This is set out in section 24.2.4 above. However, operating licences are granted for up to seven years, and it is therefore important that the authorities carry out supervision during the period between operating licences.

In Chapter 31, the Committee will assess whether the adoption system in Norway for intercountry adoptions has been sound, and examine the link between the weaknesses outlined here and our findings regarding the Norwegian authorities' work on placement licences and individual cases, as well as supervision and monitoring.

25 The Norwegian authorities' work on placement licences and the supervision of placement agencies

25.1 Introduction

In this chapter, two key topics will be outlined and discussed – the Committee's findings regarding the Norwegian adoption authorities' work on placement licences and the adoption authorities' supervision and control in the field of adoption. These topics cover significant parts of the Committee's mandate.

An overarching objective of the mandate is to 'ascertain whether the system for adoptions to Norway has been sound', and this 'includes questions regarding regulations and practice'. It is stated that one aim of the inquiry is 'to learn from any weaknesses in the system', and the report 'shall provide a basis for legislative development as well as the development of practices for control and supervision'. A key issue for the report is 'whether the Norwegian authorities have exercised sufficient control over international adoptions'. It is further specified that the committee is to 'describe the system that has existed for the control and supervision of international adoptions'.

More specific issues concerning the authorities' control and supervision are also set out. Firstly, the committee is to 'assess how the Norwegian authorities have handled situations where they have received warnings or become aware of circumstances in the countries of origin requiring follow-up'. The committee is also to examine whether the Norwegian authorities 'have had the opportunity and been encouraged to monitor more closely' the adoption processes in the countries of origin with regard to 'the procedures for matching prospective adoptive parents and adoptive children, the verification of information concerning the child's identity and family ties, and consent'. The committee shall also 'examine whether Norwegian authorities and adoption agencies have had the opportunity and been encouraged to monitor more closely money transfers in connection with adoptions, both transfers from Norway to the country of origin and between parties in the country of origin'. The committee shall furthermore "examine whether the assessments have been thorough enough when granting intermediary licences for cooperation with countries of origin" and "whether there are issues that should have been identified during the processing of applications for intermediary licences".

The report contains separate chapters on the pre-approval of adoption applicants, on the processing of cases concerning registration or adoption authorisation, and on adoptions outside the mediation organisation (Chapters 26, 27 and 28). In Chapter 24, the committee has assessed the system of adoption agencies and outlined the regulation of operating and placement licences, as well as other rules governing the agencies' activities and obligations towards the Norwegian authorities. This chapter is therefore primarily focused on the Norwegian authorities' work regarding placement licences and applications for the approval of contact persons, as well as on general and more targeted supervisory work in this field.

By examining the twelve priority countries of origin specified in the Review Committee's mandate, the Committee has gained a great deal of information about the work of the Norwegian adoption authorities. Firstly, the Committee has gained an insight into how the work on placement licences has been carried out, including the requirements imposed on applications and how the authorities themselves have assessed the cases. Secondly, information has come to light regarding the supervision and monitoring of adoption placements, including information provided by the intermediaries themselves, through the adoption authorities' visits to and other contact with the countries of origin, and when information has come to light regarding new risk factors, illegal activities and possible criminal offences in the countries of origin. As shown in the country chapters, organised adoption work spans a period of more than 70 years, and it is now nearly 60 years since the Norwegian Korea Association was granted its first general adoption licence in 1969. Furthermore, adoptions have been arranged to Norway from various continents: Europe, Asia, Africa and South America. The twelve countries from which the committee has examined adoption placements cover the three latter-mentioned continents.

The Committee's investigation has also included an examination of the work of the adoption authorities on a more general level. The Committee's archival research has involved examining documents from the archives of the adoption authorities and relevant line ministries, and the Committee has interviewed a number of former and current employees of the adoption authorities, namely the Ministry of Children and Families and subordinate adoption authorities (Bufdir and its predecessors). The Committee has also obtained information about the authorities' work by reviewing the archives of adoption agencies and by interviewing individuals associated with these agencies. Media searches have also provided information about the authorities' work in this field.

Furthermore, we have obtained information through interviews and meetings during the Committee's four country visits to Colombia, Chile, Ethiopia and South Korea. We held meetings with staff employed by various adoption authorities and with the adoption agencies' current and/or former local staff and partners. This has given the Committee insight into conditions in these countries and into how adoption mediation has taken place in practice, including specific issues that have arisen and how these have been handled locally in the countries of origin, by the adoption agencies and by the Norwegian adoption authorities.

The Committee's investigation into adoption mediation to Norway has largely focused on the twelve priority countries specified in its mandate. Consequently, the bulk of the Committee's material for assessing the handling of specific cases relates to mediation licences, contact persons, and the supervision and monitoring of adoption mediation from these twelve countries. Adoptions from these countries account for around 80 per cent of all intercountry adoptions arranged to Norway, and the Committee's investigations therefore provide a basis for drawing more general conclusions about the soundness and quality of the Norwegian authorities' work. However, the Committee has also examined rejections of applications for adoption arrangements from countries other than the twelve prioritised countries.

The Committee has examined the legal framework governing the work of the adoption authorities and, in this connection, has also commissioned a report from Tarjei Ellingsen Røsvoll, Associate Professor of Law at the University of Innlandet, on the division of labour, management, supervision and control in the field of adoption.[2453] This report has been a useful contribution to the Committee's working process and discussions.

Later in this chapter, the Committee will address the following topics:

- staffing and resources of the adoption authorities (section 25.2)
- the processing of applications for authorisation to act as an adoption agency and for the approval of cooperation partners and contact persons in countries of origin (section 25.3)
- processing of applications for the renewal of placement licences (section 25.4)
- adoption from countries in a state of crisis (section 25.5)
- the risk of increased competition between intermediaries in countries of origin (section 25.6)
- general supervisory work (25.7)

[2453] Tarjei Ellingsen Røsvoll, *Report on the division of labour, governance, supervision and control in the field of adoption*. The report was submitted to the Inquiry Committee on International Adoptions on 7 November 2025. It is included as a digital annex.

  - regulation of supervision
  - information and monitoring visits, visits from countries of origin and other communication with authorities in countries of origin
  - dialogue with adoption agencies
  - the flow of information to and from embassies in the country of origin
  - dialogue with other receiving countries, and with international bodies and organisations
  - supervisory work through the processing of individual cases concerning registration or adoption authorisation
- targeted supervision of various aspects of adoption agencies' activities (point 25.8)
  - thematic supervision of various aspects of adoption agencies' activities
  - when the authorities become aware of potentially problematic circumstances or such circumstances become public knowledge in Norway or the country of origin
- monitoring the impact of financial circumstances on the adoption process (paragraph 25.9)
- fulfilling the obligation to send follow-up reports to the country of origin (point 25.9)
- the relationship between political guidelines and professional assessments (point 25.10)
- summary assessments (point 25.11)

25.2 Staffing and resources of the adoption authorities

The Committee has no overview of how many people worked on international adoptions in the Ministry of Social Affairs and the Ministry of Justice in the period up to 1985, when they shared responsibility for the field of adoption. Nor is the Committee aware of what resources the county governors had at their disposal.[2454]

The Council for International Adoptions (RIA) and the Placement Committee (PU), which were established in 1978, were the first dedicated government bodies for international adoptions. The RIA had a secretariat consisting of two people, which it shared with the PU. In addition, the RIA and the PU shared a part-time administrative officer.[2455] As described in Chapter 6, the RIA remained in operation until 1987. The Council's tasks included approving the adoption agencies' agreements and contacts abroad, monitoring developments in international adoption, including the activities of Norwegian adoption agencies at home and abroad, and contributing to negotiations with the authorities of other countries. Furthermore, RIA was responsible for providing advice, guidance and information to public authorities, adoption agencies and adoptive families. Its work also included establishing general guidelines and initiating research in the field. RIA did not deal with individual cases.

The PU, which was tasked with selecting adoptive homes for children allocated to Norway for adoption, or – if the matching was to take place in the country of origin – shortlisting suitable adoption applicants whose documents were sent abroad, had three permanent members. The PU's annual report for 1978–1979 states that it dealt with 165 cases spread over 8 meetings in 1978, and 466 applications spread over 16 meetings in 1979.[2456]

[2454] No information on this is contained in the archive material reviewed by the Committee, and the Committee has not interviewed staff from the ministries from this period.

[2455] RIA's Annual Report 1982.

[2456] RIA's annual report for 1978–1979.

During the years that RIA was in operation, children were placed from a total of 16 different countries of origin.[2457] In the period 1979–1986, an average of 434 adoptions were arranged annually (range: 243–535).

RIA and PU were wound up in 1987, when the State Adoption Office (SAK) was established. This office operated from 1987 to 1997. SAK was responsible for processing applications for pre-approval, supervising adoption agencies, preparing the processing of applications for adoption licences, registering and authorising intercountry adoptions, monitoring international developments relating to intercountry adoption, and advising and guiding adoptive families.

Between 1987 and 1993, five people worked at SAK: an office manager, three case officers and two in administrative roles. The Committee has been informed by a former SAK employee that the office manager was a lawyer, whilst the case officers had qualifications in social work. They worked mainly on advance consents, but were also involved in other tasks.

Between 1987 and 1997, children were placed from a total of 25 different countries of origin. During the same period, an average of 509 adoptions were arranged annually (range: 442–583).

The Norwegian Directorate for Children, Youth and Family Affairs (SUAK) was established on 1 January 1998. SUAK was designated as the Norwegian Central Authority for adoption under the Hague Convention, which came into force on the same date.

During 1999, the section responsible for intercountry adoptions was allocated four new posts. At the start of 2000, this section consisted of a section head and nine permanent staff members. In 1999, the section was assigned several new tasks, including the investigation and processing of ex gratia compensation cases, as well as applications for adoption authorisation in Norwegian adoption cases, for which the county governors had previously been responsible.[2458] In November 1999, SUAK also took over responsibility for processing placement applications. In 1999, SUAK reported to the Ministry that the many new tasks entailed 'major challenges' and a difficult resource situation for the organisation.[2459]

A former employee of SUAK (and subsequently BUFA and Bufdir) has informed the Committee that, at its peak, there were 14 people working in the department responsible for adoption (as well as ex gratia payments and supervisory activities). This person has stated that 'a great deal' of resources were devoted to national stepchild adoptions, which were often complex cases. At its peak, five people worked on the prior consent cases. In the early days, the office had one in-house lawyer, and more lawyers were gradually recruited. The person in question estimates that approximately half of the department's resources were devoted to international adoptions.[2460]

In 1999, SUAK received 824 applications for prior consent to the adoption of children from abroad. In the same year, 590 adoptions were arranged from 21 different countries of origin.

Following several reorganisations in the early 2000s (see Chapter 6), Bufdir was established in 2004. At the same time, the processing of applications for prior consent to the adoption of children from abroad through intermediary organisations was transferred to Bufetat's five newly established regional offices. Bufdir became the appeal body for these cases, in addition to being the first-instance authority for granting consent to the adoption of children from abroad outside the framework of an organisation (a role Bufdir retained until 2009). Furthermore, Bufdir was responsible for granting adoption authorisations / registering international adoptions, and supervising the approved

[2457] However, the number of cooperation and placement licences on which the adoption authorities had to take a decision could be higher, as several Norwegian placement organisations operated in a number of countries. In some such countries, such as India and Brazil, the intermediaries operated primarily in different states, where there might be different rules and systems. Norwegian adoption authorities could therefore not automatically rely on assessments made in connection with an application from another intermediary. In other such countries, such as China, the system eventually became the same for all Norwegian intermediaries.

[2458] SUAK, Annual Report 1999.

[2459] SUAK, Annual Report 1999, p. 10.

[2460] Interview with section heads at SUAK, BUFA and Bufdir, 27 June 2024.

adoption agencies, grant adoption licences and carry out other tasks arising from its role as the central authority.

It was also during this period that Norway saw its highest adoption figures, with over 700 adoptions arranged annually between 2001 and 2004 from 21 different countries of origin.

A former employee of SUAK and subsequently Bufdir stated in an interview with the committee that whilst SUAK was a small directorate, being organised under Bufdir meant that the adoption department became part of a larger budget where they internally 'had to fight to secure resources', for example for travel to countries of origin. Generally, funds were set aside for one major trip per year. The person in question explained: 'From the outset, Bufdir was a much larger organisation, where the newly established state child welfare service received almost all the director's attention.' [2461]

The Committee has not investigated exactly how many Bufdir staff were working on international adoptions at any given time. However, the Committee has been informed by staff that there were several internal reorganisations in the 2000s, and that staff working on international adoptions might also have had responsibilities in other areas of the adoption sector besides international adoptions.

One staff member who joined Bufdir in 2007 has stated that, at that time, four lawyers, three social workers and two administrative staff were working on adoptions (both domestic and international), in addition to the manager, who was a qualified psychologist. The social workers had primary responsibility for appeals concerning prior consent, whilst the lawyers had primary responsibility for handling appeals relating to domestic adoptions. The lawyers also worked on, amongst other things, regulatory development, consultation responses, supervision of intermediary organisations and the approval of partner countries. The social work staff also carried out tasks relating to the approval of partner countries and supervision. As more of the social work staff left without being replaced, additional tasks relating to prior consent cases were assigned to the lawyers, on top of their other duties. Regarding the work in general, it was stated that 'we dealt with a great many appeal cases; that was a main task'.[2462] Tasks relating to the receipt of adoption documents, the registration of adoptions, authorisation cases, requests for access from adoptees and the Professional Committee were handled by administrative staff.

In August 2014, a new section was established (the Section for Adoption, Mediation and Interpretation of Regulations). The head of the section was a lawyer.

The Committee has also been informed that in 2016 there was one head of section and six and a half full-time equivalents working on adoptions (both domestic and international). Of these, one was a social worker, two were administrative staff and four were lawyers, one of whom worked 50 per cent of their time on adoption cases.

In October 2018, a reorganisation took place within Bufdir, whereby responsibility for international adoptions was transferred to the Department for International Services, alongside, amongst other things, human trafficking, international cooperation in parental disputes and cross-border child welfare cases (the 1996 Hague Convention on the Protection of Children), and efforts to combat female genital mutilation, forced marriage and negative social control. In 2020, responsibility for international child abduction was also assigned to the department (the 1980 Hague Convention).[2463]

In 2018, one lawyer, in addition to the head of department (also a lawyer) and two administrative staff, worked on international adoptions. In 2019, another lawyer was recruited, and from autumn 2023 the department gradually took on more staff as the workload in the area of adoption increased. In addition, internal resources were seconded to the department at times, particularly to handle the large volume of requests for access to records from adoptees.

[2461] Interview with section heads at SUAK, BUFA and Bufdir, 5 February 2026.

[2462] Interview with a member of staff at Bufdir, 3 February 2026.

[2463] Interview with a Bufdir staff member, 11 February 2026.

In 2024, Bufdir's Department for International Services was split into two as a result of an increased workload in the area of adoption. A separate department has now been established with responsibility for intercountry adoptions, which deals exclusively with tasks relating to intercountry adoptions as well as some tasks relating to all types of adoption, including access to records. In autumn 2025, the Department for International Adoptions was given responsibility for regulations and appeals concerning adoptions arranged outside of organisations and the recognition of international adoptions. The department has a total of eleven staff members. The head of department and seven staff members are lawyers. Three staff members are administrative staff.[2464]

The number of adoptions arranged from abroad has fallen throughout the 2000s. However, the number of partner countries remained relatively stable for a long time, as new countries were added whilst others were dropped:

- In 2005, 582 adoptions were arranged from a total of 17 different countries of origin.
- In 2010, 343 adoptions were arranged from a total of 17 different countries of origin.
- In 2015, 132 adoptions were arranged from a total of 16 different countries of origin.
- In 2020, 40 adoptions were arranged from a total of 10 different countries of origin.
- In 2025, 5 adoptions were arranged from a total of 3 different countries of origin.

25.3 Processing of applications for authorisation to arrange adoptions and for the approval of cooperation partners and contact persons in countries of origin

25.3.1 General requirements for the adoption authorities' case handling

Since 1970, the adoption authorities' processing of applications for placement licences and the approval of partner organisations and contact persons has been subject to the case-handling requirements set out in the Public Administration Act. The key case-handling rules in the Act have, for the most part, remained the same throughout this period; however, in practice, the standard required to meet the Act's requirements regarding, amongst other things, investigation and reasoning has been raised, and unwritten requirements for sound case handling have developed.

The decisions on licences and approvals considered here are individual decisions, which means that both the general requirements for case handling set out in Chapters II and III of the Public Administration Act and the specific requirements for the handling of cases concerning individual decisions in Chapters IV, V and VI apply.
This implies, amongst other things, that there are requirements regarding guidance, investigation and reasoning. In the Committee's assessments of the aforementioned cases, the duty to investigate under Section 17, first paragraph, of the Public Administration Act is of particular importance.

Under Section 17, first paragraph, the administrative body must ensure that a case is 'as fully investigated as possible before a decision is taken'. However, this does not mean that all aspects of a case must be investigated to the greatest extent possible. The duty to investigate is relative and depends on the nature of the case and on which issues are relevant to the decision.[2465] The specific requirements for the investigation will depend on the significance of the case, which factual circumstances are relevant, and how resource-intensive the investigation of these will be. It is also assumed that the administrative body's organisation and staffing must be taken into account when determining the scope of the duty to investigate.[2466] The investigation must nevertheless be reasonable.

[2464] Interview with an employee of Bufdir, 11 February 2026.

[2465] See HR-2017-2376-A.

[2466] Torstein Eckhoff and Eivind Smith, *Administrative Law*, 12th edition, Universitetsforlaget, 2022, p. 278.

Decisions concerning placement authorisations in particular, but also the approval of contact persons, will have a significant impact on children eligible for adoption, birth parents and prospective adoptive parents. This implies that strict requirements must be imposed on the case assessment. Furthermore, the cases are complex, as they require insight into various circumstances in other countries, particularly into those countries' child welfare and adoption systems and the associated risks. Investigating such matters is resource-intensive, particularly when a large number of countries are to be assessed. The fact that the adoption authorities have had limited resources may therefore be of some significance, but the investigation must nevertheless be sound given the importance of the cases.

Another question is to what extent the adoption authorities have had a duty to verify information received from the intermediary. The Administrative Law Committee takes the view that there are limited requirements regarding the verification of information provided by the party concerned or others, particularly if the source appears credible. At the same time, the Administrative Law Committee states that 'the administrative body must verify information submitted by others to the extent that there is reason to do so', and that 'the duty to verify information increases the greater the need to ensure a substantively correct decision, such as where the decision is particularly far-reaching or irreversible'.[2467]

25.3.2 The Early Years (1954–1978)

Until 1 January 1993, adoption mediation was regulated by Section 26(b) of the Child Welfare Act of 1953. The provision imposed a criminal prohibition on private individuals engaging in adoption mediation. The provision stipulated that organisations had to be authorised by the Ministry to carry out adoption mediation, 'which in such cases supervises the activities'.

As mentioned in Chapter 7 and section 24.3.1, as well as in the relevant country chapters, two of the organisations that later became adoption agencies – namely the Korea Association (later Children of the World) and Adoption Forum (known in its early years as Adoption Information) – assisted with adoptions even before they were formally granted authorisation to act as adoption agencies. This was an activity of which the Norwegian authorities were aware, but to which they reacted only to a limited extent, and which must be regarded as a tolerated practice.

In some cases, it appears that the Norwegian authorities even took a positive view of the organisations' assistance to prospective adoptive parents. The Committee has found indications of this with regard to the Korea Association's activities in South Korea around 1960. Two letters from the Secretary-General of the Korea Association to the head of the association's hospital in Seoul reveal that the Secretary-General had informed the Ministry of Social Affairs about these activities, and that the Korea Association itself was considering ceasing to assist with adoptions. However, the head of the Ministry of Social Affairs is reported to have stated that he was 'satisfied with' and 'had no objections to' the way in which the Korea Association was assisting in these cases. The Secretary-General himself had the impression that the Ministry regarded it as an advantage if the Korea Association continued its assistance in adoption cases, rather than adoption applicants acting on their own. See further discussion in section 19.6.2.

The Committee for South-East Asia, which consisted of a number of young politicians, was granted permission, subject to certain conditions, to bring 60 children to Norway from war-torn Vietnam in 1968 (see section 20.5.1). It transpired, however, that several of the conditions imposed by the Norwegian authorities had been breached. A total of 77 children arrived, and several of them were in poor health. Furthermore, the adoption procedures had not been finalised before the children were brought to Norway, and it was unclear how the adoptions were to be carried out. Nevertheless, the committee wished to bring over more children and expressed this in the media. The Ministry of Social Affairs repeatedly stated, both in meetings and in letters, that no authorisation would be granted for further adoptions until the first cases had been finalised and it was possible to assess how the children were faring.

In 1971, the new organisation, the Norwegian-Vietnamese Association – led by the same person who had headed the Committee for South-East Asia – nevertheless wished to bring more children from Vietnam. The leader notified the Ministry of Social Affairs

[2467] See NOU 2019: 5, section 21.4.4 and further references.

of this in a letter before he travelled to collect the children. The Ministry of Social Affairs reiterated that it would not permit this, and warned that the penalty for private adoption mediation was a fine or imprisonment for up to three months, cf. the Child Welfare Act 1953, Section 26(b). The Ministry of Social Affairs informed the Ministry of Foreign Affairs and the Ministry of Justice of the organisation's plans. The Embassy in Bangkok and the Norwegian Consul in Saigon were also notified in order to prevent any children from being taken out of the country without a visa to Norway. Nevertheless, the leader arrived in Norway with ten new Vietnamese children in August 1971. Several of the children were in very poor health, and one of them died a few days after arrival. The leader was reported to the police for illegal adoption mediation. The criminal case resulted in a fine of 1,000 kroner, which the leader accepted.[2468]

The adoption arrangements organised by the Committee for South-East Asia in 1968 involved several serious breaches of the authorisation they had been granted by the Ministry of Social Affairs. The Ministry reacted strongly to this, and several measures were implemented to prevent further children from coming from Vietnam through this organisation. In the Committee's view, the two 'campaigns' in 1968 and 1971 posed a significant risk that the fundamental rights of children and their birth parents might be violated, and the authorities' clear reaction and attempts to prevent further activity were both justified and necessary from a prudential perspective.

The Norwegian Korea Association was granted a placement licence by South Korea in 1969. In 1971, the Ministry of Social Affairs held a meeting with another organisation, the Korea Mission, regarding its adoption activities. It was stated that this organisation also assisted Norwegian parents with adoptions, and that this involved two to three adoptions per year. At the meeting, the Ministry informed the representative from the Korea Mission of the Child Welfare Act's prohibition on conducting adoption mediation without a licence, and the Korea Mission was asked to submit a written account of its activities as part of any application for a mediation licence.[2469] It is worth noting that the Ministry's stricter enforcement measures against the Korea Mission came at a time when the first authorisation to act as an adoption intermediary for South Korea had been granted to the Norwegian Korea Association. At that time, there was no reasonable grounds for accepting adoptions from South Korea through other channels without formal authorisation. The Norwegian adoption authorities were, at this point, probably also keenly aware of the serious problems associated with the activities of the Committee for South-East Asia.

The next placement licence was granted to the Parents' Association for Children from Vietnam in 1973. The licence covered the placement of 50 adoptions from that country.[2470] However, this association also applied for a placement licence for Pakistan and Bangladesh in 1973, but this was refused in March 1975.[2471] At the same time, Adopsjonsopplysning (later Adopsjonsforum) assisted families wishing to adopt from various countries. For example, the association began facilitating adoptions from Colombia and Bangladesh in 1972 and 1973 respectively. [2472]

In 1975, Adopsjonsopplysning applied for a placement licence for Bangladesh and Colombia. The response received from the Ministry of Social Affairs was as follows:

> As adoption mediation is currently under review by the Ministry, the Ministry is unable at present to take a position on your application.
>
> We will return to this matter when more detailed guidelines are available.[2473]

[2468] See Chapter 20 on Vietnam, sections 20.5.2 and 20.5.3 with references.

[2469] See Chapter 19 on South Korea, section 19.6.3.

[2470] See sections 7.4.2 and 20.5.4.

[2471] Application from FBAL to the Ministry of Defence (undated, but received on 16 November 1973). Rejection in a letter from the Ministry of Defence to FBAL dated 17 March 1975.

[2472] See Chapter 9 on Bangladesh, section 9.1, and Chapter 12 on Colombia, section 12.7.1.

[2473] Letter from the Ministry of Social Affairs to Adoption Information, dated 16 September 1975.

An internal memo on the matter at the Ministry of Social Affairs states, amongst other things, that '[w]e have perhaps been somewhat sceptical here regarding your approach to the work, which can hardly be described as merely providing information, but where the issue of placement seems to have gradually come to the fore'. The memo presents the situation as one in which Adopsjonsopplysning itself was aware of the issue and open to changing its practices and, if necessary, handing over the placement work to the Ministry of Social Affairs. The memo recommends responding to the application with 'some slightly more diplomatic phrasing, even though we do not feel able to give any other response at this stage'. [2474]

Adopsjonsopplysning/Adopsjonsforum continued to assist with adoptions despite not having been granted an application for a placement licence.[2475] Adoption Forum's activities in Bangladesh were taking place at the same time as the Parents' Association for Children from Other Countries reapplied for a placement licence for Bangladesh, Pakistan and India on 24 February 1976, but this was not granted. As with Adoption Forum, the Ministry's justification was the ongoing investigation.[2476] On 3 September 1976, the Parents' Association itself chose to withdraw the application concerning Bangladesh, stating that 'the authorities' stance in the country [had] led to such tense and corrupt conditions that it does not seem possible for our association to carry out a responsible adoption placement scheme'.[2477] Adopsjonsforum also continued to facilitate adoptions in Colombia. In Sri Lanka, Adopsjonsforum facilitated adoptions from 1975 onwards. [2478]

The Committee has found no information to suggest that the Norwegian adoption authorities reacted to the assistance Adopsjonsforum provided to Norwegian adoption applicants before placement licences were granted. However, an internal memo to the Director-General of the Ministry of Social Affairs in 1976 contains comments on Adopsjonsforum's activities in Sri Lanka:

> On the basis of this conversation [with the head of AF], I did not get the impression that the organisation was intended solely to carry out information-providing activities. Without taking a position on the matter, I believe Adopsjonsforum is acting, or will act, on the fringes of Section 26b of the Child Welfare Act. [2479]

The Committee has, however, found no evidence that the Ministry took any further action in this matter.

The next adoption placement licences were not granted until 1978, to Adopsjonsforum – for countries where the association was already assisting with adoptions (Bolivia, Bangladesh, Colombia, Ecuador, Guatemala, India, Indonesia and Sri Lanka) ([2480]) –and to the Parents' Association for Children from Other Countries (India and Pakistan). [2481]

In other words, the facilitation of international adoptions began gradually, and both Adopsjonsforum and Verdens Barn (then known as the Korea Association) had already assisted with a number of adoptions before they were granted authorisation. When the authorities granted the first placement licences to the Korea Association in 1969 and Adoption Forum in 1978, this was therefore largely a matter of formalising an ongoing activity. It was the intermediaries who had the experience, and they probably also had a better understanding of the adoption systems in the individual countries of origin than the Norwegian adoption authorities. Authority-

---

[2474] Internal memo in the Ministry of Social Affairs (SD) 'Application by the Adoption Information Association for authorisation to arrange adoptions of foreign children', dated 8 September 1975.

[2475] See Chapter 9 on Bangladesh, section 9.6.1.

[2476] Letter from the Ministry of Social Affairs to

FBAL dated 22 March 1976 [2477] Letter from

FBAL to the Ministry of Social Affairs dated 3

September 1976. [2478] See Chapter 18 on Sri

Lanka, section 18.5.1.

[2479] Internal memo dated 1 September 1976 to the Head of the SD.

[2480] Permission for AF to act as an adoption agency granted by the SD, 19 May 1978.

[2481] Licence for adoption agency services granted to FBAL by the Ministry of Social Affairs on 19 May 1978.

The authorities were thus required to regulate an activity that had already been ongoing for several years. The agencies had established contacts and procedures, whilst the authorities had to familiarise themselves with the conditions in the countries concerned and the work involved in arranging adoptions at a time when they had limited experience of international adoptions. It should also be noted that it was the Ministry of Justice that dealt with individual cases of international adoptions at this time, whilst it was the Ministry of Social Affairs that was responsible for granting placement licences. The Committee has found no written evidence to suggest that there was any systematic sharing of experience from the individual cases handled by the Ministry of Justice to inform the Ministry of Social Affairs' assessment of placement licences.

By the time the Norwegian authorities turned their attention to the organisations' assistance with adoptions, the scheme was, as mentioned, well under way. It was also an activity that was strongly desired by Norwegian prospective adoptive parents. The Norwegian authorities thus had a rather different starting point for assessing whether to facilitate the placement of children from abroad for adoption in Norway, and on what terms, than they would have had if the activity had not already been underway. As outlined in the introduction, it also appears to the Committee that the service was a tolerated practice which was regarded as a more reassuring alternative from a legal certainty perspective than adoption applicants acting entirely on their own in the countries of origin. The Committee believes that this may have been a factor in the authorities' assessment.

The authorities' need to formalise the activities of adoption agencies, so that they could proceed with the regulation of the field of intercountry adoption, is also part of the picture. An internal memo to the management of the Ministry of Social Affairs states that applications for intermediary licences had been put on hold pending the establishment of the Council for International Adoptions (RIA), but that it was necessary to process the applications before the Council was established, as it had been decided that the Council was to have approved placement organisations as members. At the same time, it was envisaged that the RIA would approve the agencies' overseas contacts and monitor their activities. The memo further states:

> In order to resolve this impasse, it is proposed that the respective associations be granted permission to carry out limited adoption mediation (cf. Royal Resolution), but that authorisation be granted for each individual country or district as and when the Council recommends the approval of agreements abroad (foreign contacts). As it will take some time before all current foreign contacts can be 'vetted', it is proposed that a transitional arrangement be put in place for a maximum of one year, provided that the Placement Committee becomes operational as soon as possible and that no further contacts abroad are established until they have been recommended for approval by the Council. [2482]

In other words, it is clear from the memorandum that permission was in fact granted before the circumstances of the individual country partnerships had been thoroughly examined, and that this was resolved by including a condition in the broadcasting licence stipulating that the broadcasters had to seek approval of the foreign contacts within one year. The Korea Association's placement licence from 1969 was formally withdrawn in 1978 and simultaneously replaced with a new licence. The new licence did not include any condition requiring contact persons to be approved within one year. However, the licence specified that it applied to adoption mediation through Holt, and that if the Korea Association wished to mediate the placement of children via other contacts, it had to submit an application to the RIA. The placement licences granted to Adoption Forum and the Korea Association in 1978 were open-ended.[2483]

[2482] Internal memo from the Social Affairs Department to the political leadership of the Ministry of Social Affairs, 4 April 1978.

[2483] Licences for adoption placement for AF and NKF/VB respectively were granted by the Ministry of Social Affairs on 19 May 1978.

25.3.3 Adoption placement before the Hague Convention came into force in Norway (1978–1997)

25.3.3.1 Legislation, regulations and other rules

Adoption mediation was regulated by Section 26(b) of the Child Welfare Act 1953 until 1993 and thereafter by Section 4-23 of the Child Welfare Act 1992,[2484] which included a criminal prohibition on private individuals carrying out adoption mediation and a requirement that organisations must hold a licence from the Ministry to carry out adoption mediation.

Circular No. 1 9/78 from the Ministry of Social Affairs on the adoption of foreign children highlights, with reference to the Storting's endorsement of the principles set out in St.prp. No. 210 (1976–77), certain fundamental principles for adoption mediation, firstly, that '[t]he welfare of the child and its future development must be an overriding principle for all adoption placement', and secondly, that adoption should only take place in cases where 'there is reason to believe that the child cannot be provided with satisfactory conditions for growing up in its own country'. Furthermore, adoption must 'take place in accordance with the laws and regulations of the country concerned'. The principles referred to here were proposed in NOU 1976: 55.[2485] Among other things, the authorities were to 'ensure that there are no breaches on the Norwegian side of the laws and regulations of the child's home country', and 'work towards the establishment of international rules on the adoption of children from other countries with different races and cultures'. The task of 'overseeing the public sector's work in this area' and 'coordinate the work between the public sector and the adoption associations' was assigned to RIA, which was regulated in more detail in the circular.[2486] RIA is discussed in more detail in section 6.4.

Among other things, RIA was to monitor international developments in the field of intercountry adoption and, in cooperation with the foreign service missions, the activities of adoption agencies abroad. The Council was also to approve agreements concluded abroad concerning the facilitation of intercountry adoptions. Furthermore, the Council was to monitor the activities of adoption agencies in Norway and provide information, advice and guidance to the authorities on intercountry adoption.[2487] The Council could carry out investigations by contacting bodies both in Norway and abroad, and its members undertook fact-finding and monitoring visits to countries from which adoptions were arranged, as part of the supervision of adoption agencies, etc.[2488]

The circular briefly outlines the requirements for documentation regarding the child's health and the requirement that the child hold a valid passport or travel document guaranteeing re-entry to their country of origin.[2489] The circular does not otherwise set out the requirements regarding procedures and documentation in the country of origin, nor does it specify the requirements to be met when applying for a placement licence or approval of foreign contacts.

In 1979, RIA issued guidelines for the approval of foreign contacts. These guidelines consist of the following list of 'minimum information' to be obtained:

1. Personal details (name, age, family circumstances, occupation, nationality).
2. Briefly describe how the organisation came into contact with the individual
3. State what aspects of the contact's background or personal qualifications indicate that he or she is suitable for the role and will work in an ethically sound manner.
4. Describe the contact's experience with children/adoption and their attitude towards these matters. Does the contact also provide adoption services for other countries?

2484 Act of 17 July 1992 No. 100 on Child Welfare Services (the Child Welfare Act).

2485 NOU 1976: 55 *Adoption and Adoption Services*, p. 34. 2486 Circular No. 1 9/78 from the Ministry of Social Affairs, *Adoption of Foreign Children*, pp. 3–4. 2487 Circular No. 1 9/78 from the Ministry of Social Affairs, *Adoption of Foreign Children,* p. 4. 2488 Steenberg, *The History of Adoption in Norway* (2011), p. 57.

2489 Circular No. 1 9/78 from the Ministry of Social Affairs, *Adoption of Foreign Children*.

5. Describe the approach the agency will take to identify suitable children.
6. State the geographical area the contact will cover and – as far as possible – which institutions will be involved.
7. Describe the arrangements that will be used to arrange medical examinations for the children.
8. Describe the contact's ability to obtain the necessary legal documents (appointment of a guardian, passports, etc.).
9. Describe the contact's knowledge of the country, its laws and regulations, and their ability to keep abreast of any changes to these.
10. State what proportion of the contact's working hours and income is related to adoption services.
11. Specify exactly which expenses may arise in connection with such placement, including the contact's remuneration and the amount of these expenses.
12. State the contact's objective references in Norway or in the country concerned.
13. State whether the contact is approved by the relevant country's authorities as an intermediary, or whether it is possible to obtain such approval. [2490]

This list appears to be quite detailed, and it addresses a number of key factors for assessing whether the adoption placement will be sound. As the committee will return to in point 25.3.3.2 below, it does not, however, appear that all these points were investigated or assessed in all cases of international cooperation.

RIA's 1981 guidelines for adoption placements by approved organisations [2491] set out requirements for the agencies. When 'establishing contact with the child abroad', the agencies were to ensure that the adoption took place in accordance with the laws and regulations of the country of origin, and that no pressure had been exerted on the birth parents to release the child for adoption.

Before the child was proposed for placement in a specific home, the intermediaries were to 'ensure, where possible through the foreign contact', that the child 'has definitely been released for adoption', that 'information regarding the child's health is available', and that 'the adoptive family will not be required to pay any sums of money other than those deemed relevant in relation to the adopted child they are to be allocated'. Furthermore, a requirement for subsidiarity was stipulated, formulated as follows:

> Adoption to Norway shall only take place when there is reason to believe that the child cannot be provided with satisfactory conditions for growing up within a family in their own country. The organisations must exercise the best possible control to ensure that their contacts abroad work in accordance with these guidelines.

