

- The Committee cannot see that the Norwegian authorities have, at any point, carried out a comprehensive assessment of the support provided to Holt and of how it has affected the adoption processes. It is reprehensible that this was not done.
- The Committee considers it highly reprehensible that, as late as the end of the 1990s, the Norwegian authorities were unaware that children with known parents were also being registered as having unknown parents in the South Korean family register. The lack of action on the part of the Norwegian authorities has contributed to a great many adoptees mistakenly believing that they had been found as foundlings, with no known biological parents or other relatives.
- Overall, the Norwegian authorities should have ensured significantly more thorough supervision of the adoption cooperation, particularly given that South Korea was, for many years, the country from which by far the most adoptees came. It is therefore particularly reprehensible that the Norwegian authorities had not acquired more knowledge about the adoption process in South Korea and, at times, appear to have been in the dark regarding the background of the children who were adopted to Norway.
- The Committee has concluded that it was particularly reprehensible that, right up until 2012, it was standard practice for the Norwegian authorities to make decisions on adoptions from South Korea without independently assessing whether the conditions for adoption under the Norwegian Adoption Act had been met, and without obtaining documentation that would have made it possible to assess these conditions.
- In 1978, the Korea Association assisted a married couple in bringing a child from South Korea, despite the fact that their application for prior consent to adopt from abroad had been rejected. The Korea Association deliberately provided false information to the South Korean authorities, stating that the parents had been approved by the Norwegian authorities. The Committee considers the Association's conduct to have been particularly reprehensible.

20 Vietnam

20.1 Introduction

A total of 228 adoptions from Vietnam to Norway have been arranged. This accounts for approximately 1.1 per cent of all international adoptions arranged through an intermediary. The adoption arrangements took place over three different periods and through three different intermediary organisations.

In addition to children placed through organisations, the Committee is aware that private and independent adoptions of children from Vietnam have taken place, but has not been able to ascertain any exact figures.

²²⁰¹

The first 77 children from Vietnam arrived in Norway in 1968, under the auspices of the Committee for South-East Asia.²²⁰² As will be seen below, the conditions of the placement licence were not complied with, and the committee's le-

²²⁰¹ See section 3.5 on statistics. In this context, 'private adoption' refers to Norwegians who, whilst on long-term stays in Vietnam, have adopted a Vietnamese child without first obtaining prior approval from the Norwegian authorities. The child has since been brought to Norway, where the adoption has been recognised in accordance with the provisions of the Adoption Act. For information on private and independent adoptions, see Chapter 28 and section 6.2.2.

²²⁰² The figure is taken from NOU 1976: 55. It states on p. 27 that '[i]n the autumn of 1968, 77 children arrived in a single transport from Vietnam'. However, different sources give varying numbers of children, and it is clear that not all of these children arrived on the same flight. Some of the children who were due to go to Norway were retained by a children's home in Vietnam, and at least two children were temporarily

and was therefore not authorised to arrange further adoptions on behalf of the then newly established Norwegian-Vietnamese Association. Nevertheless, in 1971 he brought a further ten children to Norway. In 1973, a group of adoptive parents organised within the Parents' Association for Children from Vietnam (later the Parents' Association for Children from Other Countries) were granted permission to arrange adoptions from the country. They assisted in the completion of 50 adoptions before Vietnam itself put a stop to international adoption.²²⁰³

In the 1990s, Adopsjonsforum was granted authorisation to arrange adoptions from Vietnam. Between 1991 and 1999, 80 adoptions were arranged. In 1999, the cooperation was terminated due to uncertain conditions in the country.

In 2013, Adopsjonsforum was once again granted authorisation to arrange adoptions from Vietnam. Between 2016 and 2021, 11 adoptions were arranged. In 2021, an application for renewal of the authorisation to arrange adoptions was rejected by Bufdir.

In all three periods, placement applications from organisations have been rejected or not renewed on grounds linked to irregularities and a lack of (opportunities for) oversight. The following report will follow a slightly different structure to the other country chapters, and the focus will primarily be on the circumstances surrounding the termination of the adoption partnership and the rejections of placement applications.

20.2 General information and background

Vietnam is situated in South-East Asia and is a narrow country with a long coastline. Of the population of approximately 101 million, around 90 per cent are ethnic Vietnamese, whilst the remainder comprises more than 50 different ethnic groups. Buddhism (5.8 per cent) and Catholicism (6.1 per cent) are the largest of the world's religions. The majority of the population has no religious affiliation.²²⁰⁴

Table 20.1 Overview of adoptions from Vietnam 1968–1975, broken down by agency

Year of arrival	1968	1971	1973–1975
Agency	The Committee for South-East Asia (SK)	(Chair of) the Norwegian-Vietnamese Association (VF)	Parents' Association for Children from Vietnam and Other Countries (FBAL)*
Number of adoptions	77	10	50

* When Vietnam ceased adoptions in 1975, the association applied for placement authorisation from several countries and changed its name to the Parents' Association for Children from Other Countries.

Source: NOU 1976: 55

Today, Vietnam is regarded as a communist republic and has a history marked by major conflicts and a protracted civil war. The country was a French colony until the war of independence in 1946–1954. When the war ended, the country was divided into two states: communist North Vietnam, with its capital Hanoi,

entrusted to hospitals in other countries during their journey to Norway. See, for example, Liz Buer. *Flyet fra Saigon*, Frekk Forlag 2018. The Committee has not investigated statistical anomalies; see section 3.5. At least one child died shortly after arrival in Norway.

²²⁰³ As stated in section 20.5.2, it took several years from the children's arrival in Norway before the adoption process was finalised. In the official statistics (e.g. NOU 1976: 55 *Adoption and Adoption Placement*), the date of approval appears to have been used as the basis, and it is therefore not clear from these figures how many children arrived each year.

²²⁰⁴ As of 2019, cf. Store norske leksikon, <https://snl.no/Vietnam> (accessed 12 March 2026).

North Vietnam, and the more Western-oriented South Vietnam, with its capital Saigon. The Vietnam War (1957–1975) began as a communist uprising in South Vietnam and developed into a large-scale civil war. China and the Soviet Union supported North Vietnam, whilst the United States in particular – but also Australia and South Korea – provided extensive military aid to South Vietnam. Between two and three million Vietnamese and around 59,000 American soldiers lost their lives in the ensuing conflict. In 1973, a peace agreement was signed between the North and the South, and the American soldiers withdrew. The peace agreement was, however, soon violated by both sides. In April 1975, North Vietnam captured Saigon in the south, thereby unifying the country as the Socialist Republic of Vietnam under communist rule. The war led to a massive exodus of refugees from the country, and today around 2.5 million people of Vietnamese origin still live abroad.²²⁰⁵

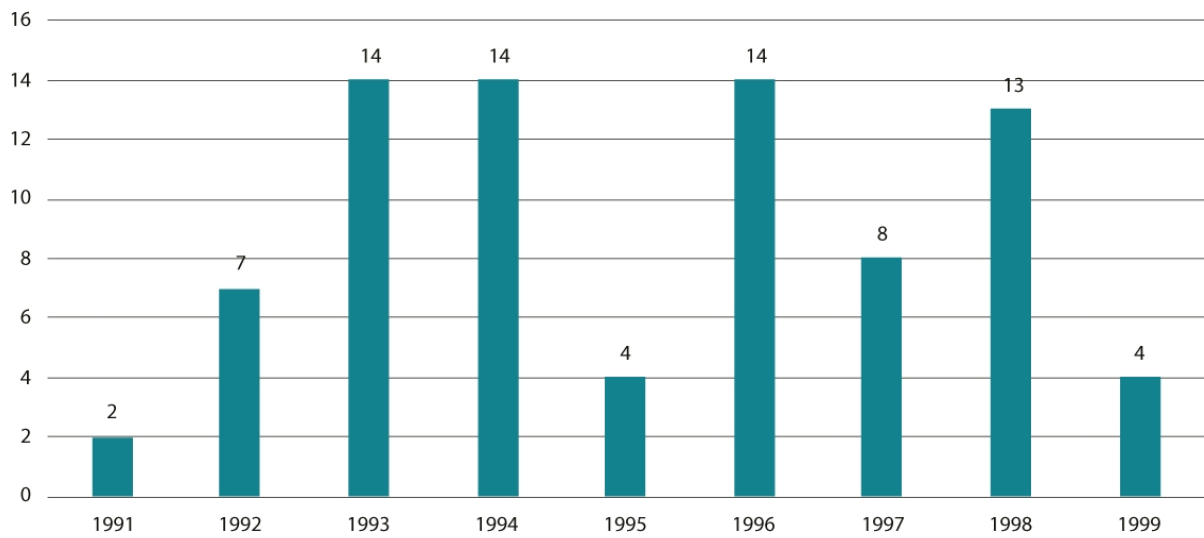
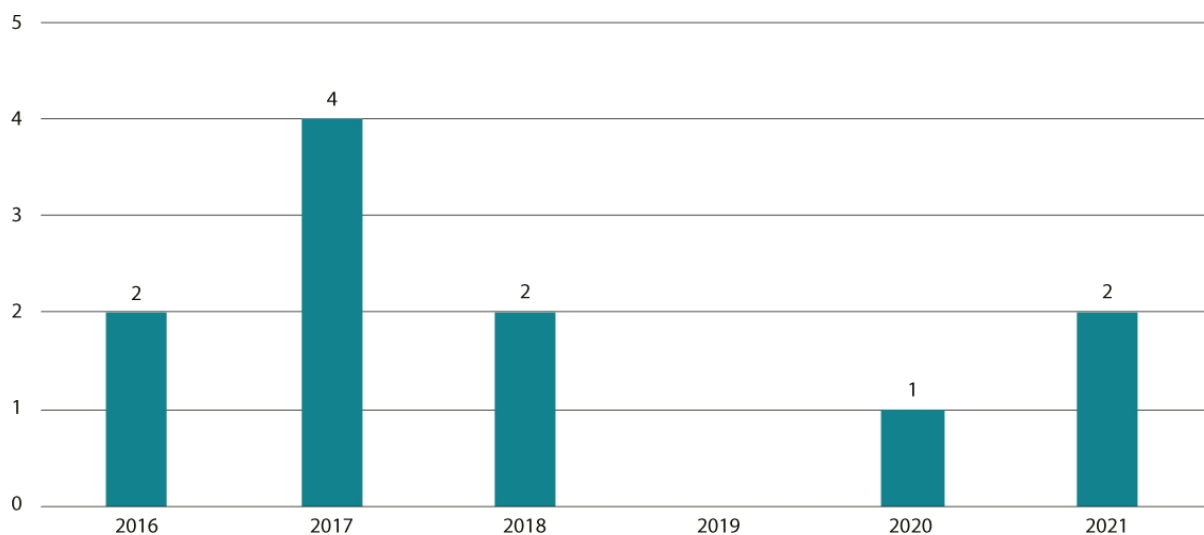


Figure 20.1 Adoptions arranged from Vietnam to Norway 1991–1999

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



²²⁰⁵ Store norske leksikon https://snl.no/Vietnams_historie (accessed 12 March 2026).

