶⁰ In autumn 1999, it stood at 6–8 months.¹⁵⁶¹

At the same time, China launched programmes to promote the international adoption of older children and children with various health conditions and special care needs.

During a trip IA undertook to China in 2001, they were asked by the CCAA whether they were interested in facilitating the adoption of children with ‘special needs’, for which the CCAA had a newly established programme. According to IA’s travel report, the programme covered children over the age of two and children with minor health issues. IA immediately applied to the CCAA for authorisation to act as an intermediary for the programme and received the go-ahead shortly afterwards.¹⁵⁶²

Adoptions of children with special care needs had also been arranged for Norwegian applicants in the 1990s, including applicants who already had children. In 1994, Verdens Barn informed the Norwegian adoption authorities that ‘families who already had children (biological children) have adopted children from China with such minor “imperfections” that we have not contacted you. These have involved a small growth/wart on the nose and Hepatitis B.’¹⁵⁶³

In the 1990s, therefore, adoption agencies held the view that what might be regarded in China as a child with health issues would be perceived in Norway as something minor or easily treatable. At the same time, the committee has seen examples where the health information about the children was, in many cases, not up to date or of a high enough standard. As early as 1996, Verdens Barn expressed concern that parents who accepted children with health problems were not prepared for this.¹⁵⁶⁴

In the 2000s, however, the situation changed such that the children’s health problems were more often of a more serious nature. Gradually, it also appears to be becoming an increasing problem that the children had health problems which had not been disclosed by the Chinese authorities. The Committee has seen examples of parents on adoption trips feeling pressured by Chinese agencies to accept children who had far greater care and treatment needs than they were prepared for.

Both the various adoption agencies and the Norwegian adoption authorities raised this issue on several occasions with the CCAA, which explained how it was working to improve and quality-assure the information provided.¹⁵⁶⁵

In a progress report to its applicants in 2008, IA stated that it was working to obtain approval to act as an intermediary for the ‘Children with Special Needs’ programme (the programme that came to be referred to as

¹⁵⁵⁹ CCAA, 12 October 2001, ‘Notice of receiving application documents for adoption in the year 2002’.

¹⁵⁶⁰ Travel report, AF’s archives, ‘28 March – 9 April 2002 Travel report: China’.

¹⁵⁶¹ AF to SUAK, 14 September 1999, ‘Application for renewal of placement authorisation for China’, 98/01516.

¹⁵⁶² IA’s archives, ‘Report from the trip to China, 21 February to 2 March 2001’.

¹⁵⁶³ VB to SAK, 8 February 1994, ‘Re: the broadcasting licence for China, ref 191/94’, 191/94.

¹⁵⁶⁴ VB’s archives, ‘Work plan for China’, case 43/96.

¹⁵⁶⁵ For example: VB’s archives, ‘Report from the China trip, 3–18 November 2002’, in which VB held a meeting with the CCAA regarding the health reports; VB’s archives, ‘11–19 January 2002: Travel report to China’, in which VB discussed health issues with the CCAA, BLAS and others; BUFA, ‘Report: Information and Monitoring Trip to Korea and China, 1–13 September 2002’; AF’s archives, ‘Travel Report 11–21 March 1996’, in which AF raised the importance of accurate health information with Chinese stakeholders; AF’s archives, ‘Travel Report, 28 March–9 April 2002’, in which AF discussed health information with the CCAA, which explained how it was working to improve the quality of health information.

the 72-hour programme (see 17.4.2.4), and in October 2009 they received such approval from the CCAA. By May 2010, they had been allocated several children through this programme, and in May 2010 they informed their applicants that they had the capacity to accept further applications under this scheme.

IA's work on this programme was suspended by Bufdir in July 2010. Bufdir considered that a number of issues were raised by the fact that IA – in Bufdir's view – was so actively involved in matching parents and children, and the Directorate also had reservations about the short 72-hour deadline.¹⁵⁶⁶

In March 2011, after having met a number of requirements set by Bufdir and having established clearer procedures for placements through the programme, IA was once again granted permission to carry out placements through the programme.¹⁵⁶⁷

17.5.7.2 *China imposed stricter requirements on applicants to limit the number of applicants*

Although the Chinese authorities had set a cap on the number of organisations with which the CCAA could cooperate in 1996 and introduced a quota system for the organisations in 2001, China was still receiving more applications than it wished. In December 2006, the CCAA therefore announced that, with effect from May 2007, it would implement new requirements for adoption applicants.

Whilst China had previously accepted certain categories of single applicants, it would now give priority to married couples who had been married for at least two years. It also introduced an upper age limit of 50, as well as stricter requirements regarding the applicants' health and circumstances, as well as their character, financial situation and education.¹⁵⁶⁸

At a joint board seminar for the three adoption associations in January 2007, the new requirements were discussed. The Norwegian adoption authorities (Bufdir) were also present with a representative. The minutes of the seminar state that 'the associations and Bufdir agree that tighter restrictions were necessary in China, and also recognise that a reduction in the number of applicants through stricter applicant criteria is a more appropriate solution than new quota arrangements'.¹⁵⁶⁹

However, the Ministry sent a message to Bufdir stating that applications for adoption from China were to be 'given priority in all regions'.¹⁵⁷⁰ In an email from Bufdir to the regions and Bufetat, it was specified:

[...] the Ministry's request [is] *to be regarded as an instruction* to Bufetat to prioritise the processing applications concerning the adoption of children from China with immediate effect and for as long as it serves the purpose of registering as many applications as possible with the Chinese adoption authorities before the stricter requirements for adoption applicants come into force on 1 May 2007.¹⁵⁷¹

The CCAA apparently experienced a similar surge in applications from all the intermediary organisations with which it collaborated in the run-up to the new rules coming into force.

From 2007 onwards, the waiting time in China rose sharply. In February 2007, IA reported that the waiting time stood at 16 months. By the end of 2008, it had risen to 32 months. A year later, it stood at 42 months, and by 2010 the waiting time was over 4½ years.¹⁵⁷²

¹⁵⁶⁶ Bufdir to IA, 12 July 2010, 'Temporary suspension of the placement of children from China through the "72-hour online programme"', 2008/18263-7.

¹⁵⁶⁷ Bufdir to IA, 8 March 2011, 'Temporary placement authorisation for China – children with special needs', 2008/18263-16.

¹⁵⁶⁸ Bufdir to AF, VB, IA, 9 January 2007, 'Regarding confirmations of the placement of adopted children from China', 2006/6543-18.

¹⁵⁶⁹ 'Joint board seminar for the three adoption associations, Radisson SAS Gardermoen, 5–6 January 2007', AF's archives, 23 January 2007.

¹⁵⁷⁰ Email from the Ministry of Children and Equality to the Norwegian Directorate for Children, Youth and Family Affairs, 18 January 2007, 'Adoptions from China', 06/24472-3.

¹⁵⁷¹ Email from Bufdir to the regions, Bufetat, 19 January 2007, 'Request for priority, adoption applications from China', 06/24472-3.

¹⁵⁷² InorAdopt, 'Status Report on China', February 2007; October 2008; October 2009; December 2010.

17.5.7.3 *Trips to China by Norwegian adoption authorities and contact with Chinese central authorities*

In 2002, Norwegian adoption authorities undertook an information and monitoring visit to China. The main objective of the visit was to ascertain how the CCAA viewed the issue of inadequate health information and the work being done to ensure that such information was sufficient. Norwegian adoption authorities had also raised this issue when the CCAA visited Norway in May 2002. In China, they met with the CCAA, visited a children's home and a children's hospital, and received a briefing on social conditions from the Norwegian Embassy in Beijing. The CCAA stated that they endeavoured to ensure that children's health records were no more than six months old at the time the CCAA carried out the matching process. Supplementary information could be obtained if necessary. It was emphasised that, in such cases, enquiries should be directed to the CCAA, not directly to the institution where the child was living. The CCAA further stated that there was no detailed monitoring of the use of the donations that the intermediary organisation provided to the children's homes, which still stood at 3,000 USD per adoption. However, misuse could be uncovered through inspections, and such misuse would result in the institution losing its licence to place children for adoption abroad.¹⁵⁷³

In October 2005, the Norwegian adoption authorities were back in China – not on a routine information and inspection visit, but because representatives of the Norwegian adoption authorities had been invited to a ceremony in South Korea and decided to visit Beijing on the same trip to hold meetings with the embassy and with the CCAA. The Hague Convention was due to come into force in China from 2006, and the Norwegian adoption authorities were keen to obtain further information on how the country planned to implement the Convention and what changes could be expected. The CCAA stated that, in accordance with the principle of subsidiarity in the Hague Convention, the Chinese authorities had decided to promote national adoption programmes, and that the number of international adoptions would not increase above current levels in future. The Norwegian adoption authorities raised the issue of the children's background, referring to the principle enshrined in the Convention on the Rights of the Child and the Hague Convention that the child's biological identity should, as far as possible, be established. The CCAA maintained that more would be done to locate the child's birth parents, including through advertisements in the press. The CCAA also maintained that there was nothing in Chinese family policy or adoption policy that meant birth families were forced to give up their children.¹⁵⁷⁴

As early as March 2006, the Norwegian adoption authorities travelled to China once again, this time in connection with the Hunan case (see section 17.5.8). This was the last trip the Norwegian adoption authorities made to China.