The guidelines also provided guidance on the relationship between adoption and aid in the form of 'long-distance adoption' of children (sponsorship schemes). It was emphasised that the prerequisite for carrying out such aid work was that 'the long-distance adoption programme must not be used as a means of pressure to secure an increased number of children being made available for adoption', and that separate accounting and auditing must be carried out for this work. It was further stipulated that 'the organisations are formally responsible for the long-distance adoption programme and are accountable to RIA'.

RIA's 1981 guidelines also emphasise fundamental principles of adoption, which must be regarded as central to assessing whether the placement activities are sound. As the Committee will return to in section 25.3.3.2 and later in the chapter, it appears that RIA's monitoring of compliance with these guidelines has been somewhat inadequate.

[2490] RIA, Guidelines for the Approval of the Association's International Contacts, 16 October 1979.

[2491] RIA, Guidelines for Adoption Mediation by Approved Organisations, 1981.

As described in Chapter 6, the State Adoption Office (SAK) was established with effect from 1 January 1987, when the Adoption Act of 1986 came into force, and RIA was disbanded at the same time. Whilst RIA was a council with a secretariat that exercised administrative authority, SAK was an ordinary administrative body with full-time staff. In his account of Norway's history of adoption, Steenberg emphasises that RIA played an important role. Through its work, RIA accumulated a great deal of expertise and experience regarding international adoption, drew up general guidelines for adoption placement and served as a useful advisory body to the ministries. The Council's activities helped to bring the work on international adoptions into a more structured framework, and Norwegian adoption authorities gained experience. However, it was a cumbersome body, and it was both inefficient and resource-intensive for the processing of adoption cases to be spread across so many different bodies. There was therefore a need for reorganisation.[2492]

Circular I-20/87 provides a brief overview of SAK's responsibilities. The office was to 'process cases in accordance with the Adoption Act' and also 'monitor the activities' of adoption agencies. With regard to the activities of agencies abroad, SAK was to monitor these 'in cooperation with Norwegian diplomatic missions'. The office was also to 'provide general advice and guidance on adoption activities'. Furthermore, SAK was to participate in negotiations organised by the Ministry of Foreign Affairs and the Ministry of Social Affairs with authorities and organisations in other countries regarding agreements on adoption mediation. The office was also to 'hold regular meetings with relevant organisations'. It is clear from this that SAK had significantly more responsibilities than RIA. SAK also dealt with individual adoption cases, including both prior consent and registration and authorisation cases; see section 25.2 above on responsibilities and resource situation.

In the years that followed, the adoption authorities issued a number of circulars on adoption, but none of these address the requirements to be imposed or the assessments to be made in connection with applications for (renewal of) placement licences or the approval of contact networks and contact persons. Nor has the Committee been able to ascertain whether there were any written case-handling instructions or procedures for processing applications for placement licences within SAK. With regard to the period 1987–1998, the Committee will therefore only assess the practice – the granting and rejection of applications for mediation licences and the approval of contact persons – and not the procedures and instructions governing the work.

25.3.3.2 Processing of applications for placement licences and approval of contact persons

As described in section 25.3.2, the Korea Association and Adoption Forum were granted indefinite placement licences by the Ministry of Social Affairs in 1978, and these licences were not reviewed until 1999, when it was enshrined in law that such licences should be time-limited.[2493] Licences granted after 1978 appear, for the most part, to have been time-limited.[2494] As mentioned in section 25.3.2 above, the licence granted to Adopsjonsforum in 1978 stipulated that the associations were to submit a separate application to RIA for approval of their foreign contacts in the countries covered by the licence. RIA decided that these approvals of foreign contacts should be time-limited,[2495] and throughout the 1980s and 1990s, regular re-approvals of foreign contacts were required in all countries, regardless of whether the placement licence was open-ended or was renewed at regular intervals by the Ministry. The fact that some placement licences were time-limited and had to be re-approved whilst

[2492] Steenberg, *The History of Adoption in Norway* (2011), pp. 58–59.

[2493] See the new Section 16d, second paragraph, of the Adoption Act of 1986. Some of the permits of indefinite duration were not renewed, as they had expired before 1999.

[2494] The Committee has primarily examined placement licences for the twelve countries we were asked to investigate in the terms of reference. It cannot therefore be ruled out that there are exceptions, but in the absence of evidence to the contrary, it seems most likely that the practice has been consistent.

[2495] Minutes of the RIA meeting on 16 October 1979.

The fact that some were of indefinite duration led to variations in the intensity of monitoring and the supervisory body responsible, which may appear random. For the original partner countries with indefinite dissemination authorisations, the re-approvals of contact persons were particularly important for monitoring the cooperation. The information provided during these re-approvals was largely the same as that required when processing authorisations for the provision of information (see RIA's guidelines for the approval of contact persons in section 25.3.3.1).

For this reason, the Committee deals with applications for authorisation to act as an intermediary and applications for the approval of foreign contacts together in the following.

The applications for placement licences that the Committee has examined from earlier periods are brief and lack detail. The decisions are even more concise; however, according to information provided to the Committee by individuals who have worked for the adoption authorities, it was common for the grounds for the decision to be brief and not to address all the factors the adoption authorities had considered when granting an application for a placement licence. In some cases, the Committee has found internal case notes containing more detailed information and assessments; in other cases, we have not found such notes. As for the first placement licences granted in 1978 (see section 25.3.2), it is apparent from the case note that the authorities had conducted little investigation into the circumstances and that they assumed the necessary investigation would only take place after the licences had been granted, through the approval of contact persons.

With regard to licences and approvals granted after the RIA was established, a reservation must be made because the Council's archives from that period appear to be incomplete; there may therefore have been more documentation in some cases than is currently available in the archives. In some cases, the committee considers it probable that key circumstances and risk factors were not adequately investigated or disclosed. As shown in the various country chapters, the Committee is critical in several instances of the granting of adoption permits, which is partly due to a lack of case investigation or to key risk factors not being given sufficient weight. This is also supported by information we have received from staff at the adoption authorities, which suggests that the assessments gradually became more thorough. This will be discussed in more detail in section 25.3.4 below.

Examples of shortcomings in the assessment of authorisations

Costa Rica

An example of an inadequate basis for decision-making is when the adoption authorities granted a placement licence to Adopsjonsforum for Costa Rica in 1978. The placement application contains no description of the release process, only of the process on the adoptive parents' side.[2496] The Committee cannot see that this information was requested when the application was processed. It appears that the Norwegian adoption authorities only obtained such information later, in connection with trips to and visits from Costa Rica in 1979 and 1982 (see section 13.5.3).

Chile

Another example is Chile, where Adopsjonsforum was granted a placement licence in 1984. The licence states that RIA had obtained information from the embassy in Santiago, that the chair and the head of the secretariat from the council, on an 'information and inspection trip' to Latin America 'had a conversation with the Norwegian ambassador on the matter', and that 'the Council found no professional concerns regarding adoption in granting permission to carry out up to five pilot adoption cases'. Application

[2496] Application for a placement licence from AF dated 2 September 1978. The application states that the Costa Rican Adoption Act had previously been sent to RIA. However, this Act did not contain provisions for declaring children abandoned following an administrative procedure. This was governed by other legislation.

The licence was granted whilst Chile was under military dictatorship. As the Committee explains in Chapter 11 on Chile, there were several matters that do not appear to have been sufficiently investigated and taken into account by the Norwegian authorities. This applies, amongst other things, to information received by the Norwegian authorities from the embassy in Santiago regarding the existence of corrupt judges and 'failures in the control systems'. With regard to corruption, the embassy mentions a case in which a judge had fled abroad following allegations that he 'had received several thousand dollars for each adoption consent'.[2497] Adopsjonsforum also emphasised that there was a risk of illegal practices in adoptions from Chile. In the application for approval of a contact person, which was submitted before the application for an agency licence had been finalised, Adoption Forum wrote the following:

> As an opposition representative, she is, of course, prepared to carry out very thorough investigations into the child's background in each individual case. This is particularly important in Chile, as there have been previous instances where children of imprisoned parents have been adopted against their parents' will.[2498]

However, the application does not specify how these investigations were to be carried out, nor how the overseas contact could be certain that the child had not been taken from the parents against their will. It is also difficult to envisage how an individual could carry out proper investigations into this matter. In the Committee's view, the RIA's guidelines for the approval of contact persons (see section 25.3.3.1) were not followed, and the case assessment was not sound, cf. Section 17 of the Public Administration Act. In particular, point 5 of the guidelines, 'Describe how the contact person will go about identifying suitable children', does not appear to have been met. The application did not describe specifically how the contact would identify children eligible for adoption, beyond stating that she would 'work through' a specific children's home, Casa Nacional del Niño, and the Children's Court in Santiago. This information was in itself insufficient to make a sound assessment, particularly in light of the political situation in the country and what Adopsjonsforum writes about the risk of children being adopted against their parents' wishes. Admittedly, as part of the Council's preparations for the case concerning the placement licence for the Ministry of Social Affairs, RIA had received a statement from the Norwegian Embassy in Chile stating that the children's home in question and the Juvenile Court in Santiago were 'serious and professional institutions', but in the committee's view, such general statements did not provide a sufficient basis for the Norwegian adoption authorities to answer the questions they ought to have asked themselves regarding the risks of adopting from that country under the regime in power at the time.[2499]

Nor were the shortcomings in the assessments of adoption placements from Chile rectified during subsequent processing of applications and reports concerning adoption placements from Chile. The authorisation for adoption placements from Chile was initially granted in the form of permission for five pilot cases.[2500] In Adopsjonsforum's report on its first 13 adoption cases from the country, dated 20 May 1988[(2501),] there is no mention that a new adoption law had come into force in Chile ten days before the report was dated. This is the sort of information that Adoption Forum should have had and passed on to the Norwegian authorities, and which the Norwegian authorities could also have uncovered had they investigated. Furthermore, there were UN reports from 1987 and 1988 documenting extensive and serious violations of fundamental human rights. Another factor the adoption authorities should have considered was the risk that the Chilean regime was using adoptions as a diplomatic or political tool. The account in section 25.6.6 below indicates that this was a real risk.

[2497] Letter (fax) from the Norwegian Ambassador to Chile to RIA, 16 March 1984.

[2498] AF, Application for approval of a contact person, 31 January 1984.

[2499] See Chapter 11 on Chile, section 11.7.2.

[2500] Placement authorisation granted to AF on 29 June 1984.

[2501] 'Report on adoptions from Chile' from AF to SAK, 20 May 1988.

Another risk factor was the information that the demand for children from Chile was 'enormous'. The Norwegian authorities received this information during a visit to Chile in 1988 from the Chilean child welfare authority, SENAME.[2502]

Subsequent application processing also had shortcomings. Until 1998, authorisation for adoption arrangements with the country was granted without the Norwegian authorities having obtained a translation of the applicable Chilean adoption law into Norwegian or English. They only had a Spanish version of the law dating from 1988. In the letter granting authorisation dated 30 November 1998, the Ministry requested that the current legislation be sent to them, translated into English. In the Committee's view, granting authorisation without having read and assessed the legislation is not in accordance with the requirements for proper case investigation under Section 17 of the Public Administration Act. An internal memo from the Ministry of Children and Families dated November 1998 indicates that the adoption authorities had also failed to obtain the adoption legislation of the relevant countries of origin in other cases, including Mexico.[2503]

Brazil

The Committee finds another example of clear weaknesses in the case investigation and the basis for decision-making in the processing of applications for authorisation to act as an intermediary for Brazil. When authorisation to act as an intermediary for Brazil was granted in July 1989, initially for five pilot cases, the Norwegian adoption authorities were unaware that the juvenile courts in São Paulo required a one-year foster care placement before an adoption order was granted, with a requirement for regular follow-up reports from the authorities in the receiving country during this period. The Norwegian adoption authorities were first made aware of this in connection with an application for approval of a contact person, dated 29 August 1989. [2504] Despite this, authorisation was granted for a further 20 pilot cases on 1 April 1990. At this point, none of the initial adoptions had been finally completed. Nor did the Norwegian authorities have an overview of which documents one might expect to accompany a legally completed adoption in Brazil, and it was by chance that they became aware that Brazil had adopted a new adoption law before it came into force in October 1990.[2505]

China

In 1990, Verdens Barn first applied for permission to carry out 'pilot cases' from China, and in 1991 for a general mediation licence for China. In the Review Committee's assessment, these applications also constitute an insufficient basis for decision-making by the Norwegian authorities. The 1990 application provided information about the foreign contact and stated that the person in question had contact with certain children's homes, but neither the release process, the legislation nor the allocation process were described.[2506] It is clear, however, that SAK held meetings with Verdens Barn and the foreign contact before advising the Ministry to grant authorisation for the pilot cases. As no minutes of these meetings are available, the Committee is unable to assess what was discussed there. Nor, when Verdens Barn applied for a general placement licence for China in March 1991, were the legislation, the release process or the allocation process described in any detail, beyond the statement that '[t]here is an adoption law in the pipeline in China, no one knows when it will come', that 'all the children are foundlings' and 'can be adopted shortly after arriving at the children's home', and that if, 'contrary to expectations, an allocated child were to die

[2502] See Chapter 11 on Chile, section 11.8.1.1 and further references.

[2503] Internal memo, BFD, 13 November 1998, ref. no. 98/03594.

[2504] IA, application for approval of IA's network of contacts in Brazil, 29 August 1989.

[2505] See Chapter 10 on Brazil, section 10.6.2.2 and further references.

[2506] VB to BFD, 22 June 1990, 'Regarding approval of adoption from China'.

‘Before the parents arrive to collect the child, they will be allocated another child, so that they do not return empty-handed’. It was, however, made clear that under no circumstances did the parents themselves select the child. [2507] The Ministry granted general authorisation on the advice of SAK. [2508]

General assessments of the work on authorisations

Despite the shortcomings highlighted by the committee regarding the processing of applications for placement authorisation and the approval of contact networks in Chile and Brazil, it is worth noting that the processing of these applications was, in some respects, more thorough than was standard practice. Furthermore, the processing of these applications was significantly more thorough than the processing of previous authorisations granted to the Korea Association in 1968, as well as to Adoption Forum and the Parents’ Association for Children from Other Countries in 1978. As regards Chile, as mentioned, there was some contact with the embassy to gather information and obtain their assessment of the risks, and Norwegian adoption authorities also travelled to the country. In the case of Brazil, there was extensive communication with the embassy, which carried out investigations, and there was contact with the Brazilian authorities. It appeared, however, that the Brazilian authorities were not inclined to facilitate adoptions, and the embassy advised against arranging adoptions from the country on the basis of an assessment that there was a lack of official oversight and a risk that children might be abducted. The Norwegian Minister of Social Affairs, Tove Strand Gerhardsen (Labour Party), nevertheless instructed the Ministry to grant authorisation for adoption placements, contrary to the embassy’s advice.[2509]

As shown in section 25.3.3.1, RIA had drawn up guidelines on the information required in applications for the approval of contact persons. As regards Adopsjonsforum’s first contact person in Chile, it appears, as mentioned, that these guidelines were not followed. Another case where, in the Committee’s view, the guidelines were clearly not followed and the case investigation was not sound, cf. Section 17 of the Public Administration Act, was when lawyer Roberto Moncayo was approved in 1986 as a contact person and legal representative for Adopsjonsforum in Ecuador to arrange four or five adoptions as ‘pilot cases’. Nor were the guidelines followed when, the following year, in 1987, he was approved as a permanent contact person and legal representative.[2510] The applications provided little information regarding the origins of the children Moncayo was to arrange for adoption, other than that the children would either come from various children’s homes in Ecuador or were in foster care with Moncayo as their appointed guardian. He was paid 2,000 USD per adoption. [2511] The limited information provided in the applications did not comply with point 5 of the RIA’s guidelines: ‘Describe the manner in which the contact will proceed to identify suitable children’. Nor did the application comply with point 6: ‘Specify the geographical area the contact will cover and – as far as possible – which institutions will be involved.’ Furthermore, they did not comply with the basic requirements for sound case management. Both the lack of information about where the children came from and the relatively high fee per individual case were risk factors that the Norwegian adoption authorities should have investigated and assessed carefully, particularly in light of the extent of corruption in the country. As explained in Chapter 14, Moncayo was later charged with criminal offences relating to the adoptions in Ecuador, and the Committee finds it probable that at least one of the children placed in Norway by Moncayo had been abducted from their biological mother.[2512]

[2507] VB to BFD, 11 February 1991, ‘Application for general authorisation for the adoption of children from China’.

[2508] BFD to VB, 4 April 1991, ‘Application for authorisation to arrange adoptions from the People’s Republic of China’, case no. 90/03953.

[2509] This is discussed in more detail in Chapter 10 on Brazil, section 10.6.2.1.

[2510] However, by the time the application was processed in 1987, SAK had taken over from RIA. The Committee has not found any guidelines corresponding to those of RIA regarding SAK’s processing of applications for the approval of a contact person.

[2511] See Chapter 14 on Ecuador, section 14.9.2.2.

[2512] See Chapter 14 on Ecuador, section 14.9.2.8.

The Moncayo case highlighted serious risk factors associated with adoption, and in the Committee's view, the lessons learnt from this case should have led to changes in the requirements for case assessment and in the conditions for placement licences and the approval of contact persons. However, the Committee has found no evidence that the case had any impact on the processing and assessment of placement licences and applications for the approval of contact persons from other countries. (See also section 31.5.4).

The Committee has interviewed a long-standing member of the RIA. This member stated that, at its meetings, the Council carried out few in-depth assessments of the cases under consideration and generally reached decisions in accordance with the case documents. The individual felt they were the only one to raise objections, which were recorded in the minutes as comments. [2513]

As the example of Chile above shows, placement authorisations have been granted to countries that were under military dictatorship at the time the authorisation was granted. Placement authorisations have also been granted to countries affected by war and conflict. In the case of both countries under military dictatorship and those affected by war and conflict, there may have been a risk that these circumstances could have influenced the adoption process in the country, yet the Committee has not seen any adequate risk assessments of this in the applications,[2514] authorisations or other documents relating to the processing of the applications.[2515] Examples of this include Chile (military dictatorship until 1990),[2516] Colombia (conflicts and civil war 1966–2016),[2517] Ethiopia (military dictatorship until 1991),[2518] South Korea (military dictatorship until 1989), [2519] Indonesia (military dictatorship throughout the period in question),[2520] Vietnam (civil war until 1975 and civilian dictatorship from 1975), [2521] Bangladesh (major political unrest throughout the period in question)[,(2522)] and Sri Lanka (civil war 1983–2009). [2523]

The Committee does not have complete statistics on the approval and rejection of applications for cooperation permits for the period 1978 to 1997, but has a sound basis for concluding that the vast majority of applications for permits for new country-specific cooperation were approved. During this period, cooperation was established with 17 countries. The Committee is aware of no more than one rejection of an application concerning a new country partnership, in addition to three rejections of applications concerning mediation from countries where another intermediary was already established. As the Committee has not found any overview of this for intermediaries other than Adopsjonsforum, it cannot be ruled out that there were further rejections.

[2513] In the minutes of the RIA meeting on 26 September 1978, for example, one member made two additions to the minutes. Firstly, the member expressed 'concerns regarding adoption mediation from Bangladesh in general'; secondly, the member pointed out 'the tendency towards the commercialisation of adoption cases, which is evident around the world', and stated that the Council must be aware of this danger.

[2514] See, for example, 'Application for authorisation to arrange the adoption of children from Chile', letter from AF to SD, 31 January 1984, discussed in Chapter 11 on Chile, section 11.8.2.

[2515] See, for example, 'Report on the trip to Latin America, 8–30 October 1988', SAK, 22 November 1988, which makes no mention of the political situation in Chile. The report and the subsequent process leading up to the granting of the broadcasting licence are discussed in more detail in Chapter 11 on Chile, section 11.7.2. See also section 11.8.1 in the same chapter.

[2516] See Chapter 11 on Chile, sections 11.1 and 11.7.

[2517] See Chapter 12 on Colombia.

[2518] See Chapter 15 on Ethiopia, sections 15.7.3 and 15.8.5.

[2519] See Chapter 19 on South Korea, section 19.2.

[2520] See Chapter 16 on Indonesia, sections 16.2 and 16.7.

[2521] See Chapter 20 on Vietnam, sections 20.2 and 20.5.5.

[2522] See Chapter 9 on Bangladesh, sections 9.2 and 9.8.

[2523] See Chapter 18 on Sri Lanka, sections 18.2 and 18.6.7.1.

With regard to Adopsjonsforum, the committee has found an overview of all country partnerships, which shows that there was one rejection during this period. This concerned an application for placement from Venezuela in the early 1990s.[2524]

In 1985, InorAdopt had its application for a placement licence for Nepal, Sri Lanka and Indonesia rejected. The reason given for all three countries was that Adopsjonsforum already held a placement licence for them, and that, as a general rule, only one organisation per geographical area was approved. Furthermore, it was emphasised that Indonesia no longer permitted international adoptions. In the case of Nepal, it was also highlighted that Adopsjonsforum had not been able to carry out the five pilot cases for which it had been granted authorisation in 1982.[2525]

25.3.4 Adoption placement following the entry into force of the Hague Convention in Norway (1998–2026)

25.3.4.1 Legislation, regulations and other rules

As explained in Chapter 23, the Ministry of Foreign Affairs stated in its bill on the ratification of the Hague Convention that Norwegian law and adoption practice were, for the most part, in accordance with the Convention, and that 'only a few changes' and no legislative amendments would be necessary in connection with ratification.[2526]

In December 1997, the Ministry of Children and Family Affairs sent a letter to the three adoption agencies – Verdens Barn, Adopsjonsforum and InorAdopt – regarding the ratification of the Convention, setting out the changes required in the work of the agencies and the Norwegian authorities. Among other things, the Ministry drew up the following list of information that the agencies were required to provide in their applications for authorisation:

- information regarding the organisation's accreditation as an adoption agency in the country of origin
- an overview of and an annex setting out the country of origin's adoption legislation, including the legal effects of an adoption,
- which authorities, or organisations etc., are involved in the adoption process,
- the procedure in the country of origin,
- what requirements the country of origin imposes on prospective adoptive parents,
- how comprehensive the information about the child can be expected to be in each individual adoption case, including information about the child's health,
- the costs per adoption, any fees that may be incurred and for what purpose,
- whether follow-up reports are required after the adoption has been finalised,
- whether an agreement is required at association or authority level. When applying for renewal, it is sufficient to account for the points that have changed.[2527]

Furthermore, there is a section on unlawful financial or other gain:

[2524] AF's memorandum to the National Executive Committee, 8 August 2003.

[2525] Letter from the Ministry of Social Affairs to the Norwegian Adoption Agency, concerning applications for authorisation to place children from abroad and for placement rights in Nepal, Sri Lanka and Indonesia, 20 November 1985.

[2526] Parliamentary Bill No. 77 (1995–1996), p. 5.

[2527] Letter from the Ministry of Children and Family Affairs (BFD) to the Ministry of Labour and Social Affairs (AF), the Ministry of Health and Care Services (VB) and the Ministry of Children and Family Affairs (IA), Ratification of the Convention of 23 May 1991 on the Protection of Children and Co-operation in Respect of Inter-country Adoption, 19 December 1997.

> Both the preamble to the Convention and Article 8, cf. Article 32, emphasise that central authorities shall take all necessary measures to prevent any improper financial or other gain in connection with adoption and to prevent any practice contrary to the objectives of the Convention. In this connection, we would like to point out that it is important for the associations to keep the adoption authorities regularly informed of their activities abroad.[2528]

The State Adoption Office (SAK) was closed on 1 January 1998, and the State Youth and Adoption Office (SUAK) was established at the same time. SUAK took over, amongst other things, the tasks of SAK.[2529]

In a letter dated 16 October 1998 from the Ministry of Children and Families to SUAK, guidance was provided, amongst other things, on the office's work regarding placement licences and the approval of contact persons in countries of origin. The Ministry described the work as follows:

> Placement licences in the country of origin are granted for two years at a time. This enables the Norwegian State Youth and Adoption Office/the Ministry to carry out a routine review of the association's activities in the country of origin every two years. If any changes occur during the period that may affect the assessment of the placement licence, the association must inform the Norwegian Directorate for Children, Youth and Family Affairs and the Ministry of these circumstances. The question of whether the association may continue its activities in the country for the remainder of the period will then be assessed.

An overview is also provided of the requirements relevant to the processing of placement licences, and it is stated that this is a more detailed explanation of the information provided in the letter to placement agencies dated 19 December 1997:

- The adoption legislation of the country of origin, including the legal effects of an adoption.
- Whether an agreement is required at association or government level. The authorities should be informed as early as possible of the association's plans to commence placement work in a new country. Any agreements that organisations wish to enter into with, for example, the authorities in the countries of origin must be submitted to the Norwegian Directorate for Children, Youth and Family Affairs for assessment (…) An agreement between an organisation and the authorities in the country of origin should only contain provisions concerning practical cooperation regarding the placement and, where applicable, the exchange of information on adoption and related areas. The Ministry points out, however, that the Norwegian authorities are not bound by agreements that organisations enter into with, for example, the authorities in the countries of origin.
- Which authorities in the country of origin, or organisations, etc., are involved in the adoption process.
- The procedure in the country of origin.
- What requirements does the country of origin impose on prospective adoptive parents?
- How comprehensive the information about the child can be expected to be in each individual adoption case, including information about the child's health.
- The costs per adoption and for what purpose.
- Whether follow-up reports are required before and/or after the adoption has been finalised.
- How the association envisages organising its activities abroad, including its network of overseas contacts, cf. section 2.1.2 below.

[2528] Letter from the Ministry of Children and Family Affairs to the Norwegian Adoption Agency, the Norwegian Children's Home Association and the Norwegian Adoption Association, Ratification of the Convention of 23 May 1991 on the Protection of Children and Co-operation in Respect of Intercountry Adoption, 19 December 1997.

[2529] Steenberg, *The History of Adoption in Norway* (2011), p. 89.

- Authorisation to arrange adoptions of children from abroad may only be granted to organisations for which this is the primary purpose. However, the requirement that adoption placement must be the primary purpose does not preclude organisations granted such authorisation from also carrying out some form of humanitarian aid work in the country concerned. The association should therefore explain whether it will be, or is, involved in any form of *aid work or humanitarian work* in the country of origin, the nature and scope of such work, if any, and how the work is organised.

It is then specified that 'authorisation to carry out adoption mediation from countries that have not ratified the Hague Convention may only be granted on condition that the association adheres to the principles on which the Convention is based'.

The letter also sets out the information that SUAK should consider when processing applications for approval of foreign contacts and contact networks:

- the contact's knowledge of the local and central administrative apparatus, enabling them to identify suitable children in an ethically sound manner
- how the overseas contact will ensure that only children who have definitely been released for adoption are placed through the association.
- the contact's ability to obtain the necessary legal documents, such as the appointment of a guardian, passports, etc.
- the liaison's ability to keep abreast of changes to the regulations and legislation of the country of origin concerning adoption
- the possibility of having the child in question undergo a medical examination
- the contact's salary and/or remuneration. Where their involvement can be regarded as part of their work, they should be entitled to remuneration that is reasonable in relation to the wage level in the country of origin
- the specific geographical area in which the contact is to carry out their activities. Normally, more than one contact should not be approved for the same area.
- The State Youth and Adoption Office should also monitor how the association intends to keep its foreign contacts informed about Norwegian laws and regulations in this area.[2530]

From 1 December 1999, decision-making authority in matters concerning placement licences was delegated from the Ministry of Children and Family Affairs to SUAK.[2531] One of the reasons for this was that SUAK was responsible for supervising adoption agencies.[2532] Since then, decision-making authority for adoption agency licences has rested at directorate level, with the Ministry acting as the appeal body.

On 1 December 1999, a new Chapter 3A of the Adoption Act 1986 also came into force. Section 16a provided a legal definition of adoption agency services: [2533]

> In this Act, 'adoption agency' means any organisation whose purpose is to establish contact between children eligible for adoption and persons wishing to adopt, including any re-

---

[2530] Letter from the Ministry of Children and Family Affairs to the Norwegian Adoption Supervisory Authority, 16 October 1998, 'Supervision of the activities of adoption associations'.

[2531] Steenberg, *The History of Adoption in Norway* (2011), pp. 68–69.

[2532] Parliamentary Bill No. 63 (1997–98), p. 28.

[2533] The Adoption Act, Act No. 8 of 28 February 1986, as amended by Act No. 38 of 11 June 1999.

registration or assessment of prospective adopters, registration of children eligible for adoption, or the selection of parents for individual children.[2534]

Section 16b of the Adoption Act of 1986 retained the prohibition on adoption mediation which had previously been contained in the Child Welfare Act. A new provision was also introduced in Section 16d, setting out the conditions for adoption agency licences. To obtain a licence, an organisation had to have adoption agency work as its 'primary purpose', and it had to be 'operated in the best interests of the child and not for financial gain'. Furthermore, the licence was to be time-limited and specified as to which country or countries of origin it was to apply to.[2535] The third paragraph of the provision provided the legal basis for further regulation of 'the requirements that may be imposed on the organisation, its activities and its operations'.

In Section 4 of the Regulations on Adoption Mediation (1999), the conditions for granting an organisation a mediation licence were regulated in somewhat greater detail by adding certain clarifications to the aforementioned conditions. Firstly, the organisation had to be 'managed and staffed by persons who, by virtue of their ethical standards and their education or experience, are qualified to work with international adoption'. Secondly, it was a condition that the organisation 'has authorisation from the relevant foreign state to operate in that state'. These conditions follow from Article 11(b) and (c) of the Hague Convention. Section 2 of the Regulations stipulated that authorisation may be granted for up to three years.[2536]

The amendments to the Act were largely aimed at systematising and enshrining in law the existing principles and administrative practices governing adoptions.[2537] Neither the regulations nor the Act specified the criteria to be applied when processing applications for placement licences, with regard to social conditions, legal regulations and relevant partners in the country of origin.

In SUAK's annual report for 1999 – the first year in which it had been delegated the authority to decide on applications for placement licences – the office states that in some cases it had 'proved necessary to obtain additional information' prior to the final processing of the applications. In order 'to facilitate the processing of cases', SUAK stated that it aimed 'to facilitate better standardisation of this type of application, to ensure that all relevant information is provided'.[2538] Consequently, an application form with fixed sections was developed, which adoption agencies were required to complete.[2539] This form included, amongst other things, questions regarding:

- the competent authorities in the country of origin,
- the number and characteristics (age) of the children adopted to Norway from that country,
- the number of applicants approved for that country, the legal framework in that country,
- a description of the case handling and placement process,
- what information is provided about the children's background,
- the country of origin's requirements for applicants,

[2534] This definition has essentially been carried over into the current Adoption Act of 2017, Section 29, but with the addition of the word *'actions'*: 'Adoption mediation means actions and activities which […]'. The purpose of the amendment, as stated in the explanatory notes to the provision, is to clarify that the definition 'covers not only organised activities, but also "acts" intended to establish contact between children eligible for adoption and persons wishing to adopt', cf. Prop. 88 L (2016–2017), p. 231.

[2535] Act of 11 June 1999 No. 32 (Adoption Mediation and Approval of Adoptive Homes), cf. Ot.prp. No. 63 (1997–98) and Innst. O. No. 53 (1998–99).

[2536] Regulations on Adoption Services of 30 November 1999 No. 1195.

[2537] Parliamentary Bill No. 63 (1997–98), section 2.5.5, p. 28 and Steenberg, *The History of Adoption in Norway* (2011), p. 75.

[2538] SUAK, Annual Report 1999, p. 8.

[2539] Information from an interview with a long-serving head of department at SUAK, BUFA and Bufdir on 27 June 2024.

- detailed information on the costs of each adoption,
- whether the country of origin requires follow-up reports,
- a description of the organisation's activities and working methods in the country of origin,
- a description of the scope of the organisation's aid projects in the country of origin,
- the overseas liaison officer, including salary, duties and the requirements for carrying them out,
- a section for 'any other relevant information'.[2540]

A key factor in assessing the soundness of adoption placement is political and social conditions, including the risk of corruption in adoption work. In the early years, the application form did not contain any specific sections for such matters, and this type of information therefore had to be provided, where applicable, under the more vague heading 'any other important key information'.

The form underwent some changes throughout the 2000s. In 2013, the question regarding other important key information was clarified with examples, including: 'political and social conditions', 'the relationship between central and local authorities', 'information on the extent to which corruption is considered to be a problem in the country, and, where applicable, on measures being implemented to combat corruption and abuse of power in the country'.[2541] In 2016, the form instead contained a somewhat more general description of the risk factors associated with adoptions from the country of origin, but this version of the form also included questions on how the intermediary works to ensure that the cooperation is nevertheless sound.[2542]

In the Adoption Act of 2017 and the associated Regulations of 2018 [2543], the conditions for adoption mediation from the 1986 Act have largely been retained, but the key difference is that a distinction is made between operating licences and mediation licences, set out in Sections 31 and 32 respectively.

Section 21 of the Regulations on Adoption (2018) sets out two conditions for a placement licence: that 'the country in question has a need for adoptive families abroad', and that 'the organisation has an understanding of and knowledge regarding the laws, other rules and procedures governing international adoptions in that country'.

25.3.4.2 Processing of applications for placement licences and approval of contact networks

Since 1998, authorisation has been granted to establish ten new partner countries.[2544] Only one of these countries, Vietnam, is among the twelve examined by the committee. Of the new partner countries, it was the cooperation with South Africa that resulted in the highest number of adoptions (271). In contrast to the period from 1978 to 1997, several applications to establish new partner countries were rejected, either through a direct refusal or because the intermediary withdrew the application following dialogue with Bufdir.[2545] This applied to seven countries.[2546] Furthermore, the Committee is aware that there was often dialogue between the intermediaries and the adoption authorities regarding potential country partnerships before an application was submitted. It may be that this led the intermediaries to refrain from submitting applications for countries they knew would be rejected.

[2540] See, for example, VB to SUAK, application for renewal of the agency licence, 23 February 2000.

[2541] See, for example, AF to Bufdir, 23 September 2013, 'Application for renewal of placement licence for China'.

[2542] See, for example, AF to Bufdir, 19 October 2017, 'Application for renewal of placement authorisation for China'. [2543] Regulations on Adoption No. 959 of 22 June 2018.

[2544] This includes both countries from which adoptions have not previously been arranged for Norway, and some countries where active placement licences had previously been held.

[2545] See the overview prepared by Bufdir for the committee, and the application from AF for authorisation to arrange adoptions from Tajikistan, received by SUAK on 27 November 2000 (which is not included in Bufdir's overview).

[2546] Tajikistan, Ukraine, Honduras, Haiti, the Democratic Republic of the Congo, Cambodia and Georgia.

In 2000, Adopsjonsforum applied for authorisation to act as an intermediary for Tajikistan, initially for a single adoption case in which they had been asked by the prospective adoptive parents to assist.[2547] Attached to the application was an unauthorised English translation of the country's Family Law, and the application stated that intercountry adoption was a new phenomenon in the country and that, for the time being, there was no system in place for the authorisation of adoption agencies. SUAK rejected the application. The grounds for the rejection were as follows:

> In our assessment, we have placed particular emphasis on the fact that there is no documentation whatsoever from the country's authorities confirming that Adopsjonsforum is authorised to operate in the country with a view to placing children for adoption abroad. The legislation submitted may also indicate that it regulates only domestic adoption, cf. Section 126(2). In light of the information that international adoption is something entirely new in the country, such documentation must be assumed to be of great importance.
>
> The information regarding the procedures for placing a child for international adoption is also somewhat incomplete. We are also concerned that it is the management of the children's home and its lawyer who are to act as the point of contact and who are to be responsible for ensuring that the process is conducted correctly in accordance with the country's legislation. Against this background, there are, on the whole, so many uncertainties surrounding potential adoption from Tajikistan that, as already mentioned, we find that the application must be rejected.

It was also pointed out that a prerequisite for the granting of a placement licence was that 'any adoption placement and the adoption process in Tajikistan can take place in a manner consistent with Norwegian regulations and the principles laid down in the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption'.