Figure 20.2 Adoptions arranged from Vietnam to Norway 2016–2021

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

Along with Korea (see Chapter 19), Vietnam was one of the first countries of origin where systematic international adoptions were carried out on a large scale. During the war years, several thousand adoptions to foreign countries took place, and, as in Korea, the USA was a key driving force. Several Western countries made a major effort to bring children out of the country, including through a large-scale operation in the spring of 1975 known as ‘Operation Babylift’.²²⁰⁶

After the war, the country had to be rebuilt, and the nation entered a difficult period both politically and economically. As recently as 1992, the UN reported that just under half the population was living in extreme poverty.²²⁰⁷ As the 1990s progressed, greater scope was provided for private enterprise, and the economy improved.²²⁰⁸ Poverty and corruption, however, continue to pose major challenges in Vietnamese society.²²⁰⁹ Corruption has been condemned as one of the nation’s main problems at every Communist Party congress since 1991. In 2006, the then Party leader Nong stated that corruption had got so out of hand that it ‘threatens the very existence of the socialist regime’.²²¹⁰

Vietnam ratified the Hague Convention on Adoption in 2011.

Norway was one of the first Western countries to establish diplomatic relations with Vietnam during the war, when the ambassador in Beijing was concurrently accredited to Vietnam (Hanoi) in November 1971.²²¹¹ From 1988, the embassy in Bangkok was concurrently accredited.²²¹² A separate Norwegian embassy in Vietnam was established in Hanoi in 1996. Vietnam, for its part, had an embassy in Oslo from 1978 to 1982, and again from 2009.

20.3 Investigations in other receiving countries and other known circumstances

The Committee is not aware of any adoptions from Vietnam having been the subject of investigations in other receiving countries.

On behalf of UNICEF Vietnam and the Vietnamese Ministry of Justice, ISS (International Social Service) carried out an independent study of adoption practices in 2009. The purpose of the study was, firstly, to identify and address problems in the adoption system in connection with accession to the Hague Convention, and secondly, to propose amendments to the draft of the new Adoption Act. Although no adoptions were being arranged for Norway at the time the report was written, the committee believes that the study reveals circumstances that are also relevant to the committee’s findings regarding adoption practices both before and after that time.

The ISS report sets out five main conclusions:

²²⁰⁶ See, for example, Dana Sachs, *The Life We Were Given: Operation Babylift, International Adoption, and the Children of War in Vietnam* (Beacon Press 2011).

²²⁰⁷ UN, Extreme Poverty, <https://fn.no/Statistikk/ekstrem-fattigdom?country=42639>

²²⁰⁸ Store norske leksikon, https://snl.no/Vietnams_samtidshistorie (accessed 12 March 2026).

²²⁰⁹ Vietnam was first ranked by Transparency International in 1997. At that time, the country was ranked 43rd (out of 52 countries) with a score of 2.79 out of 10. In 2013, the country was ranked 116th (out of 177 countries) with a score of 31 out of 100, whilst in 2024 it was ranked 88th (out of 180 countries) with a score of 40 out of 100.

²²¹⁰ Store norske leksikon, https://snl.no/Vietnams_samtidshistorie (accessed 12 March 2026).

²²¹¹ Vietnam News, ‘True partners with a shared future’, 25 November 2021.

²²¹² Aftenposten, 16 April 1988, p. 23.

- *The level and nature of intercountry adoptions (ICA) from Vietnam are essentially influenced by foreign demand.* Thus, the availability of children who are ‘adoptable’ abroad corresponds more to the existence of prospective adopters abroad than to the actual needs of ‘abandoned’ and orphaned children. As a result, the overwhelming majority of adopted children are under 1 year of age, the age group most sought after by prospective adopters. Since only a relatively small and ever-decreasing number of other ‘countries of origin’ are currently making children of this age ‘adoptable’ abroad, foreign actors have proved willing to accept the conditions put in place by Vietnam for processing these adoptions. There is also considerable pressure from abroad for Vietnam to continue as a ‘source’ of very young children.
- *The circumstances under which babies become ‘adoptable’ are invariably unclear and disturbing.* Declarations of so-called ‘abandonment’ – which is notoriously difficult to investigate – are intriguingly frequent, but with unexplained ‘peaks’ and ‘troughs’. Procedures for verifying the child’s status and, inter alia, for ensuring free and informed consent to adoption are inadequate and inconsistent. Decision-making regarding whether a child is available for intercountry adoption (ICA) rather than a domestic solution (including return to the biological family) appears to take no account of the subsidiary nature of intercountry adoption, with little or no effort being made to establish the child’s genuine need for the latter or to identify care options within the country.
- *The ICA procedure is influenced by a remarkably unhealthy relationship that can exist between agencies and specific residential facilities.* It involves compulsory and substantial financial contributions by agencies in the form of ‘humanitarian aid’ to facilities that they themselves have identified as potential ‘partners’ in ICA. The issue of ‘aid’ generally appears to be accorded far greater importance than ensuring that ICA is used as an exceptional measure on a case-by-case basis. Agencies compete with one another to secure children and tend to expect that children will be ‘referred’ to them for ICA processing in proportion to the amount of humanitarian aid provided. Agencies are subject to little or no monitoring, and neither they nor the residential facilities they work with have any incentive to address or report problems, since the way the system currently functions works to the advantage of both
- *Governments and Central Authorities of ‘receiving countries’ – collectively at least, and individually in many instances – have not effectively committed themselves to applying the basic principles of the THC-93,²²¹³ or the recommendations of the Special Commission on the treaty’s practical operation, in their dealings with Vietnam.* They have therefore been sending out mixed – and hence eminently unhelpful – messages regarding the acceptability of the current system. These frequently appear to respond more to pressures within their respective countries than to tackling identified problems. In most cases, embassies have virtually no knowledge of how their country’s agencies are operating, let alone being in a position to verify compliance with international standards for adoptions to their country.
- Vietnam’s desire for rapid accession to the THC-93 represents a highly positive prospect. It will, however, require not only far-reaching legislative changes – which Vietnam already envisages – but also a fundamental shift in outlook, including, in particular, a complete

²²¹³ The 1993 Hague Convention.

divorce between ‘humanitarian aid’ or other financial contributions and the ICA of those of its children who may require this measure. The success of reform efforts will depend not only on Vietnam itself but also on the willingness and ability of foreign actors other than agencies to provide active assistance, including in the development of preventive child welfare measures and of functioning child protection systems, based on a deinstitutionalisation strategy and the consequent expansion of alternative care options for vulnerable children.²²¹⁴ [original emphasis]

20.4 Overview of the Committee’s country studies

Adoption placements from Vietnam comprise a relatively limited number of adoptions – 228 – which corresponds to 1.1 per cent of all international adoptions. As shown in the introduction, several intermediaries are involved, and the adoption placements are spread across three time periods with a gap of around 15 years between each period. Given the spread and number of adoptions, the Committee has found no reason to conduct an in-depth investigation into all aspects of the placement process in each of these periods. Instead, the Committee has decided to focus in particular on the processes and circumstances that led to the rejection of applications for (renewal of) placement authorisation from the country. This concerns the refusal by the Committee for South-East Asia / Norwegian-Vietnamese Association to arrange further adoptions around 1970, the termination/refusal of Adoption Forum’s application for a renewed placement licence in 1999, and the rejection of Adoption Forum’s application for a renewed placement licence in 2021. The Committee notes that, with regard to Vietnam, no in-depth investigation has therefore been carried out into how the placement work itself was conducted, but that the focus lies on the Norwegian authorities’ investigations and assessments of known circumstances. The reason for choosing this approach is that a relatively limited number of adoptions (fewer than 100) were carried out through each of the various intermediaries.

The Inquiry Committee’s investigations into adoption mediation from Vietnam have largely followed the framework for country-specific investigations, as outlined in section 3.6.3. General country information from various sources has been obtained. A media search and a limited literature review 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. Archival searches have been carried out at Bufdir, the Ministry of Children and Families and the National Archives (the Ministry of Social Affairs, the Ministry of Justice, and (parts of) the private archive of the chair of the Committee for South-East Asia). The Committee has also had access to Adopsjonsforum’s physical and digital archives, and has carried out various searches within these, focusing on placement applications and other correspondence with the Norwegian authorities.

Vietnam has been the subject of interviews with individuals who have worked at Adoption Forum, Bufdir (the Norwegian Directorate for Children, Youth and Family Affairs) and the Ministry of Children and Families. The Committee has also interviewed the former heads of the Parents’ Association for Children from Other Countries.

The Committee has reviewed the documents relating to six individual cases from the 1960s and 1970s. The Committee has spoken to two adoptees from the first placement period. The Committee has not received any enquiries from adoptees (or adoptive parents) from the later placement periods.

²²¹⁴ ISS (2009), *Adoption From Vietnam: Findings and Recommendations of an Assessment*.

20.5 Adoption placements 1968–1975

20.5.1 Introduction

In the following, the Committee will describe and assess the adoption placements that took place during the first period, between 1968 and 1975. The adoptions carried out during these years can be divided into three groups. The first group consists of 77 children whom the Committee for South-East Asia brought to Norway in 1968.²²¹⁵ The second group consists of ten children whom the leader of the Norwegian-Vietnamese Association brought to Norway in 1971. The third group consists of 50 children placed by the Parents' Association for Children from Other Countries between 1973 and 1975.

The Committee's investigation into the adoptions from Vietnam will, as explained above, focus primarily on the circumstances that led the Norwegian authorities to intervene and bring the placement activities to an end. As the Parents' Association's placement activities were not halted by the Norwegian authorities, but were terminated due to the communist victory in the Vietnam War, this period of placement will be dealt with relatively briefly.

The activities that resulted in the removal of 77 children in 1968 and subsequently 10 children in 1971 attracted considerable attention and provoked negative reactions at the time. Both whilst the processes were ongoing and in more recent times, several irregularities and shortcomings in these adoption processes have been identified.²²¹⁶

In the following, the three groups of adoptions will be described chronologically, together with the committee's assessment.

20.5.2 Group 1: Children brought to Norway in 1968

The war between North Vietnam and South Vietnam attracted considerable public attention in the 1960s and 1970s, including in Norway. There was strong opposition to US involvement in the war from various quarters.

One group, however, which supported US aid in the fight against communism, was the Committee for South-East Asia (hereinafter the Committee). This was an organisation comprising young politicians on the right. The group's political work is not the subject of this discussion, but the background to their involvement in adoptions was a visit to South Vietnam in 1967. The purpose of the trip was to learn more about the political and military situation in the country. During their visit, however, they also visited a number of children's homes and witnessed at first hand the extremely dire conditions in which the children were living.²²¹⁷ Some of the organisations involved in adoptions at that time claimed that the mortality rate could be as high as 80–90 per cent in some of the children's homes.²²¹⁸

During their stay in Saigon, the young politicians had established good contacts with key officials in South Vietnam, thereby gaining connections that enabled them to organise a series of adoptions as part of a coordinated campaign.