Representatives from the CCAA subsequently visited Norway in May 2006. Minutes from this meeting are not available in the archives reviewed by the committee, but it is clear from earlier and later correspondence that, amongst other things, increased waiting times in China and changes to procedures in connection with the implementation of the Hague Convention were on the agenda.¹⁵⁷⁵

In 2010, too, representatives from the CCAA visited Norway and met with Bufdir and the three adoption agencies. The main topic of this meeting was the 72-hour programme.¹⁵⁷⁶

In 2011, Bufdir expressed a desire to travel to China after the CCCWA had stipulated that follow-up reports must be written by the same body that assessed the applicants. Bufdir considered that there was no legal basis for requiring the local authorities to write such reports, and sought dialogue with the CCCWA

¹⁵⁷³ BUFA, 'Report: Information and Monitoring Visit to Korea and China, 1–13 September 2002'.

¹⁵⁷⁴ Bufdir, 'Minutes of the meeting at the China Centre of Adoption Affairs, Beijing, 18 October 2005', 06/6543.

¹⁵⁷⁵ Email from Bufdir to CCAA, 5 May 2006, 'Topics to be discussed during CCAA's visit to Norway', 06/6543-11; letter from Bufdir to CCAA, 11 September 2006, 'Re: information – Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption', 06/6543-16.

¹⁵⁷⁶ AF's archives, 'CCAA's visit to Norway on 25–27 May 2010'.

on the matter. The Norwegian Embassy in Beijing held a meeting with the CCCWA in July 2011, at which Bufdir's questions were raised. According to the embassy's minutes of the meeting, the CCCWA was not averse to receiving a delegation from Norway, but also believed that a letter to be issued by the CCCWA would provide answers to the questions Bufdir had regarding the implementation of the new rules.¹⁵⁷⁷ Bufdir informed the Ministry that 'the CCCWA's response must be understood to mean that the Chinese side does not wish to receive a Norwegian delegation'.¹⁵⁷⁸ The visit did not take place.

In 2014, Verden Barn received a request from the CCCWA to visit Norway. Bufdir sent the CCCWA a formal invitation, which was initially accepted but subsequently cancelled due to changes in the delegation's travel plans.¹⁵⁷⁹

In 2017, Bufdir stated to the adoption agencies that the Directorate found it difficult to envisage further cooperation with China 'without an improvement in contact at the governmental level and the opportunity for insight into the Chinese adoption process'.¹⁵⁸⁰

17.5.8 The Hunan case

2005 was the year in which the highest number of children were adopted abroad through the Chinese international adoption programme: approximately 14,500 children were adopted that year to 17 different receiving countries.¹⁵⁸¹ 2005 was also the year in which the largest case of irregularities in connection with international adoptions from China came to light, the so-called Hunan case.

The Chinese authorities and other external parties who have investigated the case have differing accounts of the scale of the affair and whether or not this was an isolated incident. The following section presents the facts, as far as they can be established, along with the Chinese authorities' explanation of the case. This is followed by an account of the conclusions reached by various external investigations. Finally, there is an account of how Norwegian actors and authorities responded to the case, the committee's findings, and the committee's overall assessment of the case.

17.5.8.1 *The course of events and the Chinese authorities' response*

In November 2005, the police in Qidong arrested two women from Guangdong at Hengyang railway station, together with three infants. It transpired that the three baby girls were to be handed over, in return for payment, to various children's homes in Hunan.¹⁵⁸² The investigation into the case revealed that several other individuals were involved. Twenty-seven people were arrested.¹⁵⁸³

According to various news articles, the criminal group is said to have been operating since 2002, abducting or purchasing as many as 1,000 children from Guangdong Province and handing them over to children's homes in Hunan

¹⁵⁷⁷ Email from the Embassy in Beijing to Bufdir, 22 July 2011, 'Follow-up after meeting with CCCWA', 764/11.

¹⁵⁷⁸ From Bufdir to BFD, 29 August 2011, 'New requirements from China in adoption cases – status update', 2006/6543-55.

¹⁵⁷⁹ Email from VB to Bufdir, 17 June 2014, 'CCCWA delegation', 2013/69744-7; Case 2013/69744-8 to -12.

¹⁵⁸⁰ Bufdir, 23 June 2017, 'Forwarding of the minutes of the liaison meeting of 31 May 2017', 2017/54483-13

¹⁵⁸¹ Stuy, B. (2014). Open Secret: Cash and Coercion in China's International Adoption Programme, *Cumberland Law Review*, 44 (3), p. 361.

¹⁵⁸² Meier, P.J. and Zhang, X. (2008). 'Sold into adoption: the Hunan baby trafficking scandal exposes vulnerabilities in Chinese adoptions to the United States.' *Cumberland Law Review*, 39(1), 87–130. According to Demick (2025), however, the first arrest was made in connection with the discovery of 12 babies in cardboard boxes on a minibus in Hengyang. Demick, B. (2025). **Daughters of the Bamboo Grove. China's Stolen Children and a Story of Separated Twins**. Granta, pp. 70–86.

¹⁵⁸³ Meier & Zhang (2008), pp. 89; Demick (2025), pp. 70–86.

for between 400 and 538 USD.¹⁵⁸⁴ According to the official indictment, which followed shortly afterwards, however, only incidents in 2005 were included, and the following children's homes were implicated:

- Hengdong County
- Hengnan County
- Hengshan County
- Hengyang County
- Guangrong
- Qidong

Together, in 2005, they are alleged to have purchased over 70 children, either directly from some of the defendants or from other children's homes in the area.¹⁵⁸⁵

After the children arrived at these children's homes in Hunan, a member of staff contacted the local police station and was given a report stating that the children had been found on the street or brought to the children's home. They were then able to obtain a notarised certificate confirming that the children had been abandoned.¹⁵⁸⁶

In February 2006, a verdict was handed down in the case. Three people who had handed children over to the children's homes in return for payment were sentenced to 15 years' imprisonment. The director of the Hengdong County children's home received a prison sentence of one year (of which he served three months).⁽¹⁵⁸⁷⁾ Six others were also sentenced to prison terms of between 3 and 13 years, and over 20 staff members at various children's homes and the local Civil Affairs Department were reportedly dismissed.¹⁵⁸⁸ In addition, adoptions from Hunan were suspended for several months.

The case, which was first reported in a Hunan newspaper in November 2005, was quickly picked up by the national press,¹⁵⁸⁹ and subsequently spread to a number of foreign media outlets, including Norwegian ones.¹⁵⁹⁰ However, the Chinese authorities put a lid on national media coverage of the case after a few weeks.¹⁵⁹¹

The CCAA's official statements on the case to various receiving countries were that it involved 78 children, and that 16 of these had been placed for adoption abroad. The relevant receiving countries would be informed. The CCAA further stated that it had investigated the cases and found that all 16 children were genuinely orphaned or abandoned by their parents, and had not been abducted. There were no plans to bring the children back.¹⁵⁹²

¹⁵⁸⁴ Meier and Zhang (2008); Washington Post, 12 March 2006, 'Stealing Babies for Adoption'; Shanghai Daily, 25 November 2005, 'Orphanages accused in baby-trading scandal'. Among the defendants interviewed by Demick, some estimated that the number involved ran into the thousands; see Demick (2025), pp. 70–86.

¹⁵⁸⁵ Stuy (2014), p. 381; Fenghuang Weekly, March 2006, 'The Hengyang Infant Dealing Case: Benevolence or vice?'. This article also mentions Changning as one of the children's homes involved.

¹⁵⁸⁶ Washington Post, 12 March 2006, 'Stealing Babies for Adoption'; Fenghuang Weekly, March 2006, 'The Hengyang Infant Dealing Case: Benevolence or vice?'.

¹⁵⁸⁷ Stuy (2014), p. 377.