In June 2005, Adopsjonsforum applied for a placement licence for Haiti. The application was rejected by the Norwegian Directorate for Children, Youth and Family Affairs (Buf-dir) in January 2006. The grounds for the refusal were the dangerous political situation in Haiti, which meant that applicants' safety could not be guaranteed during their stay, as well as the negative experiences of the organisation DanAdopts (a Danish adoption agency) with the country's adoption system and the unsatisfactory information provided about the children. Furthermore, the rejection noted that only four children had been adopted from Haiti to Denmark in the period from 2000 to 2004 inclusive. Adopsjonsforum appealed the decision to the Ministry of Children and Equality, which upheld the rejection in its decision of August 2006. In its reasoning, the Ministry emphasised that 'it is a prerequisite that adoption organisations authorised to work in countries that are not parties to the Hague Convention adhere to the principles on which the Convention is based'. The Ministry attached 'decisive importance' to the fact that the political situation in Haiti appeared to be 'highly uncertain and unpredictable', and that the unstable situation meant "there is uncertainty as to whether the adoption process itself in the country can take place in a responsible and safe manner in accordance with the principles laid down in the Hague Convention". The Ministry states that it attached importance to the fact that the Ministry of Foreign Affairs' official travel advice discouraged non-essential travel to the country, and to the information from DanAdopt "that details about the children have proved to be highly unsatisfactory". The Ministry referred to Article 16 of the Hague Convention,
'which, amongst other things, requires the preparation of a report containing information on, amongst other things, the child's background, social environment and family and health circumstances'. The Ministry emphasised that this provision is 'an expression of important principles in relation to ensuring that adoptions can take place in an orderly and safe manner', even though Haiti had not ratified the Convention.[2548]

In April 2007, InorAdopt applied for a placement licence for the Democratic Republic of the Congo and for the approval of a contact person. Bufdir rejected this application in April 2008. In its decision letter, Bufdir states that the Democratic Republic of the Congo had not ratified the Hague Convention and that the country had no central authority for adoptions. Bufdir states that, as part of its case review, it 'has obtained information through various channels regarding both the political situation in the DR Congo and experiences relating to adoption placement from there', including from the Belgian-French Central Authority for International Adoptions, In-

---

[2547] Application from AF for authorisation to act as an intermediary for adoptions from Tajikistan, received by SUAK on 27 November 2000.

[2548] BFD, Appeal against the rejection of an application for authorisation to act as an intermediary for Haiti (letter of rejection to AF), 2 August 2006.

International Social Service (ISS)/IRC [2549] and 'several letters from the UN concerning the situation in the Democratic Republic of the Congo'. The Directorate states that no Nordic organisations arrange adoptions of children from that country, that 'there is certainly a need for the adoption of certain children, but that the situation in the country is chaotic, the system is unreliable, and the children's background information is also incorrect'. Furthermore, they write: 'Some children are falsely reported to be orphans with the aim of giving them a better life abroad.' Bufdir also states that InorAdopt 'bases its application primarily on written information from FEPAM [2550]and has not itself investigated the circumstances through visits to the country'. Bufdir concludes that the rejection "is based on the country's chaotic political situation and an unreliable adoption process, including with regard to information about the child's background".[2551]

In December 2012, Adopsjonsforum applied for a placement licence for Honduras. In the application, they emphasised that the country was 'expected' to accede to the Hague Convention, 'probably in 2013'.[2552] It was also emphasised that the lawyer proposed as the contact person 'has played a key role in adoption work in Honduras', and that he was working to introduce a new adoption law and to ensure the country's ratification of the Hague Convention. The application was rejected by the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) on 11 May 2015 following a lengthy processing period. The Directorate stated that the lengthy processing time was due to the fact that they had been in contact with the Central Authority in Honduras, the Hague Conference and ISS 'to ensure the case was thoroughly investigated'. They had also held a meeting with the contact person proposed by Adopsjonsforum. Furthermore, a meeting was held with Adopsjonsforum in September 2014, at which the intermediary presented some new information, including that the new Adoption Act and the ratification of the Hague Convention were not expected until August 2015. The intermediary was then given until the end of March 2015 to decide whether to maintain or withdraw the application, but did not provide any feedback.

In its rejection, Bufdir emphasised that ISS did not recommend adoption cooperation with Honduras. ISS emphasised that the processes of bringing legislation into line with international standards and acceding to the Hague Convention had not been completed, and that the principle of subsidiarity could not be considered to have been upheld, as there were no rules stipulating that national measures should be prioritised over international adoption. Furthermore, ISS expressed concern as to whether children's rights were being safeguarded during the placement process, due to a lack of birth registration, a large number of street children and the risk of corruption and human trafficking. In its rejection, Bufdir also highlighted information from Adopsjonsforum's proposed contact person, including the fact that Honduras lacked systems for registering organisations authorised to care for orphaned children and for registering and monitoring orphaned children not in the care of their families. Bufdir emphasised that the Hague Convention must form the basis for all adoption placements to Norway. Bufdir found that 'there are currently obvious shortcomings and weaknesses both in the adoption system and in the procedures for placing children for international adoption', and that the principle of subsidiarity 'cannot be seen to be upheld either in legislation or in practice'. Furthermore, there was a 'high risk of human trafficking and corruption' due to the lack of registration and monitoring systems.

Bufdir also noted that it is the adoption agencies which, through their applications, must demonstrate that they have knowledge of the country's regulations and practices, in order to 'best ensure safe placement practices in the best interests of the child'.[2553]

[2549] ISS is an international, non-governmental organisation working on cross-border social and children's rights issues. See https://iss-ssi.org. Among other things, ISS conducts research and produces reports on conditions in various countries for use by its member states. Norwegian adoption authorities use such reports, for example, when processing applications for placement licences. The IRC (International Reference Centre for the Rights of Children Deprived of their Families) is a project run by ISS.

[2550] Fuuvi or Enfants des Parents du Monde, a local organisation and potential partner.

[2551] Bufdir, Rejection of an application for an adoption placement licence for the Democratic Republic of the Congo, 7 April 2008.

[2552] AF, Application for a placement licence for Honduras, 14 December 2012.

[2553] Bufdir, Rejection of an application for a placement licence for Honduras, 11 May 2015.

As far as the Committee can judge from the letters of refusal, the handling of the cases concerning authorisation for placement from Tajikistan, Haiti, the Congo and Honduras are examples of case handling and assessments that are well in line with the Hague Convention. The case investigations and assessments are significantly more thorough than what appears to have been standard practice before the Hague Convention came into force.

As shown above, the Committee has found clear examples of more thorough processing of applications for adoption licences and stricter requirements for applications to be granted, even in the first few years after the Hague Convention came into force in Norway. The Committee's archive research and interviews with staff at Bufdir and individuals associated with adoption agencies also paint a clear picture that there have been further significant changes and tightening of regulations over the last decade. The Committee has noted a specific example of this in the processing of Adopsjonsforum's application for an agency licence for Vietnam in 2015. At that time, Bufdir imposed a condition that all documents in individual cases, including correspondence, had to be submitted for verification.[2554]

The Committee has interviewed managers and case officers at Bufdir who report that, from 2019, they began a process of tightening up and issuing stricter guidelines for placement licences. Bufdir also began drafting longer and more thoroughly reasoned decisions. Bufdir and its predecessor organisations had long followed a practice of using so-called 'worksheets' for the internal processing of applications. At that time, a great deal of information and many assessments were not included in the decisions. In recent years, Bufdir has included the full basis and assessments in the decisions. Previously, decision letters might have been just one page long, but in recent years they can run to over twenty pages. However, there may still be investigations and assessments that have been carried out which are not apparent from the decision itself.[2555]

Another significant change was that the adoption authorities used to renew placement licences for countries with which Norwegian adoption agencies had collaborated for a long time, unless they had received information about significant changes, for example in the regulations. An employee at Bufdir who, amongst other things, processed applications for placement licences, put it this way:

> In the case of countries where the organisations had had long-standing cooperation, even if we had reacted to something or had reservations, it would take an extremely serious matter before we rejected an application. The fact that there was a long-standing, established cooperation carried great weight. Such as China and Korea. When renewing authorisations for countries, we looked at any changes since the last review. If there was nothing in particular we wished to investigate, or if nothing had happened, the authorisation was renewed.[2556]

What is described here also corresponds with what the committee has observed in our country reviews.

When processing an application for a renewed placement licence for South Korea in 2000, for example, the Committee notes that on the internal worksheet used in SUAK's case processing, the adoption authority asks a number of questions about various matters. Among other things, it is noted that there is little information on the release process, on aid and assistance projects, the role of the authorities in adoptions and the safeguarding of the principle of subsidiarity, and that there is no confirmation from the South Korean authorities that Children of the World is authorised to act as an adoption intermediary in the country. Nevertheless, it appears that only the issue of official approval in South Korea has been examined in any detail. And

[2554] 'As we have little experience with 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 communication regarding this. See Chapter 20 on Vietnam, section 20.8.1.

[2555] Interviews with a department head at Bufdir from 2016 on 11 February 2026 and a case officer during the period 2007–2018 on 3 February 2026.

[2556] Interview with a case officer at Bufdir who worked there between 2007 and 2018 on 3 February 2026. Similar statements were also made in an interview with a department head at Bufdir from 2016 on 11 February 2026.

In the letter of approval, only the issue of public authorisation is mentioned in the grounds. [2557] The Committee notes that adoption arrangements with South Korea began as early as 1969, a very long time before the Hague Convention was ratified by Norway. Consequently, the processing of the renewal could not be based on the assumption that the case assessment had been carried out in accordance with the requirements of the Hague Convention when the authorisation was first granted. Most of the text in the decision letter, however, concerns the fact that SUAK requested that Verdens Barn obtain a certificate from the relevant Korean authorities confirming that they were authorised to arrange adoptions from South Korea. This was not successful, and Verdens Barn applied to the Ministry of Children and Families for an exemption from the requirement. The exemption was granted on the recommendation of SUAK. The rationale for the recommendation to grant an exemption was that the Norwegian adoption authorities 'have, over many years, monitored Verdens Barn's cooperation with Holt Children's Services in Korea'.[2558] SUAK was to investigate the issue of the lack of approval during the fact-finding visit to South Korea later that year. The placement licence was limited to the remainder of the year (approximately eleven months).[2559]

When Verdens Barn again applied for renewal of the placement licence in December 2002,[2560] this application was also granted. The application was granted in a brief decision letter, in which BUFA pointed out that they were aware that Holt intended to increase the adoption fee to approximately 1,000 USD in 2004, and asked 'to be informed as soon as this has been decided'. They also wrote the following: 'Not least, it is important to receive an explanation of the reasons for such a significant increase in the fee, particularly given that a similar increase took place approximately 1–2 years ago.' Furthermore, Children of the World was asked to "inform its applicants in Korea that the names of biological mothers are usually known, but that this information does not appear on the Korean 'Statement of Release for Adoption' document, as the mothers have been promised anonymity".[2561] In BUFA's internal working document used during the investigation of the case, the case officer wrote regarding the release process that the South Korean practice of not stating the name of the child's birth mother 'causes a great deal of trouble, not least for the adoptee, but also for us'. The case worker also wrote that '[w]e must not forget that the biological mother had exactly the same right to anonymity in Norway right up until 1986, when our Adoption Act was amended on this point and given retrospective effect'.

Children of the World complied with BUFA's request to provide further information regarding the increased adoption fee, but as regards the condition that applicants be informed that the birth mothers' names were usually known, Verdens Barn considered that this would be offensive to Holt, and the organisation requested that a new letter be issued in which this clause had been removed. Consequently, a new letter of approval was sent without the two conditions that had been included in the original letter.[2562] In practice, however, the condition regarding informing applicants was followed up by Children of the World in that, in Children of the World's letter regarding placements from South Korea, adoption applicants were informed that the mothers' names are usually known in South Korea.[2563] We also refer to section 25.4 on the renewal of placement licences.

From 2019, according to the Bufdir staff interviewed by the committee, far more thorough assessments were carried out when processing applications for placement licences, both for renewals and for new countries. Bufdir also began routinely checking more sources than before. It had long been established

---

[2557] VB, application for re-approval of the contact network dated 30 September 1999; reply from SUAK dated 31 January 2000 stating that an application for a renewed placement licence must also be submitted; application from VB for a renewed placement licence dated 23 February 2000, accompanying worksheet (dated 3 January 2000) and letter from SUAK dated 8 February 2002 to VB granting the placement licence.

[2558] SUAK, Application for renewal of the placement licence for the adoption of children from Korea, 8 February 2002 [2559] SUAK, Application for renewal of the placement licence for the adoption of children from Korea, 8 February 2002. [2560] VB, Application for re-approval of Korea as an adoption country, 18 December 2002.

[2561] BUFA, Application for renewal of the placement licence for Korea, 11 February 2003.

[2562] This is reported in a letter from BUFA to BFD dated 6 March 2003.

[2563] The Committee has noted this during its review of individual cases from South Korea. See also the discussion in section 19.8.3.

It was standard practice to check reports from ISS. Bufdir now began, firstly, to routinely check statements from the UN Committee on the Rights of the Child. Furthermore, they examined studies carried out in the countries of origin, experiences from other countries, the Rule of Law Index and international corruption indices. Bufdir also began reviewing a selection of individual cases from the country of origin in question as part of the case assessment for applications to renew placement authorisations. However, fewer visits were made to countries of origin than previously. This was justified on the grounds of resource constraints, but also on the basis of a cost–benefit assessment regarding what can be clarified in meetings with, for example, local authorities, the emphasis placed on reports from independent international organisations, and the possibility of holding digital meetings and finding information online. Trips are discussed in more detail in section 25.7.2.1.

Adopsjonsforum applied for a renewal of its placement licence for Vietnam in 2021, but the application was rejected. The case handling by Bufdir appears, at first glance, to have been somewhat cursory (see section 20.8.1). The appeal process, on the other hand, was a lengthy and fairly comprehensive one. Bufdir requested documentation from Adopsjonsforum on several occasions, obtained information from international organisations and other receiving countries, and was in contact with the Vietnamese central authority for adoption. [2564]

In three decisions on placement licences in 2022 concerning Adopsjonsforum, Verdens Barn and InorAdopt respectively, a list was included of matters to be checked in connection with the review under Article 17(c) of the Hague Convention, relating to the release process and associated documentation. This applied to Adopsjonsforum's authorisation for Peru, Verdens Barn's for South Africa and InorAdopt's for Bulgaria.[2565] This list represented a significant tightening of the requirements regarding how adoption agencies were to monitor the release process of the child, including the issue of valid consent, the prohibition against undue financial gain and the principle of subsidiarity. Although the list specifically concerns monitoring in individual cases, a clarification of such requirements by the Norwegian authorities to adoption agencies will have implications for the international partnerships and cooperation partners that Norwegian adoption agencies may have.

This was the first time the agencies had received this list of conditions for adoption mediation. When the operating licence was granted in 2019, these were not set out as conditions. As the head of department at Bufdir saw it, these were not new conditions, but something that had 'been in the Convention all along', and which could be inferred from the Guide to Good Practice, albeit 'somewhat scattered', and something on which the agencies had a duty to keep themselves up to date. However, Bufdir found 'reason to clarify the duties under Article 17(c) to the organisations'.[2566]

The most recent placement licence granted by the Norwegian adoption authorities (as of June 2026) is a renewal of the placement licence for Adopsjonsforum for Colombia. This licence contains several conditions. One condition is that the Colombian child welfare services and the central authority, the ICBF, must notify the birth parents of the date of the hearing on the termination of parental responsibility, and that the child is to be placed for adoption by means other than those in accordance with standard practice. Under Colombian regulations, in cases where the child to be adopted has known parents who have not consented to the adoption, the birth parents must be notified via public notices at the local district centre, but only for one day. Bufdir does not consider this to be a reasonable way of notifying the decision, as it does not give the biological parents any real opportunity to find out about the court hearing and to challenge the decision.[2567] The condition must be understood to mean that either the Colombian authorities must adopt a

[2564] See Chapter 20 on Vietnam, section 20.8.1.

[2565]Letter to VB regarding the renewal of VB's placement licence for South Africa dated 29 December 2022; letter to AF dated 18 November 2022 containing the decision to renew the placement licence for Peru; and letter to IA dated 17 December 2022 containing the decision to renew the placement licence for Bulgaria.

[2566] Interview with the Head of Department at Bufdir from 2018–2025, 11 February 2026.

[2567] Bufdir, 30 December 2025, 'Decision on a placement licence for Colombia 2026–2028.

any form of notification other than that required under Colombian law, or adoptions of children with known and living parents may not be arranged in Norway if the parents have not consented to the adoption.

25.4 Processing of applications for the renewal of placement licences

Time-limited placement licences were usually granted for a period of two to three years and therefore had to be renewed regularly.

In the Committee's interviews with former and current employees of the adoption authorities, we were informed that the standard procedure was for placement agencies to submit applications for renewal by 1 October of the same year in which the licence expired. The licences were then to be ready by 31 December. This meant that many applications for the renewal of placement licences had to be processed simultaneously by the competent authority. In 1999, for example, SUAK was expecting around twenty applications for renewals to be processed within three to four months.[2568] In the Committee's view, the large number of applications to be processed within a relatively short period of time entailed a risk that the requirements for a proper investigation of the case, cf. Section 17 of the Public Administration Act, would not be met.

Staff at the competent authority have informed the Committee that the work on renewals largely involved checking whether any changes had occurred since the last review – for example, changes to the regulations. If there was nothing in particular they wished to investigate, the licence was renewed.[2569] A letter from the Ministry of Children and Families sent to adoption agencies in connection with the ratification of the Hague Convention lists the matters that must be included in applications for an agency licence (see section 25.3.4.1 above), but it is specified that, in the case of 'an application for renewal, it is sufficient to account for those points that have changed'. [2570]

The Committee is nevertheless aware that there were variations. For example, more thorough assessments were carried out during the renewal of the placement licence for Colombia in 1999, partly due to news reports in Norwegian newspapers in the autumn of 1999 concerning a marked deterioration in the political situation in the country.[2571] A enquiry was then sent to the Foreign Service, asking, amongst other things, whether the corruption reported in the media also extended to the field of adoption, and whether young children were also affected by kidnappings linked to the internal conflict.[2572] The embassy replied that although the situation in the country was very difficult and corruption was 'widespread, including within the judiciary', the state child welfare service (ICBF) had a very good reputation and was considered to be free from corruption. The same applied to private adoption agencies, and the Embassy therefore saw no reason to recommend suspending adoptions from Colombia.[2573] The authorisation was renewed for a period of two years.[2574] See also section 12.7.4. A more thorough assessment was also carried out when the authorisation for Colombia was renewed in 2001

[2568] Internal SUAK memo from the section head to case officers, 21 September 1999.

[2569] Information from an interview with a case officer at Bufdir, 3 February 2026, and information from an interview with a department head at Bufdir, 11 February 2026.

[2570] Letter from BFD to AF, VB and IA, Ratification of the Convention of 23 May 1991 on the Protection of Children and Co-operation in Respect of Inter-country Adoption, 19 December 1997.

[2571] SUAK referred to an article in *Dagbladet* on 21 September 1999: 'The Forgotten War', and an article in *VG* on 5 September 1999:
'Hell on Earth'.

[2572] Letter from SUAK to the Norwegian Embassy in Venezuela, 23 September 1999. 'The situation and developments in Colombia'.

[2573] Letter from the Norwegian Embassy in Caracas to SUAK, 6 December 1999. 'The situation and developments in Colombia'.

[2574] From SUAK to AF, 12 January 2000. 'Renewal of the placement licence for Colombia'.

investigations, at that time due to concerns regarding the so-called ‘donations’ paid by the private agencies in connection with each individual adoption; see section 12.7.4.3.

By way of comparison, the Committee has not found any similarly thorough investigations in connection with the renewal of placement licences for South Korea; see section 25.3.4.2 above. In the Committee’s view, the difference in the handling of applications for placement from Colombia and South Korea, respectively, can probably be explained by the fact that the adoption authorities became aware of specific problematic circumstances in Colombia that could pose an increased risk to the adoption process. In other words, the Norwegian authorities reacted to the information they received, but to a lesser extent carried out independent assessments of whether there might be risks associated with an existing country partnership that had not been taken into account, and which should therefore be investigated.

It was not until around 2019 that the specialist authority began reviewing individual cases and systematically gathering information from a range of different sources in connection with the renewals (see section 25.3.4.2). The Committee has seen examples of information being gathered from several sources earlier in the 2000s as well, such as the ISS, the embassy in the country and the central authorities in other receiving countries; however, it appears that this was linked to specific issues on which more information was sought, and that it was not a systematic practice.

25.5 Adoption from countries in a state of crisis

25.5.1 The issue

Natural disasters, war and refugee crises can leave children in acute emergency situations. Some may become orphans or be separated from their parents. When faced with such acute distress, questions may arise as to whether it is possible to adopt from that country. Such acute crises or societal changes may also occur in countries of origin from which adoptions are already taking place, raising similar questions.
At the same time, such situations can be extremely complex when it comes to determining whether the child has living parents or other relatives, which entails significant risks in the adoption process. In this section, the Committee will briefly address the following issues: firstly, how the Hague Conference has dealt with this matter (25.5.2), and secondly, how Norwegian adoption authorities have dealt with certain such major crises (25.5.3).

25.5.2 Recommendations from the Hague Conference

The question of how to deal with crisis situations such as those described has been the subject of discussion at the Hague Conference on several occasions. Firstly, in 1994 the Hague Conference adopted a recommendation on refugee children. This recommendation is referred to in the subsequent statements from the Hague Conference discussed below. The 1994 recommendation states, amongst other things:

a) before any intercountry adoption procedure is initiated,

- all reasonable measures have been taken to trace and reunite the child with his or her parents or family members where the child is separated from them; and
- the repatriation of the child to his or her country, for the purposes of such a reunion, would not be feasible or desirable, because the child cannot receive appropriate care or benefit from satisfactory protection in that country;
- the consents referred to in Article 4(c) of the Convention have been obtained; and
- information regarding the child’s identity, suitability for adoption, background, social environment, family history, medical history (including that of the child’s family), upbringing

, his or her ethnic, religious and cultural origins, and any special needs of the child, has been gathered to the extent possible under the circumstances.

In fulfilling the requirements of sub-paragraphs (a) and (b), these authorities shall seek information from international and national bodies, in particular the Office of the United Nations High Commissioner for Refugees, and shall request their cooperation as necessary.[2575]

In 2005, following the tsunami disaster that struck several Asian and African countries, the Hague Conference issued a press release in which the Secretary-General expressed grave concern regarding media reports of the 'irregular removal of children who were victims of the recent tsunami disaster'. The press release emphasises, amongst other things, the following:

> In the spirit of this Recommendation, it is clear that in a disaster situation, such as that caused by the tsunami, efforts to reunite a displaced child with his or her parents or family members must take priority, and that premature and unregulated attempts to arrange the adoption of such a child abroad should be avoided and resisted.[2576]

The Hague Conference also issued an 'Information note to states and central authorities' in connection with the earthquake in Haiti in 2010. This statement is particularly interesting because Haiti had not ratified the Hague Convention. It is emphasised that the Hague Conference issued a recommendation in 2000 that Member States should 'as far as practicable, apply the standards and safeguards of the Convention to the arrangements for intercountry adoption which they make in respect of States that have not yet joined the Convention'. Furthermore, the statement includes the following:

> Following the earthquake, many children have been separated from their families and may find themselves without shelter, food, water or other basic necessities. They may also be at risk of illegal adoptions, abduction, sale and child trafficking.
>
> The primary concern should be the safety of these children, and some consideration is being given to the possible need for evacuation. However, evacuation should not be confused with intercountry adoption, which is a more radical measure that alters a child's parentage. Adoptions should always be made in the best interests of the child, with respect for his or her fundamental rights, and all safeguards should be observed to prevent, amongst other things, the abduction, sale or trafficking of children.

Reference is then made to the 1994 Recommendation on refugee children, which states:

> In the spirit of this Recommendation, it is clear that in a disaster situation, such as that caused by the earthquake, efforts to reunite a displaced child with his or her parents or family members must take priority. Premature and unregulated attempts to organise the adoption of such a child abroad should be avoided.

It is emphasised that a humanitarian crisis 'should not be the reason for bypassing essential safeguards for safe adoption' and that 'in a situation where child care and protection services have broken down, such as in Haiti, the risks are even greater that the adoption may be "unsafe"'. It is subsequently emphasised that this is why 'in these tragic situations the emphasis should first be on child protection, rather than adoption'.[2577]

[2575] HCCH, Recommendation on Refugee Children, 21 October 1994.

[2576] HCCH, Press Release: 'Asian-African Tsunami Disaster and the Legal Protection of Children'.

[2577] HCCH, Information note to states and central authorities. Haiti earthquake and intercountry adoption of children, 20 January 2010.

In 2022, the Hague Conference issued a statement on the war in Ukraine. This statement begins by emphasising that: 'In the event of an armed conflict, the focus should be on child protection measures other than adoption.' It further states, amongst other things:

> Children who are separated from their parents in situations such as that in Ukraine cannot be assumed to be orphans and/or in need of adoption. Until the fate of a child's parents or other close relatives can be verified, each separated child should be considered as still having living relatives or legal guardians and, therefore, not in need of adoption. This includes the '[n]early 100,000 children, half of them with disabilities, [living] in institutional care and boarding schools in Ukraine' as reported by UNICEF.

The statement also goes somewhat further than previous statements by stating that international adoptions from Ukraine should be banned in the current war situation:

> In light of the above, in a situation of armed conflict,
>
> - the conflict should not be used as a justification for expediting intercountry adoptions, or for circumventing or disregarding international standards and essential safeguards for safe adoption;
> - adoption procedures should be prohibited from taking place. As UNICEF notes, '[a]doption should not occur during or immediately after emergencies' [2578]

25.5.3 The Norwegian adoption authorities' approach to war, natural disasters and other situations posing particular risks to adoptions

As described in Chapters 9 and 20, adoptions were arranged to Norway from Vietnam and Bangladesh during various crisis situations.

The first authorisation to arrange adoptions from Vietnam was granted in 1968, whilst the civil war was in full swing (see section 20.5.2). In April 1973, the Parents' Association for Children from Vietnam was granted permission to arrange up to 50 adoptions from Vietnam (see section 20.5.4). In light of the war situation in Vietnam in the spring of 1975, the Parents' Association received special authorisation from the Ministry of Social Affairs to bring up to 40 children to Norway before the adoption had been finally completed in Vietnam. The Norwegian authorities' awareness of the risk factors associated with adoption from conflict zones appears to have been limited at this time. The Committee acknowledges that, at that time, international cooperation and guidelines for international adoption were underdeveloped.[2579]

In 1974, a famine broke out as a result of flooding and political unrest in Bangladesh, and in 1975 a military coup took place in the country. The country was in a state of ongoing crisis and poverty was a major social problem.[2580] During this period, adoptions to Norway also took place. As described in section 9.8, the Committee cannot see that the Norwegian authorities carried out any specific assessments of the extent to which the fundamental principles for international adoptions, which the Storting had endorsed in 1977, could be upheld in the case of adoptions from Bangladesh. Nor can the Committee see that any specific assessment was made of the risks posed by the challenging situation in the country before the authorities granted prior consent to adoption applicants (from around 1973) and subsequently granted Adopsjonsforum a placement licence in 1978.

[2578] HCCH, Children deprived of their family environment due to the armed conflict in Ukraine: Cross-border protection and intercountry adoption – Information Note from the Permanent Bureau of the HCCH, 16 March 2022.

[2579] See section 5.2.2 for further details on legal developments regarding international conventions.

[2580] In 1983, over a third of the population lived in extreme poverty (see section 9.2).

In 1985, a volcanic eruption near the town of Armero in Colombia triggered a massive landslide in which more than
23,000 people lost their lives. There are indications that more than 400 children were separated from their parents, and that several were subsequently adopted both domestically and abroad (see section 12.7.2.3). The disaster received extensive coverage in Norwegian newspapers, and many people wanted to help children who had been left orphaned. The Director-General of the Ministry of Social Affairs stated in this connection that 'it shall not be for lack of willingness on the part of the Norwegian authorities if it is desirable to expedite normal procedures for international adoption in order to alleviate the situation in Colombia'. The adoption authorities in Colombia, however, stated that they had *not* relaxed the procedures or expedited the release or approval processes for international adoptions.[2581] The number of adoptions from Colombia to Norway fell from 1985 to 1986 (whilst Denmark saw an increase), but rose significantly from 1987 (see section 12.7.2.3).

As discussed in section 15.8.5, the war that broke out between Ethiopia and Eritrea in 1998 did not lead to a halt in international adoptions, nor to those to Norway. A former head of SUAK has stated that SUAK was critical of continuing placements during the war and advocated withdrawing the placement licence until the situation had been clarified, but that the Ministry rejected this. These assessments were not put in writing, nor has the committee found any documentation to this effect. The then Head of Department at the Ministry has stated that he does not recall such a discussion.

As described in section 12.7.4 and section 25.4 above, an assessment was sought in 1999 from the embassy in Caracas as to whether it was justifiable to continue adoption placements from Colombia. This followed Norwegian adoption authorities becoming aware, through news reports in Norwegian newspapers, that the political situation in the country had deteriorated significantly. The embassy considered at the time that it was justifiable to continue the adoption cooperation, and the licence was renewed.

In December 2004, when the tsunami struck South and South-East Asia, Adopsjonsforum had, a few months earlier, applied for renewal of the placement licence for Sri Lanka. This was renewed by Bufdir on 12 January 2005, without any mention of the disaster in the decision. The Committee has found no evidence that information was sought or assessments made as to whether the disaster might affect the soundness of the adoption processes in the country.[2582] However, a letter from ISS dated February 2005, which the Committee has found in the archives of the Norwegian adoption authorities, indicates that the central authority in Sri Lanka had issued a number of directives on child protection following the disaster.[2583]

As discussed in section 18.5.6.3, in November 2006 the Norwegian adoption authorities sent an enquiry to the embassy in Colombo in connection with Adopsjonsforum's application for a renewed placement authorisation from Sri Lanka, in which they requested 'information on current conditions in Sri Lanka that may be relevant to the assessment of the aforementioned application'. The embassy's reply stated that illegal adoptions and the smuggling of children out of the country following the tsunami had been a problem and that the embassy was monitoring developments closely. It also reported that the conflict in the country had escalated. The process of obtaining the licence was delayed for various reasons, and when it was renewed in February 2008, it was on the condition that Adopsjonsforum submit a 'detailed report' on the next two adoptions carried out. The reason for this, however, was linked to factors other than the repercussions of the tsunami and the civil war.

In January 2010, shortly after the earthquake struck Haiti, a question was raised in the Storting asking whether the Minister for Foreign Affairs 'would take the initiative to establish an international agreement ensuring the adoption of children who, in special circumstances arising from disasters, are left without relatives or carers'.[2584] The Minister for Foreign Affairs then highlighted the risk of kidnapping, abduction and child trafficking in connection with

[2581] VG, 20 November 1985: '"No children as Christmas presents"'.

[2582] Case 2004/7938 in Bufdir's digital archive.

[2583] ISS/IRC Monthly Reviews, No. 2005/2, February 2005.

[2584] Written question from Trine Skei Grande (V) to the Minister for Foreign Affairs, doc. no. 15:537 (2009–2010), 25 January 2010.

in connection with disasters, by portraying them as orphans without close carers. The Minister for Foreign Affairs referred to the UN Convention on the Rights of the Child and the 1993 Hague Convention, which are intended to ensure that adoptions take place with respect for the child's fundamental rights and to prevent the abduction and trafficking of children.
Furthermore, the Minister for Foreign Affairs noted that the UN High Commissioner for Refugees warns against facilitating the adoption of children in the wake of crisis situations, and that, in connection with the earthquake in Haiti, the Secretariat of the Hague Conference clearly emphasised how important it was not to link the need for emergency aid with international adoption in such a crisis situation. The Minister for Foreign Affairs had also been informed that UNICEF and Save the Children had warned against the adoption of children given the current situation in Haiti.
The Minister of Foreign Affairs concluded that no hasty decisions could be taken regarding the placement of children from Haiti for adoption, and that adoption placements from the country could not be considered until the situation had been clarified and the country's authorities had the means and capacity to handle adoption in accordance with international standards.[2585]

Overall, the examples show that Norwegian adoption authorities have, on several occasions, made inadequate assessments of the risks posed by newly emerging crisis situations in countries of origin. At the same time, there has been a gradual shift towards greater awareness, more thorough information-gathering and a clearer emphasis on international standards in recent years.

25.6 Risks associated with increased competition between private intermediaries in countries of origin

Another type of general risk that may arise in countries of origin, and which the Committee has observed to be a factor in several of the twelve priority countries, is increased competition between private intermediaries from different recipient countries to secure allocations. This was particularly prominent in Ethiopia from around 2000 (see section 15.3.2), but also in China from the late 1990s (see sections 17.5.6.1 and 17.5.7.1).

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

Ever since the 1970s, the Norwegian authorities have adopted the principle that a placement licence should only be granted to one Norwegian intermediary per country of origin.[2586] The Committee considers this to be a positive and risk-reducing measure. However, the Committee cannot see that the total number of private adoption agencies from different receiving countries in a country of origin has been systematically mapped or assessed in connection with the granting of placement licences or renewals of such licences.

The Committee considers this to be a significant weakness in the Norwegian adoption authorities' risk assessments. A lack of an overview of the overall international landscape of actors in the country of origin may contribute to an underestimation of the risk of pressure, undesirable incentives and weakened ethical standards, contrary to the fundamental principles of the Hague Convention.

[2585] Written question from Trine Skei Grande (V) to the Minister for Foreign Affairs, doc. no. 15:537 (2009–2010). Answered: 1 February 2010 by the Minister for Foreign Affairs, Jonas Gahr Støre (Ap).

[2586] Exceptions have, however, been made for large countries (such as China, India and Brazil), and mainly where the intermediaries were to operate in different parts of the country.

25.7 General supervisory work

In this section, the committee will present its findings regarding the Norwegian adoption authorities' supervision and control of adoption placement. The following section will first provide an overview of the regulatory framework for supervision, before detailing the various forms of supervision that have been carried out to varying degrees throughout the period of adoption placement to Norway.

To begin with, the Committee would like to note that KPMG carried out a review in 2013, commissioned by Bufdir, of internal controls within Bufdir's adoption section. The report contained a number of criticisms concerning a lack of structure and procedures within the section.[2587] Overall, the audit firm considered that the adoption section 'lacks [...] both an appropriate structure and a number of procedures for the tasks assigned'. Among other things, they highlighted that case handling and task execution 'are largely based on staff members' extensive experience and interpretation of the law rather than on procedure descriptions, checklists, etc., which could contribute to structured, systematic, consistent and less person-dependent case handling'.[2588] KPMG was critical of, amongst other things, inadequate procedures for managing specific risks associated with international adoption placement, the supervision of adoption agencies, and the planning and implementation of information and supervisory visits (see section 25.6.2 below for further details on the latter).[2589]

25.7.1 Regulation of supervision

25.7.1.1 Regulation of supervision prior to the Hague Convention coming into force in Norway (1 January 1998)

Section 26b of the Child Welfare Act of 1953 stipulated that the authorities had a duty to supervise adoption agencies holding a licence to act as intermediaries. As mentioned in section 25.3.3.1, the supervision of adoption agencies was part of the remit of RIA (1978–1986) and SAK (1987–1998).

For RIA, some guidelines on supervision were set out in Circular I-9/78 from the Ministry of Social Affairs concerning the adoption of foreign children. RIA was to monitor international developments in international adoptions and, in cooperation with the foreign service missions, the activities of adoption agencies abroad. Furthermore, RIA was to monitor the activities of adoption agencies in Norway and provide information, advice and guidance to the authorities on international adoption.[2590] RIA could carry out investigations by contacting bodies both in Norway and abroad, and its staff undertook fact-finding and monitoring visits to countries from which adoptions were arranged as part of the supervision of adoption agencies and related matters.[2591]

Circular I-20/87 provides guidance, amongst other things, on SAK's general supervisory work in relation to agencies. SAK was generally to 'monitor the activities' of adoption agencies. With regard to the activities of agencies abroad, SAK was to monitor these 'in cooperation with Norwegian diplomatic missions'. Furthermore, SAK was to participate in negotiations organised by the Ministry of Foreign Affairs and the Ministry of Social Affairs with authorities and organisations in other countries concerning agreements on adoption mediation. The office was also to 'hold regular meetings with the organisations concerned'.

[2587] KPMG, Bufdir – Assessment of internal control in the Adoption Section, 1 November 2013.