The committee contacted the Ministry of Social Affairs in 1967, and following correspondence and meetings, they were granted permission in February 1968 to arrange up to 60 adoptions from Vietnam.²²¹⁹ The permission stated that

²²¹⁵ The sources differ slightly regarding the number of children; see note 2.

²²¹⁶ For more recent accounts, see sources in note 17

²²¹⁷ The background information is taken from the NRK report **A Plane Full of Children from Vietnam** (30 September 2014), the NRK **Brennpunkt** documentary **The Vietnam Children** (2014), and the book by Liz Buer, **The Flight from Saigon**, Frekk Forlag 2018

²²¹⁸ E.g. a report by Friends of Children of Vietnam, **Adoption Process, 1974–1976** https://www.fordlibrarymuseum.gov/sites/default/files/pdf_documents/library/document/0412/041200011.pdf. However, the Committee has not found any independent reports or more recent sources confirming these figures.

²²¹⁹ Letter from the Ministry of Social Affairs to the Ministry of Health and Care Services, 2 February 1968.

Several conditions were set out which had to be met before the children were brought to Norway. These included, amongst other things, that the prospective adoptive parents had to be approved by the relevant authority, certain criteria regarding the children's health and travel documents, and that the relevant authorities had to be notified before the children arrived in Norway. In addition, it was stipulated that 'the adoption must have been finalised in Vietnam, or it must be demonstrated to the Ministry of Justice that a Norwegian adoption authorisation will be valid in Vietnam, before a visa can be granted and the children brought to Norway'. It is evident from correspondence between various government bodies that the Committee had given notice that 73 children would be arriving in a single consignment on 20 October 1968.²²²⁰ Although the Committee has not found any written confirmation to the Committee regarding extended authorisation, it therefore appears that this increase in numbers from 60 to 73 was accepted by the authorities,

It was intended that all the children should arrive on the same flight. However, some of the children bound for Norway were detained by a children's home in South Vietnam, and at least two children were temporarily placed in hospitals in other countries whilst en route to Norway. These issues were also resolved, however, and a total of 77 Vietnamese children arrived for adoption following the 1968 campaign.²²²¹

It soon became clear that the conditions set out in connection with the permit had not been complied with. As stated above, the committee had brought over more children than the permit originally covered, and also more children than they had informed the authorities of in advance. Several of the children were also in poor health. Furthermore, it was problematic that the adoption process itself had not been completed before the children were brought to Norway, and that there appeared to be no clear plan or procedure for how the adoptions were to be carried out. In November 1970, a meeting at the Ministry of Justice revealed that the children were still living with their respective prospective adoptive parents as foster children, and that it was 'uncertain whether the Vietnamese authorities would take a positive view of the adoption of children by foreign adoptive parents'.²²²²

Through collaboration with a Vietnamese law firm, it was possible in 1971 to finalise adoptions in South Vietnam for most of the children.²²²³ In several cases, however, there appeared to be ambiguities regarding the identity of the adoptees. Among other things, seven adoptions were carried out in South Vietnam using names and dates of birth different from those on the list of children who had arrived in 1968. According to the committee chair, this was because children who had originally been intended for Norwegian parents were, for various reasons, replaced by other children just before departure.²²²⁴ At least one of the children had been sent to Norway using another child's passport and had an unclear date of birth.²²²⁵ In addition to these seven children, six children were listed in the adoption documents with a date of birth different from that stated on their birth certificate.²²²⁶ Several of these cases remained unresolved when the Parents' Association took over the placement work in 1973; see section 20.5.4 for further details.

²²²⁰ Memorandum to the Directorate of Health from Social Affairs Department II of the Ministry of Social Affairs, 17 October 1968.

²²²¹ The sources differ slightly regarding the number of children; see note 2.

²²²² Ministry of Justice and the Directorate of Health, meeting concerning the adoption of Vietnamese children, 20 November 1970.

²²²³ Letter to the Ministry of Justice from the Director dated 25 March 1971.

²²²⁴ Letters from the chairperson to the Ministry of Foreign Affairs, 25 October 1971 and 18 July 1972.

²²²⁵ Liz Buer. *Flyet fra Saigon*, Frekk Forlag 2018, pp. 19 ff. The Committee has also examined contemporary correspondence on the matter.

²²²⁶ Letters from the Director to the Ministry of Foreign Affairs dated 25 October 1971 and 18 July 1972.

20.5.3 Group 2: Children brought to Norway in 1971

Whilst the (chair of) the Committee was working to arrange the adoptions of the children who had arrived via contacts in South Vietnam, the Committee also took steps towards arranging further adoptions.²²²⁷ Among other things, the Committee's leader had approached potential adoptive parents and announced in the media that arrangements were being made to transport a new group of 70 children to Norway in the summer of 1970.²²²⁸ The Ministry of Social Affairs repeatedly stated that no further adoption permits would be granted until the first cases had been finalised and it was possible to assess how the children were faring.²²²⁹

In 1971, the former leader of the Committee for South-East Asia had withdrawn from the organisation and established a new organisation, the Norwegian-Vietnamese Association (in the following section, the person in question is referred to as 'the leader').²²³⁰ The Ministry of Social Affairs repeatedly emphasised to the leader that granting permission to bring further children from Vietnam to Norway was out of the question. Despite this clear stance and repeated communications from the Norwegian authorities, the leader announced in July 1971 that he would shortly 'accommodate the wishes of six Norwegian families to adopt a total of eight Vietnamese orphaned children'.²²³¹ The Ministry of Social Affairs responded to this with a further warning, pointing out, amongst other things, that the penalty for private adoption mediation was a fine or imprisonment for up to three months, cf. Section 26(b) of the Child Welfare Act of 1953.²²³² The Ministry of Foreign Affairs and the Ministry of Justice were informed by the Ministry of Social Affairs of the director's plans, and the embassy in Bangkok and the consul in Saigon were alerted in order to prevent, if possible, children from being taken out of the country without a visa to Norway.²²³³

Despite the warning and the measures taken, the director arrived in Norway with ten new Vietnamese children in August 1971.²²³⁴ The state of health of several of the children was very poor, and one of the children died a few days after arrival.²²³⁵ The children were taken into the care of the health service and child welfare services. As the children did not have visas, a formal decision to refuse entry was made, but it quickly became clear that sending the children back to Vietnam was not an option. Eventually, the nine children were placed in foster homes with prospective adoptive parents, pending adoption.²²³⁶

The leader was reported to the police in Norway, and investigations were launched into how he had managed to get the children out of the country without visas: during their stay in Saigon, the consulate, acting on instructions from the Norwegian authorities, had informed the leader that entry visas to Norway would not be granted. The SAS office had therefore refused to issue tickets for the children. The leader nevertheless managed to obtain entry visas for Germany and subsequently booked tickets to Frankfurt. In Germany, 'some authority' had granted permission for onward travel to Copenhagen, because the children required medical

²²²⁷ The Committee finds it somewhat unclear at what points in time / in which situations the chair of the committee (and later the Norwegian-Vietnamese Association) acted on behalf of the organisation, and when he acted on his own initiative.

²²²⁸ *Aftenposten*, 29 July 1970, p. 11.

²²²⁹ Ministry of Justice and the Directorate of Health, meeting concerning the adoption of Vietnamese children, 20 November 1970.

²²³⁰ Letter from the chairperson to the SD dated 11 February 1971 and meeting on 19 April 1971 with the chairperson and the NVF, cf. SD memo dated 17 April 1972.

²²³¹ As set out in a letter to the head of the SD dated 26 July 1971.

²²³² Letter from the SD to the Ministry of Foreign Affairs (with a copy to the Ministry of Justice) dated 26 July 1971, and a letter from the SD to the head dated 26 July 1971.

²²³³ Letter from the SD to the Ministry of Foreign Affairs (with a copy to the Ministry of Justice) dated 26 July 1971, and confirmation from the Ministry of Foreign Affairs that the notification had been sent to the embassy and consulate on 28 July 1971.

²²³⁴ In NOU 1976: 55, p. 60 (Appendix 4: The state of health of adopted children from developing countries), it is stated that the plan had been to bring 12 children, but that two were too unwell to travel. The same source states that one child died during the journey and one shortly after arrival, which differs from other accounts the Committee has seen in the Ministry of Social Affairs' archives; see the main text.

²²³⁵ Several of the children were diagnosed with conditions such as tuberculosis, hepatitis and dysentery; see NOU 1976: 55, p. 60.

²²³⁶ Letter from the SD to the Ministry of Justice dated 20 October 1971, 'The question of refusal of entry for the 10 Vietnamese children who arrived in Norway on 29 August 1971'.

and Germany did not wish to accept them. From Copenhagen, they had taken a flight on to Oslo.²²³⁷ The criminal case resulted in the leader being fined 1,000 kr for breaching Section 26b of the Child Welfare Act 1953. He accepted the fine.²²³⁸

20.5.4 Group 3: Adoptions arranged through the Parents' Association for Children from Vietnam

On 11 January 1973, a group of adoptive parents founded a new organisation: the Parents' Association for Children from Vietnam (hereinafter the Parents' Association).²²³⁹ Initially, the association collaborated to some extent with the head of the federation (see above), including in the work to finalise the last adoption cases from the two shipments of children in 1968 and 1971. They also took over part of the network of contacts in Vietnam.²²⁴⁰ At the same time, the Parents' Association applied for a placement licence from Vietnam, and in April they were granted permission to carry out up to 50 cases. Through its regular placement work, 22 adoptions were completed over the next year and a half. The adoption of these 22 children had been finalised in Vietnam before they were brought to Norway. However, in light of the war situation in Vietnam in the spring of 1975, the Parents' Association was granted special permission by the Ministry of Social Affairs to bring up to 40 children to Norway *before* the adoption had been finally completed in Vietnam.²²⁴¹ In line with this, 28 children were brought to Norway before the change of government in the country led to a halt in all international adoptions.²²⁴² In 26 of these cases, it was not possible to complete the adoption process in Vietnam, and the children were therefore granted foster child status until further notice. Nevertheless, the Ministry of Justice agreed relatively quickly (in the autumn of 1975) that, in these cases, the foster parents (i.e. the prospective adoptive parents) should be appointed as guardians for the children, so that they could apply for Norwegian citizenship on the child's behalf.²²⁴³ Once citizenship had been granted, an adoption could be carried out in accordance with Norwegian law, notwithstanding the provision in Section 29(1) of the Adoption Act, which stipulated that the adoption of a foreign national was conditional upon the adoption also being valid in the country concerned.²²⁴⁴

20.5.5 The Committee's assessment of adoption mediation 1968–1975

Although the legal basis for permitting adoption mediation was already established in the Child Welfare Act of 1953, it was not until 1968 – in connection with the transfer of the aforementioned group of children from South Vietnam – that the Ministry of Social Affairs granted such authorisation in relation to international adoption. In 1968, the Vietnamese Civil War was in full swing. The Committee generally considers it open to criticism to permit adoptions from a country at war, as it is difficult to make sound assessments of what

²²³⁷ The report states that there was no information as to whether anything had taken place in Copenhagen; see letter from the Ministry of Social Affairs to the Ministry of Justice dated 20 October 1971, 'The question of refusal regarding the 10 Vietnamese children who arrived in Norway on 29 August 1971'.