¹⁵⁸⁸ Congressional-Executive Commission on China, 31 March 2006, 'Hunan court sentences infant traffickers; New Orphanage Standards Due Soon'.

¹⁵⁸⁹ China Daily, 25 November 2005, 'Orphanages accused in baby-trading scandal'.

¹⁵⁹⁰ VG, 26 February 2006, '- Sold infants on the Internet'; Aftenposten, 19 April 2006, 'Convicted of baby trafficking'. According to information in Bufdir's archives, TV2 Nettavisen is also reported to have covered the case.

¹⁵⁹¹ Toronto Globe and Mail, 15 December 2005, 'China shuts down reports about baby trafficking'.

¹⁵⁹² Stuy (2014), p. 380; letter to the Danish Embassy in Beijing from the Chinese Ministry of Social Affairs, 17 March 2006 [sent by the Danish adoption authorities to Bufdir on 24 March 2006]; AP, 17 March 2006, 'No babies in trafficking case sent to US: China'. See also section 17.5.8.3.

17.5.8.2 *External investigations into the case*

In March 2006, the Washington Post published an in-depth report on the case.¹⁵⁹³ The journalist had spoken to several people involved in the case – including some defence lawyers and sources linked to the prosecution – and had also gained access to parts of the documentation presented to the court.

The article quoted sources who explained that the trafficking of children in Hunan dated back to 2001, and that as many as 1,000 children may have been abducted or purchased in Guangdong and sold on to children's homes in Hunan. In addition to the six children's homes already mentioned, Changning County was also cited by one of the defence lawyers as being involved.

According to several of the journalist's sources, the children sold to the children's homes may also have been abducted. Children of migrant workers in Guangdong were particularly vulnerable, as it was assumed that such families were less likely to be taken seriously by the police.

The article also quoted sources within Western aid organisations who claimed that corruption was a risk at the children's homes, and who described the major obstacles Chinese citizens faced if they wished to adopt.¹⁵⁹⁴

In a later article by Brian Stuy, which was based, amongst other things, on interviews with the parties involved¹⁵⁹⁵ and documents from the court case, including records from the orphanages in question, the background to how the case came to light in the first place and received media coverage is described.¹⁵⁹⁶ Below is an account of how this article presents the events of the case.

According to Stuy (2014), the documents from the court case showed that the criminal group had been supplying children to the children's homes in Hunan in return for payment since 1995. From 1996, the children's homes began offering staff and intermediaries payment to procure children, initially 200 CNY per child, rising to 3,500 CNY in 2005. The police arrested members of the criminal gang on several occasions between 1998 and 2003, but released them after the children's homes claimed that those arrested were looking after and transporting children to the children's homes, and that it was not a case of abduction.¹⁵⁹⁷

In 2005, the children's homes attempted to bypass the criminal group and instead deal directly with one of the individuals who procured the children. When this failed, they reported the criminal group to the police. Following the arrests, the police demanded a total of 4.8 million CNY from the children's homes. To put pressure on them to pay, the police persuaded a local journalist to publish an article claiming that the children's homes were buying children. The article was picked up by the English-language newspaper *China Daily* and received international coverage. When the children's homes continued to refuse to pay, a new article was published that explicitly linked the case to international adoption.¹⁵⁹⁸

Officials at Hengyang City Civil Affairs attempted to prevent the case from reaching Beijing and triggering a further investigation. The outcome of the investigation was a trial that was conducted swiftly.¹⁵⁹⁹

Court documents to which Stuy has access showed that over 800 children had been handed over by the criminal group, in return for payment, to a number of children's homes in Hunan, and that almost all of these had been

¹⁵⁹³ Washington Post, 12 March 2006, 'Stealing Babies for Adoption'.

¹⁵⁹⁴ Washington Post, 12 March 2006, 'Stealing Babies for Adoption'.

¹⁵⁹⁵ The mother of two of the convicted women, the defence lawyer for the convicted women and the defence lawyer for the convicted orphanage director.

¹⁵⁹⁶ Stuy (2014).

¹⁵⁹⁷ Stuy (2014).

¹⁵⁹⁸ Stuy (2014).

¹⁵⁹⁹ Stuy (2014).

adopted abroad. According to Stuy, children affected by the case are also said to have come to Norway.¹⁶⁰⁰ The extent to which the children's homes had passed children on to other children's homes in the province in return for payment is unclear, but according to Stuy, several children's homes in Hunan and Guangdong were also involved.¹⁶⁰¹

Stuy's investigations suggest that the sanctions imposed on those responsible were milder than the Chinese authorities claimed: several retained their posts or were transferred to other duties.¹⁶⁰²

In the wake of the case, according to Stuy's sources, a meeting was held between the CCAA and a number of children's home managers. At this meeting, the CCAA set a maximum amount of 500–1,000 CNY that the children's homes could pay per child. The CCAA is said to have stated that children's homes paying more than this would have to bear the consequences themselves. At the same time, the CCAA is said to have made it clear that the children's homes still had to take in as many children as possible, according to a children's home manager who attended the meeting.¹⁶⁰³

Much remains unclear about the Hunan case: the full extent of the case has still not been sufficiently clarified. It is not known who the children were, or how the criminal group that sold them to the children's homes obtained them, nor whether any had been abducted and had families searching for them.¹⁶⁰⁴ Demick, however, highlights statistics showing that, up until 2001, around three-quarters of all reported child abductions in China involved boys. After 2000, however, the gender disparity began to even out.¹⁶⁰⁵

Nor is it clear where the children involved in the Hunan case ended up.¹⁶⁰⁶ Stuy's sources believe, however, that children who had been bought from the criminal group and who were in children's homes when the Hunan case came to light were adopted abroad, despite assurances from the Chinese authorities that this would not be the case.¹⁶⁰⁷

17.5.8.3 *The Norwegian authorities' response*

In February 2006, Bufdir became aware of the Hunan case following reports of the trial in the Norwegian and international media. It emerged that this was a practice dating back to 2002, and that six different children's homes in Hunan were involved.¹⁶⁰⁸

The Adoption Forum's archives show that the Adoption Forum was made aware of the matter by one of its members in December 2005, and that 'an orphanage mentioned may have been the source of placements to Norway'. Adoption Forum asked its overseas contact to investigate the matter further, and intended to 'follow up should it prove that this affects adoptions to Norway, and to be prepared in the event of enquiries on this matter from the media or others'.¹⁶⁰⁹ The Committee has not found any information

¹⁶⁰⁰ Stuy (2014), p. 382. Stuy has shared certain documents from the case relating to adoptions to Norway with the Committee, but the Committee cannot conclude with certainty what these documents reveal. See email correspondence between the Committee and Stuy, 12 December 2025–8 January 2026, 25/2990-2 and -3.

¹⁶⁰¹ Stuy (2014), pp. 381–382.

¹⁶⁰² Stuy (2014).

¹⁶⁰³ Stuy (2014). See also section 17.5.9.2 and SOU 2025:61, vol. 2, pp. 420–422.

¹⁶⁰⁴ Demick (2025), pp. 78–80.

¹⁶⁰⁵ Demick (2025), pp. 80–82.

¹⁶⁰⁶ Meier, P. J., & Zhang, X. (2008). Sold into adoption: the Hunan baby trafficking scandal exposes vulnerabilities in Chinese adoptions to the United States. *Cumberland Law Review*, 39(1) (pp. 87–130), p. 90; Demick (2025), pp. 78–80.

¹⁶⁰⁷ Stuy (2014).

¹⁶⁰⁸ Unless otherwise stated, the account below is based primarily on the report 'Information and monitoring visit to China, 4–9 March 2006', dated 17 March 2006, Ref. No. 06/6543, Bufdir, as well as Bufdir. Memorandum to management from the Department for Youth and Family Affairs, 28 February 2006, 'Regarding adoption cooperation between Norway and China', 06/6543-2.

¹⁶⁰⁹ AF's archives, 'Minutes of the management meeting 20 December 2005', item 9. Child trafficking in China.

or documentation showing that Adopsjonsforum informed the Norwegian adoption authorities about the matter.