[2588] KPMG, Bufdir – Assessment of internal controls in the Adoption Section, 1 November 2013, section 1.2.

[2589] KPMG, Bufdir – Assessment of internal controls in the Adoption Section, 1 November 2013; see in particular sections 3.3, 4, 5.3.2 and 5.3.5, as well as Annexes 1 and 2.

[2590] Circular I-9/78 from the Ministry of Social Affairs, *Adoption of foreign children*, p. 4.

[2591] Steenberg, *The History of Adoption in Norway* (2011), p. 57.

25.7.1.2 Regulation of supervision following the entry into force of the Hague Convention (1 January 1998)

Article 11(c) of the Hague Convention requires that adoption agencies ‘be subject to supervision by the authorities of the State concerned with regard to their composition, operation and finances’.

In a letter dated 16 October 1998 from the Ministry of Children and Family Affairs to SUAK, guidance was provided on SUAK’s supervisory and monitoring responsibilities in relation to adoption agencies. The letter refers to Section 2 of a set of instructions for SUAK dated 30 April 1998. The Committee has attempted to obtain a copy of the instructions but has been unable to locate them. The Committee will therefore reproduce key information from the letter. In the letter, the Ministry begins by emphasising the responsibilities of the Norwegian authorities with regard to intercountry adoptions:

> The Norwegian authorities have always regarded it as an important task to facilitate sound arrangements for cross-border adoption. The aim of these arrangements has been to ensure that children placed for adoption are provided with a good and permanent home, and to prevent the abduction and trafficking of children. Furthermore, the aim has been to ensure that prospective adoptive parents and their interests are properly looked after throughout the adoption process.

The letter goes on to emphasise that SUAK is to act as the central authority under the Hague Convention, and then sets out the tasks this entails:

> It is important that the authorities are kept continuously informed at all times about the activities carried out by the organisations both at home and abroad. The Ministry wishes to emphasise that the placement of children from foreign countries is a type of activity that places high demands on the organisation’s ethical standards. Breaches of the law, regulations or the terms of the licence may be of such a serious nature that the activity must be halted immediately.
>
> In this regard, it is extremely important that the Norwegian Directorate for Children, Youth and Family Affairs (SUAK) regularly reviews its procedures for systematising relevant information. This information must be made readily available for the Directorate’s own and the Ministry’s processing of cases under the Adoption Act.

The Ministry emphasises that the instructions give SUAK ‘considerable freedom to develop procedures to fulfil its control and supervisory responsibilities’ and set out the ways in which supervision may be carried out. Part of the monitoring will take place in connection with the processing of placement licences, the approval of contacts with foreign authorities and the submission of draft agreements that the associations wish to enter into with foreign authorities.
SUAK also has access to the organisations’ accounts and budgets and will assess whether amendments to the organisations’ articles of association should be permitted. Monitoring may also take place through monitoring and fact-finding visits, and through visits by officials and foreign contacts from the countries of origin. The Ministry further emphasises that regular meetings with the organisations and the processing of cases concerning prior consent will ‘provide the office with a good overview of the organisations’ work and developments in the countries of origin’, and that Article 7 of the Hague Convention states that central authorities shall cooperate and provide information on their adoption legislation and other general information, as well as keep each other informed ‘about the operation of the Convention’. The Ministry also mentions annual Nordic meetings, and goes on to specify that
‘it is further assumed that the office actively utilises the Foreign Service in order to keep itself informed of developments regarding international adoptions’.

The Ministry emphasises that it ‘appears […] to be, in particular, the associations’ activities at home and abroad, the financial aspects of international adoption and the information provided by the associations to prospective adoptive parents that the State Youth and Adoption Office should focus its supervision on’.

With regard to the supervision of financial matters, the Ministry states that SUAK shall:

- ensure that the associations submit annual reports on the allocation of their income and expenditure, both in Norway and in the countries of origin. The Ministry has emphasised on various occasions that where organisations also carry out aid work, it is important that they *separate this aid work from adoption placement in terms of finances and staff*. The organisation must therefore prepare separate accounts for its placement work and aid work, and for any other areas of activity in which the organisation is involved.
- ensure that the accounts for the aid work are subject to an annual audit in line with the organisation's other accounts.
- keep itself up to date regarding cost levels within the associations. Furthermore, the office must obtain information on costs from associations in the other Nordic countries. The Hague Cooperation will also provide the Norwegian State Youth and Adoption Office with a basis for assessing what should be regarded as reasonable costs and expenses in the associations' placement work.
- ensure an ongoing dialogue between the Office and the agencies regarding the financial aspects of the agencies' activities

In the Adoption Act of 1986, rules on the supervision of adoption agencies were incorporated by an amendment in 1999. Section 16d, fourth and fifth paragraphs, states:

> The Ministry supervises the organisation's activities and may order it to rectify any circumstances that contravene the law, regulations or the terms of the licence. The licence may be revoked if the law, regulations or the terms of the licence are not complied with.

In the preparatory work for the provision, the Ministry of Children and Families notes that the provision largely amounts to 'codification of existing law' and that 'the conditions set out in the provision for a placement licence do not differ from the requirements imposed on the three organisations that currently place children from abroad'. Codification 'will, however, help to clarify existing law and thereby create clearer and more orderly conditions'. The Ministry emphasises the importance of proper supervision of adoption agencies:

> In line with the consultation bodies that highlight the need for proper supervision, the Ministry considers it important that the purpose and scope of the State Youth and Adoption Office's supervisory activities are clarified and made explicit. We also consider it important that the Office's financial and legal expertise is strengthened to ensure effective supervision.

The Ministry further emphasises, amongst other things, that the Hague Convention stipulates 'that a publicly accredited organisation shall be staffed by personnel who, by virtue of their ethical standards and their education or experience, are qualified to work with international adoptions'. Furthermore, the Ministry emphasises that adoption agencies may be ordered to rectify any irregularities and that their authorisation may be withdrawn if the circumstances or their operations contravene the law, regulations or the conditions of the authorisation. It is emphasised that there is no requirement to issue an order to rectify the situation before a licence is withdrawn, and that it is not only a breach of such an order that can lead to the loss of an agency licence. The Ministry states the following:

> The Ministry wishes to emphasise that the placement of children from foreign countries is a type of activity that places high demands on the ethical standards of organisations. Breaches of the law, regulations or the conditions of the licence may be of such a serious nature that the activity must be halted immediately.[2592]

In connection with the legislative amendments in 1999, a regulation was issued 'on requirements for organisations that place children from foreign countries for the purpose of adoption'. Section 3 of the regulation contained a provision stating that

[2592] Parliamentary Bill No. 63 (1997–98) on amendments to the Act of 28 February 1986 on adoption, etc., p. 28.

SUAK 'shall supervise all aspects of the organisation's activities'. The provision required adoption agencies to 'provide the supervisory authority with the necessary information and assistance to enable it to inspect the organisation's activities both in Norway and abroad'. The provision also provided the legal basis for issuing orders 'to rectify circumstances that contravene the Act, regulations or the conditions of the licence' and for withdrawing the agency licence if 'the Act, regulations or the conditions of the licence are not complied with'.

The regulations stipulated that articles of association and amendments thereto had to be approved by SUAK, cf. Section 7. Furthermore, adoption agencies were required to prepare annual accounts audited by a chartered accountant and an annual report in accordance with the Ministry's requirements for such documents, cf. Section 8. The provision in the regulations specified that if the adoption agency 'carried out aid work or other activities related to its agency activities', separate accounts were to be prepared for each area of activity. Both the annual accounts and the annual report were to be submitted to SUAK.

Furthermore, 'cooperation agreements which the organisation is considering entering into with the authorities of other countries' were to be submitted to SUAK for approval, cf. Section 9.

Section 10 contained rules regarding the intermediaries' duty to 'immediately' notify SUAK of 'changes in the organisation's activities in Norway or abroad that may be of significance to the intermediation licence', and of
'changes in political, legal or other circumstances abroad that may be expected to affect the placement activities'. Adoption agencies were also required to inform SUAK if they were considering commencing placement activities in a new country.

The *Guide to Good Practice* (2012) provides detailed recommendations for the supervision of adoption agencies. One of the key guidelines is that supervision should focus in particular on the following:

> In particular, their observance of the three most important principles for the protection of the child should be taken into account: the child's best interests, the principle of subsidiarity and the absence of improper gain.[2593]

With regard to the specific organisation of the supervision of intermediaries, the Guide emphasises that each State must develop rules facilitating the supervision of intermediaries and 'specify how these functions will be conducted and who will be responsible for them', and that States must ensure sufficient resources are available to carry out the supervision.[2594]

The Guide also recommends that, where necessary and appropriate, the supervisory body (in principle, the central authority [2595]) should provide intermediary organisations with 'the best possible professional support in connection with their duties, for example the establishment of an effective partnership to provide the accredited bodies with tools, assistance and training, including training on how to apply the 1993 Hague Convention'. Furthermore, it is emphasised that cooperation should be directed towards achieving 'the difficult balance between supervision and support'.[2596]

The purpose of supervision is stated as follows: 'The competent authority should ascertain that the accredited body is able to perform its duties in a professional and competent manner.' According to the guidelines, supervisory activities may include, amongst other things, regular meetings between the supervisory authority and the intermediary, on-site inspections and reports from the intermediary on staffing ('composition'), operations and finances. The reports should be submitted annually and should be required by law. There should also be statutory provisions governing on-site inspections. Furthermore, according to the guide, the supervisory body may impose 'any other necessary or desirable requirements which the accredited body must meet'.

[2593] HCCH, *Guide to Good Practice* (2012), paragraph 7.4. [2594] HCCH, *Guide to Good Practice* (2012), paragraph 7.4. [2595] HCCH, *Guide to Good Practice* (2012), paragraph 7.4.1. [2596] HCCH, *Guide to Good Practice* (2012), paragraph 7.4.

The Guide emphasises that the review of individual cases can also constitute a form of supervision: 'The Central Authority also has the opportunity to monitor standards when it reviews an adoption file before giving its consent under Article 17(c)'.

It is also recommended that the receiving country 'undertake missions or visits to assess the activities of accredited bodies in the State of origin and to understand the current situation of intercountry adoption there'. [2597]

25.7.1.3 Regulation following the entry into force of the Adoption Act 2017

The current Adoption Act contains provisions on supervision in Section 34, which reads:

> The Adoption Authority supervises all aspects of the adoption organisation's activities.
>
> Adoption organisations may be ordered to rectify any circumstances that contravene the Act, regulations or the conditions for authorisation under Sections 31 and 32.
>
> Authorisations may be withdrawn if the law, regulations or conditions for authorisations under Sections 31 and 32 are not complied with.

According to the preparatory works, the provision essentially represents a continuation of the previous legal position. The preparatory works for the provision emphasise the importance of supervising adoption agencies:

> Given the far-reaching legal consequences of adoption and the central role played by adoption organisations in this field, there is a need for supervision to cover 'all aspects' of their activities.

Furthermore, it is specified that areas 'which may be of particular relevance for supervision include the adoption organisation's finances, operations, composition and the information provided by adoption organisations to applicants', but that this is not an exhaustive list. The Ministry clarifies that 'supervising the 'composition' of adoption organisations does not imply that the organisations must involve the adoption authority in the recruitment process for new staff'. What is to be assessed is 'whether the adoption organisation has sufficient staff and competent employees to enable it to carry out its tasks in a responsible manner'. The Ministry states that this task 'is particularly important when the number of international adoptions is falling'.[2598]

More detailed rules are set out in the 2018 Adoption Regulations on various matters relating to supervision, which are consistent with previous regulations:

- Any amendments to the adoption agencies' articles of association must be approved by Bufdir, cf. Section 20, second paragraph.
- Adoption agencies are obliged to notify Bufdir immediately of any changes to their operations in Norway or abroad that may affect their operating and placement licence, cf. Section 22(a).
- Adoption agencies are obliged to notify Bufdir immediately of any changes in political, legal or other circumstances abroad that may affect their placement licence, cf. Section 22(b).
- Adoption agencies holding an operating licence must prepare annual accounts audited by a certified auditor and an annual report in accordance with the requirements of the operating licence. Charitable work and any other activities in addition to adoption services must be accounted for separately.
  The accounts and annual report must be submitted to Bufdir by 1 June each year, cf. Section 24.

[2597] HCCH, *Guide to Good Practice* (2012), paragraph 7.4.2.

[2598] Prop. 88 L (2016–2017) *Adoption Act*, p. 233.

25.7.2 Information and monitoring visits, visits from the country of origin and other communication with authorities in the country of origin

25.7.2.1 Information and monitoring visits

There were significantly more information and monitoring visits during the first few decades of adoption placements to Norway than in the last 25 years or so. This has been stated by several individuals who have been employed by the adoption authorities in interviews with the Inquiry Committee, and is consistent with the impression the Committee has gained through its own investigations of the archives of the Norwegian authorities and adoption agencies.[2599]

The Committee does not have a complete overview of the adoption authorities' visits to countries of origin throughout the period of international adoptions to Norway, but for the twelve priority countries specified in the mandate, the Committee has identified a total of 45 country visits during the period 1978–2025, of which 16 took place from 1978 to 1987, 14 from 1988 to 1997, 10 from 1998 to 2007 and 5 from 2008 to 2025. Looking at the period 2000–2025, Norwegian adoption authorities undertook twelve visits to countries among the priority countries in the committee's mandate. However, over the years of adoption mediation to Norway, there have been active mediation licences for 36 countries,[2600] so the figures for these twelve countries do not provide a complete picture of the extent of the travel activity.

For many years, adoption agencies played a central role in connection with information and monitoring visits, where they drew up parts of the programme and took part in some of the meetings. As recently as 2000, the work plan of the Children and Youth Section at SUAK stated that adoption agencies were to be included in preparations for any information and monitoring visits.[2601] A person who was employed by the Norwegian adoption authorities from 2007 to 2018 states that they have the impression that 'the visits used to be more about gathering information than about supervision, in the sense that we did not address problematic cases or situations where there were specific circumstances we needed to investigate further'. The employee believes that 'the scope of the supervision we could carry out abroad was limited'.[2602]

Resource constraints appear to have gradually imposed significant limitations on the ability to undertake trips, contrary to what the central authority itself considered appropriate and necessary. In interviews with the review committee, a long-serving manager within the adoption authorities – first at SUAK and later at BUFA and Bufdir – stated that, from 1998 onwards, they only had the resources to undertake one trip a year, which the person in question considered far too few given the number of countries from which adoptions were arranged. By comparison, Sweden had a separate budget for travel and staff dedicated to this task. According to the manager, the adoption authority reported this to the Ministry. Nevertheless, no earmarked resources were allocated for this purpose, and it became a question of resource allocation within the agency as to whether travel could be prioritised in a situation where there were also challenges relating to long processing times.[2603]

SUAK's business plan for the year 2000 states that, based on the agency's budget allocation, 'there will not be the same opportunity as before to undertake information-gathering and monitoring trips'. It further states that 'it has not so far been possible to set aside funds for participation in international meetings and travel'. At the same time, it is emphasised that there is 'a need to undertake fact-finding visits to countries such as Colombia, Guatemala and Russia'. It is also mentioned that adoption mediation from

[2599] Interviews with the heads of section at SUAK, BUFA and Bufdir on 5 February 2026, and the head of section at Bufdir from 2012 to 18 February 2026, a case officer at Bufdir during the period 2007–2018 on 3 February 2026, and a department head at Bufdir from 2018–2025, 11 February 2026.

[2600] The fact that the placement licence has been active means that children have been placed from the country in question; see further details in section 6.2.1.

[2601] SUAK, Work Plan for 2000 BAS (Children and Adoption Section), p. 14.

[2602] Interview with a case officer at Bufdir for the period 2007–2018, 3 February 2026.

[2603] Interview with a section head at SUAK, BUFA and Bufdir on 5 February 2026.

Vietnam and Romania were discontinued in 1999, and it is conceivable that it might be appropriate to resume placement 'should developments in those countries make this possible'. It is emphasised, however, that before this could happen, meetings would need to be held with the authorities in both countries, and that, in the case of Vietnam, it might be appropriate to negotiate a separate agreement with the country's authorities regarding adoption placement.[2604] In its work plan for the year, the Children and Adoption Section of SUAK highlights that, at present, there are authorisations for adoption mediation for 30 different countries of origin, which means that 'many years will pass between each time SUAK has the capacity [and] opportunity to undertake fact-finding and monitoring visits'. The Children and Adoption Section believes that this 'can, to a certain extent, be offset by making the relevant Norwegian diplomatic missions generally accountable for issues relating to international adoption in the individual countries'.[2605] However, the plan does not specify how such accountability would be implemented, and the committee has found no evidence, through its archive studies and interviews, that any systematic work has been carried out to achieve this.

Between 2000 and 2016, visits were normally made to between one and three countries per year, with variations depending on the availability of financial and human resources.

Some of the points of criticism in KPMG's 2013 report on the adoption section at Bufdir concerned inspection visits. KPMG was critical both of the document describing how the inspections were to be carried out and documented, and of the way in which the travel reports were drafted. As regards the document describing procedures for inspection visits, this was, firstly, marked 'in progress' and was therefore not finalised. Secondly, KPMG made the following critical comments on the content:

> Furthermore, one of these documents, which is presumably intended to describe how inspection visits are to be carried out, devotes little attention to describing how *the* actual *inspection* is to be conducted and documented. For example, point four of the procedure describes *the fixed items* on the agenda for supervisory visits. Of the seven points listed, all describe the bodies with which meetings are to be held. KPMG, however, finds no description of which supervisory *activities* are to be carried out during such meetings. Here, we would have expected supervisory visits to involve a certain degree of specific 'investigative' activities (corresponding to the audit objectives of an audit) and activities designed to identify breaches of Norwegian and international laws and conventions. Such defined supervisory activities and documentation of these would also have given the supervisory work a more systematic and consistent course, with the benefits that this entails.[2606]

KPMG was presented with and assessed reports from two inspection visits to South Africa and Madagascar respectively in 2012. KPMG criticised the lack of a common structure for the reports, which made it 'more difficult to familiarise oneself with the reports and extract the key points from them'. KPMG suggested that the structure could, for example, have been '1) Summary, 2) Location, 3) Participants, 4) Methodology and inspection activities carried out, 5) Critical factors relating to the inspection, 6) Organisations inspected, 7) Central authorities, 8) Other'. However, KPMG was particularly critical of the actual content of the reports:

> More importantly, these reports do little to address the conclusions drawn from the supervisory activities carried out, Bufdir's methodology for conducting the supervision, the follow-up to the supervision, documentation requirements and similar matters. For example, the section itself has identified a risk that children from abroad may be victims of trafficking and abduction, but we cannot see that any specific supervisory activities have been carried out to address and reduce this risk. KPMG understands that presence on the ground and interviews with key individuals will give an impression of risk, but we call for

[2604] SUAK, Business Plan 2000, p. 12.

[2605] SUAK, Work Plan for 2000 BAS (Child and Adoption Section), p. 16.

[2606] KPMG, Bufdir – Assessment of internal control in the Adoption Section, 1 November 2013, section 2.5.1.

There is a systematic approach and description of how Bufdir's supervision is carried out and documented, including how specific activities are undertaken to mitigate risk.

Instead, the reports appear to be information notes on social conditions in the host country, on adoption statistics, relevant adoption laws in the host country, meeting minutes and other highly detailed information about the organisations which, in our view, are of limited relevance to the supervisory task itself and the conclusions drawn from it. As this information is presented, it is difficult to interpret how it underpins the supervision itself. We would instead like to see a description of why this information has been gathered, what the implications of the information are (for example, that there is a large number of people living with HIV) for the supervision itself, and how any findings are followed up by Bufdir. In other words, what supervisory activities have been carried out and what conclusions have been drawn from them? [2607]

KPMG considered that the weaknesses in the reports reflected the weaknesses in the description of the procedures for the supervisory visits.[2608]

Based on what the Committee has observed in its review of the twelve priority countries covered by the mandate, the quality of the travel reports has varied, but there has been a positive trend throughout the period of adoption mediation to Norway. The reports from the 1980s and into the 1990s were primarily characterised by information gathering, whilst reports produced after the Hague Convention came into force in Norway appear to be more characterised by critical assessments.

Since 2018, only two visits to countries of origin have been carried out: Hungary in 2019 and Colombia in 2025. As mentioned in section 25.3.4.2 on the processing of placement authorisations, travel activities were limited by resource constraints, but the then head of department at Bufdir stated that this was also a matter of a cost–benefit assessment of travel versus other available sources of information and other ways of obtaining information. This latter period also encompasses the COVID-19 pandemic from 2020 to 2022, which largely prevented travel abroad. However, the head of department at Bufdir for this period states that, in any case, no trips had been planned that were subsequently cancelled due to the pandemic.[2609] It is also reasonable to assume that Norwegian adoption authorities, like others, adopted solutions for digital meetings.

25.7.2.2 Other channels for contact with countries of origin

Norwegian adoption agencies have regularly received visits from authorities and contact persons from various countries of origin. In this context, Norwegian adoption authorities have often held meetings with the visitors. For example, the SUAK annual report for 1999 mentions that there had been visits that year from Russia, Ethiopia and China, as well as from the head of EurAdopt.[2610] Bufdir also met with the foreign delegations visiting the country. An employee at Bufdir interviewed by the committee stated that the meetings mainly concerned the exchange of information, and that few critical questions were asked.[2611]

25.7.3 Dialogue with adoption agencies

As early as when RIA was established in 1978, a permanent forum for dialogue between the adoption authorities and the adoption agencies was set up, with each agency having its own representative on the council.

[2607] KMPG, Bufdir – Assessment of internal controls in the Adoption Section, 1 November 2013, section 2.5.1. [2608] KMPG, Bufdir – Assessment of internal controls in the Adoption Section, 1 November 2013, section 2.5.1. [2609] Interview with the head of department at Bufdir (2018–2025) on 11 February 2026.

[2610] SUAK, Annual Report 1999, p. 9.

[2611] Interview with an employee at Bufdir from 2007, 3 February 2026.

Following the establishment of SAK in 1987, there were regular meetings between the adoption agencies and the adoption authorities,[2612] at times on a quarterly basis. Individuals who have held key roles within the agencies have stated in interviews and meetings with the inquiry committee that there was good contact and cooperation for a long time, and that matters relating to the individual countries of origin were discussed openly; however, the frequency of meetings and the authorities' attitude towards the agencies gradually changed (see below).[2613] For a long time, representatives from the adoption authorities also attended the adoption agencies' annual meetings.

SUAK's annual report for 1999 emphasises, amongst other things, that SUAK has 'a special responsibility to monitor the financial management and accounts of the adoption agencies', and that the body therefore 'participates, amongst other things, in regular management meetings with the agencies'.[2614] In a section on the supervision of adoption agencies, SUAK goes on to state that, in line with standard practice, 'regular liaison meetings have been held at which the associations' chairpersons, managing directors and certain staff members are represented', in addition to 'separate meetings at management level'. The aim was "to lay the foundations for better dialogue and thus more constructive cooperation with the associations". SUAK states that the feedback from the meetings "has clearly shown that this has been the right course of action". [2615]

In the work plan for 2000, the Children and Adoption Section of SUAK sets out two performance targets relating to dialogue with adoption agencies:[2616]

19. Good dialogue and contact with the adoption associations in day-to-day cooperation and on current issues and topics for cooperation

20. Regular contact meetings for the exchange of information and discussion of current issues

The point regarding liaison meetings is specified in the plan, which states that such meetings are to be convened three to four times a year. The plan also states that agencies are to be involved 'in the preparatory work for information and monitoring visits' and to participate in professional meetings organised by the associations upon invitation, where applicable.[2617]

As mentioned, several representatives from the adoption agencies interviewed by the committee perceived a change in attitude on the part of the authorities. Several of them date this change to around 2013. Staff at Norwegian adoption authorities have confirmed this change in interviews with the committee. They emphasise that the relationship between the authorities and adoption agencies had previously been somewhat too friendly and not sufficiently professional. There was a need to tighten the authorities' supervision and control, which could lead to dissatisfaction amongst the agencies. Furthermore, there was a need to clarify Bufdir's role as a supervisory body. The need to strengthen the authorities' supervisory role is consistent with the committee's findings in the country reviews. As stated in section 24.3.7, in some cases the agencies have failed to provide the Norwegian authorities with essential information. And as shown, amongst other things, in section 25.3, there is also essential information that the Norwegian authorities have not requested.

Both the intermediaries and Bufdir report that the dialogue has been challenging in recent years. This began when Bufdir started imposing stricter requirements on intermediary applications from around 2015, and came to a head with Bufdir's

---

[2612] See, for example, Ot.prp. No. 63 (1997–98), p. 26.

[2613] A long-serving section head at SUAK, BUFA and Bufdir, for his part, believed that there was little trust between the adoption agencies and SUAK when he took up the post, i.e. in 1998, and highlighted some examples of particular friction in the relationship with AF during the early years, see interview with the section head at SUAK, BUFA and Bufdir on 27 June 2024.

[2614] SUAK, Annual Report 1999, p. 5.

[2615] SUAK, Annual Report 1999, p. 8.

[2616] SUAK, Work Plan for 2000 BAS (Children and Adoption Section), p. 14.

[2617] SUAK, Work Plan for 2000 BAS (Children and Adoption Section), p. 14.

recommendation to temporarily suspend international adoptions to Norway in 2023 pending the inquiry committee's report.

The challenging dialogue between Bufdir and the adoption agencies also came to the attention of the Ministry of Children and Families when the adoption agencies contacted the Ministry regarding the issue. The Committee has reviewed correspondence between the Ministry and Bufdir from 2023 and 2024, in which Bufdir is urged to try to establish better dialogue with the agencies.[2618] Staff who have worked on adoption matters at Bufdir say they find the situation challenging. The intermediaries, for their part, say they have found the situation unpredictable.

25.7.4 Flow of information to and from embassies in countries of origin

As explained above, the Norwegian authorities have on some occasions sought information and consulted with Norwegian embassies in countries of origin in connection with applications for placement licences and when information has come to light regarding potentially problematic circumstances. The embassy was consulted during the processing of the first placement licence for Chile, and during the processing of the placement licence for Brazil, there was extensive contact between the adoption authorities and the embassy (see section 25.3.3.2 for further details). After the embassy in Brazil had carried out its own investigations and contacted the Brazilian authorities, it was clearly critical of allowing adoption mediation from Brazil. When the Norwegian adoption authorities nevertheless chose to grant a mediation licence, neither the Ministry of Foreign Affairs nor the embassy was notified. When the embassy became aware of the placement through InorAdopt's presence in Brazil, it reacted negatively to this.[2619]

When SAK considered an application in 1996 for a renewed authorisation to arrange adoptions from Vietnam, SAK asked the embassy in Hanoi to assist in investigating the financial aspects of the adoption work, including who determined the size of the donation amounts, how the payments were made and who received the money. However, the embassy was unable to provide answers to these questions.[2620] SAK concluded that, as there was no evidence of corruption and the embassy had not raised any such concerns, the licence could be renewed.[2621]

In the 1980s, the Norwegian Embassy in Mexico, which was also accredited to Guatemala, raised concerns on several occasions and on its own initiative regarding adoptions from Guatemala. It sent several reports to Norway, including one on the institution Casa Guatemala, with which Adopsjonsforum collaborated.[2622] Among other things, the embassy requested a political assessment of current adoption practices in Guatemala. The adoption authorities, however, considered that the problematic circumstances described by the embassy did not apply to adoptions to Norway, and the reports had no consequences for adoption placements from that country; see section 21.3. This is the clearest example the Committee has seen of an embassy becoming clearly involved in issues relating to adoption placement beyond simply sending brief information about media reports or responding to requests from Norwegian adoption authorities.

In the 2000s, the embassy in Sri Lanka was active in investigating an individual case of adoption from that country, after it had reacted to irregularities in the child's birth certificate (see section 18.5.6.4). The embassy

[2618] Letters from the BFD to the Bufdir dated 20 December 2023 and 12 March 2024.

[2619] See section 25.3.3.2 and further references.

[2620] See section 25.3.4.2 with further references.

[2621] SAK, Comment on the Embassy's reply to our letter of 26 May 1997, 1 August 1997.

[2622] The embassy's faxes and letters to the Ministry of Foreign Affairs and the adoption authorities dated 26 September, 26 October and 1 December 1988, 30 May 1989 and 21 November 1990.

The Embassy was also consulted in connection with the renewal of the country's placement licence in 2006 and provided a comprehensive report on matters that could influence Bufdir's assessment of the application (see section 18.5.6.3). When the Norwegian adoption authorities again approached the Ministry of Foreign Affairs in 2009 for similar information, the Committee cannot see that they received a reply.[2623] This reinforces the Committee's impression that the assistance the Norwegian adoption authorities received from the foreign missions was variable and dependent on the individual.

However, based on what the Committee has observed in its review of the twelve priority countries covered by its mandate, and through interviews with staff at Norwegian adoption authorities, it has not been standard practice to consult the embassies.[2624] Nor do the Committee's investigations suggest that Norwegian adoption authorities have, to any significant extent, received reports from embassies concerning matters relating to adoption. However, the Committee has not carried out systematic, general searches of the Ministry of Foreign Affairs' archives and cannot therefore rule out the possibility that matters relevant to adoption have been reported to the Norwegian authorities but have not been passed on to or taken into account by the Norwegian adoption authorities.

25.7.5 Dialogue with other receiving countries, and with international bodies and organisations

In several interviews, current and former employees of the adoption authorities have highlighted the importance of international cooperation for the work of supervising adoption intermediaries and adoption activities. This applies to cooperation and the exchange of information with other receiving countries and with international bodies and organisations.

In its investigations, the Committee has found that, throughout the period of adoption placement to Norway, there has been contact with other receiving countries. Initially, contact with other Nordic countries was more sporadic. From the early 1980s onwards, there appear to have been regular meetings. Nordic seminars on international adoptions were held for the relevant authorities in 1981, 1982 and 1984.[2625] The Committee is not aware of the frequency of such seminars during the rest of the 1980s, but following the adoption of the Hague Convention in 1993, the central authorities in the Nordic countries are said to have held annual meetings.[2626]

Since the Hague Convention was adopted in 1993, the central authorities in European countries have also held annual informal conferences to discuss issues and challenges relating to cooperation under the Convention.[2627]

In an interview with the committee, the former head of department at Bufdir (from 2018 to 2025) emphasised how important the regular Nordic meetings (held annually) and the regular meetings within the ICAN network (held twice a year) are and have been. ICAN comprises the central authorities for international adoptions from Norway, Sweden, Denmark, the Netherlands, Belgium, France, Italy, Spain, Germany, Ireland, the USA and Switzerland. This is a forum for sharing experiences, and at the meetings the participants discuss news and developments in individual countries. The aim is to facilitate open and free discussions and the exchange of experiences; consequently, no minutes are taken of the meetings. According to the head of department interviewed, several participating countries have reported a

---

2623 Bufdir to the Ministry of Foreign Affairs, 14 December 2009, Request for information on the current situation in Sri Lanka. No reply has been recorded in the case file (2009/57158).

2624 Interviews with, respectively, a case officer at Bufdir during the period 2007–2018 on 3 February 2026, and a department head at Bufdir from 2018–2025 on 11 February 2026.

2625 RIA's Annual Report 1984.

2626 Steenberg, *The History of Adoption in Norway* (2011), p. 101, and SUAK, Annual Report 1999, p. 9.

2627 Steenberg, *The History of Adoption in Norway* (2011), p. 101.

a trend towards stricter guidelines for adoption placement. For Norway, the findings of the Dutch inquiry and the Toolkit for Preventing and Addressing Illicit Practices in Intercountry Adoption, published by the Hague Conference in 2023, have been particularly significant. The ICAN meetings are held in person and have created a network of contacts that can be utilised when investigating specific issues, including circumstances in countries of origin. Participants sometimes request meetings with other participants as and when required. In addition, there is a shared email group for members.[2628]

Reports from International Social Service (ISS) have been a key source of information on countries of origin for the Norwegian authorities for at least 25 years.[2629] Norway has, at least since 2003, provided annual funding to the organisation, partly to gain access to newsletters and information on individual countries. It has also been possible to request country reports on countries Norway wishes to have assessed.[2630]

According to Article 42 of the Hague Convention, the Hague Conference on Private International Law shall, at regular intervals, convene the Contracting States to follow-up meetings (special commissions) to review the practical application of the Convention. Such meetings were held in 1994, 2000, 2005, 2010, 2015 and 2022.[2631] Norway also participated actively in the drafting of the Guide to Good Practice (2008).[2632]

At times, it may appear that limited resources have restricted contact with other countries' central authorities and international organisations. The work plan of the Children and Youth Section of SUAK for the year 2000 states that they were to be 'represented at relevant conferences and meetings on international adoption' and 'maintain close contact and exchange relevant information with the central authorities in the other Nordic countries'. At the same time, it was noted that participation in meetings abroad required an additional grant to SUAK.[2633]

In addition to attending meetings, the Norwegian authorities have been able to liaise with (central) authorities in other receiving countries when assessing specific cases or considering new bilateral cooperation arrangements. For example, the Norwegian adoption authorities contacted the Swedish authorities at the National Board for International Adoption (Statens nämnd för internationella adoptionsfrågor, NIA) when, in 1979, they were assessing Adopsjonsforum's first application to arrange adoptions from Chile.[2634] The adoption authorities in other Nordic countries were also contacted when, in 2006, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) sought to establish what had happened following several press reports towards the end of 2005 concerning illegal adoptions in Hunan Province in China.[2635]

Based on interviews with staff at the adoption authorities, the committee has the impression that it has gradually become more common to contact the central authorities of other receiving countries to investigate relevant issues. The interviews have also revealed that this cooperation did not always result in as good a flow of information as would have been desirable. When Norway contacted Sweden and Denmark in 2006 in connection with illegal adoptions in China, it transpired that the Swedish authorities were already aware of the situation and had initiated a dialogue with the Chinese authorities a few months earlier, without having notified the Norwegian authorities.[2636]

[2628] Interview with a department head at Bufdir (2018–2025) on 11 February 2026.

[2629] ISS, Child Protection & Adoption, https://iss-ssi.org/iss-resources/child-protection-adoption/ Date accessed: May 2026.

[2630] Interview with a department head at Bufdir (2018–2025) on 11 February 2026.

[2631] The Hague Conference website, hcch.net

[2632] Steenberg, *The History of Adoption in Norway* (2011), p. 101.

[2633] SUAK, Work Plan for 2000 BAS (Children and Adoption Section), p. 15.

[2634] See Chapter 11 Chile, section 11.7.2.

[2635] See Chapter 17: China, section 17.5.8.3.

[2636] The Committee's interview on 5 February 2026 with the former head of the department at Bufdir responsible for international adoptions.

25.7.6 Supervisory work through the processing of individual cases concerning registration or adoption authorisation

The Committee has raised questions regarding the relationship between the processing of individual cases and the processing of placement authorisations in several interviews with current and former employees of Bufdir and the Directorate's predecessor organisations. This has provided a clear picture that, for the majority of the period during which adoptions have been arranged to Norway, there has been no systematic flow of information from the processing of individual cases to the processing of placement licences. The processing of individual cases has, as the Committee will return to in Chapter 27, been regarded as a fairly technical and administrative task that does not require legal expertise or in-depth insight into country-specific conditions. This applies whether the cases concerned the granting of adoption authorisation in Norway, or the recognition of adoptions carried out abroad with or without prior consent from the Norwegian authorities (authorisation, registration and recognition cases). It is only in recent years that a selection of individual cases has been examined when processing applications for (renewal of) placement licences. Staff at Norwegian adoption authorities interviewed by the committee state that this practice has only been followed in recent years, to some extent from around 2014–2015 for certain countries of origin, but more systematically from around 2018.[2637]

In Norway, the same body has been responsible for processing individual cases and adoption licences since 1987. In principle, therefore, the conditions should be in place for the systematic transfer of lessons learnt from individual cases to the processing of applications for adoption licences, the approval of contact persons and supervision. However, according to information the Committee has gathered through interviews with individuals who have worked on individual cases or in other roles within Norwegian adoption authorities, there have been no routines for the systematic transfer of experience. The transfer of experience has been limited to informal and more random conversations. One factor that has limited the ability to carry out checks is that it was the intermediaries who were tasked with conducting the checks under Article 17(c) of the Hague Convention. This task was first taken over by Bufdir in 2025. Whilst the intermediaries were responsible for this task, the authorities only received individual cases for review when the adoption was to be registered.[2638] In this context, the Norwegian adoption authorities were not sent the documents relating to the process on the child's side, and they were therefore unable to identify any shortcomings in this handling. The same practice applied in cases where adoption authorisation was granted in Norway.