²²³⁸ SD memorandum of 11 August 1972; see letter from the Asker and Bærum Police Station to the SD dated 28 September 1972.

²²³⁹ NOU 1976: 55, p. 26. The organisation later changed its name to the Parents' Association for Children from Other Countries (FBAL).

²²⁴⁰ They continued to use one of the same lawyers in Vietnam. This was stated by the leaders during an interview with the committee in March 2026.

²²⁴¹ According to the leaders, however, the adoption processes had already begun for the children who were brought to Norway; see the interview with the committee in March 2026.

²²⁴² NOU 1976: 55, p. 26.

²²⁴³ Letter from FBAL to the Ministry of Justice dated 19 August 1975, and letter from the Ministry of Justice to FBAL dated 23 October 1975. The Committee has also come across an example of such a case in its review of individual cases.

²²⁴⁴ It was established that, under the prevailing circumstances, it would be difficult to get to the bottom of this, cf. letter from FBAL to the respective adoption applicants dated 28 October 1975.

which is in the child's best interests. At the same time, the assessment must take into account that knowledge of and guidelines for this were less developed in 1968 than they are today.

Part of the dialogue between the Committee for South-East Asia and the Ministry appears to have taken place verbally at meetings, and the Committee does not have a complete understanding of what expertise the Committee may have sought, nor of the basis on which the Ministry granted such authorisation.

Nevertheless, the Committee considers it questionable to grant such authorisation to a group of young politicians without specific expertise in the legal and social aspects relevant to international adoption.

A minority consisting of Committee member Rudolf Christoffersen considers that there are grounds for strong criticism of the Norwegian authorities for having, in 1968, granted a placement licence to a group of young politicians without relevant experience or professional expertise in the field of adoption. There was a significant risk that the youth politicians' primary aim was linked to political symbolism, where a rapid, visible result attracting considerable media attention was deemed more important than the requirements for legal certainty and due process in the adoption procedures. In Christoffersen's view, it was therefore particularly reprehensible of the Norwegian authorities to grant the young politicians a placement licence.

The Committee notes that the situation in Vietnam at that time appeared to be extremely precarious, with many children in great distress. Reports of high mortality rates in children's homes probably contributed to a perception that there was a pressing need for immediate action.

Once the decision to grant the placement authorisation had been taken, the Committee considers that the Norwegian authorities – viewed from the perspective of the time – took several positive steps. The conditions set for the placement authorisation included, amongst other things, that the adoption procedures were to be completed in Vietnam before the children arrived in Norway. To the extent that this was possible in a country at war, this condition was intended to ensure that the children had been lawfully released for adoption. In the Committee's view, the fact that the conditions regarding the number of children, information about the children and the completion of adoption procedures were not met is not something for which the Norwegian authorities can be directly blamed.

As shown, the (chair of) the Committee expressed a desire to arrange further adoptions from Vietnam, and ultimately brought a further ten children from Vietnam to Norway in 1971. In connection with this, the Norwegian authorities were in regular contact with the chair and made it clear that permission for such arrangements would not be granted. When the chair announced that he was travelling to collect more children, several active measures were also taken to prevent this. However, the chair succeeded in circumventing the Norwegian authorities, amongst other things by obtaining a visa for Germany. The Committee finds no reprehensible actions or omissions on the part of the Norwegian authorities in this situation.

As indicated in section 20.5.1, the Committee has not prioritised a detailed review of the placement work carried out by the Parents' Association for Children from Vietnam between 1973 and 1975. Nevertheless, the Committee considers it generally concerning that, in the spring of 1975, the Norwegian authorities permitted the Parents' Association to bring several dozen children from Vietnam before the adoption process had been completed in the country of origin. The Committee believes that this increased the risk of irregularities in the process and of children being adopted on improper grounds. However, the Committee has no basis on which to assess whether errors occurred in these adoptions.

In summary, the Committee finds that there was a significant risk of irregularities and errors in the adoptions from Vietnam during the period 1968–1975. Among other things, this concerns the reliability of information relating to the children's background and identity, and whether the release procedures were carried out correctly.

The prevailing view at the time, however, was that the situation in Vietnam was extremely precarious, with overcrowded children's homes and insufficient resources to care for the children. There was widespread distress, and it was regarded as a matter of life or imminent death for the children concerned. The Committee considers that, when assessing this adoption work, one must take into account that, at that time, there were few guidelines for adoption from countries in crisis situations, and that other forms of global aid work were less developed than they are today.

Based on current knowledge and guidelines regarding the adoption of children in war and crisis situations, the Committee finds it clear that adoptions of children from Vietnam should not have taken place during the period in question. However, given that international cooperation and guidelines on international adoption were far less developed around 1970, the committee nevertheless considers that there are no grounds for strong criticism of the Norwegian authorities for permitting adoption placements under the conditions that were set for this.

The Committee would nevertheless emphasise that the uncertainty surrounding the children's backgrounds and the information on which several of the adoptions were based is in itself a serious matter, and acknowledges that this may be experienced as a great strain on the individuals concerned.

20.6 Adoption placement 1991–1999

20.6.1 Description of the adoption cooperation, with a focus on the Norwegian authorities' knowledge and assessments leading up to its conclusion in 1999

Adoption Forum was granted a placement licence for Vietnam in 1990, and between 1991 and 1999 it facilitated 80 adoptions to Norway.

When Adopsjonsforum first applied for a placement licence and approval of its contact network in 1990, it stated that it had been unable to obtain any written information on adoption, and pointed out that Vietnam did not have its own adoption law. They wrote that there were 'probably provisions on adoption in more general laws'.²²⁴⁵ In the application, Adopsjonsforum stated that there were only state-run children's homes, and that the adoptions would take place through one of these. On the basis of information the Norwegian Adoption Agency (SAK) had received from previous independent applicants, they recommended that the Ministry grant Adopsjonsforum permission for five 'pilot cases'. SAK's cover letter states that

'[t]he reason we are limiting the number of pilot cases in this instance is that we do not yet have a complete overview of the laws, regulations and guidelines in Vietnam.'²²⁴⁶ The Ministry endorsed SAK's proposal and granted permission for five cases in June 1990.²²⁴⁷

In December 1990, following an enquiry to the Norwegian Embassy in Bangkok, SAK received an overview of the adoption process from the Vietnamese Ministry of Foreign Affairs. This indicated that the Vietnamese authorities were in favour of international adoption as an option for orphaned children. At the same time, they stated that

[...] we have not had much experience and have not had a specialised body, and still lack a comprehensive system of laws and regulations to deal with it. We are still dealing with it on a case-by-case basis.²²⁴⁸

Following a meeting with a representative from the Vietnamese Ministry of Labour, Social Welfare and People with Disabilities visiting Norway, SAK stated that it had not been possible to clarify whether adoptions in Vietnam were 'weak' or 'strong'. It was nevertheless concluded that, since the birth registration system in Vietnam had been changed, there would be no question of having to return children following an adoption.²²⁴⁹

²²⁴⁵ AF. Application for approval of contact with a foreign country, 3 May 1990.

²²⁴⁶ Letter from SAK to FFD dated 18 May 1990.

²²⁴⁷ Letter from FFD to AF dated 12 June 1990.

²²⁴⁸ Letter with enclosures from the Embassy (Bangkok) to SAK, 23 November 1990.

²²⁴⁹ SAK. Report from the meeting of 30 December 1991, 2 January 1992.

In January 1992, Adopsjonsforum submitted a report on the first two completed adoptions to SAK. Attached to the report were also new guidelines from Ho Chi Minh City concerning international adoption, dated 29 April 1991.²²⁵⁰ In April 1992, Adopsjonsforum was granted permission to increase the number of 'pilot cases' to 20,²²⁵¹ and in February 1993, it was granted general placement rights for Vietnam.²²⁵²

In the mid-1990s, SAK was made aware that adoption costs in Vietnam had risen considerably and that corruption was becoming an issue.²²⁵³ An adoptive father who had been on a collection trip to Vietnam the previous year rang SAK to report that Adopsjonsforum's (former) overseas contact had been involved in bribery to get their case processed quickly.²²⁵⁴ SAK raised the matter with Adoption Forum, and during the discussion it emerged that adoption costs in Vietnam had risen considerably. This applied in particular to hospital expenses. Adoption Forum wrote the following in its statement to SAK:

It is quite clear that Vietnam, like China, has realised that adoptions are a good 'cash cow' for hospitals and social institutions, and has increased fees and 'reimbursements' accordingly. [...]

Whilst in China we receive invoices directly from the Ministry of Justice, with a – admittedly rough – breakdown, payments in Vietnam have been channelled through our foreign contact. We have had complete confidence in her, and have no reason to doubt that the amounts are correct and 'in accordance with the regulations', but in connection with our next working visit we will investigate what options there are for influencing the method of payment, the size of the amounts and the itemisation.²²⁵⁵

In SAK's internal memos relating to the dialogue on adoption costs, the following statement, amongst others, is made:

Running an adoption agency is certainly no easy task. Naturally, one must not be involved in any shady dealings, but if one becomes far too 'moral', one risks not receiving any more children from the countries in question. I hope I am making myself clear.

As to whether the country representative in Hanoi has pocketed the money or whether the situation is as NN [Managing Director AF] states, I cannot form an opinion. The former would be the worst and unforgivable.²²⁵⁶

Another case worker added a few days later:

It is difficult to place any trust in the explanations that are being given. Most of it seems superficial and flippant – and too much is based on 'assumptions'. In my view, we should summon NN [managing director of AF] and go through all the questions with him. This is surely more a matter of what is legal and what is not – and not about private moral views. But we must also be mindful that it can be easy to be 'immoral' at other people's expense. Once again, the question is what adoption is all about. Should adoptive parents be carrying out covert 'officially approved' international aid? The big and unclear question is, of course, who benefits from this form of international aid. If the financial arrangements cannot be properly managed, surely one should not permit adoption from the country in question. Does it really make any difference whether corruption is perpetrated by the authorities or by private individuals?²²⁵⁷

²²⁵⁰ Letter from AF to SAK, 24 January 1992.

²²⁵¹ Letter from BFD to AF, 9 April 1992.

²²⁵² Letter from BFD to AF dated 24 February 1993.

²²⁵³ This is evident, amongst other things, in a memo following a telephone conversation with an adoptive father after a collection trip, and in correspondence with AF from March 1995 onwards.

²²⁵⁴ The collection trip had taken place the previous year, and Adopsjonsforum had since changed its overseas contact.

²²⁵⁵ Letter from AF to SAK dated 9 May 1995.

²²⁵⁶ SAK memo dated 14 June 1995.

²²⁵⁷ SAK memo dated 19 June 1995.