In the wake of the reports in February 2006, Bufdir contacted the three Norwegian adoption agencies and asked them to ascertain whether their organisations had received children from any of the six orphanages involved in recent years. InorAdopt stated that the adoption of 16 children from Hengyang had been arranged via their organisation in 2004. Bufdir then examined the documents they had received in these cases.¹⁶¹⁰

An internal memo on the matter from the adoption section to the management of Bufdir sets out the following assessments: It is the responsibility of the Chinese authorities to ensure that no children are placed in the adoption process unlawfully. The Hague Convention does not allow Norwegian authorities to supervise accredited bodies in other countries. In the event of suspected irregularities, the central authority in the country of origin is contacted; where appropriate, the Norwegian authorisation may be withdrawn. Neither the Norwegian adoption agencies nor Bufdir are in a position to uncover any irregularities in individual adoptions, provided that these do not appear in the official documents relating to the case. Bufdir is 'compelled to rely on the information provided being correct, and that the Chinese authorities have ensured that the child is in need' of adoption.¹⁶¹¹

However, Bufdir considered that the situation in Hunan now made it 'necessary to assess whether it can still be considered safe to continue the adoption cooperation [with China], or whether this must be put on hold until further notice'. The memorandum pointed out that a total of 2,228 children had arrived in Norway from China – 299 children in 2005, "corresponding to 51 per cent of all children adopted into Norway that year". It was noted: "Given the very serious consequences that a possible suspension of cooperation with China would have for the many Norwegian families seeking to adopt children from that country, it seems obvious that such a decision should not be taken on the basis of the information currently available." The welfare of the children or their biological parents was not mentioned in the memo. The memorandum stated that the embassy in Beijing had been contacted to obtain whatever information they could provide on the matter, and that the matter would be discussed with the Ministry.¹⁶¹²

On 1 March 2006, a meeting was held between the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) and the Ministry of Children and Equality (BLD) regarding the case. The BLD sought further information on how the placement of adopted children from China took place, and whether there was any contact between the adoption agencies and the children's homes in China. It was concluded that an information and inspection visit to China should be organised as soon as possible to investigate the facts of the case in more detail, and in particular to ascertain whether any of the children who had ended up in children's homes in China in breach of the law might have come to Norway.¹⁶¹³

On 6 March 2006, two representatives from Bufdir and one representative from BLD travelled to China.

Prior to the trip, Bufdir had been in contact with the Swedish and Danish adoption authorities regarding the case. They were informed that the Swedish adoption authorities had been briefed on the case by their embassy as early as November 2005. An enquiry was then made to the CCAA regarding the case, but as of March 2006 they had not received a reply. This was part of the reason why the Norwegian adoption authorities decided to travel there. The Danish adoption authorities were unaware of the case, as was the Ministry

¹⁶¹⁰ This is according to the report 'Information and Supervisory Visit to China 4–9 March 2006', dated 17 March 2006, Ref. No. 06/6543, Bufdir. The Committee has not found the actual correspondence from Bufdir to the adoption agencies or their replies in Bufdir's archives.

¹⁶¹¹ Bufdir. Memorandum to management from the Department for Youth and Family, 28 February 2006, 'Regarding the adoption cooperation between Norway and China', 06/6543-2.

¹⁶¹² Bufdir. Memorandum to management from the Department for Youth and Family, 28 February 2006, 'Regarding adoption cooperation between Norway and China', 06/6543-2.

¹⁶¹³ Bufdir. 'Information and monitoring visit to China, 4–9 March 2006', dated 17 March 2006, Ref. No. 06/6543. The Committee has not found any separate minutes from the meeting.

the Secretariat of the Hague Conference, until Bufdir made contact. ISS was also unable to provide Bufdir with further information on the matter.¹⁶¹⁴

In China, the delegation received a briefing from the embassy on Chinese social conditions. They were informed that, in practice, the extent to which the central authorities could control events at provincial level might be somewhat limited, and that provincial authorities had greater autonomy than the structure would suggest. It was stated that the country was highly controlled, but at the same time ‘very corrupt’, and that the courts were not independent, particularly in criminal cases.¹⁶¹⁵

They also met with the Ministry of Civil Affairs in China and the CCAA. The director of the CCAA gave ‘a thoroughly prepared briefing on the case from their perspective’. It was explained that a total of 16 children (out of a total of 84) who could be linked to the case had been adopted abroad. A further six had been adopted domestically, whilst the remainder were still in children’s homes. None of these would be adopted abroad. Returning the children to their biological parents was not an option, as none of the children had been stolen from their parents or reported missing. The children in question were regarded as abandoned, and the adoptions were considered to be valid. The CCAA did not wish to provide information on which countries the 16 children had been sent to, but stated that they would be contacted.¹⁶¹⁶

The Norwegian delegation submitted a list of the 16 children whom InorAdopt had stated had come from Hengyang in 2004, and requested written confirmation that none of those on the list were linked to the case. The CCAA did not wish to provide this, but referred to previously provided information that the relevant receiving countries would be contacted. When asked whether the CCAA could provide a general written confirmation that no children who could be linked to the case had been adopted to Norway, the CCAA’s director also took a dismissive stance.¹⁶¹⁷

The CCAA could not rule out the possibility that similar corruption scandals might arise in the future, but maintained that the authorities would henceforth monitor the children’s homes more closely. Among other things, a regulatory change was planned whereby children’s homes would henceforth be required to disclose how they used the donations they received. The meeting concluded with remarks from the Chinese side that it was important to put the matter behind them, given that it had been resolved.¹⁶¹⁸

During the trip, the delegation also met the head of UNICEF’s office in Beijing. UNICEF had a particular focus on children and women who were victims of abduction and trafficking – an issue that was described as a major problem in China.¹⁶¹⁹

Bufdir’s conclusions from the trip were that if Norway were to have an active adoption partnership with China, it would be ‘compelled to rely on’ the Chinese authorities’ assurances that they took this type of crime seriously and were doing everything they could to prevent it from happening again. The trip report states:

Our impression is that both the MCA [Ministry of Civil Affairs] and the CCAA view the matter just as seriously as the Norwegian authorities do. China naturally does not wish for there to be any international doubt as to whether adoptions from China have been carried out correctly, particularly not now that the country has ratified the Hague Convention. On this basis, I believe we must have confidence in the

¹⁶¹⁴ Bufdir. ‘Information and monitoring visit to China, 4–9 March 2006’, dated 17 March 2006, Ref. No. 06/6543.

¹⁶¹⁵ Bufdir. ‘Information and monitoring visit to China, 4–9 March 2006’, dated 17 March 2006, Ref. No. 06/6543.

¹⁶¹⁶ At a meeting in June 2006, Sweden was informed by the CCAA that four children had arrived in Sweden; see SOU 2025:61, vol. 2, pp. 429–430.

¹⁶¹⁷ Bufdir. ‘Information and monitoring visit to China, 4–9 March 2006’, dated 17 March 2006, Ref. No. 06/6543.

¹⁶¹⁸ Bufdir. ‘Information and monitoring visit to China, 4–9 March 2006’, dated 17 March 2006, Ref. No. 06/6543.

¹⁶¹⁹ Ministry of Children and Equality. Memorandum of 29 March 2006, ‘Meeting with UNICEF in Beijing – Head of Child Protection – 8 March 2006’, 06/2159-3-E.

the Chinese programme for international adoptions, and that it can be considered safe and prudent to continue cooperation with the country.¹⁶²⁰

Bufdir agreed that the Norwegian Embassy in Beijing should actively monitor reports on adoption in the Chinese media.

The Ministry of Children and Equality's minutes of the meeting also include a comment from the embassy's representative, who felt it had been a 'fine' meeting, but added that as to whether the Hunan case was merely 'the tip of the iceberg', 'one cannot or is not allowed to get an answer'.¹⁶²¹ The interpreter working on behalf of the Norwegian authorities felt that they were 'reluctant to go into detail about the case and it seemed as though they were uncomfortable with the questions'.¹⁶²²

The Committee has interviewed several people who were working in the Ministry at the time, and who said they remembered little about the case. One felt that the case was not 'made into a major issue' within the Ministry. That person believed it was probably significant that, at that time, China accounted for over 50 per cent of all children placed for adoption in Norway each year:

Stopping adoptions from China would be a slap in the face for many Norwegians. So I do think that was a factor. But whether it was a *decisive* factor, I do not know. If the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) considered this to be justifiable, one would presumably trust their judgement. But it is clear that underlying all this was the realisation that halting adoptions from China would cause a political row. [...] It is clear that this was a worrying incident and discovery. But I cannot recall this being made into a major issue. The alternative was to stop. There was no other choice but that.¹⁶²³

On 23 March, the Ministry of Children and Equality (BLD) and the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) held a follow-up meeting after the trip. BLD reported that the Ministry had held a meeting with the Norwegian Adoption Council (an association of the three Norwegian adoption agencies) in March 2006, at which they were informed about the visit and its outcome. It was decided that Bufdir should draw up a draft letter on the matter to adoptive parents, to be circulated via the adoption agencies. Bufdir would place great emphasis on drafting the letter in such a way as to avoid causing concern amongst adoptive parents, and the Ministry requested that the draft be sent to the Ministry of Children and Equality (BLD) in confidence before being distributed.¹⁶²⁴

17.5.8.4 Further findings and outstanding questions

In Adopsjonsforum's archives, the Committee has found a summary dated 1 March 2006, entitled 'The children from Hunan'. This shows that Adopsjonsforum also received over 20 placements from several of the six orphanages involved during the period 2002–2005. Furthermore, documents obtained by the Committee from the intermediaries show that between 2002 and 2005, both InorAdopt and Adopsjonsforum also took in children from other children's homes which, according to Chinese media, were involved in the case, in addition to the six included in the indictment.¹⁶²⁵

¹⁶²⁰ Bufdir. 'Information and supervisory visit to China, 4–9 March 2006', dated 17 March 2006, Ref. No. 06/6543. The report was written by Bufdir's responsible director-general, who took part in the visit.