This means that, until very recently, shortcomings in the documentation of individual cases were not known to those processing the placement authorisations, a fact which appears to have had an impact on the authorisations granted. The processes involved in registration and authorisation cases, and the documents required by the Norwegian authorities in this connection, will be described and assessed in Chapter 27.

One example that illustrates the shortcomings of Norwegian practice, and which is discussed in section 11.7.3 of the chapter on Chile, is adoptions that took place during the years when the country was under military dictatorship. The Committee's review of 36 individual cases from 1987 to 1991[2639] showed that 32 of the cases were from the city of Temuco, and in at least 20 of these the child was of indigenous (Araucanian) origin. Furthermore, in several cases, the court rulings referred to the birth mother/family and the mother's/family's living conditions in terms that appear derogatory, and in several instances the rulings suggest a link between poverty and a lack of moral, cultural or social capacity to provide for the child. Furthermore, in twelve of the cases examined, the child was under two months old at the time of the Chilean court decision appointing a guardian, and

[2637] Interviews with, respectively, a case worker at Bufdir from 2007–2018 on 3 February 2026 and a department head at Bufdir from 2018–2025
11 February 2026.

[2638] An exception was/is cases concerning children with special care needs, which were/are to be submitted to the Professional Committee / Professional Advisory Committee / Professional Committee for Adoption Cases. Bufdir and the Directorate's predecessors were/are the secretariat for these committees. Staff at Bufdir with whom the Committee has spoken have stated that the task of preparing the cases lay/lies with the administrative staff.

[2639] The cases were distributed as follows: 2 from 1987, 18 from 1988, 9 from 1989, 4 from 1990 and 3 from 1991 exit permit. The children from Chile arrived in Norway with the prospective adoptive parents appointed as guardians, and the adoptions were to be carried out in Norway in accordance with Norwegian law.[2640] Under the Norwegian Adoption Act in force at the time, it was a requirement that the parents' consent to the adoption could not be given until two months after the child's birth. The documents in several of the cases also contain contradictions or incomplete information. Had the Norwegian adoption authorities read the documents in individual cases as part of their work to assess the soundness of the adoption arrangements from that country, this information would have provided grounds for taking action.

Another example is adoptions from Ethiopia. During a supervisory visit to Ethiopia in 2003, the Norwegian authorities raised the issue that the Ethiopian Adoption Act contained a provision stating that ties to the biological family were not severed in the case of international adoption. In response to this, a representative from the ministry stated that the issue was rarely relevant because 95 per cent of adopted children had an unknown background.[2641] In its application for authorisation in 2002, Adopsjonsforum stated that 'the vast majority' of the children were foundlings, whilst the applications from 2005 and 2008 state that 'most' and 'many of' the children, respectively, were foundlings. The Committee's review of 150 individual cases shows that the information stating that most of the children had an unknown background at the relevant times is incorrect. In approximately half of the cases reviewed, the Committee has found information about the children's background indicating that their biological parents were known. Most of this information has been found in the 'Children's Archive', which was not part of the case file concerning the registration of the adoption with the Norwegian authorities. See section 29.3.1.1 for further information on these documents. The documents were collected by the adoption agency, which forwarded them separately to Bufdir for archiving. Sometimes, the documents also contain incomplete and/or contradictory information; for example, that the child was handed over by a grandparent, whilst at the same time it states that the child's parents are unknown.[2642] Had the Norwegian authorities examined the documents in individual cases – including those contained in the 'Children's Archive' – in connection with their supervision of adoption agencies and when processing applications for authorisation to act as an adoption agency, the circumstances described could have been uncovered.

The review also shows that almost half of the children adopted in 2005 and 2006 had documents containing the information 'no orphanage involved'. The Committee understands this to mean that the children were delivered directly to Adopsjonsforum's transit home for adoption, Debab, either via a social worker or other officials and bodies in various regions or, in some cases, directly from the children's biological parents or family. In some cases, a very short time had elapsed – in one instance, just two days – from the child being found abandoned in another region to their arrival at Debab. The Committee assumes that some of these children had not yet been cleared for adoption prior to their arrival at the transit home. In these cases, the child had to be represented by a local children's home or a local organisation in the adoption process and the adoption contract, and these were parties who, in practice, had apparently had very little or nothing to do with the children.[2643] The fact that, in several cases, children were placed in transit homes for children intended for international adoption shortly after their original care situation had been terminated suggests that adoption was regarded as the first choice, and that the principle of subsidiarity was therefore not followed.[2644]

When considered alongside information about the so-called Sibling Project, which involved providing support to remaining siblings and carers of children who had been adopted abroad,[2645] the information from one-

---

[2640] Act of 28 February 1986 No. 8, Section 7, second paragraph.

[2641] See Chapter 15 on Ethiopia, section 15.3.2.

[2642] See Chapter 15 on Ethiopia, section 15.7.4.3.

[2643] See Chapter 15 on Ethiopia, section 15.7.4.3

[2644] See Chapter 15 on Ethiopia, section 15.7.5.

[2645] See Chapter 15 on Ethiopia, section 15.7.6.

the individual cases (the children's documents compared with documents in the registration file) provided good reason to raise questions and make critical assessments of the adoption placement.

Another example is South Korea. The Committee reviewed 65 individual cases concerning adoptions from South Korea during the period 1960–2021.[2646] As explained in section 19.7.5, until a legislative amendment in 2012, the vast majority of children due to be adopted were registered in a so-called 'orphan hojoek', a new family register with the child themselves as the head of the family. Viewed in isolation, this could give the impression that the children were orphaned. However, in several individual cases involving adoptions to Norway where the child had such a family registration, other documents were available showing that the child's parents were alive. This information was contained in documents received by the adoption agency Koreaforeningen / Verdens Barn and the adoptive parents, but which were not sent to the Norwegian authorities, nor did the authorities request them when the adoption authorisation was to be approved. Had the Norwegian authorities obtained the relevant documents whilst processing the authorisation cases or the applications for placement authorisation, this would have given rise to further investigations. The Committee has interviewed a person who was employed at the State Adoption Office in the first half of the 1990s and who, at that time, was involved, amongst other things, in issuing adoption authorisations. This person was very surprised when the Committee explained that the information regarding unknown parents provided in documents from the South Korean family register is often incorrect.[2647] In other words·decisions on adoption authorisations were made without realising that parts of the basis for the decision contained incorrect information. Another person who, from the late 1990s, headed the adoption work at the adoption authorities for several years, informed the Committee that they were unaware that some of the children had known parents until, after a few years, enquiries were received from birth mothers in South Korea.[2648]

These examples clearly illustrate that, up until the 2020s, the Norwegian authorities organised their work on international adoptions in such a way that it led to significant weaknesses in the basis for decision-making regarding assessments, not only in individual cases, but also in the processing of placement licences, the approval of contact persons and the general supervision and control of adoption placement services. In the Committee's view, this is open to criticism.

25.8 Targeted supervision of various aspects of adoption agencies' activities

25.8.1 Thematic supervision of adoption agencies

On a number of occasions, the adoption authorities have carried out more thematic supervision of various aspects of the agencies' activities.

In addition, various topics have been discussed in the Council for International Adoptions or in liaison meetings between the agencies and the adoption authorities, and the agencies have often provided information on their practices in different areas. In cases where this has been done with a certain degree of thoroughness, and particularly when the intermediaries have submitted overviews of their practices in advance of such meetings, this may be regarded as a form of targeted supervision. Such supervision is discussed in section 25.7.3. Supervision in the form of visits to countries of origin is discussed in section 25.7.2. This section deals with other targeted supervisory activities.

The Committee has not drawn up an exhaustive list of such activities, but will provide an overview of the most important targeted supervisory activities we have encountered.

[2646] See Chapter 19 on South Korea, section 19.3.

[2647] Interview with a case officer at SAK who worked from 1988 to 1995, 29 October 2025.

[2648] See Chapter 19 on South Korea, section 19.8.3.

The Reland Reports

In 1994 and 1995, the civil economist Petter Reland was commissioned by the Ministry of Children and Families and the State Adoption Office to write two reports on adoption agencies. The background to this appointment was the State Adoption Office's supervisory responsibility over the agencies.[2649] The topics of the two reports were 1) the finances of the agencies and international adoptions[2650] and 2) the agencies' and international adoptions' archives[2651] . The report on the archives was, amongst other things, a decisive factor in the decision that all agencies' documents relating to individual cases containing information from the countries of origin should be transferred to the archives of the adoption authorities.

In the report on financial matters, the risk that payments to or from abroad might be overlooked was one of six key points raised in the report author's comments and proposals. This was summarised as follows:

> There are no significant differences between the associations in terms of necessary administrative costs in Norway – such as case-handler salaries, rent, electricity and heating, telephone charges, etc. The fees that the agencies have to pay are the same or relatively similar. As regards the placement fee (excluding escort and collection costs), it is the agencies' expenses abroad that account for the differences. These include set-up and consolidation costs, but also payments relating to the processing of adoptions – payments to authorities, children's homes, contacts and various professionals. It is important that the organisations – and the authorities – take a conscious and critical approach to this complex issue.[2652]

On-site inspections

In autumn 2006, supervisory visits were carried out at the three adoption agencies, with a primary focus on finances, accounting, fund provisions and aid work. The Committee has not found any further information regarding the conduct of the supervision or the findings thereof.[2653]

In the autumn of 2012 and the winter of 2013, on-site inspections were carried out at the adoption agencies to examine the qualifications of staff, how it was verified that overseas partners were carrying out their tasks in accordance with what had been agreed, and how communication with these partners was documented. A key objective was to assess whether the requirements set out in Section 4 of the 1999 Regulations on Adoption Agencies were being met. According to the fourth paragraph of that provision, an adoption agency must be 'managed and staffed by persons who, by virtue of their ethical standards and their education or experience, are qualified to work with international adoption'. As part of the supervision, interviews were conducted with staff at the agencies who played active roles in the adoption process.[2654] In the feedback reports to the three adoption agencies, it was concluded that, overall, the organisations were managed and staffed by persons who met the qualification requirement set out in Section 4, fourth paragraph, of the Adoption Regulations; however, some areas for improvement were also highlighted.[2655] In the feedback to Adop-

[2649] Pursuant to Section 2 of the Royal Resolution of 12 December 1986, SAK was to monitor the activities of organisations authorised to carry out adoption mediation in Norway.

[2650] Reland, Petter R. *Aspects of the finances of adoption associations and international adoptions*. Published by the Ministry of Children and Family Affairs. Oslo. 1994.

[2651] Reland, Petter R. *The archives of adoption agencies and international adoptions*. Published by the Ministry of Children and Family Affairs. Oslo. 1995.

[2652] Reland (1994), p. 138.

[2653] See email from Bufdir to BLD dated 29 December 2006.

[2654] Letter from Bufdir to VB dated 11 December 2013.

[2655] Letter to VB, AF and IA, 11 December 2013.

Adoption Forum and Children of the World, it was pointed out that certain written procedures should be improved. Adoption Forum also received the following feedback:

> Staff also appear to have varying degrees of awareness regarding the challenges posed by the organisation's dual role as both an advocacy organisation and a public authority. We recommend that the organisation increase its focus on internal information sharing, and also continue its efforts to raise staff awareness of the dual role the organisation plays in its placement activities. In this context, it should be emphasised to staff that, in the event of a conflict of interest between the roles of member organisation and public authority, the organisation must always prioritise the exercise of its delegated public authority as intended.

Reports from private consultancy firms

The authorities have commissioned two reports on the adoption sector from private consultancy firms.

In 2013, KPMG, on behalf of Bufdir, carried out a review of internal controls in the adoption section. The report concerns the adoption authority's own work and organisation and cannot therefore be regarded as part of the supervision of the adoption agencies themselves, even though KPMG provides assessments of how this should be carried out.

PwC's 2018 report, however, covered both Bufdir's work (relating to supervision and operating and placement licences) and matters concerning the adoption agencies. Among other things, a financial analysis was carried out of the three agencies and of the competence requirements that should be imposed on staff and the board (see section 24.3.2 for further details). The report was linked to the implementation of the provisions of the new Adoption Act of 2018.

25.8.2 When the authorities become aware of potentially problematic circumstances, or such circumstances become public knowledge in Norway or the country of origin

The committee's terms of reference specify that the committee 'shall assess how Norwegian authorities have handled situations in which they have received notification or become aware of circumstances in the country of origin requiring follow-up'. It further states: 'Assessments carried out and measures taken shall be examined, including whether the authorities have suspended cooperation with the country of origin where there have been grounds for doing so.'

In the following, the Committee's findings relating to various potentially problematic circumstances of which the Norwegian authorities have become aware in different ways, and how these have been handled, will be set out.

Firstly, the Committee's investigations have revealed several instances of information in applications and other correspondence between adoption agencies and Norwegian adoption authorities which warranted a response, but where the Committee finds no indication that the adoption authorities followed up on this information. This also applies to information conveyed in correspondence between authorities and information conveyed during country visits. One example is information contained in a letter from Adopsjonsforum to the State Adoption Office in 1987 concerning adoptions from Chile, in which Adopsjonsforum states the following regarding 'the manner in which the contact will proceed in order to identify suitable children', the geographical area the contact would cover, and which institutions would be involved:

> Our proposed legal representative has a direct link with [the judge] at the Children's and Youth Court in the city of Temuco, through whom we have already secured several children. He also has direct contact with judges in Punta Arenas and Concepción.[2656]

[2656] Letter from AF to SAK dated 15 October 1987. See Chapter 11 on Chile, section 11.7.2, for further details.

The Committee has found no information to suggest that any critical questions were raised regarding this. As the Committee explains in Chapter 11 on Chile, a significant proportion of the children adopted to Norway from Chile during the period 1985–1995 were adopted through the court and the judge referred to in the quotation.

Another example from the same period, discussed in section 25.3.3.2 above, is the approval of the lawyer Roberto Moncayo as a contact person in the adoption cooperation with Ecuador. The application for approval does not specify how he identifies children eligible for adoption, but it states that he has children living with him whom he intends to place for adoption, either in Norway or another country. In the Committee's view, these are circumstances that should have been questioned.[2657]

In the case of adoption placements from Sri Lanka, the Norwegian authorities on several occasions received information that should have prompted investigations or assessments as to whether the placement licence should be revoked. Firstly, during a monitoring visit in 1980, the Norwegian authorities encountered a reluctance on the part of the Sri Lankan authorities to comply with Norwegian requirements regarding prior consent. This gave the impression that the Sri Lankan adoption system was not particularly concerned with ensuring that the parents to whom the children were placed had been properly and thoroughly assessed. During the same visit, the Norwegian authorities received conflicting information regarding which institutions had the authority to place children for international adoption, though the committee cannot see that this led to any response or further investigation.
During a monitoring visit twelve years later, in 1992, the Norwegian adoption authorities were informed that the country's new Adoption Act was not functioning as intended, and that one of the country's two courts authorised to handle international adoptions was following its own 'regulations'. Nor does this information appear to have been followed up by the Norwegian adoption authorities. Another example dates from 1994. At that time, Adopsjonsforum informed the Norwegian adoption authorities that they suspected that the allocation of children to foreign applicants was being carried out on grounds other than the applicants' suitability, which the Committee regards as an indication of malpractice on the part of the Sri Lankan adoption authorities. The Committee has not seen any information to suggest that this was followed up by the Norwegian adoption authorities.[2658]

A more recent example, from 2011, concerns the country partnership with Ethiopia. In a letter to Bufdir in 2011 regarding changes to the 'Sibling Project' aid programme, information came to light suggesting that adoptions might be taking place in ways that were not in accordance with the fundamental principles of adoption. Adoption Forum writes as follows:

> There is little tradition of domestic adoption and foster care in Ethiopia. One of our partner organisations – a children's home in the Oromia region – presented international adoption as the 'first choice' for children arriving at the institution. Adoption Forum immediately decided to suspend adoption work with this institution until further investigations have been carried out into how adoption work is conducted there. Whilst it was previously illegal for Ethiopian parents to voluntarily give up their children for adoption, this became permitted following regulatory changes some time ago. An increasing number of children in Ethiopia are therefore being voluntarily placed for adoption by their parents or other relatives. However, there is uncertainty regarding the quality of the information provided to the parents/relatives about the consequences of international adoption. It is also important to ensure that no dubious financial transactions take place in connection with such adoptions. [2659]

The information contained in this letter was not followed up by the Norwegian authorities.

In the country chapters, the Committee also describes cases where the adoption authorities have been aware of, and have also raised questions about, problematic circumstances brought to their attention. Yet even in such cases, the authorities have been willing to renew authorisations and have been reluctant to withdraw

[2657] See Chapter 14 on Ecuador, paragraphs 14.9.2.2 and 14.9.2.3.

[2658] See Chapter 18 on Sri Lanka, paragraph 18.6.7.

[2659] Letter from AF to Bufdir dated 19 January 2011.

revoke existing licences or issue orders to the intermediaries. For example, as the Committee will explain in paragraph 25.9.4, the Norwegian authorities were aware as early as 1984 of the high donations made to private institutions in Colombia for each individual adoption, and subsequently received information on several occasions from the Colombian child welfare agency, ICBF, indicating that they were sceptical of this practice.
The adoption cooperation with the private institutions continued until Adopsjonsforum itself chose to terminate it in June 2006.[2660]

One example of a case where relatively thorough investigations were carried out is when a conflict between the Executive Board and the Indonesia team at Adoption Forum was reported in the Norwegian media in 1981. The conflict concerned aspects of the adoption work in Indonesia. In this instance, the Council for International Adoptions decided to send the head of the secretariat to Indonesia to investigate the matter together with two representatives from Adopsjonsforum. The purpose of the trip was twofold: on the one hand, to investigate the matter; on the other, to ensure that adoption processes already underway were completed.[2661]

In early 2006, a serious case involving irregularities in adoptions from China came to the attention of the Norwegian adoption authorities: the so-called Hunan case, which the committee discusses in section 17.5.8 on adoption mediation from China. In brief, this case involved the discovery that a criminal group had handed over a large number of children to various children's homes in Hunan in return for payment. The practices may have dated back to 1995. It is unclear where the children came from, or whether they had been abducted from their families. In Norway, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) became aware of the Hunan case following reports in the Norwegian and international media, which stated that the practice dated back to 2002 and that six different children's homes in Hunan were involved. The Norwegian adoption authorities, in collaboration with the adoption agencies, sought to investigate whether the case could affect adoptions to Norway, and if so, to what extent, and they subsequently travelled to China to meet with the central authority there. During the meeting, the adoption authorities gained the impression that the Chinese authorities were taking the matter seriously. Following the visit, the Norwegian adoption authorities concluded that it appeared justifiable to continue the adoption cooperation with the country. Staff at the competent authority and the Ministry whom the committee has interviewed have pointed out that halting placements to China would have caused a 'political row'. Emphasis was placed on the fact that 51 per cent of the children adopted into Norway in 2005 came from China, and that a suspension would have had major consequences for the many Norwegian families wishing to adopt from China.

As shown, the Hunan case is an example of the Norwegian authorities conducting investigations to clarify what had happened and to what extent children adopted to Norway were affected by the case. The Norwegian authorities were quick to launch investigations, which also involved travelling to China. However, the assessments carried out subsequently appeared to be inadequate, and the case was not followed up with a broader investigation into the implications the Hunan case should have for future adoption arrangements from China. In this context, China appears to be a country where the terms of cooperation were largely a given, and where the Norwegian adoption authorities seem to have taken the existing framework, uncertainties and risks as a basis, without thoroughly assessing whether these were compatible with the responsible continuation of the cooperation.

The Committee's impression following the country reviews is otherwise that, in most cases where adoption authoritiesconcluded that action must be taken due to problematic circumstances that had come to light, the measures taken were predominantly forward-looking; for example, cooperation with certain partners, or in the most extreme cases a placement licence, had to be terminated.

The Committee has found only a few examples where genuine investigations have been carried out into whether individual adoptions have been conducted correctly. The Hunan case is one such example, but here a lack of transparency on the part of the Chinese authorities meant that the Norwegian authorities effectively had to content themselves with relying on what they were told. Another example is the single child who was adopted to Norway via a lawyer

[2660] See Chapter 12 on Colombia and section 25.3.5.4 above.

[2661] See Chapter 16 on Indonesia, paragraph 16.6.3.

Roberto Moncayo, where it was established that the child had been abducted from his biological mother. Investigations were carried out in this case, although the main focus appears to have been, from the outset, on finding an amicable solution.[2662] A third example is an individual case from Sri Lanka in the 2000s, where the embassy suspected that the child's birth certificate had been forged, and the Norwegian adoption authorities ensured that a comprehensive investigation into the case was initiated (see section 18.5.6.4). The Committee has found no instances of adoptions being set aside on the basis of the discovery of problematic circumstances relating to the release of the child in the country of origin.

The Committee wishes to emphasise that it is not a given that an adoption must be revoked even if irregularities have been uncovered in connection with the adoption. In this assessment, the best interests of the child are a paramount consideration. However, the Committee has also found no evidence that any genuine *assessment* has been made as to whether an adoption should be set aside in cases where it would be natural to carry out such an assessment.[2663]

25.9 Monitoring the impact of financial circumstances on the adoption process

25.9.1 Introduction

The mandate tasks the review committee, amongst other things, with 'examining whether Norwegian authorities and adoption agencies have had the opportunity and incentive to monitor more closely financial transfers in connection with adoptions, both transfers from Norway to the country of origin and between parties in the country of origin'. Article 32(1) of the Hague Convention states that no one 'shall derive any unjust financial or other benefit from activities connected' with intercountry adoption; paragraph 2 specifies that '[o]nly costs and expenses, including reasonable fees for professional assistance from persons involved in the adoptions, may be claimed and paid', and paragraph 3 further states that '[d]irectors, case workers and staff of bodies involved in an adoption shall not receive remuneration that is unreasonably high in relation to the services rendered'. As explained in Chapter 5, similar principles and rules have been in force for a long time before the Hague Convention came into force. We refer to the discussion in section 5.4.

In this section, the Committee will outline how the Norwegian authorities have addressed risks arising from financial circumstances relating to international adoption placement. This broadly concerns four typical scenarios:

- corruption in the country of origin (25.9.2)
- high fees paid to intermediaries (25.8.3)
- financial contributions linked to institutions that arrange adoptions (25.9.4)
- risks associated with aid projects (25.9.5)

It should be emphasised that the various categories will overlap.

25.9.2 Corruption

Under the UN Convention on the Rights of the Child and the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, the Norwegian authorities are obliged to ensure that adoptions from abroad to Norway

[2662] See Chapter 14 on Ecuador, section 14.9.2.

[2663] This also applies to the Moncayo case complex.

is in the best interests of the individual child, and to prevent adoption from being exploited for the purpose of child trafficking or unlawful financial gain.

In practice, this means that Norwegian adoption authorities must ensure that adoptions are carried out in a lawful and ethically sound manner. The extent and nature of corruption in a country should therefore always be investigated as a general risk factor when assessing whether to grant a placement licence. In the field of adoption, it is particularly important to be aware of the risk of corruption within the judiciary and amongst those involved in decision-making processes relating to the placement of children for adoption. It must also be assessed whether there may be a higher or lower risk of corruption associated with cooperation partners.

The Committee's investigations have revealed that, both before and after the Hague Convention came into force in Norway, placement licences and licence renewals have been granted to countries that score highly on corruption indices, whilst at the same time the Norwegian authorities have received information about relatively large sums of money being involved in adoption work. This applies, for example, to China and Colombia (see Chapters 12 and 17). Another example, as outlined in section 20.6.1, is the second placement period for adoptions from Vietnam.

In countries with high levels of corruption, there is a real risk that decisions by public authorities are influenced by private financial considerations rather than legal and professional criteria. In the field of adoption, this may mean that the best interests of the child are not given sufficient weight, or that they are set aside entirely.

From the mid-1990s onwards, Norwegian adoption authorities received information on several occasions and from various sources regarding corruption and the risk of corruption. Among other things, Adopsjonsforum's (former) foreign liaison officer in Vietnam is said to have been involved in bribery to have a case processed more quickly. The issue was discussed with the Ministry, but the authorisation was nevertheless renewed, albeit on the condition that it would be reviewed annually from 1996 onwards. The 1996 assessment was based largely on information provided by Adopsjonsforum, and no independent checks were carried out on bank accounts or accounts, nor were any inspection visits conducted.

Information also came to light during SUAK's visit to Vietnam in the autumn of 1998 indicating that there was a significant risk of corruption. Despite this, the authorities allowed the adoptions to continue until the application for renewal was rejected in the summer of 1999.

As explained in section 20.6.2, the Committee finds it reprehensible that the Norwegian authorities did not follow up on the issues that were uncovered – and those that could not be clarified – much more closely in 1996, and that SAK, in 1996, based its assessment exclusively on information from Adopsjonsforum without conducting its own investigations. The Committee also considers that the placement licence should have been withdrawn as a result of the circumstances uncovered during the inspection visit in 1998, including corruption and internal power struggles in Vietnam between various public authorities.

Between 1999 and 2006, Norway acceded to the most important international instruments against corruption: the OECD Convention on Combating Bribery of Foreign Public Officials (ratified in 1998/1999), the Council of Europe's Criminal Law Convention on Corruption (signed in 1999), the Council of Europe's Civil Law Convention on Corruption (signed in 1999), the UN Convention against Transnational Organised Crime (CATOC) (signed in 2000, ratified and entered into force in 2003), and the UN Convention against Corruption, UNCAC (signed in 2003, ratified in 2006). These conventions also led to legislative changes in Norway. Provisions on corruption were incorporated into the Norwegian Penal Code in 2003, following the implementation of the Council of Europe's Convention on Corruption.

A key effect of the conventions was that Norwegian criminal law came to apply beyond the country's borders. Among other things, the corruption provision in the Penal Code was extended to cover bribes offered to foreign public officials. The Committee considers that, after 1999, the Norwegian authorities had a particular responsibility to prevent and combat corruption in the field of adoption.

The fact that the Norwegian authorities were repeatedly alerted to possible corruption and illegalities linked to adoption processes without taking action represents, in the Committee's view, a serious discrepancy between Norway's obligations under international law (after 1999) and the authorities' actual practice.

25.9.3 High remuneration for contact persons

If country contacts or legal representatives of Norwegian adoption agencies receive such high financial remuneration for their work that it deviates significantly from the general wage and cost levels in the country where they work, this may create a risk that financial considerations will take precedence over the best interests of the child in the adoption process. A desire to retain a high-paying job or to increase one's remuneration by facilitating more adoptions can influence adoption work in many different ways, depending on the system in the country of origin in question and the role of the foreign contact there. For example, this may entail a risk that they choose to overlook errors and irregularities in the documentation, or that they put pressure on mothers considering adoption.

In some cases, large fees may also create a risk of corruption or undue financial influence, as part of the fee could be used to influence the adoption process, for example by bribing public officials or influencing decisions made by birth parents.

One example of a payment that is so high that it could be likely to create a risk of corruption or of the rights of children and birth parents not being safeguarded is a finding from the Committee's country review of Ethiopia. The person who was Adopsjonsforum's country contact in Ethiopia between 1990 and 2004 received remuneration and had agreements regarding other financial arrangements which, in the Committee's assessment, meant that, overall, the person in question had a disproportionately high income linked to the adoption activities. When the adoption agency's licence was due for renewal in 1994, the Ministry of Children and Family Affairs noted in an internal memo that the liaison was 'very well paid' – at that time USD 1,000 per month – and also considered it unfortunate that the liaison was simultaneously working for a Belgian adoption agency. However, the Committee has not found any correspondence in which these critical views were communicated to Adopsjonsforum. The Norwegian authorities were kept informed of the contact's salary level in connection with applications for placement licences in 1996, 1998, 2000 and 2002. In 1996, Adopsjonsforum wrote that 'a certain adjustment to the fee is now under consideration'. By 1998, however, it had risen to 1,200 USD, and was stated as unchanged in 2000 and 2002.[2664] During a supervisory visit in 2003, the Norwegian adoption authorities also learnt that the foreign contact and her family received income from running a guest house used by adoptive parents on their collection trips.[2665]

Beyond the actual amount of the remuneration received by liaison officers, it could be problematic if the liaison officer is paid per case or receives additional payment based on the number of cases. A salary and remuneration scheme that is largely based on the number of adoption cases handled may make the liaison officer dependent on completing a certain number of adoptions, thereby creating a risk that considerations other than safeguarding the child's best interests and ensuring sound procedures will take precedence.

An example of this is the terms offered to Adopsjonsforum's legal representative, lawyer Roberto Moncayo, when he was approved as a liaison officer in Ecuador in November 1987. He was to receive 2,000 USD per adoption, which was to cover typical international liaison duties as well as representing the cases in court. At the time of his approval, several problematic aspects of the adoption process in Ecuador were already known, such as the fact that cases could become bogged down in the bureaucracy for several years for unexplained reasons. Furthermore, the application submitted by Adopsjonsforum contained no information on how he was to proceed

---

[2664] See Chapter 15 on Ethiopia, section 15.7.2.4.

[2665] See Chapter 15 on Ethiopia, section 15.7.2.4.

to identify children eligible for adoption. Nor was this investigated in any detail by the Norwegian adoption authorities.[2666]

Another example of a high fee per case was the agreement held by Adoption Forum's legal representative in Chile during the period 1987 to 1992. The application for approval stated that the person in question was to receive 1,000 USD per case. It was also stated that a social worker carried out 'most of the "legwork"' under the legal representative's supervision, and that the social worker received 300 USD per month for this work.[2667] The legal representative worked under limited supervision from Adopsjonsforum in Norway, and it was further stated in the application that the person in question had a 'direct connection' to one specific judge. Stakeholders interviewed by the committee during its field visit to Chile in October 2024 considered the amount to be high. In light of the legal representative's independent role, the high fee per adoption should have prompted a more detailed investigation by the Norwegian authorities. As far as the Committee is aware, no such assessment was carried out.[2668] At the very least, when the Moncayo case came to the attention of the Norwegian authorities in early 1989, a fresh assessment should have been made of the propriety of the arrangement involving the legal representative in Chile.[2669]

In the Committee's view, the Norwegian authorities should have asked the adoption agencies more critical questions. They should also have imposed conditions in the agency licences to ensure that contact persons and legal representatives did not receive disproportionately high payments for their work, as this could contravene the requirements of the Hague Convention and entail a risk that financial considerations would take precedence over the best interests of the child.

25.9.4 Financial contributions linked to institutions that arrange adoptions

Another issue concerning financial gain in adoptions relates to financial contributions made to agencies that place children for adoption, which are not intended to cover expenses incurred in relation to care, healthcare or other matters pertaining to the individual child to be placed for adoption. Particularly in cases where such institutions themselves can place children for international adoption, there is a risk that this may adversely affect the adoption process. In some cases, such institutions may also act as foreign contacts for Norwegian adoption agencies.

One such example is the so-called 'donations' made to private institutions in Colombia in connection with each individual adoption; these institutions served as both maternity homes and adoption centres. Such financial contributions were a standard practice in adoption arrangements facilitated by these institutions. The Committee has found evidence that, as far back as the 1980s, the Norwegian adoption authorities considered the financial contributions associated with adoptions from private institutions in Colombia to be high. However, the Committee has found little documentation showing that this concern led to systematic or consistently critical assessments on the part of the authorities during this period. The donations continued to rise throughout the 1990s (see Table 1 in Chapter 12). In 1997, questions were raised about the trend in costs, but it was not until around 2001–2002 that the financial contributions were actively assessed against the Hague Convention and Norwegian regulatory requirements, and the Norwegian adoption authorities instructed Adopsjonsforum to find alternative arrangements. Nevertheless, the placement of children by private agencies – and thus also the fixed financial contributions – continued right up until Adopsjonsforum itself concluded that adoption placements by private agencies should be suspended.[2670] Overall, the picture is that the Norwegian central authority for adoptions, SUAK, and later Bufdir, made attempts to ensure that no donations were made in

[2666] See Chapter 14 on Ecuador, sections 14.9.2.2 and 14.9.2.3.

[2667] Letter from AF to SAK dated 15 October 1987. See further discussion in Chapter 11 on Chile, section 11.7.2.

[2668] See Chapter 11 on Chile, section 11.8.2. [2669]

See Chapter 14 on Ecuador, section 14.9.2.8. [2670]

See Chapter 12 on Colombia, section 12.7.4.5.

contravention of the prohibition on 'improper financial gain' in adoptions, cf. Article 32 of the Hague Convention, but that the Ministry was not prepared to apply the same strict standards in its assessment. See further information on the Ministry's handling of the issue in sections 12.7.4.3 and 12.7.4.4.

In the case of Colombia, the Norwegian adoption authorities were aware of the issue of so-called 'donations' at an early stage. However, the Committee has seen examples of the adoption authorities not always being aware, in all periods and contexts, of the general risk inherent in such financial contributions per adoption being made to institutions that place children for adoption. During a visit to Sri Lanka in 1985, the Norwegian adoption authorities, in a meeting with Adopsjonsforum's foreign liaison officer, received information suggesting that the 'lack of children being allocated' by the institution – a combined mother-and-child home – 'might be caused by applicants failing to pay for the expenses the institutions had incurred on the children'. In their travel report, the Norwegian adoption authorities wrote that although the institutions would not specify an amount, it was clear that they were dependent on donations to cover their running costs, and that this could amount to approximately 400 USD per child. They concluded that 'AF should consider how to ensure that the institutions receive the necessary grants without the parents feeling that they have bought their children'. It was suggested that 'RIA should discuss the principles underlying this issue and give the association an indication of where the boundaries of what is acceptable lie'. The Committee refers to its detailed assessment of this recommendation from RIA and the risks associated with donations to combined mother-and-child homes for each individual adoption in section 18.6.3.6.[2671]

In Vietnam, during the two most recent periods of adoption placement to Norway – 1991–1999 and 2014–2021 – there was a system of so-called donations to the institutions where the children were staying. The donations were linked to each individual adoption. The Norwegian Adoption Authority (SAK) was first made aware of the issue in the mid-1990s (see the account in section 25.9.2). They then attempted to investigate the matter by putting questions to Adopsjonsforum and the embassy in Hanoi, but were unable to ascertain who determined the size of the donation amounts, how the payments were made, and who received the money. It was not until 1999 that Adopsjonsforum's application to renew its adoption agency licence was rejected, though the rejection was due to other factors.

When adoption services resumed in 2014, Vietnam had introduced a system whereby prospective adoptive parents could be registered on two different lists: one list for healthy children and one list for children with health issues. For healthy children, the authorities had set a fee of approximately 2,500 USD per child, whilst they had not set any fee for children with health issues. Nevertheless, it was common practice for adoption agencies to pay a sum of their own choosing as a voluntary donation to the children's homes when adopting children with health issues. The amount paid by Adopsjonsforum was initially 1,000 USD, but in 2018 Adopsjonsforum informed Bufdir that it wished to increase this to 2,000–3,000 USD. Bufdir then decided to ban voluntary contributions or donations entirely, and in autumn 2018, the Directorate made it a condition for the continuation of the agency's licence that no contributions other than those set by the authorities were paid in connection with the adoption of children. Adoption Forum appealed against the decision to the Ministry, which in February 2019 overturned the decision on the grounds that it did not consider the matter to have been sufficiently investigated. However, the case was rendered moot following a new regulation in Vietnam stipulating that the adoption fee for children with and without health issues should be the same.[2672]

Adoption Forum applied for a renewed placement licence in June 2021, but the application was rejected 20 October 2021. The rejection was based on several weaknesses in the adoption process in Vietnam, which meant that Bufdir could not 'be confident that the principles of the 1993 Hague Convention on Intercountry Adoption are being upheld' (see sections 25.3.4.2 and 20.8.1). This was linked, amongst other things, to

[2671] See Chapter 18 on Sri Lanka, section 18.5.3.6

[2672] See Chapter 20 on Vietnam, section 20.7.1 and further references.

issues concerning the observance of the principle of subsidiarity and the financial aspects of the Vietnamese adoption system. Adoption Forum appealed against the decision, but the Ministry upheld the rejection.[2673]

In China, right from the start of the placement period, there were demands for substantial financial contributions linked to each individual adoption, including to Chinese children's homes (see Chapter 17 on China). Information regarding the 'increased commercialisation of adoptions' became available at an early stage, and Adoption Forum repeatedly expressed its concern to the Norwegian adoption authorities regarding the level of costs (see section 17.5.3). When Verdens Barn and Adopsjonsforum applied for renewed authorisation to arrange adoptions from China in 1994, the State Adoption Office asked the Ministry of Children and Family Affairs to assess whether USD 4,000 was an unreasonable donation amount, and what, if so, should be done about the problem. The Ministry concluded that the demands for financial contributions could be accepted as they originated from the Chinese authorities. It urged the adoption organisations themselves to 'assess the reasonableness of such a demand at all times' and requested that payments 'be made in a controlled manner'.[2674]

As described in Chapter 17, the children's homes that received the donations also played a central role in the release process. Furthermore, in 2002, the Chinese central authorities stated that no detailed checks were carried out on the use of the donations. The financial contributions linked to each individual adoption created incentives for a range of illegal and unethical practices, which were documented in several cases, without the Norwegian adoption authorities reassessing their cooperation with the country or the terms of the placement agreements on that basis (see section 17.6.1).