SAK briefed the Ministry on the situation in May and September 1995.²²⁵⁸ They then requested that the Ministry take part in a joint meeting with Adopsjonsforum, as well as a possible inspection visit to Vietnam in 1996. The Ministry replied that it did not have a sufficient basis on which to assess the need for a meeting or an inspection visit. Nevertheless, they asked SAK to investigate the matter thoroughly and to assess whether it was justifiable to continue the placement activities.²²⁵⁹ The Ministry first received such an assessment from SAK in August 1996, after sending a reminder.²²⁶⁰

SAK's assessment was based, amongst other things, on an updated report from Adopsjonsforum. SAK noted that the donation amount was high (2,500 USD), but no higher than in other comparable countries, such as China. Furthermore, new legislation had been introduced in Vietnam relating to the placement of children. It was, however, made clear that SAK had not checked bank accounts or accounts, and had not undertaken any inspection visits.

The scope for independent verification has therefore been limited. The State Adoption Office sees no reason, however, not to place trust in the comprehensive information subsequently provided by Adopsjonsforum, and has based its assessment on this information.²²⁶¹

Due to the uncertain and unpredictable political situation in the country, the SAK recommended that the placement licence should not be extended for more than one year at a time when the then-current licence expired in December 1996.

When Adoption Forum applied for a renewal of its licence in December 1996, it stated that its work in Vietnam had become increasingly difficult in recent years due to an

[...] uncontrolled influx of 'private' applicants [...] Cases of corruption linked to these 'private' adoptions were also uncovered, which the country's authorities fortunately cracked down on severely.²²⁶²

The internal memos from SAK's consideration of the application show that they were uncertain about the financial aspects of the adoption process, which still appeared unclear. Among other things, there was a lack of information regarding who determined the amount of the donations, how the payments were made, and who received the money. Attempts were made to investigate this further by putting questions to Adopsjonsforum and the embassy in Hanoi.²²⁶³ In July 1997, the embassy replied that they too had failed to obtain any definitive clarity on the matter.²²⁶⁴ An internal memo from SAK notes the following:

[I]n Vietnam – as in other countries with which we deal – there are certainly various forms of corruption, and perhaps not the entire donation amount ends up in the right pockets. But what evidence do we have of this? The embassy makes no mention of any such suspicions. [...] I believe that – on the basis of the information currently available – we can extend the authorisation to continue the programme through 1998 and possibly into 1999 without seeking further information.²²⁶⁵

In the cover letter to the Ministry, SAK writes:

²²⁵⁸ Letters from SAK to BFD dated 19 May and 25 September 1995.

²²⁵⁹ Letter from BFD to SAK dated 26 October 1995.

²²⁶⁰ Letter from BFD to SAK dated 19 June 1996; BFD first received a provisional reply in a letter from SAK to BFD dated 29 June, followed by SAK's assessment in a letter from SAK to BFD dated 6 August.

²²⁶¹ Letter from SAK to BFD dated 6 August.

²²⁶² AF's application for a broadcasting licence dated 17 December 1996.

²²⁶³ Letter from SAK to AF dated 10 April 1997, letter from AF to SAK dated 5 May 1997 and fax from SAK to the Embassy in Hanoi dated 26 May.

²²⁶⁴ Fax from the Embassy in Hanoi to SAK, 23 July 1997.

²²⁶⁵ SAK. Comments on the embassy's reply to our letter of 26 May 1997, 1 August 1997.

Despite the fact that there has been, and to some extent still is, a degree of uncertainty surrounding the adoption situation in Vietnam, the State Adoption Office recommends that the placement licence be extended to remain valid until 31 December 1998. This is on the condition that Adopsjonsforum closely monitors the adoption situation in Vietnam and reports any changes, including changes to donation policy and donation amounts, to the State Adoption Office.²²⁶⁶

The Ministry of Children and Families subsequently extended the placement licence, but stipulated that Adopsjonsforum must keep SAK regularly informed of any changes relating to donations.²²⁶⁷

In October 1998, the Norwegian adoption authorities (the State Youth and Adoption Office – SUAK) undertook an inspection visit to Vietnam.²²⁶⁸ The report from the visit highlights several ambiguities and uncertainties in the Vietnamese adoption system. Among other things, it proved extremely difficult to gain a clear picture of which authorities bore overall responsibility for the various aspects of the adoption process, a situation apparently due to a power struggle between the ministries.²²⁶⁹ In several key areas, SUAK received conflicting information, including regarding the legality of intermediary organisations. In a meeting with the Ministry of Justice, which ‘must be regarded as a form of Vietnamese central authority with regard to international adoption’, SUAK was informed that the Ministry preferred *private* adoptions and wished all prospective adopters to contact the Ministry directly. The Ministry of Justice had therefore imposed a ban on adoption agencies establishing themselves in the country. At an informal meeting with an official from the Provincial Department of Labour, Social Affairs and War Invalids in Can Tho Province (DOLISA, subordinate to the national MOLISA²²⁷⁰), SUAK’s representative was informed, however, that it was DOLISA that was responsible for the approval of foreign organisations, including adoption agencies, and that this matter fell outside the jurisdiction of the Ministry of Justice. The report states:

It seems clear that the placement of children for international adoption constitutes a significant source of income for the judicial authorities in Vietnam. This may also be one of the reasons why the judicial authorities prefer private adoptions to adoption through an agency. Vietnamese society is known to be, in part, highly corrupt. The system of private adoptions makes it, in reality, more likely that the buying and selling of children is taking place in the country, and that, in addition to the official fees associated with adoption, substantial sums are being paid under the table by those who adopt privately.

A meeting was also held with the Ministry of Children, and the summary of this meeting was as follows:

A key impression from the meeting is that the Ministry of Children views with great concern the way in which the Ministry of Justice manages its responsibilities regarding international adoptions in Vietnam. The buying and selling of children is regarded as reprehensible. It appears that the Minister for Children currently lacks sufficient influence to be able to do anything about this. In the long term, however, the Ministry of Children hopes to secure changes in line with the framework set out by the Hague Convention on Intercountry Adoption.

Later in the report, the issue of incomplete and unclear information is revisited, and it is noted that it was

[...] striking that none of the representatives from the Ministry of Justice, the provincial authorities or the Ministry of Children provided information on MOLISA’s important role and how an adoption procedure

²²⁶⁶ Letter from SAK to BFD dated 1 August 1997.

²²⁶⁷ BFD. Placement authorisation, 10 September 1997.

²²⁶⁸ SAK. Report from the monitoring mission (information and inspection visit) to China and Vietnam, 8–27 October 1998. All subsequent quotations are taken from this report.

²²⁶⁹ The organisation of the authorities in Vietnam is described as follows in the report: ‘The administration in Vietnam is structured around ministries at national level (English: Ministries) and corresponding provincial authorities at provincial level (English: Departments). The Ministry of Justice has direct authority to issue instructions to the provincial justice departments’.

²²⁷⁰ See note 69.

can establish legal operations in the country. It is difficult to interpret this in any other way than that there is a power struggle – and certainly also a struggle for resources (revenue) – taking place in Vietnam, and that none of the other authorities see any benefit in providing more information than is strictly necessary during meetings with representatives of foreign authorities and organisations.

In addition to the official meetings with representatives of the Ministry of Justice and the Ministry of Children, as well as visits to some institutions, several informal meetings were held with individuals who had insight into the adoption sector.²²⁷¹ Among other things, the representatives from SAK were invited to a dinner with representatives from the French Embassy who specialise in adoption. At this meeting, it was pointed out that the large number of private adoptions constituted a major problem, and that ‘it seems quite clear that the large number of private adoptions is tantamount to widespread buying and selling of children in Vietnam’. In many cases, according to the French officials, there was direct contact between applicants and birth parents who had or were expecting children, and it was then common for the adoptive family to provide ‘charity to the biological family’.

In another informal meeting with a local member of staff at the Danish embassy – who had previously been the contact person for a Danish adoption agency – this information was confirmed and elaborated upon. It was pointed out, amongst other things, that several resource-poor birth parents had been misled into giving their children up for adoption, partly by being given false hope of family reunification abroad at a later date. Many were extremely poor, lacked access to contraception, and families with 10–11 children were not uncommon.

In such a situation, it can be very tempting to give up a newborn child in exchange for a one-off payment of varying size (500 USD was mentioned as an example, which for many is more than a full year’s salary). Moreover, many see this as the only chance for the child in question to have a better life. Both children who are placed privately and those who end up in a children’s home and are subsequently placed through an adoption agency may have been purchased in this way, Ms NN believed.

There have also been cases where children have been taken from their mothers immediately after birth. In such cases, the mothers have been told that the child was stillborn or died shortly after birth. Ms NN is a well-educated and well-informed 41-year-old woman. She herself has a young daughter who is not yet one year old.

She said that what she was most anxious about in connection with the birth was precisely that someone at the maternity clinic would take the baby away from her in this way.²²⁷²

To illustrate this, this informant also recounted a case in which she herself had been engaged as an interpreter by her Norwegian manager at the time. In this case, the couple had carried out a private adoption during a prolonged stay in Vietnam, and are said to have deliberately provided false information to the Norwegian authorities, claiming that the child had been found abandoned, in order to have the adoption recognised upon their return to Norway. In reality, the couple had approached a maternity clinic to be assigned a child.

The mission report concludes that the impression of the adoption process would have been different had it not been for the personal network of contacts held by one of SUAK’s representatives. For example, the embassy had been unable to gain a clear understanding of the roles of the various authorities, despite asking explicit questions. It was established that the most disturbing finding from the trip was the indications of the ‘buying and selling’ of children, particularly in connection with private adoptions.

On the basis of the information obtained during the trip, SUAK contacted the Swedish Central Authority for Adoption (NIA) and held a meeting with them on 3 December 1998. They received confirmation that the Swedish central authority shared similar views on Vietnam, including with regard to who authorised intermediary organisations. SUAK and NIA discussed

²²⁷¹ Several of the meetings were arranged through the personal contacts of one of the participants, following their previous involvement in refugee work in Vietnam.

²²⁷² SAK. Report from a monitoring mission (information and inspection mission) to China and Vietnam, 8–27 October 1998.

whether they should withdraw from Vietnam, but concluded that they would not do so, according to SUAK's minutes, giving the following reasons:

NIA further agreed that it is important for the countries that have signed and ratified the Hague Convention to act in a unified manner in such contexts. In our view, it would seem incomprehensible if Norway were to put a stop to adoptions from Vietnam, as long as the other signatory states see no grounds for doing so. This type of issue should therefore be discussed at the Nordic and European meetings between the central adoption authorities.²²⁷³

Shortly after this meeting, on 14 December, Adopsjonsforum applied for a renewal of its placement licence. They explained at the time that adoption work in Vietnam was difficult, particularly due to private adoptions, but that they 'have always felt that we can fully stand by the adoptions we have facilitated'.²²⁷⁴ In its submission to the Ministry of Children and Families in April, SUAK recommended that Adopsjonsforum be granted approval for a further two years.²²⁷⁵ The assessment process nevertheless took time, partly due to continuing uncertainty as to whether it was necessary or possible for Adopsjonsforum to be approved as an adoption organisation by the Vietnamese Ministry of Justice.²²⁷⁶

During the summer of 1999, several other factors also arose that influenced the Ministry's assessment of the ongoing placement work. In mid-June, SUAK was informed that France had suspended adoptions from Vietnam pending the conclusion of a bilateral adoption agreement. SUAK's internal memos indicate that Adoption Forum had itself stated over the telephone that it wished to take a break from placement work, with the exception of three ongoing adoptions that were at an advanced stage in the process (one of the couples was already in Vietnam).²²⁷⁷

In parallel with this dialogue, SUAK also received information from ISS (International Social Services) regarding various issues relating to the organisation of adoption work in Vietnam.²²⁷⁸ Among other things, it emerged that there were challenges relating to the mixing of adoption and aid, informed consent and high adoption costs.