¹⁶²¹ Case No. 200602159, Ministry of Children and Equality: 'Meeting with the Ministry of Civil Affairs and the China Centre for Adoption Affairs, 8 March 2006'. ¹⁶²² Case No. 200602159, BLD: 'Meeting with the Ministry of Civil Affairs and the China Centre for Adoption Affairs on 8 March 2006'. ¹⁶²³ Interview with a former employee of BFD, 8 January 2026.

¹⁶²⁴ Ref. No. 2006-2159, BLD: 'Follow-up meeting on 15 March 2006 regarding the trip to China 4–9 March 2006'.

¹⁶²⁵ With regard to Children of the World, the Committee has not found an overview of which children's homes in Hunan they arranged adoptions from during this period. On 19 November 2025, the Committee wrote to the board of Verdens Barn to enquire whether it was possible to obtain such an overview, and received the following reply on the same day: 'Verdens Barn has not recorded in our systems which children's home each individual child was adopted from, as all communication took place via the CCCWA. Unfortunately, the only way to obtain an overview of this would probably be through a manual review of the files in the Children's Archive at Bufdir.'

In total, therefore, at least 43 children came to Norway from the six children's homes which, according to Chinese media, were involved in the case. In addition, there were at least 28 children from children's homes that were likely to have been linked to the case.

It is unclear to the committee why Bufdir focused solely on Hengyang, given that, according to its own report on the trip, it had information indicating that six children's homes were involved when it travelled to China.¹⁶²⁶ Former Bufdir staff members who took part in the trip do not recall whether they had the names of all six children's homes. It seems most likely that Bufdir did not have a complete overview of the children's homes involved when they travelled to China in 2006.

As described in sections 17.5.7.1 and 17.5.7.2, the waiting time for adoptions from China increased sharply following the Hunan case. A memo from the managing director of Adopsjonsforum in June 2006 speculates that the Hunan case contributed to the reduced number of children made available for international adoption in China: 'Traditionally, this province [Hunan] has provided a very high number of children, and several sources suggest that there have been few adoptions from this province since the scandal'.¹⁶²⁷ However, it is not clear how such a decline should be interpreted.¹⁶²⁸

17.5.8.5 *The Committee's assessments – the Hunan case*

The Committee considers it more likely than not that the case in Hunan, where children's homes paid for children whose origins they did not know and falsified their background information, involved more than the approximately 80 children reported by the Chinese authorities. The Committee considers that there is a high risk that children adopted to Norway from Hunan in the early 2000s may be affected. It is important to emphasise, however, that the Committee has *no* basis for concluding that the children who arrived at the children's homes via the criminal group had been unlawfully removed from or taken away from their parents. As described in section 17.5.8.2, it is not known how the criminal group that brought the children to the children's homes obtained them, nor whether any of the children had been abducted or had families searching for them.

The Committee considers it positive that the Norwegian adoption authorities acted swiftly to seek clarification of the matter from the Chinese authorities. It is also positive that, at short notice, priority was given to organising a visit and holding meetings with the relevant authorities, as well as with an independent organisation such as UNICEF.

However, the Committee is critical of the fact that no more thorough assessment was made, in principle, of whether it was justifiable to have an adoption partnership with a country that presented so many risk factors. The Committee has noted that, following the meeting with the CCAA, the Norwegian Embassy in Beijing assessed that it was not 'possible or permissible' to ascertain whether the Hunan case actually had a different scope, and/or whether there might be many other such cases. The Committee cannot see that the Norwegian adoption authorities sought the embassy's assessment of the prudence of an adoption partnership with China, and believes that this should have been done.

The Norwegian adoption authorities' main justification for maintaining that cooperation with China remained safe and sound was their impression that the CCAA took the matter seriously and that it was in China's interest to ensure a safe system. However, at the same time, the Norwegian adoption authorities had received information from the Norwegian Foreign Service that the Chinese central authorities' ability to control what was happening in the provinces might be limited, that the country was 'highly corrupt', and that it was impossible to know for certain the full extent of the Hunan case. This information does not appear to have been given significant weight.

¹⁶²⁶ Bufdir, 'Information and monitoring visit to China, 4–9 March 2006', dated 17 March 2006, Ref. No. 06/6543.

¹⁶²⁷ AF's archives, 2 June 2006, 'Case 4.5.' (summary of the visit by the CCAA in China from the Executive Director to the National Board).

¹⁶²⁸ See, for example, HCCH (2023). *Country profile: China*, which attributes the decline to falling birth rates and increased interest in domestic adoptions, as well as the entry into force of the Hague Convention in China.

The Committee's assessment is that the Hunan case highlighted the risks associated with adoptions from a country

- which shared very little information with the authorities of other countries
- which faced significant corruption challenges
- where large donations were linked to each adoption
- where the children's homes that profited from the adoptions played a central role in determining which children were to be placed in the international adoption programme (see section 17.4.2.3)
- where, according to the CCAA, there was no detailed monitoring of how the donations were used (see section 17.5.7.3)
- where there was high international demand for children (see sections 17.5.7.1 and 17.5.7.2)
- where, almost without exception, the children's backgrounds were unknown

The Norwegian adoption authorities were aware of all these circumstances at the time. The Committee considers that, in light of this, the Norwegian adoption authorities should have suspended adoption cooperation with China.

At that time, China was the country of origin for over 50 per cent of all adoptions arranged for Norway (299 out of 582 in 2005). In terms of the number of adoptions, China was the largest country of origin for all Norwegian adoption agencies. The internal memo to the management of Bufdir (see section 17.5.8.3) emphasised that a suspension of adoptions from China would have 'very serious consequences' for the many Norwegian prospective adoptive parents who wished to adopt from China.¹⁶²⁹ A former Bufdir employee who took part in the trip has explained to the committee that a main reason why a suspension of adoption services was not considered was that the Hague Convention had recently come into force, and that China was a major source country for adoptions:

My understanding was that it would have been very dramatic to suspend cooperation with China so soon after they had ratified the Hague Convention. Especially as China welcomed us as they did and were so open. This was the first time we had experienced this. They said they were going to sort things out, and we had to give them a chance to do so. It would have been dramatic to terminate the arrangement after this trip. There were also a great many applicants from China in Norway. The Ministry was also part of the trip and did not suggest that we should have ended the cooperation.¹⁶³⁰

One person who was employed by the Ministry at the time believed that it was likely to have been significant – albeit not decisive – that China was the largest country of origin for adoptions to Norway. This person emphasised that halting adoptions from China would have caused 'political uproar' (see section 17.5.8.3).

In response to a question from the committee to a former employee of the Ministry as to whether, at any point, there had been any fundamental discussions regarding whether it was justifiable to accept adoptions from a country with so many risk factors, the person replied:

I cannot recall there being any serious discussion on this matter. However, much of the international adoption system would have collapsed if we had said no to China. There were many children involved. These matters should have been considered, but I do not know what the conclusion would have been. It may also be that this was discussed without my remembering it now.¹⁶³¹

The Committee believes that a permanent or temporary suspension of placements from that country should have been assessed more thoroughly. A temporary suspension could, for example, have been implemented until the Norwegian adoption authorities were able to discuss the matter thoroughly with the central authorities in other receiving countries – something the Committee

¹⁶²⁹ Bufdir. Memorandum to management from the Department for Youth and Family Affairs, 28 February 2006, 'Regarding adoption cooperation between Norway and China', 06/6543-2.

¹⁶³⁰ Interview with the Committee, 6 February 2026.