25.9.5 Risks associated with aid projects and the Norwegian authorities' supervision of these

As explained in several of the country chapters and in section 24.3.6, adoption agencies and the adoptive parents associated with them have run aid projects and provided assistance to various institutions in many of the countries from which adoptions have been arranged. Where aid is provided to institutions from which children are adopted, or to organisations that influence the placement of children for adoption in different countries, this may be legally and ethically problematic. As explained in section 5.4.6, national Norwegian legislation, the UN Convention on the Rights of the Child and the Hague Convention prohibit financial gain in connection with adoptions. This is a means of ensuring that it is the best interests of the child, and not financial motives, that guide adoption decisions.

As shown in sections 24.3.6 and 25.9.4, financial assistance has in several cases been provided in such a way that it is linked to the adoption agency's activities, thereby raising legal and ethical issues. This applies, for example, to the assistance provided to various projects and causes under the auspices of the adoption agency Holt in South Korea. Another example is the so-called Siblings Project for the remaining siblings of adopted children in Ethiopia, where there was a risk that birth parents or carers might become aware of the possibility of receiving financial support for remaining children in the event of adoption. Another typical case, which stands out somewhat, involves fixed financial contributions provided in connection with individual adoptions from children's homes in China, Vietnam and Sri Lanka, and from private institutions in Colombia.

As noted in sections 25.3.3.1 and 25.7.1, the guidelines for adoption mediation issued by RIA in 1981 have provided guidance on the relationship between adoption and aid. It was emphasised at the time that long-distance adoption programmes (sponsorship schemes) must not be 'used as a means of pressure to increase the number of children released for adoption', and that the agency must maintain separate accounts and undergo separate audits for this work. The agencies were obliged to report on their aid work to RIA.[2675]

2673 Bufdir, refusal of placement licence for Vietnam, 20 October 2021. See Chapter 20 on Vietnam, section 20.7.1 with source references.

2674 BFD to AF, 7 September 1994, 'Application for re-approval of an adoption agency licence for the People's Republic of China – Adoption Association Adopsjonsforum', 91/02003.

2675 RIA, 1981. Guidelines for adoption placement by approved organisations.

In a letter to the three adoption agencies in 1997, the Ministry emphasised the central authority's duty to 'take all necessary measures to prevent unlawful financial or other gain in connection with adoption and to prevent any practice contrary to the objectives of the Convention', and that it would therefore 'remind them of the importance of the associations keeping the adoption authorities regularly informed of their activities abroad'. [2676] In the Committee's view, this had to be interpreted as encompassing information on the organisation of aid projects.

In a letter dated 16 October 1998 from the Ministry of Children and Families to SUAK, aid work was highlighted as one of the areas requiring supervision:

> The Ministry has emphasised on various occasions that where organisations also carry out aid work, it is important that the organisation *separates its aid work from its adoption placement activities in terms of finances and personnel*. The organisation must therefore prepare separate accounts for its placement work and aid work, and for any other areas of activity in which the organisation is involved.

Furthermore, the Ministry stated that SUAK must 'ensure that the accounts for the aid work are subject to an annual audit in line with the organisation's other accounts'.

Section 8 of the 1999 Adoption Regulations contained a provision stating that if the adoption agency carried out 'welfare work or other activities related to its placement activities', separate accounts were to be prepared for each area of activity. This rule has been carried over into Section 24 of the current Adoption Regulations.

Furthermore, when the application form for adoption agency licences was introduced in 2000, a section was included there for a 'description of the scope of the organisation's aid projects in the country of origin'.

In other words, there were rules and guidelines that emphasised the importance of monitoring the relationship between adoption placement and aid. Nevertheless, the Committee's investigation has revealed that the supervision carried out was inadequate.

As explained, for example, in section 25.3.5.4 above, the Norwegian authorities were aware of the risks associated with financial contributions linked to individual adoptions, but the monitoring and regulation of this were not particularly effective in practice. Other forms of aid appear to have received far less attention. Interviews conducted by the Committee with individuals who have worked on placement applications at the central authority and the Ministry confirm this impression. The adoption authorities were concerned with maintaining separate accounts in Norway, but they do not appear to have been sufficiently aware of the problem that, from the perspective of the country of origin, the distinction could nevertheless become unclear.

In response to a question from the committee as to whether the distinction between (parent-led) assistance and adoptions was clear to the parties involved in the country of origin, a long-serving manager at the adoption authorities replied, for example: 'It may be that it wasn't that obvious. But I can't remember us making a big point of this.' Another senior official gave a similar response when asked how clear the distinction was when it was the adoption agency that distributed the funds the parents had raised: 'I don't think we paid enough attention to this, no.' Another manager at the adoption authorities emphasised that they had focused on donations to the children's homes from which children were adopted, both in connection with the processing of placement authorisations and in meetings with adoption agencies, but could 'not recall us having looked at other aid work more generally'.

A case officer at Bufdir responded as follows to a question about whether it had ever been considered whether there might be a risk of an undesirable overlap between aid work and adoption activities: "We haven't made this a particular focus area. 'Now we're going to go through this for all countries', for example. There has been no systematic work on this here.' However, the official highlights a

[2676] Letter from the Ministry of Children and Family Affairs (BFD) to the Ministry of Labour and Social Affairs (AF), the Ministry of Justice and Public Security (VB) and the Ministry of the Interior (IA), Ratification of the Convention of 23 May 1991 on the Protection of Children and Co-operation in Respect of Inter-country Adoption, 19 December 1997.

example from more recent times when they examined in detail the relationship between adoptions and aid in connection with the processing of a placement application in 2024:

> When I was processing the most recent application for Thailand, I looked closely at the payment arrangements between Holt Sahathai and Verdens Barn. It appeared that they were almost running the organisation's foster care work together. The payments for adoptions to Norway were a very significant contribution to the foster care activities. However, one had to dig deep into this to see that. In this case, the partner organisation in Thailand was so dependent on adoptions to Norway for its primary purpose that this was part of the reason for the rejection. This is the current situation. I do not have specific examples from earlier periods. [2677]

The Committee considers that the Norwegian authorities, by failing to carry out systematic supervision of the aid projects run by adoption agencies, have contributed to an increased risk of illegal and unethical practices in adoption arrangements to Norway. The supervision has not been adequate. This is open to criticism.

25.10 Fulfilment of the obligation to submit follow-up reports to countries of origin

Some countries of origin have stipulated that follow-up reports on the child must be prepared after arrival in Norway: either as a condition for the adoption to proceed – for example, during a probationary period prior to final adoption – or as a mandatory reporting requirement after the adoption has been formally finalised. Historically, these two types of follow-up reports have been regulated and practised differently.

In the RIA's 1981 guidelines for adoption placement by approved associations, it was assumed that the public authorities were responsible for supervision if the child was staying with prospective adoptive parents as a foster child whilst awaiting adoption. At the same time, it was assumed that the adoption agencies 'must, however, be able to ensure that the necessary follow-up reports are drawn up and sent abroad'.[2678]

In the case of adoptions from Brazil prior to 1990, the Norwegian adoption authorities left it to Ino-rAdopt to ensure that the adoptive applicants' local social services prepared the follow-up reports necessary to finalise the adoption. As explained in Chapter 10, the Committee considers that, in such cases, the Ministry should have followed up on this obligation, for example by investigating the possibility of requiring the municipalities to prepare the reports. In the Committee's view, if the Norwegian authorities were unable to ensure that the requirements were met themselves, permission to arrange adoptions from Brazil should not have been granted.

When the Adoption Act was amended in 1999, it was established that the Norwegian authorities were responsible for the follow-up reports necessary to finalise the adoption. It was specified here that the local authority should assist in completing the application following the child's arrival in Norway, so that the adoption could be finalised.[2679]

As regards follow-up reports required by the country of origin after the adoption has been finalised, the division of responsibility remained unclear for a long time. The Ministry's circular of 2002 assumed that it was 'natural for the adoptive parents' to follow up on such reports, where appropriate in collaboration with the adoption agency that had facilitated the adoption. At the same time, provision was made for the local authority to assist if the adoptive parents requested it, without this being defined as an obligation.[2680]

[2677] Quotations from interviews with the heads of department at SUAK, BUFA and Bufdir on 12 February 2025, heads of department at Bufdir on 11 and 18 February 2026 respectively, and a case officer at Bufdir on 3 February 2026.

[2678] RIA, 1981. Guidelines for adoption placement by approved organisations, point 8.

[2679] The Adoption Act 1986, amended 1999, Section 16e, third paragraph.

[2680] Q-1045, point 7.2.8.

In 2009, the Hove Committee emphasised that when the Norwegian authorities permit adoption placements from countries that require follow-up reports, this entails a duty to assist in the preparation of such reports. In the Hove Committee's view, follow-up reports were to be regarded as an obligation where they were a prerequisite for adoption cooperation, in accordance with the Hague Convention. The Committee recommended that this duty be clearly enshrined in law or regulations, a recommendation that was also supported by the Adoption Act Committee.[2681]

In the current Adoption Act of 2017, the responsibility for follow-up reports is more clearly regulated, including for the period following the completion of the adoption. Under Section 23, the adoption authority must prepare or approve follow-up reports required by the country of origin for up to three years after the child has arrived in Norway, with municipal assistance where necessary. This represents an extension and clarification of the authorities' responsibilities compared with previous regulations.

Follow-up reports have thus been significant both as a condition for carrying out adoptions and as part of the subsequent follow-up, as well as in cooperation with various countries of origin. At the same time, the review shows that, for long periods, responsibility has been unclear in terms of how it is divided between the adoption authorities, the local authorities and the adoption agencies.

In his report to the committee (Appendix VIII), Røsvoll points out that a lack of responsibility for the preparation of follow-up reports may have affected the adoption authorities' access to information on how the process works in practice after the child has arrived in Norway.[2682]

Røsvoll also emphasises that the follow-up reports are of particular significance in light of the structure of interests in the field of adoption:

> Adoption agencies do not have a direct stake in individual adoption cases, but they constitute an interest group whose members have had, or will have, a direct stake. At the same time, the children who bear the consequences of errors are not represented, and because adopted children are, after all, children and are located outside Norway, [they] have limited political power or representation. It can be argued that this heightens the responsibility of the adoption authorities to manage and monitor the process, so that a bureaucratic and professionally independent body can act as a counterbalance to the parents' interest in adopting, and ensure that the children's best interests are safeguarded.
>
> This aspect is specifically reflected in the agencies' responsibility for the follow-up reports. As the agencies themselves state, follow-up reports are an important tool for legitimising their work in the eyes of the countries of origin. Consequently, the agencies have a certain vested interest in the content of the reports. This may be beneficial to the quality of the reports, but it may also be detrimental if it compromises their reliability.[2683]

The Committee believes that responsibility for preparing follow-up reports should have rested with the Norwegian authorities from the time when adoption mediation from a country that required such reports was permitted, regardless of whether the reports were a condition for completing the adoption. Regulatory changes to ensure this should have been implemented at a much earlier stage. Furthermore, clearly establishing this responsibility with the Norwegian authorities would have been an expression of respect for the countries of origin and for the obligations arising from formalised inter-state adoption cooperation.

[2681] NOU 2009: 21, p. 157; see also NOU 2014: 9, p. 229.

[2682] Røsvoll (2025), p. 53

[2683] Røsvoll (2025), p. 55.

25.11 The relationship between political guidelines and professional assessments

Chapter 8 discusses certain overarching political signals and guidelines in the field of adoption. At least in the period up to 2020, the political focus on adoption was directed towards enabling more people to adopt and making the adoption process simpler. The aim of enabling more people to adopt concerned both which groups were eligible and the need to work towards cooperation with new countries. This can be inferred from questions in the Storting, parliamentary motions, government manifestos and party programmes.

This should not be taken to mean that there was no broad consensus amongst politicians that the best interests of the child should be the central consideration and that adoptions should take place within a safe framework. This was emphasised in many different contexts; however, the political debate, the questions put to the Minister and the amendments tabled by Members of the Storting nevertheless focused primarily on the need to work towards alleviating the difficulties faced by adoptive parents; see Chapter 8.

It is not for the committee to second-guess the political judgements behind the individual proposals, and there is not necessarily any contradiction between the issues that have been in focus, such as the swift and efficient processing of applications for prior consent, and a safe and legally secure adoption process. However, interviews with staff at the Ministry and the adoption authority show that this focus was perceived as signalling what was important, and to some extent as political pressure.

The head of the adoption department at the specialist agency from 1999 to 2013 stated in an interview with the committee that he felt pressure to be less strict, both in cases concerning prior consents and when assessing international cooperation.[2684]

A case officer at Bufdir stated that the message from the Ministry had been to ensure efficient and swift processes, to engage with more partner countries, and that Bufdir must maintain good dialogue and cooperate with the organisations.[2685]

The head of the department responsible for adoption matters at the Ministry from 1991 to 2009 also told the committee that the focus of the Storting and in political discussions had been on who should be allowed to adopt, and that the process should proceed as quickly and efficiently as possible. When asked about the assessments carried out following the revelation of the Hunan scandal in 2005, he replied, amongst other things, that there would have been a political uproar if they had halted adoptions from China on the basis of the scandal. The former head of department also stated that she believed the consequences of a suspension were a factor, but that this consideration had not, in any case, been decisive in the decision not to suspend adoptions from China, partly because Bufdir considered it justifiable to continue.

In cases where there was disagreement between the Ministry and the adoption authorities (Bufdir and its predecessors), the specialist authority considered that it imposed stricter requirements than the Ministry. This applied to both placement licences and prior consents. Some refusals of placement licences by the adoption authorities were overturned by the Ministry. This included, amongst other things, refusals of placement applications from private children's homes in Colombia, which were overturned by the Ministry in December 2003 following a lengthy process (see section 12.8.4.4), and the refusal of a placement application from Guatemala, which was overturned in 2001 (see section 21.3).

It is a normal part of the Norwegian administrative system for a higher authority to overturn decisions in appeal cases. However, interviews with staff at the adoption authorities suggest that the specialist authorities perceived the Ministry as generally being too lenient. A senior case officer and lawyer at the adoption authorities during the period from the late 1990s to around 2020 told the Committee that it was difficult to get the Ministry to accept their recommendations to refuse placement licences. As the committee understood it, the person in question believed that placement licences should be refused in cases of doubt,

[2684] Interview with section heads at SUAK, BUFA and Bufdir on 5 February 2026.

[2685] Interview with a case officer at Bufdir who worked there between 2007 and 2018, 3 February 2026.

whilst the Ministry was somewhat too preoccupied with maintaining as many partner countries as possible. At the same time, they stated that the Ministry was objective and thorough.[2686]

In cases concerning prior consent, too, the Ministry was perceived as being less strict than the adoption authorities. The head of the adoption department at the specialist authority from 1999 to 2013 told the committee that prior consents were not infrequently politicised, and that the Ministry overturned several rejections. She believed that the Ministry set the threshold for the approval of adoptive parents lower than that applied or desired by Bufdir.[2687]

25.12 Summary assessments

As the account in this chapter has shown, there have been significant weaknesses in the Norwegian authorities' work on placement licences, supervision and monitoring throughout the period of adoption placement to Norway. The Committee has identified significant weaknesses in the processing of applications for placement licences and the approval of contact persons prior to the Hague Convention coming into force. When RIA was established in 1978, this provided an opportunity to bring adoption mediation into an orderly and responsible framework. Regular dialogue took place with the intermediaries, and supervisory visits were made to countries of origin; guidelines were also developed, including those for the approval of contact persons. This led to a certain improvement in the Norwegian authorities' oversight of adoption mediation, compared with the Ministry's previous work on mediation licences. However, the guidelines were not fully adhered to, and the committee has highlighted clear weaknesses in case investigations and assessments.

Following the entry into force of the Hague Convention, the processing of applications for placement licences from new countries improved significantly. Applications for the renewal of placement authorisations in existing partner countries, however, were not always processed with the same thoroughness; there was almost a presumption that cooperation with the country would continue, unless there were significantly changed circumstances that warranted a renewed assessment. This practice on the part of the Norwegian adoption authorities meant that even country partnerships initiated long before the Hague Convention came into force were allowed to continue without the key risk factors being adequately investigated and assessed against the requirements set out in the Hague Convention.

The Committee also finds that the Norwegian authorities did not sufficiently investigate risk factors relating to financial aspects of adoption placement, such as high remuneration paid to contact persons, and failed to impose conditions in placement authorisations regarding the amount of such remuneration. The adoption authorities investigated and were concerned about contributions made in connection with individual adoptions, often referred to as 'donations', but in some cases, such as in Colombia and China, high donations were nevertheless accepted (for a long time).

Norwegian adoption authorities were aware of the risks associated with linking aid and adoption as early as 1981, when RIA issued its guidelines for adoption agencies. The Committee notes that, nevertheless, the Norwegian authorities have, for the most part, exercised no other control over the relationship between aid and adoption than ensuring that separate accounts were kept in Norway. In light of the risks that links between aid and adoption may entail, targeted supervision of this area should have been carried out. The supervision should, in particular, have examined how clear the distinction between adoption work and aid work appeared to be in the country of origin, as it was there that the potential consequences of such intermingling were most serious.

With regard to supervision and monitoring, the committee finds that there have been several weaknesses in this work, particularly up until around 2019. A number of visits to countries of origin have been carried out; however, compared with the number of countries from which adoptions have been arranged, there have nevertheless been few visits each year, and fewer after the year 2000 than in previous years. There have also been shortcomings in the planning and

[2686] Interview with case officers at SUAK, BUFA and Bufdir, 1998–2024, 26 May 2025.

[2687] Interview with a section head at SUAK, BUFA and Bufdir on 5 February 2026.

the organisation of the visits, meaning that these have not been able to help uncover critical information about weaknesses in the adoption partnerships.

The Committee takes a critical view of the fact that adoption agencies had, over a long period, a significant influence on the planning and conduct of the inspection visits. The Committee largely agrees with the points raised by KPMG in 2013 that the planning and conduct of the inspection visits did not sufficiently facilitate effective supervision. On the one hand, it is clear that adoption agencies could provide practical and relevant information, including details of contacts and institutions with which they collaborated, and that this was particularly important in earlier periods when electronic communication was not available. At the same time, it is of fundamental importance for the independence of the supervisory authority that the framework for the programme and the conduct of the meetings are not significantly shaped by the very actors who are themselves subject to supervision. The Committee places particular emphasis on the fact that, in some cases, representatives of the adoption agencies not only attended meetings but also played a central role in shaping the programme, and that in some contexts they acted as interpreters. This could influence both the topics raised and how information was conveyed to the Norwegian authorities.

The Committee notes, however, that a gradual change appears to have taken place throughout the 2000s, with the Norwegian authorities taking greater control of the planning of the visits and limiting the role of the adoption agencies in the conduct of the supervisory visits.

The Committee considers it a significant weakness in adoption arrangements to Norway throughout the entire period of adoption mediation that the Norwegian Foreign Service, including embassies and consulates in countries of origin, has not consistently functioned as an effective source of information on adoption-related matters, as envisaged by both the Ministry of Social Affairs (in Circular 9/78 and Circular 20/87) and the Ministry of Children and Families (in a letter to SUAK following the ratification of the Hague Convention).[2688]

The Committee also considers that a lack of resources within the adoption authorities has affected the soundness of the work that has been carried out. When the State Adoption Office was established, work on cases concerning prior consent, adoption authorisation and the registration of adoptions was brought together within the same body, which was also responsible for processing applications for placement licences (preparing cases for the Ministry) and for supervising and monitoring adoption agencies. These large-scale and labour-intensive new tasks then had to compete for resources with the processing of individual adoption cases and supervision.
The problem of resource allocation between the processing of individual cases and the processing of placement licences, supervision and monitoring has persisted through subsequent reorganisations of the adoption authorities.

The Committee is also critical of the lack of systematic transfer of experience from the work on processing individual cases concerning registration or adoption authorisation to the work on placement licences, supervision and monitoring right up until around 2019. It is highly likely that a more holistic approach to these various aspects of the adoption authorities' remit would have helped to uncover significant weaknesses in adoption placement from several countries, and in this way made the supervision of adoption placement considerably more effective.

[2688] Letter of 16 October 1998 from the BFD to the SUAK.

26 The adoption authorities' handling of cases concerning prior consent to intercountry adoption

26.1 Introduction and scope

This chapter sets out the Norwegian adoption authorities' handling of cases concerning prior consent to adoption. This process involves the adoption authorities assessing whether the prospective adoptive parents meet the statutory conditions for being granted permission to adopt. This is a key part of the adoption authorities' responsibilities and, under the 1993 Hague Convention, constitutes a primary responsibility for the authorities in the receiving State (cf. Article 5).

The Committee's terms of reference state the following regarding prior consent:

> The Committee must also assess the regulations and practices governing the granting of prior consent to applications for adoption. In this regard, the Committee must assess what criteria have been used in the assessment process, whether the best interests of the child have been given sufficiently high priority, and whether the requirements imposed on prospective parents have been sufficiently stringent in light of the specific context presented by intercountry adoption.

The Committee has interpreted this to mean that we are to provide a description and assessment of how the system for granting prior consent has developed, and of practices during different periods.

The wording of the mandate focuses primarily on the past. The Norwegian Institute of Public Health, on behalf of the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir), has relatively recently carried out a review of the research literature on the characteristics of good adoptive parents,[2689] and, on this basis, has made recommendations regarding the assessment of adoption applicants, including assessment indicators and methods[2690] (see section 26.4.8). Given that the current situation has already been thoroughly examined, and in line with the wording of the mandate, the Committee has chosen to focus its investigations on the period up to 2020. The Committee has placed particular emphasis on the period following the entry into force of the Hague Convention in Norway in 1998, both because of the changes that took place during this period and other factors of significance for the adoption authorities' handling of cases concerning prior consent at the systemic level.

The chapter is structured as follows:

Section 26.2 provides a brief overview of the Committee's investigations.

Section 26.3 presents the process for prior consent in different periods, with a focus on the responsible authorities.

Section 26.4 deals with developments in the requirements imposed by the Norwegian authorities on adoption applicants, including an insight into administrative practice, the interaction between the specialist authority and the ministry, and discussions regarding practice.

In section 26.5, the committee will present its assessment of the Norwegian adoption authorities' handling of cases concerning prior consent for international adoption during various periods.

[2689] Torgersen L., Bårdstu S., Haukedal C.L. 2021. *What characterises good (adoptive) parents? A literature review.* Oslo: Norwegian Institute of Public Health, 2021.

[2690] Torgersen L., Haukedal C.L., Torgersen K.H., Aase H. 2021. *Better safe than sorry. Selection and follow-up of adoptive families: Experiences and recommendations*. Oslo: Norwegian Institute of Public Health, 2021.

26.2 The Committee's investigations

The Committee has primarily worked with legal historical sources to investigate the development of the system for prior consent and the substantive requirements for applicants during different periods.[2691]

Furthermore, the Committee has conducted 23 interviews with various stakeholders in which, amongst other things, prior consent has been a topic of discussion. This includes

- 5 people who have worked in the adoption authorities at ministerial level
- 4 people who have worked in the adoption authorities at directorate level
- 10 adoptees
- 6 adoptive parents
- 1 organisation for adoptees

Enquiries to the committee from adoptees and others concerning prior consent have been systematised and have contributed to the committee's investigations and assessments.

The committee has also examined a selection of individual cases concerning prior consent in order to gain an impression of current practice and developments in this area. This includes:

- 3 cases from the 1960s (from two different counties)
- 13 cases from the 1970s (from three different counties)
- 13 cases from 1980–1986 (from seven different counties)
- 13 cases from 1987–2003 (the State Adoption Office, the State Youth and Adoption Office, BUFA)
- 10 cases from 2004–2014 (Bufetat, various regions)
- 10 cases from 2015–2025 (Bufetat, various regions)

However, no systematic review of the cases has been carried out. The Committee has used the cases to examine case handling procedures during different periods and to gain an impression of current practice.

The Committee has also had access to the Ministry of Children and Families' register of experience relating to appeals concerning refusals of prior consent to international adoption, which contains a selection of anonymised case examples dating back to the 1980s.

26.2.1 Accounts from adoptees and adoptive families regarding the consequences of unsuitable adoption placements and the importance of guidance

The consequences of a child being placed with adoptive parents who are unable to adequately meet the child's needs are serious. The Committee wishes here to highlight the potential consequences when adopted children end up in unsuitable families, or when adoptive parents lack sufficient guidance prior to the adoption. This is done by recounting stories from adoptees and adoptive families whom the Committee has interviewed or from whom it has received information in other ways.

The Committee wishes to emphasise that we have become aware of a number of positive adoption stories, including many examples of adoptive parents who have been well-suited to the role and who have provided their children with a good and secure upbringing. It is also the case that the Committee has mainly selected interviewees from among the adoptees and adoptive parents who have approached the Committee, and the interviews we have conducted are therefore not necessarily representative of the majority. In any event, the extracts below are not intended to provide a representative picture, but rather to illustrate the importance of the work on prior consent.

[2691] Legislative history, legal commentaries, and annual reports from Bufdir and its predecessors.

Adopted in the 1970s:

> As I grew up, it became increasingly clear that [my adoptive parents] regretted the whole adoption of me. This became apparent as early as when I was about five years old, when my adoptive mother would threaten to send me back [to my country of origin] if, according to her, I was disobedient or did not do as she said. My experiences with my adoptive mother in particular consisted of constant nagging and harassment, which I now regard as systematic bullying. […] When my adoptive parents wanted to adopt another child, the story goes that their application was initially rejected, but following an appeal, they were nevertheless allowed to adopt another child. Given what I know today, my adoptive parents should never have been approved for any adoption, and certainly not for a second one.

Adopted in the 1970s:

> The adoption documents state that my adoptive parents did not have any serious illnesses, but this is incorrect. […] My adoptive mother had [a serious neurological condition] involving severe seizures and loss of consciousness. This condition was omitted from the medical certificate, and no proper assessment was ever carried out of how this might affect her ability to care for a child. […] It worries me greatly that my adoptive parents were approved for adoption despite their serious health problems, which were not reported. I have been given access to the adoption documents and have discovered significant errors in the medical report. It is difficult to understand how the doctor could have [recommended] the adoption on such flimsy grounds.

Adopted in the 1980s:

> I grew up in a dysfunctional home. I think they did the best they could, but they probably weren't very good parents. I had a sibling who was also adopted, and we were both treated badly, but [my sibling] had a harder time because [they] were the 'difficult' child. [Nowadays] I think [my sibling's] problem was down to fear-based behaviour: [they] were scared when [they] arrived, and expressed this through anger and defiance. The parents had no prior knowledge of this. […] They just saw a nasty and difficult child. […] The adoption process is a strain in itself, and parents should be particularly well-suited to it. […] My mother used to boast about herself. She'd say that even as a child she knew she was going to adopt from [a war-torn country] after reading about [the war in that country]. I think this was a poor motivation.

Adopted in the 1980s:

> My adoptive father was [almost 50]. He had [several] children from previous relationships. One of [the older siblings] has said that Dad didn't really want to adopt at all, but was fed up with life with young children. It was my mother who was absolutely determined to do so. […] Outwardly, they were a successful family […] but at home it was difficult. Physical and psychological abuse. […] My mother often threatened to send me back. She had the number of a children's home hanging in the kitchen, and threatened to ring them. Once they woke me up late in the evening or at night and told me to pack my things, because I was going back to [my country of origin]. I went out of the house and there was a car with its lights on. Mum said I had to promise to be good, not to lie and things like that, otherwise I'd have to leave. I cried and promised everything I could. […] Parents need more training in looking after children with trauma. Mum has said she didn't know what she was getting herself into.
> But … everyone knows you're not supposed to hit children.

Adopted in the 1980s:

> I think it is reprehensible that it wasn't picked up that the adoptive mother had already given a child up for adoption at birth, and that she had a biological child in foster care. […] This point is very important as the adoptive mother was unable to bond with us – my experience is that we were the wrong children. […]

The adoptee has told the committee about a childhood marked by threats of being sent back to their country of origin, racism within their own family, such as negative comments about their country and birth family, negative comments about the children's appearance, skin colour and height, and that the children were told that 'it was a pity' for the adoptive parents who 'had to put up with us', and that there was a

> [t]error regime in the home where we grew up, involving, amongst other things, intimidation, for example: a black glove thrust through the window after bedtime; being pulled out of bed in the middle of the night; being locked out in winter when there was a great deal of snow; being taken out of bed at night and forced to sit for several hours in the cellar on a stool to admit that we had done something wrong that we hadn't done, followed by punishment in the form of being locked in a small, unlit cupboard, sexual abuse and persistent violence / witnessing violence against siblings.

The adoptee has had no contact with the adoptive family for the past 15 years and has received compensation from the state. The Committee has reviewed the decision.

Adopted in the 1990s:

> My parents had enormous expectations of how wonderful it would be to have a child, and regarded me as a blank slate. I'd probably been in a children's home for quite some time, and I was underdeveloped, malnourished [and small for my age]. A poor start in life had probably already left its mark, and my parents really weren't prepared for this. They handled the whole thing incredibly badly, and I had a terrible childhood. We're not in contact today. […] They'd probably have coped better if they'd had children without any challenges, but both I and [an adopted sibling] had them. […] Things went wrong right from when I was little. […] During my teenage years, it escalated even further. My parents hit me and kicked me, threw a knife at me and ran me over with the car.

An adoptee from the 1990s has recounted that they arrived in Norway at a fairly advanced age, together with a younger sibling. The adoptive parents did not speak the children's language and showed no interest in helping them maintain their language and identity:

> They shoved us into Norwegian nurseries, and we picked up the Norwegian language quickly. […] The attitude was that we were Norwegian now and should forget all the bad things. […] Everyone who adopts today, especially older children, should receive in-depth training in how to deal with traumatised children. […] You're transported from one country to another, to a new culture […] [T]he solution isn't to dress them in a Norwegian bunad and tell them to forget everything that's happened. I knew I had an identity that I wanted to preserve, and I received very little support in that regard. It wasn't that I wanted to be more [from my country of origin] than Norwegian, but I wanted recognition for both identities. […] Had [the Norwegian authorities looked more closely] at the [adoptive parents'] motivation for adopting a child, they would have spotted some red flags. […] They were going to a developing country to adopt a child in order to save them. This permeates everything they've written. […] I've had a turbulent relationship with my adoptive parents. It's hard to talk about, but I still want to say that throughout my childhood, I was subjected to sexual abuse – both me and [my younger siblings] – until I was 12 years old. […] No one [not even my adoptive parents] managed to pick up on it when it was happening. […] I've had some difficult conversations with my adoptive parents. I've asked them why they didn't take our trauma and injuries seriously. I don't think they want to face the shame. They weren't prepared for what they were taking on.

Two adoptive parents who adopted in the 2000s have said that the placement went quickly because they were older, had been approved to adopt an older child, and there were few people waiting for an older child. They were not allowed to attend the pre-adoption preparation course because 'they were too far along in the process'. Before the collection trip, they felt they lacked further information about the child. They learnt that the birth mother and other family members were alive, but did not have the financial means to care for all the children. The child had been living in a children's home prior to the adoption and missed their birth mother terribly:

> Even on the journey to collect the child, we could see that [the child] was having a very difficult time and was themselves deeply unsure whether we were doing something foolish, and we considered whether we should withdraw from the adoption altogether. […] When we arrived home in Norway, we were faced with a child suffering from shock and trauma, with high levels of stress, who had to live with two people who were complete strangers to [the child]. We had a strong feeling that this wasn't right, and

> wrote a letter to [the adoption agency] in which we asked, amongst other things, whether it was possible to return [the child] to their mother, and whether we could instead support her financially so that she could raise [the child] herself. […] We did not receive a response to this proposal, but someone from [the adoption agency] rang us and we had a conversation. We found the representative from [the agency] to be welcoming and kind; we felt that our emotions were acknowledged. [The adoption agency] put us in touch with child welfare services, and we received quite close follow-up from them for a while, and also came into contact with the Child and Adolescent Mental Health Service (BUP). There, [the child] was diagnosed with reactive attachment disorder.
>
> [The child] has faced major challenges throughout their upbringing. [The adoptee] has said themselves that [they] found it difficult to move to a foreign country with two strangers. […] [The adoptee] believes that [they] were kidnapped from [their country of origin] and harbours a great deal of grief and anger in connection with this. [They] have had major problems with learning and schooling, requiring a great deal of support. [They] have difficulties with attachment and relationships, and have never made any close friends.
>
> […] We realised that we weren't sufficiently prepared for all the challenges, and that it was difficult to know where to turn for help. […] We feel that the situation has been demanding for us as parents too, and that we haven't always managed to handle things in the best way for [the child]. We have plenty of good memories as well, but it has been difficult and tough as parents to see [the child] struggling.

Adoptive parents who adopted two siblings in the late 2000s:

> We noticed that the eldest [child] was a bit unrestrained. We'd learnt a bit about attachment and got in touch with clinical psychologist Joachim Haarklou, who helped us understand how to approach this. […] We attended the compulsory pre-adoption training course. It was quite new at the time; Bufetat ran some courses, as did Adopsjonsforum's own courses. Bufetat's course was good. We learnt about attachment. That came in handy as one child had no sense of boundaries and the other was so afraid – afraid of men. We felt we were well prepared for this – that it wouldn't be plain sailing at the start, that we'd have to work to build up the love. We were a bit isolated at first, having few friends over so we could slowly build trust. We know that many people run into trouble if they rush things with extended family and so on.

Accounts from adoptees and adoptive parents have provided important input to the committee's investigations and assessments.

26.3 The process for prior consent in different periods

The assessment of prior consent has been subject to varying requirements and has been the responsibility of different authorities. The process of prior consent is described below. The focus is on the responsible authorities. The development of the requirements imposed on applicants is described in section 26.4.

The requirement for prior consent to adoption originally stemmed from Section 29 of the Adoption Act 1917:

> A foreign national may not adopt or be adopted within the Kingdom, unless the adoption is also valid in the foreign state concerned.
>
> A Norwegian national may not adopt or be adopted in a foreign state, unless the King[[2692]] has determined that this may take place.

The provision was interpreted to mean that no adoption could be carried out without first applying for and obtaining prior approval from the Ministry.

If the adoption were to take place in Norway (so-called 'authorisation cases', cf. Chapter 27, for example if the child came from South Korea), prior consent involved an assessment of whether such an adoption would be valid in the child's country of origin.

[2692] This authority was delegated to the Ministry of Justice in 1924.

If the adoption were to take place in the country of origin, the Act does not contain any specific conditions regarding the basis on which prior consent should be granted. In practice, this probably also involved an assessment of the law of the country of origin and of whether a valid adoption could be carried out.

Initially, the question of prior consent was essentially a purely legal assessment, which must presumably be regarded as the reason why responsibility for issuing such consents was assigned to the Ministry of Justice. At the same time, the processing of cases was assigned to the county governor.