On 4 July 1999, VG reported that ten people had been arrested in Vietnam on suspicion of buying and selling children. The Vietnamese police had lists of the couples who had adopted through this network, and according to VG, one or more Norwegian couples were on the list. However, Adopsjonsforum denied to VG that any of these children had come to Norway, as all the children Adopsjonsforum had placed came from children's homes in a different province to the one in which the network was active.

SUAK contacted the Ministry of Foreign Affairs and the embassy in Hanoi to ascertain which Norwegians, if any, might be on the list.²²⁷⁹ The embassy carried out investigations but does not appear to have succeeded in obtaining definitive clarification on this matter.²²⁸⁰ On 13 July 1999, SUAK recommended to the Ministry

²²⁷³ SAK. Report from a monitoring mission (information and inspection visit) to China and Vietnam, 8–27 October 1998.

²²⁷⁴ AF, application for a placement licence, 14 December 1998.

²²⁷⁵ Letter from SUAK to BFD dated 13 April 1999.

²²⁷⁶ Telephone conversation between BFD and SUAK following the letter of 13 April 1999; letter from SUAK to BFD dated 26 May 1999.

²²⁷⁷ SUAK internal memo dated 18 June 1999, confirmed in a letter from AF to SUAK dated 5 July 1999.

²²⁷⁸ Letter from ISS to SUAK received on 22 June.

²²⁷⁹ As stated in a letter from SUAK to BFD regarding AF's application for mediation dated 7 July 1999.

²²⁸⁰ A letter from the Embassy in Hanoi to the Ministry of Foreign Affairs dated 31 March 2000 states that they had carried out investigations, but that no information had come to light that could confirm the media allegations that children had been adopted to Norway through the individuals in question. The then Head of Division at the BFD could not recall the case, but believed it would have been difficult to forget it if it had been discovered that Norwegians were in fact on the list, cf. interview with the Committee.

The Ministry intended to reject Adopsjonsforum's application for a continued placement licence, including for the two remaining applicant couples who were awaiting placement.²²⁸¹ The Ministry followed this recommendation.²²⁸²

20.6.2 The Committee's assessment of the adoption cooperation, focusing on the Norwegian authorities' knowledge and assessments up to its conclusion in 1999

The Committee considers that there are several weaknesses and matters open to criticism relating to the Norwegian authorities' information-gathering and assessments in connection with the placement licences for Vietnam.

When the adoption cooperation with Vietnam was terminated in 1999, this was formally the result of the Norwegian adoption authorities choosing not to renew Adopsjonsforum's placement licence, partly due to unclear regulations and the approval system, and the irregularities described in the media. At that time, Adopsjonsforum had also itself indicated that it wished to put its work on hold due to the uncertain conditions in the country. The Committee believes it was the correct decision by the adoption authorities to refuse a new placement licence in the summer of 1999. At that time, it was clear that other receiving countries were holding off on further placement work, and that a police investigation had been launched into a large group of adoption operators in the country. However, the Committee considers that the Norwegian authorities were aware of similar circumstances even before the summer of 1999. The Committee considers the Norwegian authorities' handling of, and failure to respond to, this information to be open to criticism, and that the authorities did not carry out a sufficient investigation or assessment of whether the adoptions from Vietnam could be, and were, carried out in a lawful and responsible manner that ensured the best interests of the individual child. In the following, some of the key factors underpinning the Committee's conclusion will be highlighted.

When assessing the authorisation of the first five adoptions from 1990 – the so-called 'pilot cases' – both Adopsjonsforum and the Norwegian authorities had insufficient information about the adoption process in Vietnam. Adopsjonsforum, for example, had not succeeded in obtaining regulations or other written information from the Vietnamese authorities in this field. The soundness of each individual adoption must always be ensured, regardless of whether it is a so-called pilot case or not. The Committee considers it reprehensible that the Norwegian authorities did not take greater steps to ensure that Adopsjonsforum was capable of carrying out lawful and sound adoptions before granting permission to proceed with the first five cases. This constituted a breach of the duty to investigate under Section 17, first paragraph, of the Public Administration Act.

After the authorisation had been granted, but before the so-called pilot cases had been carried out, the Norwegian adoption authorities received information about the adoption system in Vietnam which, in the Committee's view, gave cause to reconsider the authorisation. Among other things, it proved impossible, during a meeting with Vietnamese representatives, to clarify whether adoptions from Vietnam were '*weak*' or '*strong*'. Furthermore, upon enquiry, the Vietnamese authorities confirmed that 'we have not had much experience and have not had a specialised body and still lack a comprehensive system of laws and regulations to deal with it'. The Committee considers it reprehensible that the Norwegian authorities permitted adoptions from Vietnam to proceed when the country's own authorities had pointed to a lack of legislation, systems and specialised bodies.

Furthermore, from the mid-1990s onwards, it became clear that the financial aspects of the adoption cooperation were both unclear and uncertain. Despite repeated attempts, it was not possible to clarify who set the adoption fees, how much these should be, or who the money went to. In addition, information was received from an applicant couple on a collection trip who explained that they themselves had witnessed bribery in connection with their own adoption procedure. Corruption was a widespread problem within the adoption system, a point also highlighted in Adoption Forum's submissions. Although it is positive that the Ministry

²²⁸¹ Letter from SUAK to BFD dated 13 July 1999.

²²⁸² See letter from BFD to AF dated 13 July 1999. SUAK subsequently took over responsibility for processing placement applications under the regulations of 30 November 1999.

the Ministry actively followed up this case to clarify how the financial arrangements were organised, the Committee considers that the circumstances that were uncovered – and those that could not be clarified – should have led to much closer monitoring and a more immediate response from the Norwegian authorities. It is open to criticism that the adoption licence was not withdrawn, and the Committee believes that the Norwegian authorities should at the very least have imposed a temporary suspension until the circumstances had been clarified. It is also reprehensible that, in the autumn of 1996, SAK based its final assessment exclusively on the information provided by Adopsjonsforum itself, and did not carry out its own investigations.

The Committee also considers that the circumstances uncovered during the inspection visit in 1998 were so serious that SUAK should have withdrawn the placement licence. The information regarding corruption and power struggles between various ministries shows that oversight in this area was severely lacking on the Vietnamese side.

This is further supported by the fact that the various ministries themselves withheld key information. At the same time, SUAK received information from several sources regarding various forms of direct ‘buying and selling of children’ for adoption, apparently without the authorities intervening. Although the focus was primarily on problems linked to the large number of private adoptions – particularly where there was direct contact with the birth parents – SUAK also received information from a person with experience of adoption work indicating that children adopted from children’s homes might also have been ‘purchased’ in a similar manner. Given the high level of corruption and the lack of oversight and control over the financial aspects of the adoption process, the Committee considers that there was a significant risk that children adopted via children’s homes and intermediary organisations might also have been part of such transactions.²²⁸³

SUAK’s justification for not revoking the authorisation was linked to the recently ratified 1993 Hague Convention, and the fact that States Parties to the Convention should act in the same way in such cases. The Committee disagrees with this interpretation of the Hague Convention. At that time, however, the Hague Convention was a relatively new tool for the Norwegian authorities, and the Committee assumes that this contributed to some uncertainty regarding how it should be implemented in the context of international cooperation. Nevertheless, the Committee finds it particularly reprehensible that the Norwegian authorities continued to authorise adoptions to Norway, despite the highly problematic conditions in Vietnam. In this connection, reference is also made to the fact that the Vietnamese Ministry of Children and Family Affairs itself pointed out that the country’s adoption system was not in line with the principles of the Hague Convention.

20.7 Adoption mediation 2016–2021

20.7.1 Description of the Norwegian authorities’ work regarding the refusal to grant an authorisation for adoption placement and the termination of the adoption cooperation in 2021

During the most recent placement period, between 2016 and 2021, Adopsjonsforum facilitated 11 adoptions from Vietnam to Norway. The placements were terminated after Bufdir rejected Adopsjonsforum’s application for a renewed placement licence in 2021. The following section will focus in particular on the circumstances and the process that led to and formed the basis for this refusal.

During the 2000s, Vietnam had revised its adoption regulations and ratified the Hague Convention. The country established a central authority for adoption, under which responsibility for the field was consolidated. Following the reorganisation, the Vietnamese authorities opened up to cooperation with various receiving countries. In contrast to what the Committee has observed in most other countries of origin, Vietnam sought direct cooperation at the governmental level and did not permit private intermediary organisations to establish themselves without a prior agreement with the relevant country’s authorities. At the request of Verdens Barn and Adopsjonsforum, Bufdir therefore contacted the Vietnamese central authority in fe-

²²⁸³ In an interview with the Committee, the SUAK representative stated that no detailed investigation had been carried out into whether this might have occurred in specific adoption cases to Norway.

February 2012, asking whether there was a need for and interest in an adoption agreement with Norway. Following written correspondence and a meeting with a delegation from Vietnam, a bilateral agreement on adoption cooperation between Norway and Vietnam was concluded in 2013.²²⁸⁴ This agreement essentially reproduced the principles of the Hague Convention.

In the same year, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) granted Adopsjonsforum a placement licence for the country.²²⁸⁵ Verdens Barn chose to withdraw from the further application process when it became clear that Vietnam would only grant accreditation to one organisation per receiving country.²²⁸⁶ Adopsjonsforum received authorisation from the Vietnamese Ministry of Justice on 6 June 2014.²²⁸⁷

When adoption work to Norway resumed in 2014, Vietnam had introduced a system whereby prospective adopters could be registered on two different lists. Each intermediary could register a limited number of applicants on 'List 1' (healthy children). To adopt from List 1, one also had to pay a fee to the authorities of approximately 2,500 USD per child. To adopt children from 'List 2' (children with health issues), different conditions applied. The waiting time was shorter, and the authorities had not set a fee. Adoption Forum nevertheless stated that it was common practice for foreign agencies to make a donation directly to the children's home when adopting children from this list. The agencies then determined the amount themselves.²²⁸⁸

In the years that followed, there was a relatively high volume of communication between the Norwegian authorities and Adoption Forum regarding various aspects of adoptions from Vietnam. In connection with the renewal of the agency licence in 2015, Bufdir stipulated a condition that all case documents in individual cases, including correspondence, must be submitted for review.²²⁸⁹ Adopsjonsforum pointed out that this was an entirely new practice and requested further guidance on what should be submitted, for example internal correspondence and documents available only in Vietnamese. The question was answered verbally, and the committee therefore does not know what specific guidelines Adopsjonsforum received.²²⁹⁰

In October 2017, the placement licence was renewed without any further conditions.²²⁹¹ The following year, Adopsjonsforum announced that it wished to increase the donation amount for children on List 2 from 1,000 USD to 2,000–3,000 USD.²²⁹² In response to this, Bufdir decided to ban such contributions entirely, and in autumn 2018 a new condition was imposed for the continuation of the placement licence: that no voluntary

²²⁸⁴ Agreement signed on 4 June 2013.