¹⁶³¹ Interview with the Committee, 8 January 2026. The person in question left their post in 2009.

cannot see that this was done.¹⁶³² Rather than a suspension or pause, it was decided within a year of the case coming to light to prioritise the processing of applications from Norwegian adoptive parents seeking to adopt from China, so that they would not be affected by the Chinese authorities' announced tightening of the requirements for applicants (see section 17.5.7.2). In this way, the Norwegian adoption authorities further contributed to the already significant international demand for children for adoption from China.

The Committee considers that the Norwegian adoption authorities acted irresponsibly in this instance. They should not have prioritised submitting as many applications as possible before the Chinese authorities implemented the stricter requirements. The Committee considers that the best interests of the child do not appear to have been the primary consideration in this decision.

17.5.9 Other known factors of significance for the assessment of adoption practices in China

From 2006 onwards, there were several media reports of illegal practices in China in connection with both international and domestic adoptions. As the Committee considers that adoptions from China should have been suspended once the Hunan case came to light, its investigations into these subsequent cases and the Norwegian adoption authorities' assessments and handling of them are less detailed than those concerning the Hunan case. The subsequent cases revealed the same risk factors. Although the fact that, as far as the Committee has been able to ascertain, no reassessment of the cooperation was carried out as new circumstances came to light is regarded as an aggravating factor in the criticism, it is not decisive for the Committee's assessment of the system's soundness to conduct an equally detailed review of these cases.

17.5.9.1 *Children removed from their parents due to breaches of the one-child policy*

In 2009, there were reports in the Norwegian and international media concerning the possible arrangement of adoptions from China involving children who had been unlawfully separated from their parents and placed for international adoption.¹⁶³³

An article in *Aftenposten* reported that a Chinese newspaper had highlighted 80 cases in a municipality in Guizhou Province where children had been taken from their parents because they lacked the financial means to pay the fines associated with having children without permission, and had subsequently been adopted abroad. It was alleged that local authorities falsified documentation to make the adoptions appear lawful. The donations from the adoptions are said to have been shared between local authorities and children's homes.¹⁶³⁴

Adoption Forum responded to the news reports on its website, stating that 'based on Adoption Forum's knowledge of the Chinese adoption system, this is not only highly unlikely but, in practice, inconceivable'. Adoption Forum justified this by stating that:

The orphanage's accounts are audited by the provincial authorities, who know how many children released from care are placed at the orphanage and how many adoptions have been completed. If the accounts do not show income relating to the adoptions that corresponds to the number of adoptions completed

¹⁶³² It is apparent from the archive material reviewed by the committee that there was some contact between the Norwegian, Danish and Swedish central authorities regarding the case, but that no initiative was taken to hold a proper discussion of the matter. Source: case no. 06/2159-3-F-E, Bufdir's archives. On 6 February 2026, the Committee interviewed a former employee of Bufdir who took part in the trip in 2006. The person in question explained that Bufdir was at one point informed by the Swedish adoption authorities that the CCAA had notified them that four children involved in the case had arrived in Sweden. This was interpreted as a sign of reliability on the part of the CCAA.

¹⁶³³ For example: *Los Angeles Times*, 20 September 2009, 'Stolen Chinese babies supply adoption demand'; NRK, 2 July 2009, ' - 80 Chinese baby girls sold'; *The Guardian*, 3 July 2009, 'Babies in China seized then sold for overseas adoption'. Brian Stuy also wrote about the case on his blog and published an English translation of the article from Southern Metropolis News: Research-China.org, 20 July 2009, "'Manufacturing' Abandoned Infants'.

¹⁶³⁴ *Aftenposten*, 2 July 2009, 'Chinese children sold for adoption'.

If the number of adoptions is multiplied by the fixed adoption fee, this will be cracked down on very severely.¹⁶³⁵

Adoption Forum believed that the intention of those involved in the case must have been to place children with families outside the 'normal' adoption channels.

In light of the media reports, the Norwegian adoption authorities contacted the Norwegian Embassy in Beijing and requested further information.¹⁶³⁶ Bufdir subsequently became aware that the Belgian press had named a specific children's home where these illegal activities were alleged to have taken place: the Zhenyuan Social Welfare Institute.¹⁶³⁷ In discussions with the adoption agencies, it was established that children had been brought to Norway from this children's home. Bufdir requested the embassy to raise the matter with the CCAA

[...] to ascertain (if possible) the extent of the illegal activities at Zhenyuan (how many children are involved), whether any of the children involved may have come to Norway, and whether the Norwegian authorities will be informed in future if similar cases involving children adopted to Norway are uncovered.¹⁶³⁸

At the end of July 2009, the embassy held a meeting with the CCAA, during which the CCAA explained that it had investigated all adoptions from Zhenyuan to Norway in recent years and concluded that 'all adoptions had been carried out in accordance with the rules'. The CCAA claimed that the news reports on the situation in Zhenyuan were inaccurate and, in part, incorrect, but also explained that six civil servants had been disciplined as a result of a preliminary investigation. However, the CCAA maintained that it was incorrect to suggest that donations to children's homes had been embezzled by staff, and that the donations had been used to improve conditions for children in the homes. The CCAA gave assurances that Norway would be contacted should any significant cases arise involving children adopted to Norway. However, the CCAA requested that 'as much of the exchange of information on this subject as possible be conducted between the authorities of the two countries'.¹⁶³⁹

Bufdir then sent a letter to the Norwegian adoption agencies in which it passed on the assurances from the CCAA.¹⁶⁴⁰

17.5.9.2 Dutch adoption agency reacts to illegal and unethical practices in adoptions from China

At the same time, reports also emerged from Dutch stakeholders regarding illegal and unethical practices in adoption arrangements in China. The Swedish investigation report¹⁶⁴¹ details how the director of the Dutch adoption organisation *Wereldkinderen* resigned in 2009 after identifying serious risks and a lack of oversight in adoption activities from China. She gave evidence that same year in the Dutch parliament and claimed that children's homes in China were paid for children who were subsequently adopted abroad, and that attempts to secure an independent investigation were thwarted. She said that many Chinese mothers were forced to give up their children under the one-child policy

¹⁶³⁵ AF. Online article, 9 July 2009, 'Adoptions from China to Norway are 100% safe'.

¹⁶³⁶ Email from Bufdir to the Embassy in Beijing, 6 July 2009, 'China and international adoption', 07/20871-8; 1406/09.

¹⁶³⁷ RTL info, 6 July 2009, 'A child abducted in Belgium'.

¹⁶³⁸ Email correspondence between Bufdir and the Embassy in Beijing, 6–30 July 2009, 07/20871-8; 1406/09.

¹⁶³⁹ Email correspondence between Bufdir and the Embassy in Beijing, 6–30 July 2009, 07/20871-8; 1406/09.

¹⁶⁴⁰ Letter from the Norwegian Directorate for Children, Youth and Family Affairs to the Ministry of Defence, the Ministry of Foreign Affairs and the Ministry of the Interior, 21 August 2009, 'Adoptions from China', 2008/20871-7.

¹⁶⁴¹ SOU 2025: 61, vol. 2, pp. 420–422.

¹⁶⁴² and that there were indications that children were also being sold for adoption even before birth through so-called ‘baby buying programmes’. International adoptions generated significantly higher income for the children’s homes than the amount the Chinese state paid per child residing in a children’s home, and because they received higher payments for children who were adopted abroad, they preferred this option to domestic adoption to a greater extent. She claimed that the CCAA was well aware of this. She further pointed out that the CCAA provided contradictory information: on the one hand, the CCAA stated that it was forbidden to pay for a child, whilst at the same time stating that it was permissible to pay people who ‘found’ or handed over a child to an orphanage.¹⁶⁴³ Overall, this led to international adoptions being prioritised over domestic adoptions, which undermined the principle of subsidiarity and contravened the prohibition on unlawful gain. She also pointed out that children adopted abroad were consistently portrayed as orphans or abandoned, and thus lacked information about their biological parents. According to her, however, there were examples of local authorities – and in some cases the CCAA as well – withholding information about the children’s biological parents without passing it on to international adoption agencies. Furthermore, she believed that the Hague Convention provided a false sense of security, as the contracting states in practice weighed up the interests involved when irregularities or abuse of the adoption system were uncovered.¹⁶⁴⁴

The Committee has found no information or documentation to suggest that the Norwegian adoption authorities were aware of this case or of the statement made by the former head of the Dutch adoption agency.

17.5.9.3 *Statement from an adoptee*

The Committee has received a submission from a person adopted from China who has made contact with their birth parents through social media and DNA testing. The person in question was adopted in the early 2000s.