However, Section 31 of the Child Welfare Act of 1953 introduced a requirement for prior *social work* approval of foster homes. Adoptive homes were not explicitly mentioned in the Act, but nevertheless appear to have been interpreted as falling within its scope to a certain extent. However, practice in this regard varied somewhat, a point which was addressed in the Ministry of Social Affairs' circular of 1968. This circular reinforced and clarified the requirement that child welfare boards had to approve applicants as foster homes with a view to adoption.[2693]

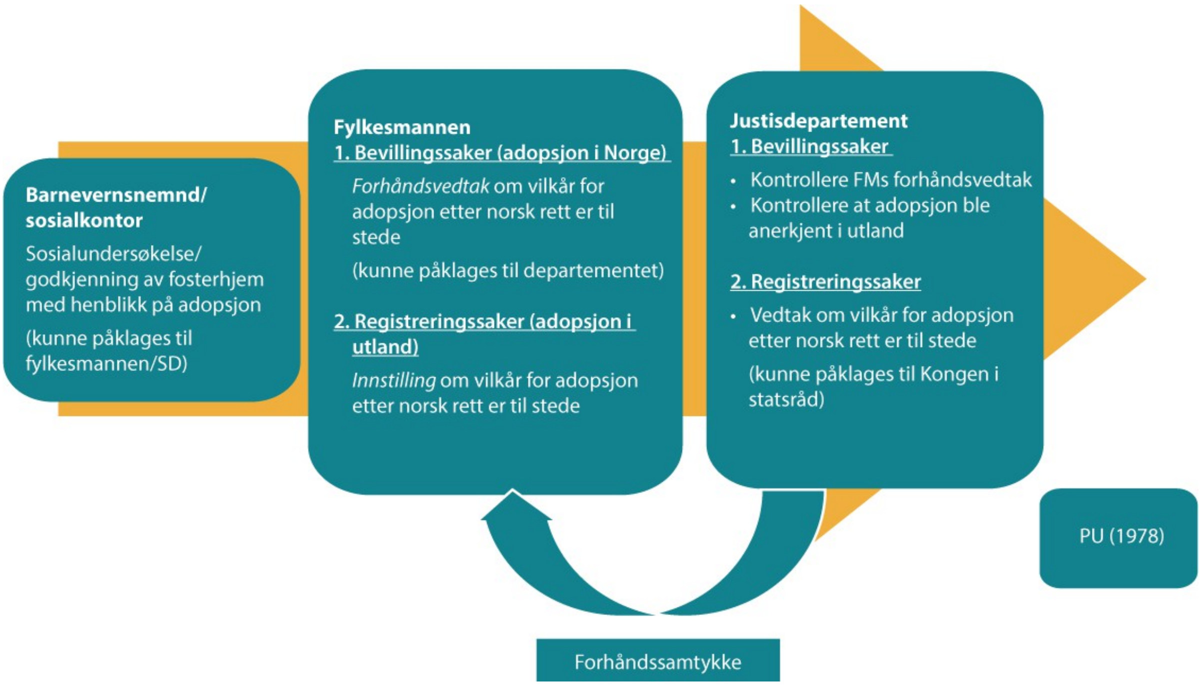

Figure 26.1 Process for prior consent 1953(/1968)–1985

Figure 26.1 explains the process for prior consent during the period 1953–1985.[2694] In the case of the adoption of a foreign child, prospective adoptive parents first had to apply to the child welfare board in their place of residence to have their home approved as a foster home with a view to the adoption of a foreign child. The decision could be appealed to the County Governor (cf. Section 52 of the Child Welfare Act). Once the home had been finally approved, the application was sent to the County Governor, who assessed whether the conditions for adoption under Norwegian law were met. Any rejection could be appealed to the Ministry of Justice. The subsequent procedure depended on whether the adoption was to take place abroad (registration cases) or in Norway (authorisation cases). In authorisation cases, the County Governor's preliminary decision confirming that the conditions for adoption under Norwegian law were met was sent to the Ministry of Justice to ascertain whether a Norwegian adoption would be recognised as valid in the child's country of nationality. At this stage, the applicants had to have decided which

[2693] Circular from the Ministry of Social Affairs dated 4 November 1968 on the adoption of foreign children – Child Welfare Circular No. 47. See also Steenberg and Hognestad, 2000, p. 69.

[2694] Note that this is not a description of the entire adoption process, and that the matching process generally took place at a later stage.

the country from which they wished to adopt. At the same time, the Ministry carried out an independent assessment of whether the applicants met the requirements under Norwegian law. Once the applicants had been notified of the approval via the County Governor, they could initiate adoption proceedings abroad. If the adoption was to take place abroad (registration cases), it was the Ministry of Justice that had to make the decision in the first instance. In these cases too, the County Governor was required to assess the applicants and make a recommendation to the Ministry as to whether the application was suitable for approval under Norwegian law. If the Ministry approved the applicants, a declaration was issued stating that the applicants were authorised to adopt in a specified country. Rejections could be appealed to the King in Council.[2695]

When the Placement Committee (PU) was established in 1978, it became, in many respects, yet another approval body. The PU was responsible for the placement of all children adopted from abroad in Norway, either by selecting adoptive homes for children allocated to Norway for adoption, or – if the matching was to take place in the country of origin – by selecting suitable adoptive applicants whose documents were sent abroad. The PU had three permanent members. The PU's annual report for 1979 states that its members were, respectively, a child welfare worker and principal at the Norwegian College of Local Government and Social Work, a psychologist, and a child welfare worker from Oslo Municipality.[2696]

In order for applicants to be matched with a child, they therefore had to be 'prioritised' by the PU. It could thus happen that applicants who had been approved by the local child welfare service, the county governor and the Ministry of Justice were never matched with a child or had their documents sent abroad, because the PU considered them less suitable than other applicant couples (see 26.4.3). There was no right of appeal against the PU's decisions, but several approved applicants nevertheless lodged complaints with the Ministry after waiting for a long time without being prioritised. Considerable unrest arose when the Ministry attempted to instruct the PU in individual cases, and the members threatened on at least one occasion to resign from their posts.

In 1980, the Adoption Act was revised, particularly with regard to inter-legal issues. The matter of prior consent was then regulated in Sections 29 and 34. These provisions were subsequently carried over into Sections 17 and 22 of the Adoption Act of 1986.

> Section 29: An application for authorisation to adopt shall be decided in Norway if the applicant is resident in this Kingdom, or if the Ministry consents to the case being dealt with here
>
> Section 34: A person resident in Norway may not adopt in a foreign state unless the Ministry gives its prior consent. Once consent has been given, the foreign adoption is recognised in this country. The Ministry may decide that it shall have the same legal effect as a Norwegian adoption.

Until 1985, the Ministry of Justice had ultimate authority in matters concerning prior consent for the adoption of foreign children, with the right of appeal to the King in Council. In 1985, responsibility for adoptions was consolidated under the Ministry of Social Affairs, which took over the Ministry of Justice's duties in the approval process.

The establishment of the State Adoption Office (SAK) on 1 January 1987 was motivated, amongst other things, by a desire to simplify the adoption process and reduce the number of bodies with which prospective adopters had to deal. SAK then took over the duties previously carried out by the county governors and the Ministry in matters relating to prior consent. However, social investigations were still carried out by the local child welfare services.

At the same time, the Expert Committee (FU) was established. The FU was to be consulted by SAK solely in an advisory capacity in cases where there were special circumstances relating to the adoption applicants (for example, age, health or social circumstances). Furthermore, adoption agencies were required to refer 'special placements' – that is, cases where the children had special care needs – to SAK, and the FU was often involved in these cases.

[2695] Steenberg and Hognestad (2000), pp. 67–69.

[2696] The Placement Committee's activities in 1979.

Following the Ministry of Social Affairs' circular of 26 June 1987 concerning the State Adoption Office,[2697] applications for the adoption of foreign children were to be addressed to the Health and Social Services Board/Child Welfare Committee in the applicants' municipality of residence, which was to issue an opinion on the case and forward this to SAK, which decided on the application. See Figure 26.2 for an illustration of the process for prior consent from 1987 to 1999.

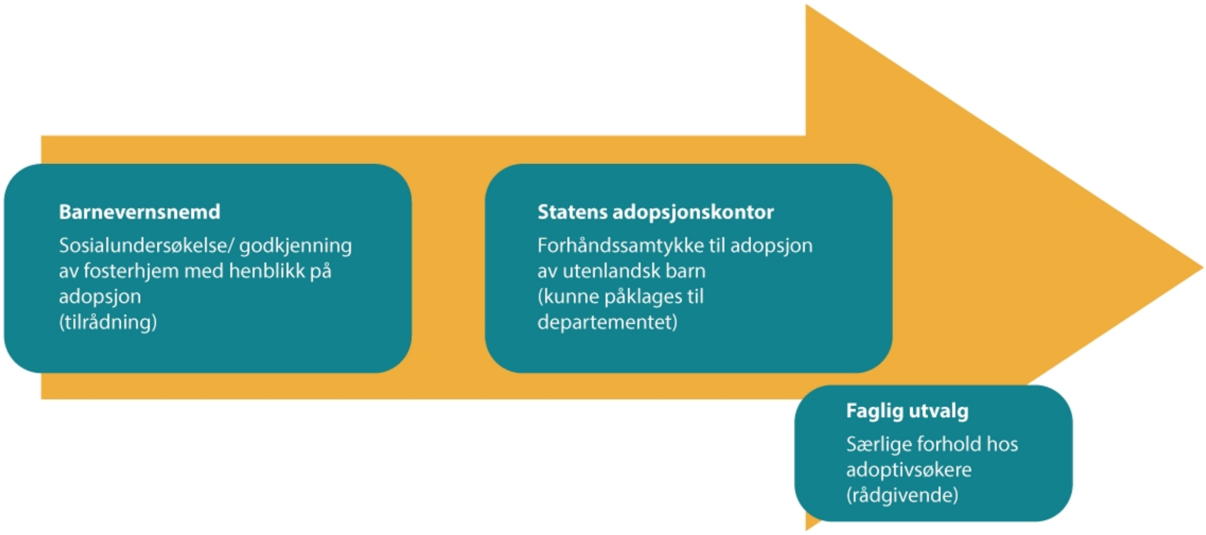

Figure 26.2 Process for prior consent 1987–1999

In 1990, responsibility for adoption was transferred to the Ministry of Children and Families.

SAK was disbanded on 1 January 1998 and replaced by the State Youth and Adoption Office (SUAK). SUAK took over SAK's responsibilities in the process of obtaining prior consent.

On 1 December 1999, the Expert Committee on Adoption Cases (FUA) was established.[2698] Unlike the advisory role of the Expert Committee (FU), the FUA was an independent administrative body with decision-making authority in cases concerning the placement of children with special needs with parents.[2699] The committee consisted of three members: a specialist in general practice, a psychologist/psychiatrist with clinical experience of working with children, and a psychologist/psychiatrist with clinical experience of working with adults. The FUA was tasked with selecting parents for specific children with special care needs from among applicants who had already been granted prior consent. In addition, the FUA could provide advice on other cases referred to it by the SUAK or the BFD.[2700] Upon its establishment, the Ministry laid down guidelines on which cases were to be dealt with by the committee, in an attempt to reduce previous uncertainty.[2701]

In 1999, the Adoption Act was revised once again, and a new chapter (Sections 16a–16f) was added concerning *adoption mediation and the approval of adoptive homes*. It was only with this revision that these matters were removed from the Child Welfare Act and explicitly regulated as part of the Adoption Act. Section
Section 16e states the following regarding prior consent to international adoption:

2697 Circular I-20/87 from the Ministry of Social Affairs.

2698 Terms of reference for the Expert Committee on Adoption Cases – adopted by the Ministry of Children and Families on 30 November 1999. The terms of reference are included as an appendix in Hognestad and Steenberg (2000), p. 453.

2699 Terms of Reference 1999, point 2.2.

2700 Terms of Reference 1999, points 2.3 and 3.4.

2701 Letter from the Ministry of Children and Family Affairs dated 7 December 1999 (ref. 99/03676); see also Hognestad and Steenberg (2000)
p. 268.

A person resident in Norway may not adopt a child from a foreign state without the prior consent of the Ministry.

The Ministry shall assess the applicants before granting consent under the first paragraph. When requested by the Ministry, the local authority shall assist in processing an application for prior consent under the first paragraph.

The local authority shall also assist in processing an application for adoption following the child's arrival in Norway, so that the adoption can be finalised.

The Ministry may, by regulation, lay down further rules concerning the procedure, the assessment of applicants, the conditions for granting prior consent and the requirements regarding the suitability of applicants, including requirements relating to age, health, character, the duration of the relationship, financial circumstances, housing and participation in pre-adoption preparation courses. The Ministry may also, by regulation, impose specific requirements on single applicants.[2702]

Figure 26.3 Process for prior consent 1999–2003

Gradually, SUAK was assigned additional tasks, and from 1 June 2002 it changed its name to the Directorate for Children, Young People and Families (BUFA). The name change did not lead to any major restructuring of the adoption process.

From 1 January 2004, the state took over responsibility for the former county child welfare services, and the National Office for State Child Welfare and Family Services (NK) was established. At the same time, five regional offices were set up. For approximately half a year, BUFA and NK existed as two parallel central agencies, before they were merged on 1 July 2004 to form the Directorate for Children, Youth and Family Affairs, to which we shall return. During the period when NK was in operation, however, some restructuring took place in the field of adoption. Partly because it was not desired for the Ministry to act as the appeal body for prior consent in specific adoption cases, the processing of (most, see below for further details) adoption applications was transferred to the newly established regional offices. BUFA then became the appeal body. Following the reorganisation in 2004, the directorate became what is now Bufdir, and the collective name for the agency was Bufetat. For the field of adoption, the reorganisation had few practical consequences. Bufetat's five regional offices were to process most prior consents at first instance. The exception was the adoption of foreign children outside an approved intermediary organisation – the 'independent' adoptions – where Bufdir remained the first-instance authority until 2009.[2703]

[2702] Section 16e of the Adoption Act (Act No. 8 of 28 February 1986), as amended by the Act of 11 June 1999 (adoption placement).

[2703] In a letter dated 3 June 2009, it was decided that Bufetat Region East would take over as the authority of first instance in these cases

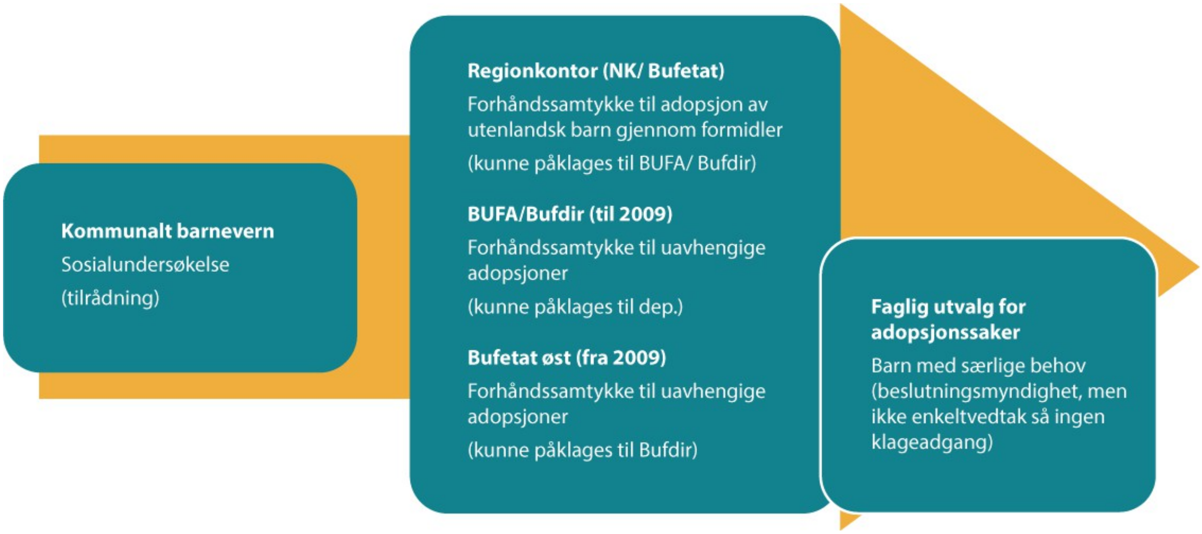

Figure 26.4 Process for prior consent 2004–2014

In 2015, responsibility for social enquiries in connection with the approval of adoptive parents was transferred from the Child Welfare Service to Bufetat's five regional offices.[2704]

The adoption of the new Adoption Act of 2017 also led to certain restructuring measures. The FUA, which had been an independent body with decision-making authority since 1999, was once again transformed into an advisory body to Bufdir, under the name the Professional Advisory Committee (FRU).

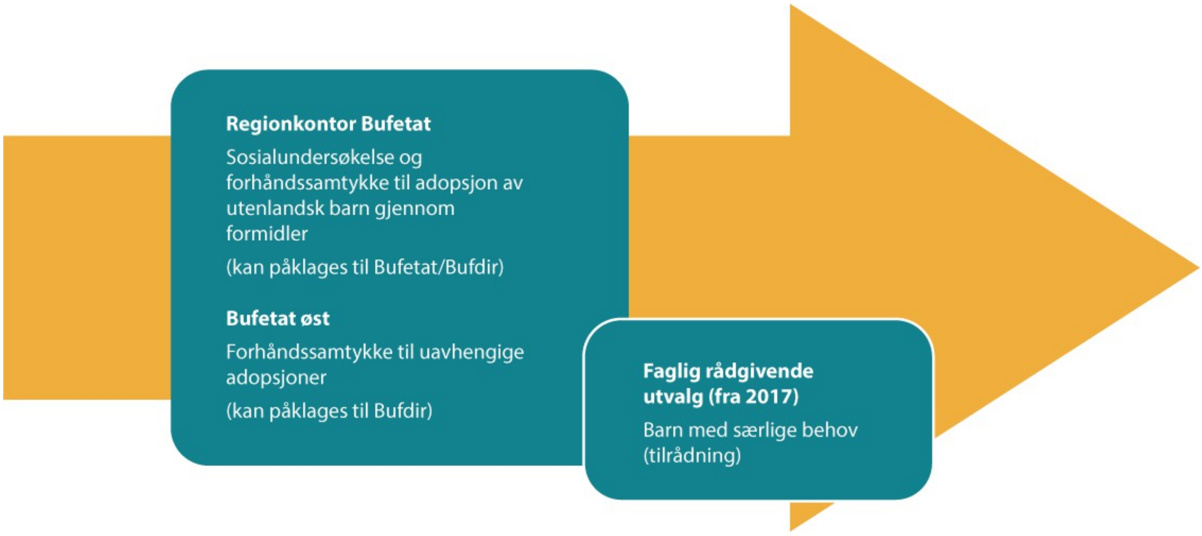

Figure 26.5 Process for prior consent 2015/2017

26.3.2 The content of the prior consent

The prior consents from the 1960s reviewed by the committee contained information stating that consent had been given and specifying the countries from which the prospective adoptive parents could adopt. The consent was open-ended. If

[2704] Regulations on the adoption of children from abroad, laid down by the Ministry of Children, Equality and Inclusion pursuant to Section 16e(4) of the Adoption Act of 28 February 1986 No. 8, 30 January 2015 No. 72.

concerned a case where authorisation was sought for the child to be adopted in Norway following their arrival, the prior consent was also subject to the condition that the adoption should take place 'as soon as the child has arrived in Norway'. The consent was primarily granted for the adoption of one child.[2705]

From 1978, in connection with the prioritisation of applicants, the PU also laid down guidelines regarding the child's age range at the time of allocation (for example, zero to two years).

In 1980, a further condition was added to the prior consent stipulating that the adoption must be arranged through an approved Norwegian adoption agency (unless the application concerned an adoption outside an organisation; see section 28.1.1).

When the State Adoption Office was established in 1987, it continued the practice of the Public Prosecutor's Office of providing a recommendation regarding the child's age range.[2706] Initially, this was stated only in the accompanying letter, not in the prior consent itself. However, as the 1990s progressed, the age recommendation was also included in the prior consent.

In 1994, the advance consent was limited to two years, with the option of extending it for a further year.[2707]

The Ministry of Children and Family Affairs' circular from 2002 states the following:

> The decision on prior consent must include a recommendation regarding a child from a specific country. Furthermore, the decision must include a recommendation regarding the placement of a child in a specific age group, usually from zero to three years of age. If applicants are deemed particularly well-suited to adopt slightly older children and are themselves willing to do so, prior consent may be granted for a child up to the age of five. Prior consent may also be granted on the same terms for the adoption of two siblings when both are under the age of five. Furthermore, the decision on prior consent must be recorded in a separate 'certificate of authentication' document.
>
> Advance consent is granted for a period of two years, with the option of a one-year extension. The Child, Youth and Family Services may extend advance consent once for a period of one year. If there is a specific allocation from the authorities in the country of origin and the adoption process is in its final stages, the Child, Youth and Family Services may consider a further extension of the prior consent beyond the three-year period. In all other cases, a new application must be submitted with the supporting documents updated. [2708]

From 1 July 2008, the period of validity of prior consent was extended to three years, with the possibility of a further one-year extension.[2709]

Since 1 February 2015, prior consent has been extendable for two years, on one occasion only. Exceptions may still be made if applicants are specifically allocated a child before the prior consent has expired. In such cases, an extension may be granted to complete the adoption process.[2710]

[2705] Circular from the Ministry of Social Affairs dated 24 May 1976 to the child welfare boards concerning the adoption of foreign children. It states:
'Permission should not be granted for two children at the same time, unless they are siblings'.

[2706] This was set out in the Ministry of Social Affairs' circular of 13 October 1989 on guidelines for the processing of adoption applications, Circular I-15/89, Part II, point 5, p. 6: 'The decision on prior approval from the State Adoption Office shall also include a recommendation regarding the placement of children in a specific age group'.

[2707] Circular Q-1994-6 – supplementary circular to Circular I-1989-15.

[2708] Circular from the Ministry of Children and Families, December 2002 (Q–1045), containing guidelines for the processing of applications for domestic and international adoption and, in particular, on the exercise of discretion in domestic adoption, revised March 2009.

[2709] Letter from the Ministry of Children and Families, 20 June 2008, 'Amendments to the guidelines on the processing of applications for domestic and international adoption, and in particular on the exercise of discretion in domestic adoption – the duration of prior consent'.

[2710] Regulations on the adoption of children from abroad, laid down by the Ministry of Children, Equality and Inclusion pursuant to Section 16e(4) of the Adoption Act of 28 February 1986 No. 8, 30 January 2015 No. 72.

26.4 Developments in the requirements for adoption applicants and administrative practice

26.4.1 The period up to 1953

The 1917 Act stipulated that adoption authorisation could not be granted unless there were grounds to believe that the adoption would be 'in the best interests of the child' (Section 8). Beyond this, there were no regulations governing how the approval of adoptive homes was to be carried out, and the assessment was primarily legal rather than social work-based. Prospective adopters were primarily assessed on the basis of objective criteria, rather than personal suitability: applicants had to be at least 25 years of age, and if married, both spouses had to adopt jointly.[2711] It was not permitted to adopt a child with anyone other than one's spouse.

26.4.2 1953–1975: foster care approval with a view to adoption

Legal provisions relating to a detailed investigation of social circumstances were first established by the Child Welfare Act of 1953, and even then only indirectly, through the regulation of foster homes.[2712] The Child Welfare Act stipulated that
'the foster home' must be 'suitable' (Section 24), and that the child should receive 'proper care, upbringing and education' (Section 22). Section 30 stipulated that an application for consent to take in a foster child should include information regarding the applicant's 'occupation and place of residence, the conditions of upbringing and any other circumstances relevant to the assessment of the foster home'. Under the Act, the home municipality was required to carry out an inspection of the home and obtain a statement from the municipality's medical officer regarding 'the hygienic conditions in the home', as well as 'the state of health of the foster parent and his family'. If the authorities found that there was 'a risk that the child would not receive proper care and upbringing, or that the child's stay in the foster home might otherwise be detrimental to the child', consent was not to be granted (Section 31). Beyond this, there were few specific assessment criteria for what was required for approval, but the provision was later supplemented by a circular from the Ministry of Social Affairs. [2713]

In Circular No. 5 of 13 July 1954 on foster children and foster homes, it was emphasised that the starting point must be that the child 'shall live in an environment that provides warmth, love and understanding, and the opportunity to form a lasting and stable bond with adults whom the child can grow to love and trust completely' (Part III, p. 2). It further states that 'in addition to health and financial circumstances, the committee must assess all relevant factors, such as character and the ability to care adequately for the child, as well as an interest in and capacity for bringing up children' (Part V, point 3, pp. 5–6).[2714]

Regarding 'material circumstances', it was stated that applicants must have 'a stable financial situation with a secure and regular income that ensures the family a reasonable standard of living', and that 'housing conditions must allow for the placement of a foster child' (Part V, point 3, p. 6). With regard to 'other circumstances relating to the foster carer, the family and the home', factors such as the location of the home and its proximity to other families were highlighted, as well as the fact that foster children 'should not normally' be placed with a single person, and that the age difference between the child and the foster parents should not be so great that they could not be the child's natural parents. Furthermore, it states that one should exercise caution when placing children in a household where the housewife was in paid employment. If there were other children in the family, their number, age in relation to the foster child and care needs should be assessed.[2715]

[2711] With a few exceptions, such as mental illness in a spouse, or if a spouse was missing.

[2712] Act of 17 July 1953 No. 14.

[2713] See, inter alia, the Ministry of Social Affairs' Circular No. 3 of 20 May 1954 and Circular No. 5 of 13 July 1954.

[2714] Circular from the Ministry of Social Affairs of 13 July 1954, On foster children and foster homes – Child Welfare Circular No. 5.

[2715] Circular from the Ministry of Social Affairs of 13 July 1954, On foster children and foster homes – Child Welfare Circular No. 5.

In addition to emphasising various material requirements, the circular stressed that 'the very atmosphere prevailing in the home' was also of great importance, and that '[e]mphasis should be placed on the foster parents being open, warm-hearted people who can give the child the necessary sense of security and a feeling of belonging to the family' (Part V, point 3d, p. 8). The family's internal and external relationships, as well as their motives for taking in a foster child, should also be assessed.[2716]

In a circular from the Ministry of Social Affairs dated 1 November 1964 – the first circular to apply exclusively to adoptions – the requirements for applicants were further specified. As before, it was emphasised that
'[t]he adoptive home must first and foremost be able to provide the child with warmth, security and patience' (p. 10). In addition, it was clarified that '[c]riminality, alcohol or drug abuse' constituted grounds for automatically excluding applicants. In addition to the requirement that applicants should be in good health, it was now specified that 'disability' could constitute grounds for rejecting an application. As before, the applicants' motives for adoption had to be given due weight, and it was emphasised that applicants 'who approach the child with unduly high expectations should be viewed with caution' (p. 11). The age requirement was also further specified: as a general rule, there should be no more than 40 years' age difference between the adoptive parents and the child (p. 11).[2717]

The circular also provided guidance on the process for assessing applicants:

- The first step was an introductory interview to form an impression of the applicants' personal qualities and to explain the procedure and what an adoption entails.
- Applicants were then given a self-declaration form ('Appendix 5: Information about the adoptive parents' – with sections for personal details, financial circumstances, family circumstances and a health declaration), which was to be submitted together with the application and the required attachments:
  - marriage certificate
  - certificate of good conduct for both applicants issued by the police
  - statements of benefit. (These were statements from two people who 'know the adoptive applicants well – stating that the adoption is expected to be in the best interests of the child they will receive')
  - tax assessment for the previous year or tax assessment certificate
  - medical certificate (to be sent directly to the adoption office)
- Once all the information about the applicant had been received by the adoption agency, a home visit was to be carried out by a social worker.
- Once all the information had been gathered, the applicants were to be invited for an interview, both individually and together. The aim was to 'familiarise themselves with the applicants' background, right from their childhood, family, school, interests, and sometimes also previous marriages and any divorces'. Individual interviews were recommended in order to ascertain whether the desire to adopt was in fact shared by both applicants, and to form an independent impression of both applicants.

The circular emphasised that 'as there are usually far more prospective adoptive parents than children available for adoption, the requirements can be set relatively high'.[2718]

According to a circular from the Ministry of Social Affairs dated 4 March 1968, the question of whether a home could be approved as a foster home for a foreign child with a view to adoption was to be considered at a meeting and formalised in a decision. A transcript of the committee's minutes, including a record of the decision, had to accompany the case when it was sent to the county governor. The Ministry considered that coordination of cases at county level

---

[2716] Circular from the Ministry of Social Affairs, 13 July 1954, On foster children and foster homes – Child Welfare Circular No. 5.

[2717] Circular from the Ministry of Social Affairs dated 1 November 1964, 'Adoption placement' – Child Welfare Circular No. 36.

[2718] Part IV, p. 9, of the Ministry of Social Affairs' circular of 1 November 1964, 'Adoption placement' – Child Welfare Circular No. 36.

was appropriate, as it would be difficult for individual committees to gain sufficient experience regarding the 'special problems involved in the adoption of foreign children'.[2719]

26.4.3 1976–1986: tightening of the rules

In a circular dated 24 May 1976 from the Ministry of Social Affairs to the child welfare committees, the Ministry
'found it necessary to emphasise that the rules for the approval of adoptive homes must be followed', as it had become apparent that the social reports accompanying the applications and the child welfare committees' criteria for approval varied considerably.[2720]

It was emphasised:

> When it comes to the adoption of children from abroad, one must take into account many uncertain factors which are both different and of a different degree of difficulty than in the case of the adoption of Norwegian children. There is therefore every reason to impose even stricter requirements for the approval of cases involving this type of adoption than for the adoption of Norwegian children or standard foster care approval.
>
> Nor can the opportunities the child would have in their home country be used as a basis for comparison. The Child Welfare Board's assessment must be based on the requirements it deems appropriate to impose in the light of Norwegian circumstances.[2721]

It was pointed out that there were currently far more applicants seeking to adopt children from abroad than there were children available for adoption, and that the authorities' task must therefore be 'to ensure the best possible upbringing for the child'. [2722]

The circular specified that if an applicant couple had had or were expecting a child of their own before the adoption was finalised, the case would have to be reassessed, and it was requested that applicants be informed that they had a duty to notify the adoption authorities of any changes in the family's financial, social or health situation.[2723]

The circular provided further guidance for the child welfare boards' investigation and assessment of applicants, and the assessment criterion relating to the adoptive applicant's aptitude and motivation for adopting was elaborated upon, with example questions concerning their marriage, daily life, views on child-rearing, problem-solving, expectations of the child, motives for international adoption, preferences regarding the child's 'age, gender, race, appearance, etc.' and the reasons behind these preferences, and thoughts on the situation the child might face as a child, teenager and adult. The circular also emphasised that, in their assessment, the case worker should endeavour to highlight both the negative and positive aspects of the applicants and their circumstances, so as to form a nuanced picture.[2724]

Similarly, in NOU 1976: 55 Adoption and Adoption Placement, it was emphasised that the assessment of prospective adoptive parents must encompass more than their material circumstances:

> Our current experience and knowledge tell us that children's interests and needs are not adequately safeguarded if one focuses solely on the legal provisions governing material circumstances. It is at least as much a matter of psychological, medical and social expertise to ensure that the child's needs are met in terms of having adoptive parents who can provide them with care, contact and security [and that] something

[2719] Circular from the Ministry of Social Affairs dated 4 November 1968 on the adoption of foreign children – Child Welfare Circular No. 47. [2720] Circular from the Ministry of Social Affairs dated 24 May 1976 to the child welfare boards concerning the adoption of foreign children [2721] Circular from the Ministry of Social Affairs dated 24 May 1976 to the child welfare boards concerning the adoption of foreign children, p. 2.

[2722] Circular from the Ministry of Social Affairs dated 24 May 1976 to the child welfare boards concerning the adoption of foreign children, p. 2. [2723] Circular from the Ministry of Social Affairs dated 24 May 1976 to the child welfare boards concerning the adoption of foreign children, p. 2. [2724] Circular from the Ministry of Social Affairs dated 24 May 1976 to the child welfare boards concerning the adoption of foreign children.

> Of paramount importance is a thorough assessment of the emotional climate within the adoptive family and the relationships between family members. [2725]

In this connection, it was noted that the assessments of prospective adoptive parents often appeared to be inadequate:

> The experience of both the Ministry of Justice and the Ministry of Social Affairs, having assessed applications for the adoption of foreign children, is that the child welfare boards' and the counties' investigations and criteria for approval vary greatly and are of highly uneven professional quality.[2726]

The existing assessment system was characterised as 'relatively poor'. [2727] It was further emphasised that advice and guidance for prospective adoptive parents were an important part of the assessment process itself, and that this placed 'special demands' on those conducting the assessments. [2728]

For its part, the Ministry of Social Affairs had in recent years received complaints from social services offices and child welfare consultants that the assessment of adoption applicants placed a significant burden on an already overstretched social services administration. The NOU report suggested that this was one explanation for the lack of 'attention and thoroughness' in the cases.[2729]

It was also pointed out that, although the County Governor was responsible for granting final approval, in many counties decisions were largely based solely on the investigations and assessments carried out by the child welfare committee. The fact that, in practice, this could be handled by a single official was considered not to provide 'sufficient guarantees of proper processing'. [2730] Instead, a team-based approach was recommended, whereby several people were involved in the assessment of applicants. [2731]

On the basis of NOU 1976: 55, the Council for International Adoptions (RIA) and the associated Placement Committee (PU) were established as separate adoption bodies in 1978 (see section 6.4).[2732] As mentioned in section 26.3, the PU was to prioritise among approved applicants when it came to placements from abroad. The RIA was to draw up the general guidelines for placement, but could not instruct the PU in individual cases. In practice, this meant that it was the PU that made the final decision in cases involving prior consent. As mentioned in section 26.3, it could happen that applicants who had been pre-approved for adoption were never allocated a child, for example due to age, health reasons or other factors.[2733] The PU's decision not to prioritise applicants could not be appealed.[2734] For each application, the PU also gave its opinion on the desirable age of the adoptive child. The associations had a 'duty to ensure' that the PU's recommendations regarding age were followed.[2735]

[2725] NOU 1976: 55, p. 8.

[2726] NOU 1976: 55, p. 37.

[2727] NOU 1976: 55, p. 37.

[2728] NOU 1976: 55, p. 37.

[2729] NOU 1976: 55, p. 37.

[2730] NOU 1976: 55, p. 38.

[2731] NOU 1976: 55, pp. 37–38.

[2732]On the basis of St.prp. No. 210 (1976–1977) and Innst.S. No. 430 (1976–77), which were unanimously adopted on 4 June, cf. S.tid. (1976–77) *Proceedings of the Storting*, pp. 4291–4296.

[2733] RIA's annual report for 1979 states that seven applicant couples were informed that, following repeated consideration by the PU, it was unlikely that they would be prioritised for the allocation of children.

[2734] However, RIA's annual report for 1979 describes one case in which the PU's decision was appealed 'by writing to the Minister of Social Affairs'. According to the annual report, this merely resulted in the case remaining with the PU 'with little chance of it ever being prioritised'.

[2735] The Placement Committee's activities in 1979.

26.4.3.1 Administrative practice

In 1978, a new two-part form for social reports was introduced, with Part A comprising factual information about the applicants and Part B containing the social worker's assessment and conclusion, a proposal for a decision by the Child Welfare Board, and the Board's final decision.[2736] In addition, all the appendices specified in the 1964 circular were required.

The PU's annual report for 1979 states that the Ministry of Social Affairs' guidelines for the assessment and approval of adoptive homes for the adoption of children from abroad, set out in the circular of 24 May 1976, 'appear to have yielded positive results in terms of the content of the reports', and that 'generally speaking, the case documents have been thoroughly prepared at local and county level'. Only in exceptional cases had it been necessary for the PU to obtain supplementary information, for example regarding 'the applicants' motivation for adoption and the relationship between the spouses', as well as 'the applicants' emotional attitudes towards other races' and 'their ability to cope with any issues relating to their own childlessness'. It is stated that, in some cases, the PU had consulted medical or psychological professionals in the applicants' home towns to gain a better understanding of the applications. On occasion, the PU had also held individual meetings with the applicants to 'discuss unclear points'.