²²⁸⁵ Letter from Bufdir to AF dated 11 September 2013.

²²⁸⁶ The reasoning was that AF had previously held a licence from the country, and VB would respect this. See telephone conversation reproduced in an internal Bufdir email dated 16 May 2013.

²²⁸⁷ See AF, application for a placement licence dated 21 July 2015.

²²⁸⁸ The system is described in AF, appeal: Placement licence for Vietnam – order to change practice and notice of revocation of placement licence, 30 August 2018. It should be noted that, as far as Norway is concerned, these were costs paid by *the intermediary*, and that the prospective adoptive parents paid the same amount regardless of which list they adopted from.

²²⁸⁹ 'As we have little experience of adoption from Vietnam, it is desirable that Adopsjonsforum forward copies of all case documents (including correspondence) relating to any placements that may take place during the placement period', cf. Letter to AF from Bufdir dated 12 October 2015. AF requested a more explicit list, and there was some correspondence regarding this.

²²⁹⁰ There is no documented response from Bufdir to this enquiry in Bufdir's archives, but in another context, AF mentions that this was discussed during a telephone conversation. See letter from AF to the Data Protection Authority dated 24 November 2015.

²²⁹¹ Letter from Bufdir to AF dated 2 October 2017.

²²⁹² As stated in a letter from Bufdir to AF dated 10 August 2018.

contributions in connection with the adoption of children from List 2.²²⁹³ Adoption Forum appealed against the decision to the Ministry.²²⁹⁴ The Ministry concluded that the matter had not been sufficiently investigated and revoked the decision in February 2019. Bufdir was instructed to carry out further investigations.²²⁹⁵ In March 2019, however, Bufdir received information about a new regulation in Vietnam, which, amongst other things, stipulated that the fee for the adoption of children from List 1 and List 2 should be the same.²²⁹⁶ The matter was therefore dropped.

In July 2019, Adopsjonsforum applied to Bufdir for a renewal of its placement licence.²²⁹⁷ Adopsjonsforum needed to have the Norwegian licence in place before it could apply for a new authorisation from the Vietnamese authorities. As Adopsjonsforum received no response to the submitted application for over two months, they followed up with Bufdir. In the weeks that followed, Bufdir sent a series of enquiries to Adopsjonsforum regarding the application, including questions about accounting matters. Adopsjonsforum answered the questions as they arose.²²⁹⁸ A renewed placement licence was granted in mid-October 2019, just in time for Adopsjonsforum to meet the Vietnamese application deadline.²²⁹⁹ A condition of Bufdir's licence was that only public fees set by the authorities could be paid. No other contributions were to be made – neither through adoption work nor through aid work.

In the cover letter accompanying the placement licence, Bufdir pointed out that the foreign liaison officer's monthly salary was too high, and this was adjusted.

On 30 June 2021, Adopsjonsforum applied for a renewal of its placement licence.²³⁰⁰ In the cover letter, they stated that the deadline for applying for re-approval in Vietnam was 26 October, and that they were therefore dependent on a response from Bufdir by the end of September.²³⁰¹ As they had not heard anything, Adopsjonsforum sent a reminder requesting a reply at the end of September.²³⁰² There are no documents in Bufdir's archives relating to the case that were produced by Bufdir before 11 October.²³⁰³ Bufdir then sent an enquiry to the central authority in Vietnam, requesting the information they needed to process the application.²³⁰⁴ The questions related to donation practices and how national placement was handled in light of the principle of subsidiarity.²³⁰⁵ Adoption Forum was informed of the enquiry on the same day and replied to the questions that had been asked. In the days leading up to 20 October, Bufdir requested a number of details

²²⁹³ Letter from Bufdir to AF dated 10 August 2018. The reasoning was that there were several risk factors associated with this type of financial contribution, including that the agencies became dependent on the support, that international adoption was prioritised over domestic alternatives, and that the best interests of the child were not the overriding consideration.

²²⁹⁴ Letter from Bufdir to BLD dated 18 December 2018.

²²⁹⁵ Letter from the Ministry of Children and Equality (BLD) to the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) dated 15 February 2019.

²²⁹⁶ Email from the Ministry of Justice in Vietnam to Bufdir dated 29 March 2019 with attachments. The regulation came into force in April 2019.

²²⁹⁷ AF, application for a placement licence, 8 July 2019.

²²⁹⁸ Between 23 September and 17 October 2019, Bufdir sent seven enquiries to AF requesting further information/documentation. AF replied to the enquiries on an ongoing basis.

²²⁹⁹ Letter from Bufdir to AF dated 17 October 2019.

²³⁰⁰ The Committee has had access to Bufdir's digital case management system, and the documents referred to here are taken from case no. 2021/57563 'Adoption Forum – Placement authorisation for Vietnam – 2022–2024'.

²³⁰¹ Letter from AF to Bufdir dated 30 June 2021.

²³⁰² This is evident from AF's appeal against the rejection, sent to Bufdir on 10 November 2021. There is no documentation regarding this enquiry in the case file in Bufdir's archives.

²³⁰³ The placement application (30 June 2021) and a notification of a change in management from the Vietnamese central authority (8 July 2021) are the only two documents relating to the case prior to October.

²³⁰⁴ Email from Bufdir to the Vietnamese central authority and email to AF dated 11 October 2021.

²³⁰⁵ This enquiry was not answered directly, but was sent via AF's contact person in Vietnam. Bufdir received the reply together with AF's appeal against the rejection on 10 November 2021.

Enquiries and documents from Adopsjonsforum, which responded promptly and repeatedly emphasised the urgency of the matter. In the meantime, Bufdir also contacted ISS and the Hague Conference with queries, but these were of a purely administrative nature.²³⁰⁶

18. In October 2021, Adopsjonsforum received information from Bufdir that the processing of the application would take a further two weeks.²³⁰⁷ Following an extensive exchange of emails, in which the Ministry of Children and Families was also involved, Bufdir nevertheless appears to have expedited the process.²³⁰⁸ On 20 October 2021, Bufdir sent its response to Adopsjonsforum, in which it rejected the application for a renewal of the placement licence. The rejection was based on a number of different factors, which were summarised as follows:

The reason why Bufdir has decided not to renew the placement licence from Vietnam is that there are several weaknesses in the adoption process in Vietnam which mean that we cannot be confident that the principles of the 1993 Hague Convention on Intercountry Adoption are being upheld. According to the Vietnamese Adoption Law, Decree No. 19/2011/ND-CP and Decree No. 24/2019/ND-CP, the principles and safeguards of the 1993 Hague Convention are apparently upheld, but in practice there is a lack of sound procedures, resources and social services to implement the law.²³⁰⁹

Having reviewed specific individual cases, Bufdir had found conflicting information in the children's documents. In one case, the mother's name appeared in some documents, and it was stated that she had consented to the adoption. Other documents contained information stating that the authorities had been unable to locate the biological family. (Adopsjonsforum subsequently clarified, however, that the reference to the biological family did not appear in the original documents, but was an error that had arisen in the translation.)²³¹⁰

Bufdir further pointed out that documents were missing from several of the case files, including parental consent (all cases) and the children's birth certificates (some cases). It was also noted that the names of the biological parents did not appear on the birth certificates, even though they were known and had consented to the adoption.

Bufdir also justified the rejection on the grounds that it was not clear what specific steps had been taken to attempt to place the individual children within Norway. The descriptions of these steps appeared to be standard formulations. ISS had also pointed out in a recent report that the principle of subsidiarity was (particularly) poorly observed in the case of children with special needs.

Furthermore, Bufdir's understanding was that matching was carried out on the basis of 'priority', rather than by assessing the best interests of the individual child. ISS had stated that placements in Vietnam were still being made on the basis of financial contributions. Bufdir pointed out that Vietnam was dependent on donations to run its child welfare system, and that there was little control over the flow of funds.

Adoption Forum appealed against the rejection and contested Bufdir's assessments. Initially, they based their appeal on two grounds:

Adopsjonsforum does not agree with the decision because we believe that 1) the background and the statement are based on facts which we consider to be incorrect and which should have been investigated and clarified before a final decision was taken, and 2) the case-handling process was brief and did not allow for appropriate dialogue.

²³⁰⁶ Email from Bufdir to ISS dated 14 October 2021 and email to the Hague Conference dated 20 October 2021. The question was whether various reports could be forwarded to AF.

²³⁰⁷ As stated in an email from AF to Bufdir dated 19 October 2021.

²³⁰⁸ Email from BDF to Bufdir dated 19 October 2021

²³⁰⁹ Bufdir, refusal of placement authorisation for Vietnam, 20 October 2021.

²³¹⁰ AF, appeal against the refusal, 10 November 2021.

Adoption Forum argued that Bufdir had misunderstood some of the requirements of Vietnamese adoption law, and that it was reprehensible that Bufdir had not attempted to clarify with Adoption Forum or the Vietnamese authorities which documents should or could be attached to cases from Vietnam. They pointed out that by engaging in dialogue with the Vietnamese authorities, it would be possible to obtain the documents required.

[...] several of the shortcomings raised in the grounds for the rejection stem from Bufdir's interpretation of what documents must physically be sent to Adopsjonsforum, as the adoption agency, in a case.

This does not correspond to how the MOJ [Ministry of Justice in Vietnam] interprets the law or how we interpret it. This could have been explored in greater depth, investigated and clarified, had the matter been raised at an earlier stage.

Adopsjonsforum considered that the case handling had been inadequate and had taken too long. It was pointed out that they had been in contact with Bufdir as early as February 2021 to enquire whether Bufdir would need more than three months to process the application, but were told that this was not necessary. Furthermore, Adopsjonsforum was highly critical of the fact that Bufdir had not (previously) been in direct contact with the Vietnamese authorities to clarify the circumstances.

The Committee also notes that the Vietnamese adoption authorities themselves contacted Bufdir in autumn 2017 to enquire which documents the Norwegian authorities would need to be sent in order to issue the 17c declaration.²³¹¹ Bufdir's reply states, amongst other things, that they require a 'Declaration of abandonment or proof that the child is available for adoption', but it does not explicitly mention that they wish to receive the actual consent form from the birth parents or the child's guardian.²³¹² A birth certificate is, however, specifically mentioned. It is not clear from the case file that this list was forwarded to Adoption Forum.