The birth parents have provided the following account of the circumstances surrounding the adoption:

- The parents had had more children than the one-child policy allowed.
- When the child was discovered a few months later, the parents paid the fine imposed on them, but were simultaneously informed by the local authorities that they had to give the child up.
- The child was placed in a children’s home, and the parents visited the child regularly whilst they worked on ways to get the child back.
- One day, the parents were suddenly informed that the child had been adopted and sent to Norway.
- The parents have been searching for their child ever since.

The reunion came about because a member of the biological family posted a message in a group dedicated to reunions. The message contained details that the adoptee recognised as their own. The family relationship was subsequently confirmed by a DNA test.

The committee has examined the documents in the adoption case. These state that the birth parents and place of birth are unknown.

¹⁶⁴² Stuy also wrote about the case on his blog and published an English translation of the article from the Southern Metropolis News: Research-China.org, 20 July 2009, “‘Manufacturing’ Abandoned Infants’.

¹⁶⁴³ Such a practice is also mentioned in a news report on ABC News, 12 May 2008, ‘China’s Lost Children’.

¹⁶⁴⁴ SOU 2025:61, vol. 2, pp. 420–422.

17.5.9.4 Subsequent cases involving illegal and unethical practices

In May 2011, NRK reported that staff working for a Chinese family planning office had, over a long period, taken children away from parents who had more than one child and placed them in the international adoption programme.¹⁶⁴⁵

In October 2011, NRK reported that Sky News had uncovered several cases in which children's homes in China appeared willing to pay to receive children who may have been abducted from their parents.¹⁶⁴⁶

In October 2016, *Aftenposten* reported on the scale of child abductions in China and how false birth certificates issued by corrupt doctors were part of this. The Chinese authorities were reported to have acknowledged the problem. However, the report made no mention of any possible link to international adoptions.¹⁶⁴⁷

The Committee has found no documentation or information to suggest that Norwegian adoption authorities took the initiative to investigate any of these cases in greater detail.

17.5.10 The end of adoption placements from China to Norway

After 2017, no adoptions were arranged from China to Norway.

In October 2017, Adopsjonsforum applied for a renewal of its placement licence, but made it clear that it intended to end its cooperation with China during 2018, and merely wished to resolve a few cases already in progress. They stated that there had been a clear decline in China's need for international adoption, mainly due to the phasing out of the one-child policy and an increase in domestic adoption – although China still did not publish figures for domestic adoptions. The children available for international adoption often had such complex medical conditions that it was difficult to find families for them. In addition, they felt that health information about children provided through the 72-hour programme was often out of date and/or incomplete, and that the short timeframe made it difficult to ensure a satisfactory process in accordance with Norwegian regulations. The waiting time for 'ordinary' foreign adoption applicants had exceeded 10 years. As a result, Adoption Forum had experienced a sharp decline in the number of applicants interested in China, and had offered all its China applicants the option to switch to another country.¹⁶⁴⁸

In December 2017, IA applied for a renewal of its placement licence, but also stated that it wished to terminate its cooperation with China. This was because there was no longer a need for international adoption in China, nor for children with minor health issues. It simply wished to be able to complete the process for one remaining applicant.¹⁶⁴⁹

In November 2017, Verdens Barn applied for a renewal of its placement licence, but stated that it did not wish to accept new applicants for adoption from China. Like the other agencies, it simply wished to finalise the cases of applicants already in the process. In response to questions in the application form regarding the risk factors associated with adoptions from the country of origin and how the agency worked to ensure that the cooperation was nevertheless sound, Verdens Barn replied:

¹⁶⁴⁵ NRK, 10 May 2011, 'Government employees kidnap children in China', see also Shanghai Daily, 10 May 2011, 'Officials in babies snatching scandal'.

The report was based on an article published by the Chinese news outlet Caixin's Century Weekly, Issue 18, 9 May 2011, 'The "orphans" Named Shao', <https://www.circle19.org/2011-child-trafficking/>. The material was subsequently adapted into book form: Pang, J. (2015) *The orphans of Shao*. Women's Rights in China.

¹⁶⁴⁶ NRK, 14 October 2011, '- Babies still for sale'.

¹⁶⁴⁷ Aftenposten, 9 October 2016, 'Birth certificates are being sold on the black market here'.

¹⁶⁴⁸ AF to Bufdir, 19 October 2017, 'Application for renewal of placement licence for China'.

¹⁶⁴⁹ IA to Bufdir, 8 December 2017, 'Application for renewal of placement licence for China'.

For example, relating to the release/consent for adoption, matching, financial circumstances, supervision, etc. In practice, there is little or no possibility of monitoring the work carried out by the Chinese adoption authorities. For several years, it was also not possible for Norwegian representatives to pay an official visit due to the conflict following the awarding of the Nobel Peace Prize.¹⁶⁵⁰

None of these circumstances were mentioned in the previous application from 2014, but there were also no explicit questions on this matter in the application form.¹⁶⁵¹

Buudir granted all intermediaries permission to conclude cases currently in progress. It was made clear that it was not permitted to arrange adoptions from China for new applicants.¹⁶⁵²

17.6 Summary of findings and overall assessment

17.6.1 Risk factors relating to the consent of the birth parents, subsidiarity and the prohibition on remuneration/profit in adoptions

As described (sections 17.2, 17.4 and 17.5), interest in adoptions from China to other countries increased in the 1990s, particularly after China introduced legislation regulating the practice in 1992. Adoption opportunities in China attracted further attention and increased interest after the BBC broadcast a documentary depicting serious neglect in Chinese children's homes, where abandoned children were left to fend for themselves and died.¹⁶⁵³ At the same time, a report emerged concerning widespread neglect and high mortality rates in the children's homes.¹⁶⁵⁴ The UN Committee on the Rights of the Child stated that China must take measures to ensure that abandoned and orphaned children were given the opportunity to grow up in family-like environments, through foster care and adoption.¹⁶⁵⁵

The Committee considers that, despite the criticism raised in section 17.5.5, Norwegian stakeholders and adoption authorities in the 1990s had good grounds for assuming that there were many children in China in need of adoption.

However, it is clear that this situation gradually changed. The Committee considers that the ever-increasing demand from abroad for the adoption of Chinese children, combined with the high donations associated with each adoption, led to a gradually increasing risk of errors in adoption cases.

As described, the donations went in full to the children's homes, which also played a central role in the release process. This created incentives for a number of illegal and unethical practices, which have been documented in several cases (see also section 17.5.8):

¹⁶⁵⁰ From VB to Buudir, 30 November 2017, 'Application for renewed authorisation to arrange the adoption of children from China'.

¹⁶⁵¹ However, there were questions regarding 'any other important key information', including 'political and social conditions', 'the relationship between central and local authorities', 'information on the extent to which corruption is considered to be a problem in the country, and, where applicable, on measures being implemented to combat corruption and abuse of power in the country', cf. VB to Buudir, 30 October 2014, 'Application for renewal of authorisation to arrange adoptions from China'. As far as the committee can ascertain, the clarification of the question was introduced in 2013.

¹⁶⁵² From Buudir to AF, 15 December 2017, 'Renewal of placement licence until 31 December 2019'; from Buudir to IA, 15 December 2017, 'Renewal of placement licence until 31 December 2018'; From Buudir to VB, 15 December 2017, 'Renewal of distribution licence until 31 December 2020'.

¹⁶⁵³ BBC (1995). The Dying Rooms. See also the reference in SOU 2025:61, vol. 2, p. 400.

¹⁶⁵⁴ Human Rights Watch/Asia (1996), **Death by Default. A Policy of Fatal Neglect in China's State Orphanages**, pp. 1–6. Source taken from SOU 2025:61, vol. 2, p. 401.

¹⁶⁵⁵ United Nations, Convention on the Rights of the Child, CRC/C/15/Add.56, 7 June 1996, Twelfth session: Consideration of reports submitted by States Parties under Article 44 of the Convention, Concluding observations of the Committee on the Rights of the Child: China, p. 7. Source taken from SOU 2025:61, vol. 2, p. 401.

- The children's homes paid middlemen to bring children to the homes, without asking any questions about the children's backgrounds.
- Children's homes concealed the fact that their children were in the home from their biological parents, in cases where the parents were looking for them.
- Children's homes or intermediaries paid, pressured or tricked parents into handing over their children.
- Government officials responsible for implementing family planning policy stripped parents of parental responsibility for children born without permission, in order to place the child in an international adoption programme.
- International adoption was prioritised over domestic adoption.