Bufdir's preliminary examination of the complaint took over a year, and the complaint was not forwarded to the Ministry until December 2022. In the meantime, Bufdir gathered information from various sources. In addition to engaging in dialogue with ISS and the Hague Conference, they contacted the Danish and Belgian authorities with enquiries regarding their procedures for adoptions from Vietnam.²³¹³ Both the Danish and Belgian authorities were asked about their procedures for issuing the so-called 17c declaration, and what documents they required.²³¹⁴ In April 2022, the Swedish central authority was also contacted.²³¹⁵ Both the Swedish and Danish authorities reported that their respective intermediary organisations had themselves ceased adoption work in Vietnam due to unclear circumstances.²³¹⁶

Bufdir was also in dialogue with Adopsjonsforum regarding the collection of documents (consent) in those cases where these were not originally included. Adopsjonsforum reported that the Vietnamese authorities wished to receive a direct request from the Norwegian central authority regarding this matter.²³¹⁷ Bufdir sent this request and was subsequently sent the documents, as well as answers to questions relating to the individual cases.²³¹⁸ In

²³¹¹ Letter from the Vietnamese Central Authority to Bufdir, sent by email on 24 August 2017.

²³¹² Letter from Bufdir to the Vietnamese central authority, sent by email on 24 October 2017.

²³¹³ Emails from Bufdir to the Danish Central Authority on 8 December and to the Belgian Central Authority on 9 December 2021.

²³¹⁴ For Article 17c of the Hague Convention, see Chapter 23.

²³¹⁵ Email from Bufdir to the Swedish Central Authority dated 29 April 2022.

²³¹⁶ Email from the Danish Central Authority to Bufdir dated 16 December 2021 and emails from the Swedish Central Authority to Bufdir dated 2 May and 16 June 2022. The Swedish intermediary had ceased operations in 2022, and the Danish one in 2017 – the latter following consultation with the central authority.

²³¹⁷ Email correspondence between Bufdir and AF from 25 to 28 January 2022.

²³¹⁸ The first email regarding this matter was sent by Bufdir to AF on 10 December 2021. On 28 January 2022, Bufdir sent a request to the Vietnamese central authority seeking consents in two cases, which were received on 17 February.

In April 2022 – following repeated reminders – Bufdir also received a response from Vietnam to a follow-up enquiry regarding general matters that had been sent in January.²³¹⁹

The case documents show that the most recent information was obtained in July 2022.²³²⁰ It then took five months before the appeal was forwarded to the Ministry, in December 2022.²³²¹ Bufdir upheld the rejection, emphasising three factors in particular in its assessment of the complaint (quote):

- 1) Failure to uphold the principle of subsidiarity for children with health concerns.
- 2) In cases not involving children with health concerns, there is no established procedure for forwarding or requesting documentation to ensure that the principle of subsidiarity is upheld, including:
 - In several cases where the biological parents are said to have consented to the adoption, the Vietnamese central authority has not forwarded, and Adopsjonsforum has not requested, declarations of consent proving this.
 - In several cases, there is a lack of documentation showing
 - what efforts have been made to locate the biological parents and to obtain their consent to the adoption, or what measures have been taken to help the family to care for the child themselves (level 1 of the principle of subsidiarity)
 - what attempts have been made to find an adoptive family for the child in Vietnam (level 2 of the principle of subsidiarity)
- 3) Financial aspects of international adoptions from Vietnam.

In its assessments relating to the principle of subsidiarity, Bufdir referred, amongst other things, to the response from the Vietnamese central authorities to the enquiry containing general questions from October 2021, which was not received until April 2022, in which they considered it clear that Vietnam, at that time, did not comply with the Hague Convention's requirements regarding subsidiarity:

Only a small number of children with disabilities and/or serious diseases are subject to the identified adoption procedure in order to provide opportunities to find substitute families soon for children and to help them receive treatment or be cured in advanced medical facilities, as this category of children has not been adopted by Vietnamese families according to Vietnam's recent practice. However, to create opportunities for domestic adoption for all children, including those with disabilities and/or serious illnesses, and to fully ensure the principle of subsidiarity under the 1993 Hague Convention, the Ministry of Justice is continuing to conduct research and analysis to assess the impact of changes to the adoption processing policy on children with disabilities and/or serious illnesses, in order to determine whether such changes might adversely affect the children's best interests. Accordingly, suggestions and proposals will be put forward to the competent authorities to amend policies and regulations in order to strengthen the principle of subsidiarity for children with disabilities and/or serious illnesses. Furthermore, efforts to raise public awareness within the country regarding the adoption of these children should be improved.²³²²

A further request for additional consent/clarification regarding conflicting information was sent on 14 May 2022 and was answered on 19 July (following a reminder).

²³¹⁹ Email from Bufdir to the Vietnamese central authority on 28 January 2022, and their reply on 13 April 2022

²³²⁰ The final document in the case prior to its referral to the Ministry is the request for documentation from the Vietnamese central authority dated 7 July 2022.

²³²¹ Letter from Bufdir to BFD dated 21 December 2022.

²³²² Letter from the Vietnamese central authority to Bufdir, quoted in a letter from Bufdir to BFD dated 21 December 2022.

Another key issue was whether the documentation requirement had been met. Bufdir pointed out here that the Hague Convention sets out minimum requirements regarding which documents must be sent to the receiving State in each individual case. As the responsibility for issuing 17c declarations had been delegated to the adoption agencies, Bufdir considered that Adopsjonsforum should have ensured that this information was forwarded.

The documentation to be sent to the authorities in the receiving State is set out in Article 16(2) of the Convention: the Central Authority in the State of origin shall send to the Central Authority in the receiving State *its report on the child, proof that the necessary consents have been obtained, and the grounds for its decision on placement*. The Convention does not contain a list of the documentation that must be submitted in order for the Convention's requirements to be deemed to have been met. However, it can be inferred from Article 16(2), read in conjunction with Article 16(1), that the following, at a *minimum*, must be submitted by the State of origin to the receiving State:

- A report on the child, which must include information on the child's identity, whether the child is eligible for adoption, the child's background, social environment, family history, medical history (including that of the child's family), and any special needs the child may have
- Evidence that the necessary consents have been obtained
- The grounds for the decision on placement.

As the authority to issue Article 17c consent has been delegated to the adoption agencies, it is Adopsjonsforum that must receive the documents proving these circumstances and verify that the necessary documentary evidence is in place before an Article 17c declaration is issued. Bufdir receives the documents first for filing in the children's records once the case has been closed. [original emphasis]

The Ministry forwarded its response to Adoption Forum in September 2023.²³²³ The Ministry largely concurred with Bufdir's assessment and upheld the refusal.

20.7.2 The Committee's assessment of the Norwegian authorities' handling of the refusal to grant a placement licence and the termination of the adoption cooperation in 2021

Overall, the Committee considers it positive that, when processing the placement licence application in 2021, Bufdir conducted more thorough investigations into the situation in Vietnam than previously. At the same time, the Committee finds that Bufdir's case handling was not in line with principles of administrative law. This will be explained in more detail below.

The Committee notes that, during the processing of the placement licence in 2021, there appears to have been a significant change in the practices and understanding of their role among the Norwegian adoption authorities. At that time, Bufdir devoted more resources than previously to case investigations, both when processing individual cases and when assessing placement licences. They appear, to a far greater extent than before, to have carried out independent investigations into the circumstances surrounding adoption regulations and practices in Vietnam. In addition to a series of follow-up questions to Adopsjonsforum, information was obtained from, amongst others, Vietnamese central authorities, the central authorities of other receiving countries, and relevant international bodies and organisations. The Committee regards it as a positive development that Bufdir actively sought information from a range of different stakeholders, including parties other than the intermediaries themselves. In the Committee's view, this improved the basis for assessing the soundness of the adoption work.

Another positive change in Bufdir's practice, illustrated by the processing of the placement application for Vietnam, concerns the understanding of the content of Article 17c of the Hague Convention, cf. Article 16(2). These provisions concern the receiving State's consent to the adoption proceeding after the State of origin

²³²³ Letter from BFD to AF dated 15 September 2023.

has carried out the ‘matching’, and the documentation to be required from the country of origin in each individual case before such consent is given. See further discussion of this in Chapter 23.

Based on a comprehensive assessment of all the information that gradually came to light during the consideration of this case, the Committee considers that Bufdir’s assessments and decision not to renew the placement authorisation for Vietnam in 2021 appear to be justifiable.

Whilst the Committee emphasises that the changes to Bufdir’s practices and understanding of its role were positive in ensuring soundness from an adoption-related perspective, we find that there were weaknesses in administrative law relating to the specific handling of this case.

The application for a placement licence for Vietnam remained pending for over three months before Bufdir began the actual processing of the case. The case handling subsequently appears to have been characterised by a certain degree of haste, with a number of enquiries made to various parties. Among other things, the enquiry to the Vietnamese authorities had not been answered when Bufdir rejected the application on 20 October 2021. The Committee further notes that, in its grounds for the rejection, Bufdir pointed out that it was a shortcoming that Adopsjonsforum had not obtained and verified certain documents in the individual cases before issuing the so-called ‘17c consent’. Bufdir stated that such a requirement followed directly from the Hague Convention. However, as explained in more detail in Chapter 23, this was an interpretation of the Convention that did not correspond to what the Norwegian adoption authorities had previously communicated to the intermediaries. Adopsjonsforum was not given the opportunity to comply with what was, in reality, a new requirement before this was used as part of the grounds for the rejection.

20.8 Summary

The Committee’s mandate is to investigate adoptions at the systemic level, including by assessing how the Norwegian authorities have carried out control and supervision, how the processing 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 Vietnam, involving both Vietnamese and Norwegian parties.

1968–1975

- The Committee considers that there was a significant risk of irregularities and errors in adoptions from Vietnam during the period 1968–1975. Among other things, this concerns the reliability of information regarding the children’s background and identity, and whether the release procedures were carried out correctly.
- Between 1968 and 1975, a civil war was raging in Vietnam. The Committee generally considers it reprehensible to permit adoptions from a country at war, as it is difficult to make sound assessments of what is in the child’s best interests. Based on current knowledge and guidelines on the adoption of children in war and crisis situations, the Committee believes it is clear that children from Vietnam should not have been adopted during the period in question. However, given that international cooperation and guidelines on international adoption were far less developed around 1970, the committee considers that there are no grounds for strong criticism of the Norwegian authorities for having permitted adoption placements under the conditions that were set for this.
- The Committee considers it a matter of concern that a broadcasting licence was granted to a group of young politicians without any particular expertise in the legal and social aspects relevant to international adoption.

- To the extent that this was possible in a country at war, the conditions set by the Norwegian authorities in the placement licence granted to the Committee for South-East Asia ensured that the children were lawfully released for adoption. In the Committee's view, the fact that the conditions regarding the number of children, information about the children and the adoption processes carried out were not complied with is not something for which the Norwegian authorities can be directly blamed.
- In 1971, the leader of the Norwegian-Vietnamese Association brought ten children from Vietnam to Norway without authorisation. He circumvented the Norwegian authorities' explicit ban on this, partly by obtaining visas for Germany. The Committee finds no reprehensible acts or omissions on the part of the Norwegian authorities in this situation.
- The Committee has not prioritised a detailed investigation into the adoptions arranged by the Parents' Association for Children from Vietnam between 1973 and 1975. Nevertheless, the Committee considers it generally concerning that, in the spring of 1975, the Norwegian authorities allowed the Parents' Association to bring several dozen children from Vietnam before the adoption process had been completed in the country of origin.

1991–1999

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

2016–2021

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