As described (section 17.5.7.3), the Chinese central adoption authorities stated in 2002 that no detailed checks were carried out on the use of the donations.

The Committee considers that, throughout the entire period of placement, there was a risk of breaches of the prohibition on payment or profit in connection with adoptions, and a risk that birth parents had not voluntarily surrendered their children. Furthermore, the Committee considers that there is a risk of breaches of the principle of subsidiarity, including in the period after 2006, when the Hague Convention came into force in China.

17.6.2 The Norwegian authorities' control and supervisory activities

The Committee is critical of the fact that the adoption process and conditions in China were inadequately investigated when the Norwegian adoption authorities granted permission for adoption placements from that country in the early 1990s (see section 17.5.5).

In the same section, the Committee has highlighted the positive fact that Norwegian adoption authorities took an interest in the donations from an early stage and asked detailed questions about how they were transferred. At the same time, the Committee has pointed out that it was open to criticism that the Norwegian adoption authorities left it to the adoption agencies to assess the reasonableness of donation requirements imposed by the Chinese authorities without providing further guidance.

The Committee's assessment of the Hunan case is set out in section 17.5.8.5. The Committee considers that the accumulation of risk factors highlighted by the Hunan case, suggests that the Norwegian adoption authorities should have suspended adoption placements from that country, or at the very least thoroughly considered a temporary suspension of placements and initiated dialogue with the central authorities of other receiving countries regarding what measures could be proposed or set as conditions for continuing the cooperation. As described in section 17.5.7.2, however, within a year of the case coming to light, it was decided instead to prioritise the processing of Norwegian adoptive parents' applications for adoption from China, because the Chinese authorities had given notice of a tightening of the criteria for applicants.

The Committee considers that the Norwegian adoption authorities acted irresponsibly by prioritising the submission of as many applications as possible before the Chinese authorities implemented the stricter criteria in 2007. The Committee considers that the primary consideration in this decision does not appear to have been the best interests of the child.

17.6.3 On the possibility of knowing one's origins

A characteristic of international adoption from China has been a systematic lack of information about the children's origins. Many children were abandoned anonymously, partly as a result of economic and social sanctions linked to breaches of family policy. In such cases, the children were registered without known parents or birth details, and were assigned names and dates of birth administratively.

Many children adopted from China therefore grow up without access to information about their birth parents or background. This undermines the possibility of later searches for their origins and challenges children's right to identity, cf. the UN Convention on the Rights of the Child (Article 8).

The Committee notes that the Norwegian adoption authorities raised this issue with the Chinese central authorities in 2005 (paragraph 17.5.7.3). The Committee cannot see that this was highlighted as a problem prior to this time, or that any assessments of principle regarding such a system were carried out by the Norwegian side, even though this was known to Norwegian stakeholders when adoption arrangements with China began.

17.6.3.1 *The Committee's review of individual cases*

The Committee's review of individual cases from China has been more limited than for other countries, as the cases contain little information and are very similar throughout the entire placement period. The review of individual cases therefore did not provide any significant new information relevant to the investigation. It was carried out primarily to ascertain whether there had been any significant changes in the cases, and must be regarded primarily as a sample-based investigation.

The Committee has examined 24 individual cases from China that were processed during the period 1991–2013. The cases appear relatively similar throughout the period and most often include:

- Notarial Certificate of Adoption (original and translation)
- Notarial Certificate of Birth (original and translation)
- Notarial Certificate of Abandonment (in some cases referred to simply as 'Certificate' or 'Foundling Pick-Up Certificate', etc. This is a document providing information on where and when the child was found, and, where applicable, what steps were taken to locate the biological parents. In the sample of cases reviewed by the committee, this was not common until the late 1990s)

From around 1999, various health records concerning the children are also included, often in the form of a document called the 'Children's Medical Examination Record'. Following the entry into force of the Hague Convention in China, a 'Certificate of Conformity of Intercountry Adoption' has gradually also been included.

The names of the birth parents are not provided in any of the cases the committee has examined. Nor is there a consent document from the birth parents.

17.7 Summary

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 processing of individual cases has been organised, how reports of matters requiring follow-up have been handled, 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 China, involving both Chinese and Norwegian actors:

- The Committee is critical of the fact that the adoption process and conditions in China were inadequately investigated when the Norwegian adoption authorities granted permission for adoption mediation from that country in the early 1990s (see section 17.5.5).
- The Committee believes that the ever-increasing demand from abroad for the adoption of Chinese children, combined with the high fees associated with each adoption, led to a gradually increasing risk of errors in adoption cases.
- The Committee considers that the accumulation of risk factors brought to light by the Hunan case suggests that the Norwegian adoption authorities should have suspended adoption arrangements from that country, or at the very least thoroughly considered a temporary suspension of such arrangements and initiated a dialogue with

the central authorities of other receiving countries regarding what measures could have been proposed or made a condition for continuing the cooperation.

- The Committee considers that, throughout the entire period of placement, there was a risk of breaches of the prohibition on remuneration or profit in adoptions, and a risk that birth parents had not voluntarily relinquished their children. Furthermore, the Committee considers that there is a risk of a breach of the principle of subsidiarity, including in the period after 2006, when the Hague Convention came into force in China.

18 Sri Lanka

18.1 Introduction and scope

A total of 222 adoptions were arranged from Sri Lanka to Norway during the period 1975–2015. This accounts for just over 1 per cent of all adoptions arranged to Norway.

In Norway, only the organisation Adopsjonsforum has held a placement licence for Sri Lanka. Adopsjonsforum was granted the licence by the Ministry of Social Affairs on 19 May 1978, but states that it facilitated 32 adoptions from Sri Lanka from 1975 up to and including 1978. The placements arranged by the organisation through its awareness-raising activities in the 1970s were, from the Norwegian authorities' perspective, a known and apparently tolerated practice.¹⁶⁵⁶

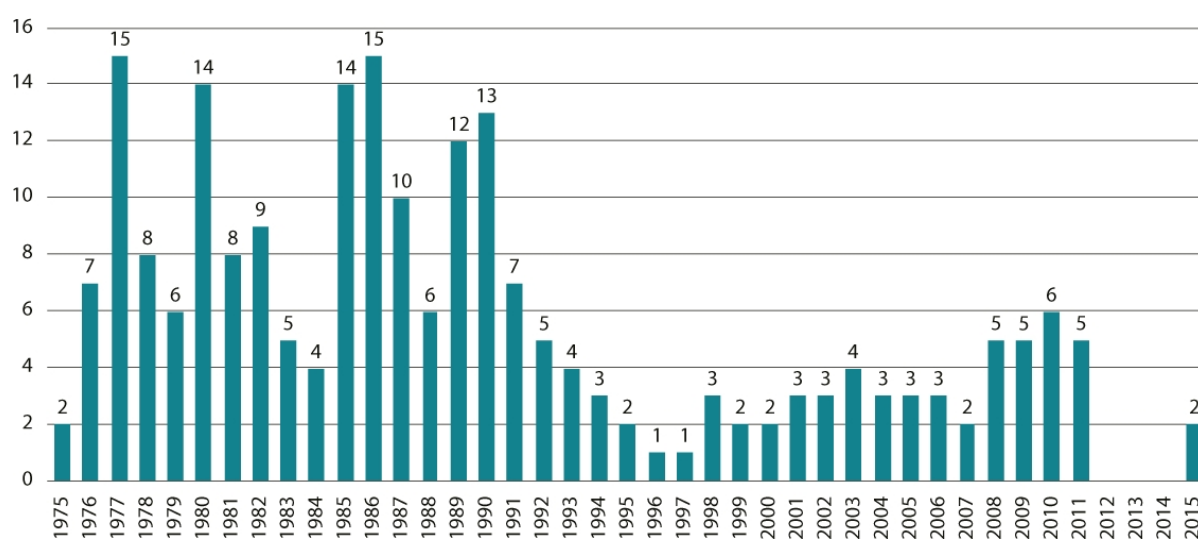


Figure 18.1 Adoptions arranged from Sri Lanka to Norway 1975–2015

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

Irregularities and illegalities relating to international adoptions from Sri Lanka have been a well-known issue for the Norwegian authorities and adoption agencies ever since the 1970s.¹⁶⁵⁷ In various

¹⁶⁵⁶ See sections 7.5.2 and 25.3.1.

¹⁶⁵⁷ The Ministry of Foreign Affairs informed the Norwegian adoption authorities (RIA) that newspapers in Colombo were warning against 'child trafficking' in connection with international adoptions, 26 April 1979.