Following dissatisfaction amongst adoptive applicants who had repeatedly not been given priority by the PU, the RIA was informed in 1981 by the Ministry of Social Affairs and Justice that

> applicants who had been approved by the Ministry of Justice and for whom the relevant association could find a suitable child could not be excluded from consideration when prioritising cases in the Placement Committee, even if the applicant in question could not have been prioritised in competition with applicants from other associations.[2737]

In other words, applicants who had repeatedly not been given priority could not be removed from the 'pool' of applicants, as had previously been the practice of the Placement Committee. In a letter to the Ministry of Social Affairs from one of the Placement Committee's members in 1982, the member stated that the Committee's work had become increasingly difficult, and expressed the view that the Committee no longer had any real opportunity to select parents for children:

> The PU often has little scope to prevent clearly unfit parents from having children, and the PU's handling of these cases gives the outward appearance of approval to unqualified applicants.[2738]

The PU member highlighted the following weaknesses in the approval system:

- Around half of the country's social services offices dealt with adoption cases so infrequently that they lacked the necessary expertise to handle them.
- The fact that the child welfare committees were political bodies meant that 'the applicants' standing in their home community' became 'far more important than their qualifications as prospective adoptive parents', and they rarely rejected applications.
- The Ministry of Justice's decisions appeared arbitrary, and the Ministry did not possess the relevant professional qualifications for the task.

The PU member proposed, amongst other things, abolishing the social services offices and child welfare boards and transferring the responsibility for background checks to the foster care centres. The member pointed out:

[2736] See the Ministry of Social Affairs' circular of 25 September 1978 on the adoption of foreign children, circular I-9/78.

[2737] From the Ministry of Justice to the RIA, 21 July 1981 'Adoption of foreign children – reservations in the approval document'. Reference is also made here to a letter from the Ministry of Social Affairs to the RIA, reportedly dated 19 February 1981.

[2738] Letter to the Ministry of Social Affairs dated 11 January 1982 from a member of the PU.

> Approval does not confer any automatic right to a child. There are strong professional reasons for this, and it is also well-established practice in Norwegian adoption (in the case of the adoption of Norwegian children).[2739]

The Committee has not found a reply to the letter, but archive material from the 1980s shows ongoing work to evaluate and plan a reorganisation of the adoption sector, which, amongst other things, resulted in the legislative amendments of 1986 and the establishment of the State Adoption Office in 1987, as well as the closure of the PU (see also section 6.4).

The individual cases the Committee has examined from this period are consistent with the impression conveyed by social welfare reports of varying quality.

The Committee has also seen examples where, although it is specified in circulars that the Child Welfare Board's assessment must be based on the requirements deemed appropriate in the Norwegian context, and must not use the opportunities the child would have in their home country as a basis for comparison, this has not been done in practice. As, for example, in this social report from 1977:

> The applicants are a young married couple with a sound and secure financial situation, but who have little chance of having children of their own. There seems to be no doubt that it must, first and foremost, be in the child's best interests to move from an underdeveloped area to a safe environment in a home in Norway. The applicants give a down-to-earth and trustworthy impression. They have researched the circumstances and discussed the matter at length before taking a stance on adoption, and as there is so little prospect of having a Norwegian child, they now wish to try to adopt a child from abroad.

The committee has not found comprehensive statistics on applications, approvals, appeals and reversals from this period, but an overview based on a questionnaire sent to the local authorities shows that, of the 289 local authorities that responded to the survey, 189 had dealt with adoption cases (excluding stepchildren) in 1979. A further 58 local authorities had dealt with only one such case in 1979. This means that only 131 of the municipalities that responded had two or more such cases.

> Several local authorities have also pointed out in their comments that they have little experience and that each case is therefore more labour-intensive, as they lack procedures for case handling or assessment methods.[2740]

These local authorities had collectively granted 538 foster care approvals for the adoption of children from abroad, and issued 25 refusals, representing a refusal rate of 4.4 per cent (where foster care approvals for Norwegian children were concerned, the figures were 135 approvals and 4 refusals, representing a refusal rate of 2.9 per cent).[2741]

The Committee has also found an internal memo from the Social Affairs Department to the management of the Ministry of Social Affairs dated 1981, in which it is noted:

> Experience shows that few applicants are rejected during the approval process, as it can be difficult to justify a rejection where there are no relatively specific or clearly documentable grounds. It has therefore, in certain cases, been appropriate for the PU to be able to refrain from prioritising an applicant who has been approved, but who it has been assumed should nevertheless not be allocated children. […] The Ministry of Justice has also, in certain very difficult cases, granted approvals and been able to rely on a 'screening' process by the PU. These are, in part, cases that have given rise to political pressure, and where it is difficult to justify a refusal to the outside world.[2742]

[2739] Letter to the Ministry of Social Affairs, 11 January 1982, from a member of the PU.

[2740] Ministry of Social Affairs, 6 April 1981, 'Information from the local authorities'.

[2741] Ministry of Social Affairs, 21 April 1981, 'Adoption – adoption placement, request to county governors and local authorities regarding adoption cases', including 'Overview of information received from local authorities regarding adoption: (questionnaire 1980)'.

[2742] Memorandum 3296/81, from the Social Affairs Department to the management of the Ministry of Social Affairs, 6 June 1981.

26.4.4 1986–1997: the Adoption Act of 1986

The Adoption Act of 1986 contained few changes to the substantive requirements imposed on prospective adopters. However, the Act included a clarification in Section 3 that the age requirement for applicants could be lowered, in that 'where there are strong grounds for doing so', authorisation could be granted to applicants as young as 20 years of age (Section 3). Previously, the age limit of 25 years had been absolute.

In Parliamentary Bill No. 40 (1984–85) on the Adoption Act, the eligibility of single persons to adopt was reassessed. No grounds were found for making any changes on this point, and the Ministry of Social Affairs maintained the practice that authorisation could be granted to single applicants only in cases where a special bond with the child had already been established.

With regard to health, it was specified that if one of the applicants had suffered from an illness, it might 'be a matter of requiring a symptom-free period'. Concerning the duration of the marriage, it was specified that this should have lasted for two years before approval was granted, but that a documented cohabiting relationship could be taken into account. In the case of the adoption of older children from abroad, 'exceptionally substantial resources on the part of the adoptive parents' should be required. [2743]

When the State Adoption Office (SAK) was established in 1987, the PU, as mentioned in 26.3, was replaced by the Expert Committee (FU). Applications for the adoption of children from abroad were henceforth to be submitted to the applicants' local authority, which was to issue an opinion on the case and forward it to SAK, which would decide on the application.

The Ministry of Social Affairs' circular from 1987 stated that an application for prior consent should include confirmation from an approved intermediary organisation that the applicants could be matched with a child from one of their relevant partner countries. [2744] Applicants were to contact the intermediaries before approaching the local authorities. Among other things, the agencies were responsible for providing information on the requirements that the countries of origin imposed on applicants. Applicants who did not meet the formal requirements of the relevant countries of origin could only, in exceptional cases, be granted prior consent to adopt from abroad outside the agency framework (see section 28.2.1).

The Ministry of Social Affairs' circular of 13 October 1989 on guidelines for processing adoption applications provided guidelines for the preparation of social reports and 'criteria to be emphasised when approving adoptive parents'.[2745] A new form for the social report (Form I-0058) was also drawn up. SAK was to provide guidance on its use. The 'declaration of benefit' was no longer included in the list of required attachments to the application.

As mentioned (point 26.3.1), a circular from the Ministry of Children and Families dated 14 January 1994 introduced a time limit for advance consents, stipulating that they were to be granted for two years only, with the possibility of a one-year extension on one occasion. [2746]

26.4.4.1 Administrative practice

The Committee has not had access to all of SAK's annual reports and therefore does not have a complete overview of the number of applications for prior consent to adoption, including approvals, rejections, appeals

[2743] Circular from the Ministry of Social Affairs dated 13 October 1989 on guidelines for the processing of applications for adoption, Circular I-15/89, p. 9.

[2744] Circular from the Ministry of Social Affairs dated 26 June 1987 on the State Adoption Office, Circular I-20/87.

[2745] Circular I-15/89 from the Ministry of Social Affairs, p. 3

[2746] Circular from the Ministry of Children and Families dated 14 January 1994 (Q–6/94), Supplement to Circular I-15/89.

decisions and reversals. However, scattered reports found by the committee from the years 1988, 1990 and 1993 have formed the basis for the following table (26.1).[2747]

Table 26.1 Prior consents for international adoption. Overview of approvals, rejections and appeal outcomes 1987–1990 and 1992.

Year	Applications received	Applications processed (SAK)	Consent	Approval rate at first instance	Appeals	Reversals*	Upholded by the Ministry
1987	–	859	815	94%	29	7 (5)	22
1988	–	826	761	92%	37	17 (4)	20
1989	683	689	634	92%	38	6 (2)	30
1990	682	692	612	88%	57	7 (2)	30
1992	671	704	672	95%	–	–	–

Please note that, due to backlogs from previous years, the number of applications received may differ from the total number of cases processed per year.

* Reversals were either made by the office itself during the preparation of the appeal case, or by the Ministry. The latter is indicated in brackets.

The approval rate appears high in all these years. At the same time, it must be borne in mind that the intermediary organisations may have carried out assessments that involved a certain degree of 'screening' of applicants (see above). The Committee has not been able to determine in detail what these assessments entailed in different periods, beyond the fact that the intermediary organisations had to assess whether applicants could be expected to be approved in any of the intermediary organisation's relevant countries of origin. The requirements for applicants varied between countries of origin, both in terms of content and level of detail, and also changed over time (see, for example, Chapter 17 on China).

During this period, five people worked at SAK: one office manager, three case officers and two in administrative roles. According to the information provided to the committee, it was primarily the social work staff (a social worker and a social counsellor) who processed the prior consent cases at SAK. In an interview with a former social work staff member at SAK, the person stated that they were keen to provide training in the local authorities, which they believed lacked expertise in adoption and were not always able to write adequate social reports. In collaboration with the county governors, SAK staff travelled to all the counties and provided guidance on how the social reports should be written.[2748]

In the individual cases the Committee has examined from this period, it is apparent that SAK had a one-page worksheet summarising the application and providing a brief assessment. The applications underwent a second-level review. The Committee also notes from the individual cases that it was not uncommon for SAK staff to contact the social services offices in the municipalities to request further information – for example, regarding the development of previous adopted children, details of the applicants' health situation, the reasons for the applicants' divorce, cooperation with former spouses regarding shared children, and so on.

[2747] The State Adoption Office, 1989. 'Overview of activities in 1988'; The State Adoption Office, 1991. 'Overview of activities in 1990'; The State Adoption Office, 1993. 'Overview of activities in the first half of 1993'.

[2748] Interview with the Committee, 16 September 2025.

As with cases from earlier periods, the individual cases reviewed by the Committee give the impression of a wide variation in the thoroughness of the social reports. The Committee has also found several examples of case officers at the State Adoption Office being dissatisfied with the reports, as in this note on an individual case from the mid-1990s:

> The application concerns child no. 2. The applicants have adopted a child from [country], born [dd.mm.yy], who arrived here [a few years earlier]. Very little is said about [child no. 1]. He is said to have developed healthily and normally. No problems. Is currently active and trusting. The report is embarrassingly thin. There is nothing about what it has been like for them to be parents. Their motivation is that they cannot have biological children and have always wanted more children! The female applicant is herself adopted from [country], but this aspect has been completely overlooked. Given how thin the report is, the basis for assessment is meaningless. But one is supposed to accept this, so the applicants will presumably be granted approval to adopt yet another child from [country], born after [child no. 1]. The social report lacks a stamp. The certificates have not been verified.
>
> The memo supports information the committee has obtained through interviews with staff at the State Adoption Office, suggesting that the adoption expertise among case officers in the local authorities may be inadequate. [2749]

26.4.5 1998–2001: The Hague Convention came into force in Norway, reorganisation of the adoption authorities and a new circular

As part of the reorganisation effective from 1 January 1998, the State Adoption Office was abolished, and its adoption-related responsibilities were incorporated into the newly established State Youth and Adoption Office (SUAK) (see section 26.3). SUAK was also designated as the Norwegian Central Authority for adoption under the Hague Convention, which entered into force on the same date. Article 5 of the Convention refers to the receiving State's responsibility to ensure the suitability of applicants:

> Within the framework of this Convention, an adoption shall only take place if the competent authorities of the receiving State:
>
> a. have determined that the prospective adoptive parents meet the requirements and are suitable to adopt,
> b. have satisfied themselves that the prospective adoptive parents have received any necessary counselling, and
> c. have established that the child has been, or will be, granted permission to move to and take up permanent residence in the receiving State(s). [2750]

Article 15 deals with the preparation of the social report:

> Article 15
>
> (1) If the Central Authority in the receiving State has satisfied itself that the applicants meet the requirements and are suitable to adopt, it shall draw up a report containing information on the applicants' identity, qualifications and suitability to adopt, background, familyand health, their social environment, the reasons for their wish to adopt, their suitability to adopt from abroad, and information on the characteristics of the children they might be suitable to care for.
>
> (2) The Central Authority in the receiving State shall forward the report to the Central Authority in the State of origin.[2751]

[2749] Interview with a SAK employee, 16 September 2025.

[2750] Article 5, Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (The Hague Convention), 1993

[2751] Article 15, Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (The Hague Convention), 1993.

Like SAK, SUAK was granted delegated authority to give prior consent to the adoption of children from abroad.[2752]

At the same time, a number of amendments were made to the Adoption Act (see section 6.3). The preparatory work included a discussion of which body should be responsible for assessing adoption applicants.[2753] The bill proposed enshrining in law the municipalities' duty to assess applicants and assist the adoption authorities in cases of applications for international adoption. The bill points out that the work carried out by the municipalities in assessing applicants had been criticised for being of varying quality:

> The State Youth and Adoption Office states that some reports are incomplete and that some bear the hallmarks of having been written by case workers with little expertise in international adoption and limited experience of conducting assessments, who have drawn up the social report and assessed the applicants.[2754]

Nevertheless, the Ministry proposed that the task should remain with the local authorities. The reasoning was that the local authorities had been responsible for this task for a long time, and 'most local authorities have dealt with several cases'. In addition, the local authorities were already responsible for approving foster homes. Emphasis was also placed on the local authorities' responsibility to contribute to safe upbringing conditions, the fact that adoptive applicants reside in the local authorities' areas, and the advantages of 'the administrative level responsible for monitoring the adoptive parents and the child also being responsible for investigating and assessing the home'. [2755]

Among the consultation responses, SUAK, Adopsjonsforum and InorAdopt were among those supporting an assessment at county level. They believed this could provide greater opportunities for accumulating experience, developing specialist expertise and ensuring equal treatment. The majority of the consultation bodies, however, supported a municipal assessment.[2756]

The Ministry maintained that the best solution was for the municipalities to continue assessing applicants, and believed that the varying quality of social reports could be remedied through 'inter-municipal cooperation', 'better guidelines and updates to the social report handbook'. [2757]

In 1998, the Ministry of Children and Family Affairs also issued Circular (Q–0972) on international adoption, setting out guidelines for the assessment and approval of adoptive homes. The circular emphasises that:

> It has always been the position of the Norwegian authorities that international adoption cannot be regarded as a form of aid work. Nor can the opportunities the child would have had in their home country be used directly as a basis for comparison. If this were the case, there is a risk that the threshold for granting approval for the adoption of children from abroad would differ from that for the adoption of Norwegian children. [2758]

It is further emphasised that the Adoption Act does not confer a *right* on applicants to adopt, and that the guidelines for processing adoption applications, including the criteria to be applied when approving adoptive parents, are intended to safeguard the best interests of the child. It goes on to state:

> Because there are many uncertain factors in international adoptions which are both different from and of a greater degree of difficulty than in the adoption of Norwegian children, the guidelines impose particularly strict requirements on applications for international adoption.[2759]

[2752] Regulation No. 1192 of 30 November 1999.

[2753] Parliamentary Bill No. 63 (1997–1998), Concerning the Act amending the Act of 28 February 1986 No. 8 on adoption, etc.

[2754] Parliamentary Bill No. 63 (1997–1998), p. 30.

[2755] Parliamentary Bill No. 63 (1997–1998), p. 30.

[2756] Parliamentary Bill No. 63 (1997–1998), pp. 31–33.

[2757] Parliamentary Bill No. 63 (1997–1998), p. 33.

[2758] Circular 1998 (Q-0972), p. 2.

[2759] Circular 1998 (Q-0972), p. 2.

The circular emphasises that although the media may give the impression that ‘there are a great many children suffering and who therefore appear to be available for adoption’, this is not the case in reality.[2760]

It is also emphasised that children who now come to Norway through international adoption may face particular challenges:

> An adopted child has not only experienced the loss of their mother and other carers in the first years of life. They may also have a background characterised by neglect, abuse, substance abuse and malnutrition during pregnancy and immediately after birth. The child may have been moved between placements several times and may have lived in care homes for shorter or longer periods. This does not mean that a child with such a background will always struggle with major problems. Nevertheless, one must expect that such experiences may, in one way or another, affect the child for many years to come.[2761]

The circular nevertheless states that ‘most adoptions are successful’, but it goes on to emphasise:

> However, it is not usually known which adoptive parents will be matched with which child at the time of giving prior consent to the adoption. The authorities must therefore, as far as possible, ensure that every family that is approved also has the capacity to care for a child who may be traumatised upon arrival in Norway.[2762]

The circular then provides a thematic review of various objective criteria, but with the clarification that the guidelines were advisory, since ‘it is first and foremost personal suitability that determines whether applicants will be good adoptive parents’, and that the approval of adoptive parents must be based on ‘a holistic assessment of the applicants’ overall life situation, taking into account what is in the best interests of the child’.[2763]

Regarding *age requirements*, it states that approval should not normally be granted to applicants over the age of 45, but that exceptions could be made in the case of an application to adopt a second child, if the applicants had special resources that made them suitable as adoptive parents, if the adoption involved a slightly older child, or if there was a significant age difference between the prospective adoptive parents. The circular specifies that the assessment must be based on a future perspective of 15–20 years.

With regard to *single* applicants, the Ministry maintained that, as a general rule, authorisation should only be granted to single persons in cases where there was already a special bond with the child. However, provision was made for single applicants who had ‘above-average resources’ and ‘special knowledge of and experience with children’ to be granted permission even without a prior connection to the child.[2764]

With regard to *health,* it is stated that adoption applicants must be in good physical and mental health. At the same time, it is emphasised that ‘following a specific assessment, emphasis [must] be placed on the parents constituting a single care unit’, and that ‘a disability in itself will not constitute grounds for rejecting an adoption application’. The decisive factor in determining whether approval is to be granted must be whether the applicants’ illness or disability, taken together, has an impact on their ability to provide care both now and in the future’. [2765]

[2760] Circular 1998 (Q-0972), p. 3.

[2761] Circular 1998 (Q-0972), p. 3. The quotation is originally taken from the booklet ‘The Adoptive Family: Information and Guidance for Adoptive Parents’, published by the BFD in 1997.

[2762] Circular 1998 (Q-0972), p. 3

[2763] Circular 1998 (Q-0972), p. 4.

[2764] Circular 1998 (Q-0972), p. 5.

[2765] Circular 1998 (Q-0972), p. 5.

With regard to *finances,* it states that decisive weight should not be given to whether the applicants had a high income, but rather 'whether their financial situation is secure and stable'.[2766] If applicants were receiving unemployment benefit, the duration of their unemployment, their quality of life and their financial situation were to be assessed, including debts and maintenance obligations.

Regarding *the duration of the marriage*, it states that although the marriage should have lasted for two years, 'applicants with a relatively short-lived marriage may, following a specific assessment […], be granted prior consent for adoption if they can document that the marriage and cohabitation together have lasted for two years'. [2767]

Regarding applications for the adoption of a second child, it is stated that, as a general rule, the adopted child should be the youngest in the family. The age difference between the children should be at least two years. The adoption of siblings would entail stricter requirements being imposed on the applicants.[2768]

26.4.5.1 Administrative practice

SUAK's annual report for 1999 states that the Children and Adoption Section had been allocated four new posts that year, and at the start of 2000 consisted of a section head and nine permanent staff members. However, in 1999 the section was assigned several new tasks, including the investigation and processing of cases concerning compensation for loss of maintenance, as well as applications for adoption authorisation in Norwegian adoption cases, which had previously fallen within the remit of the county governors.[2769]

In 1999, SUAK received 824 applications for prior consent to the adoption of children from abroad (compared with 863 in 1998). However, part of the decline was due to long waiting times for cases to be assessed by the local authorities. The section processed 720 applications and approved 678 of them (whilst 42 were rejected). This represents an approval rate of approximately 94 per cent. The BFD considered 27 appeal cases and overturned SUAK's rejections in 11 of them. The total number of prior consents for 1999 was therefore 689 (overall approval rate: 95.6 per cent). SUAK reported that the target of an average processing time of 3 months was not achievable with the resources available to them. At the end of 1999, this stood at 6.2 months. [2770]

The annual report also mentions that, in the autumn of 1999, two two-day training conferences were held for municipal case workers on the preparation of social reports in connection with applications for prior consent to international adoption. The annual report further pointed out that providing advice and guidance to local authority case workers on a day-to-day basis took up a great deal of working time, in addition to extensive contact with the local authorities regarding specific cases. SUAK emphasised:

> [T]he need for training is ongoing and substantial, in both large and small local authorities. Staff turnover is one of the main reasons why local authorities are unable to build up the necessary expertise on their own.[2771]

In its annual report, SUAK also pointed out that the many new tasks presented 'major challenges' for the organisation. In separate letters, they had drawn the Ministry's attention to 'the difficult resource situation'.[2772]

The Committee has interviewed several people who were employed by the Ministry at that time, and several have pointed out that the conditions for being approved as an adoptive applicant received a great deal of attention and took

---

[2766] Circular 1998 (Q-0972), p. 6.

[2767] Circular 1998 (Q-0972), p. 6.

[2768] Circular 1998 (Q-0972), p. 7.

[2769] SUAK, Annual Report 1999.

[2770] SUAK, Annual Report 1999, p. 7.

[2771] SUAK, Annual Report 1999, p. 9.

[2772] SUAK, Annual Report 1999, p. 10.

a great deal of focus. Several people stated that the political leadership's involvement often centred on prior approval, and that specific groups were to be granted access to adoption. A former employee of the Ministry explained, for example, that with regard to single applicants, a change in practice was implemented in consultation with the Minister, partly following pressure from the association 'Single Adopters' and various media reports:

> Under the regulations, single people were not allowed to adopt. Exceptions could be made, but the relevant body never did so. They were very strict in adhering to the regulations. There was a great deal of public pressure for single people to be allowed to adopt. […] There was a lot of media coverage of this.
> In the end, I took [a pile of ten applications from single applicants who had been refused and had appealed to the Ministry] to Valgerd [Svarstad Haugland], and it was agreed that such-and-such [of the ten] should be allowed to adopt, thereby opening the way for single people to adopt. That marked the start of a change in practice.[2773]

Someone who was employed at the Ministry at that time has also informed the committee that the Ministry overturned a number of prior consent cases where the grounds for rejection were the applicant's age:

> There were a number of appeal cases where the man was too old. We overturned some of those cases. My department thought I was far too lenient and kind. But I felt one had to exercise discretion. If they seemed very suitable as parents, we stretched the age limit a little.[2774]

When the implementation of the Adoption Act was discussed in the Storting's Control and Constitutional Affairs Committee in 2001 (see next point), the committee's report stated that it was the Ministry's impression that the Ministry and SUAK had exercised their discretion differently in three areas in particular:

> These have been cases where the grounds for rejection by SUAK were the applicants' advanced age; furthermore, cases where the applicants already had significant care responsibilities; and applications from single applicants, where the assessment centred on whether the applicant possessed special resources in relation to children. [2775]

Former employees of SAK and SUAK interviewed by the committee also emphasised that their impression was that the Ministry often overturned decisions in favour of the applicants, and one stated that they were 'somewhat disheartened by the Ministry' for this reason.[2776]

26.4.5.2 The Control and Constitutional Affairs Committee's recommendation on the implementation of the Adoption Act

In June 2001, a matter concerning the implementation of the Adoption Act was taken up for consideration by the Control and Constitutional Affairs Committee of the Storting.[2777]

The background to the case was media coverage concerning the decision taken by the Minister for Children and Families, Karita Bekkemellem Orheim (Labour Party), in an adoption case. A couple who had applied to adopt a child from abroad had had their application rejected by SUAK and had appealed against the rejection to the Ministry. The case had also been referred to the Expert Committee, which recommended that the rejection be upheld. Nevertheless, the Ministry upheld the applicants' appeal.

[2773] Interview with the committee. 8 December 2025. Svarstad Haugland (Krf) was Minister for Children, Families and Consumers from October 1997 to March 2000.

[2774] Interview with the committee. 8 December 2025.

[2775] Parliamentary Report No. 81 (2001–2002).

[2776] Interview with the committee, 26 May 2025.

[2777] Parliamentary Report No. 81 (2001–2002).

According to media reports, the female applicant was disabled and had a congenital brain injury.[2778] VG also reported that the woman's father, described as a 'prominent politician and mayor for many years', had approached Minister Orheim directly and asked for the rejection to be overturned.[2779]

According to the summary by the Control and Constitutional Affairs Committee, the Minister's decision to overturn the rejection was based on the assessments carried out locally. She also emphasised 'recent medical information confirming that the couple's state of health did not prevent them from adopting. Finally, emphasis was placed on the family's overall ability to provide care'. [2780]

The reversal provoked strong reactions at SUAK and led a senior adviser at the office to address a letter directly to the Minister, and subsequently to Prime Minister Jens Stoltenberg (Labour), in which the adviser raised the Minister for Children and Families' decision in the case. The senior adviser was subsequently dismissed from her post.

The Committee has found an internal memo on the case in Adopsjonsforum's archives. This indicates that staff at Adopsjonsforum found it ethically difficult to assist in the processing of the case, and the memo indicates that the managing director chose to issue a statement to the media stating that there was a real possibility that the case would be halted in China, in the hope that such a statement might reach the Chinese embassy and 'become a self-fulfilling prophecy'.[2781] InorAdopt and Children of the World also voiced criticism in the media regarding the Minister's reversal.

A former employee of the Ministry has explained to the committee that the Ministry's specialist department was also opposed to the reversal:

> I looked into the case and had no doubt whatsoever that this family could not adopt a child. […] In my and our view, she could not adopt. […] I went into her office [Minister Orheim's] three times and told her, 'You must not do this.' […] I had never done anything like this before.[2782]

The Control and Constitutional Affairs Committee had several comments regarding the Minister's handling of this specific case, but otherwise considered that the implementation of the Adoption Act was generally satisfactory. It was emphasised that the best interests of the child must always be the guiding principle. It was further recommended that the quality of social reports be improved, the scope for discretion be clarified, and more consistent practice be ensured, particularly in local authorities with limited expertise. The Committee also wanted the appeals process to be transferred to an independent body to ensure a genuine two-tier review process**.**

According to a former employee of Bufdir and its predecessors, this case was decisive for the change in 2004 whereby prior approval for the adoption of children from abroad through intermediary organisations was transferred to Bufetat's regional offices, and Bufdir, rather than the Ministry, became the appeals body in these cases (see section 26.3).

The specific applicant couple in the case were not approved by the Chinese adoption authorities.

[2778] Nettavisen, 19 September 2001. 'Minister ignored China's regulations'.

[2779] VG, 13 June 2001. 'Sacked for protesting against Karita'; VG, 20 May 2001, 'Evneveik allowed to adopt a Chinese child'.

[2780] Parliamentary Document No. 81 (2001–2002).

[2781] To the Adoption Forum's national executive committee from the managing director, 1 June 2001, 'Major media storm surrounding an individual case'.

[2782] Interview with the committee, 8 December 2025.

26.4.6 2002–2013: new guidelines, changes to the appeals procedure for prior consent and review of the adoption agency

In 2002, the Ministry of Children and Families issued Circular Q-1045 setting out guidelines for the processing of adoption applications.[2783] A guidance booklet (Q-1046) was also produced on the preparation of social reports for adoption applications.[2784] The guidance booklet is 23 pages long and elaborates on the questions it was 'natural' to raise with applicants during the assessment. The booklet was based on a form for the social report (Q-0297), which was also to be used during the assessment.

The guide states that several interviews should be conducted with the applicants, at least one of which should take place in the applicants' home. Unlike previously (see section 26.4.2), it now states that 'the assessor should assume that the spouses are completely open with one another, so that they can answer all questions jointly'.[2785] Where the assessor deems it necessary, individual interviews with the applicants may be considered. The investigator should also meet any children of the applicants in a setting that gives an impression of the family dynamics.

The guide provides advice on interview techniques and the practical conduct of the interview, and elaborates on topics that should be addressed.

The following topics are covered in the guide:

- family circumstances (duration of marriage, other children, etc.)
- the applicants' upbringing, family circumstances, work experience, interests and conduct
- financial circumstances
- living arrangements and upbringing
- social environment
- health
- marriage and family life
- reasons for adopting
- knowledge of and experience with children
- views on the adopted child (including children with special needs, age, gender, sibling adoption)
- placement (which placement agency they wish to use, and any reasons for adopting outside of placement agencies)

Finally, the guide provides advice on the assessor's evaluation and conclusion: on which questions should be answered, and how the assessments should be justified.

The Committee notes that the guide assumes a certain level of practical experience on the part of the assessor, as well as a good understanding of adoption:

> The child's right to a suitable family must be the central focus. However, the applicants must also be properly looked after during the assessment. Reconciling these different roles – on the one hand safeguarding the child they do not yet know, and on the other acting as a discussion partner for the family wishing to adopt – places great demands on the assessor. It is important that the person conducting the assessment has knowledge of adoption.[2786]

[2783] Circular from the Ministry of Children and Families, December 2002 (Q-1045), containing guidelines for the processing of applications for domestic and international adoption, and in particular regarding the exercise of discretion in domestic adoption.

[2784] The Ministry of Children and Families' guidance of December 2002 (Q-1046) on the preparation of social reports in connection with adoption applications.

[2785] The Ministry of Children and Families' guidance of December 2002 (Q-1046) on the preparation of social reports in connection with adoption applications, section 2.2.

[2786] Q-1046, section 2.1. The role of the investigator.

Furthermore, the committee notes that the guidance does not explicitly address the issue of racism. Under section 3.7, on the applicants' motives for adopting, it states:

> When applying for an international adoption, the social report should not focus on the choice of country. What is important is that applicants reflect on what it means to have a child who looks different, regardless of which country the applicants wish to adopt from. [2787]

Racism is also briefly touched upon in section 3.4 on the social environment:

> The rest of the family's attitude towards international adoption, their knowledge of and attitude towards people from different ethnic backgrounds, is therefore important […] As part of the assessment, applicants should be given the opportunity to discuss what any prejudices and negative attitudes in their social circle might mean for the family, and how best to address and balance these.[2788]

As mentioned (point 26.3), from 1 January 2004, the processing of applications for prior consent to the adoption of children from abroad through intermediary organisations was transferred to five newly established regional offices, and SUAK's successor, the Norwegian Directorate for Children, Youth and Family Affairs (BUFA), became the appeals body. On 1 July 2004, Bufdir was established and assumed the role of appeal body for these cases, in addition to acting as the first-instance authority for consent to the adoption of children from abroad outside the framework of an organisation (a role Bufdir retained until 2009).[2789] However, the assessment of applicants remained the responsibility of the local authorities.

In June 2008, the Storting adopted amendments to the Marriage Act, the Children Act, the Adoption Act, etc., which meant that same-sex couples could henceforth marry and adopt on an equal footing with heterosexual married couples. The amendment came into force on 1 January 2009.[2790] However, in 2009, none of the countries of origin with which Norway cooperated accepted applications for international adoption from same-sex couples.[2791]

From 1 July 2008, the validity period of the prior consent was extended to three years, up from two previously, with the option of a further one-year extension still available.[2792]

In 2008, the Hague Conference also published its first Guide to Good Practice, which includes, amongst other things, a section on the selection and preparation of adoptive parents.[2793] The Guide did not provide any specific guidelines on how the assessment should be carried out, but recommends a two-stage model in which it is first established whether the applicants meet the formal criteria, and their suitability is then assessed.[2794] This was proposed by the Hove Committee (see next point), but was not implemented.

The Guide to Good Practice elaborates on the receiving states' responsibility to guide and prepare adoption applicants. It also refers to the report on the adoption applicants to be prepared by the receiving state, and cites

[2787] Q-1046, section 3.7 Motives for adoption.

[2788] Q-1046, point 3.4 Social environment.

[2789] In a letter dated 3 June 2009, it was decided that Bufetat Region East would take over as the first instance in these cases.

[2790] Act No. 53 of 27 June 2008 amending the Marriage Act, the Children Act, the Adoption Act, the Biotechnology Act, etc. (common marriage law for heterosexual and homosexual couples).

[2791] Circular from the Ministry of Children and Equality, December 2002, revised in March 2009 (Q-1046).

[2792] Letter from the Ministry of Children and Equality, 20 June 2008, 'Amendments to the guidelines on the processing of applications for domestic and intercountry adoption and, in particular, on the exercise of discretion in domestic adoption – the duration of prior consent'.

[2793] The Implementation and Operation of the 1993 Intercountry Adoption Convention: Guide to Good Practice No. 1, 2008.

[2794] Guide to Good Practice, No. 1, 2008, paragraph 7.4.1, no. 399.

that the 2005 Special Commission decided that a standard form should be drawn up for the assessment of applicants.[2795]

26.4.6.1 The Hove Committee's NOU 2009: 21 and its aftermath

In NOU 2009: 21, the Hove Committee set out several assessments and specific proposals relating to the processing of prior consent for the adoption of children from abroad, the most important of which will be reviewed below. Overall, the Hove Committee made many critical comments on how the assessment of prospective adoptive parents was organised, practised and regulated by law, and considered that there was 'a need to find prompt solutions for the reorganisation of the adoption process'. [2796]

Firstly, the Hove Committee proposed amending the wording of Section 2 from stating that the adoption would be 'for the benefit of the child' to stating that the adoption would be 'in the best interests of the child'. The Hove Committee also recommended that requirements for applicants of a more objective nature (such as age, health, character, housing, financial circumstances and the duration of the marriage) be regulated by law or regulation. Previously, the requirements for adoption applicants had been derived from the general basic condition 'for the benefit of the child', whilst the Hove Committee proposed introducing specific requirements.[2797]

The Hove Committee emphasised:

> A weakness in the wording of circulars and guidelines concerning requirements for applicants is that it is unclear whether certain remarks are to be regarded as binding provisions or whether they are merely of an advisory nature.[2798]

Furthermore, the Hove Committee considered that the current circular (Q-0972) provided 'both unclear and, in some respects, contradictory guidance on which requirements should and may be imposed'.[2799] The Hove Committee reviewed which requirements of a more objective nature they believed should apply and proposed new wording in the legislation regarding age, health, character, housing and finances, the duration of marriage, single applicants and the adoption of children with special needs.[2800] The Hove Committee further pointed out that, with regard to the requirements that should be imposed on applicants' relationships, networks, suitability and motivation for adoption, the circular provided 'hardly any guidelines for the exercise of discretion in this area'.[2801] The Hove Committee recommended that a 'knowledge-based and more uniform method for assessing applicants' suitability, personal circumstances and other individual factors' be developed.[2802] The Hove Committee considered that the guidance booklet aimed at local authorities (Q-1046) was insufficient.

The Hove Committee also proposed a new phased structure for the assessment and approval process in cases of adoption of a child of unknown origin:

- phase 1, in which the authorities assessed the objective conditions for adoption and the requirements for applicants
- phase 2, in which compulsory pre-adoption courses were undertaken
- phase 3, in which the applicants' personal circumstances and suitability for adoption were assessed

[2795] Guide to Good Practice, No. 1, 2008, section 7.4.3, no. 416. As far as the committee has been able to ascertain, this form was first introduced in 2015.

[2796] NOU 2009: 21, p. 209.

[2797] NOU 2009: 21, p. 17.

[2798] NOU 2009: 21, p. 92.

[2799] NOU 2009: 21, p. 92.

[2800] NOU 2009: 21, pp. 92–103.

[2801] NOU 2009: 21, p. 103.

[2802] NOU 2009: 21, p. 103.

The rationale behind the proposal was that applicants who did not meet the objective criteria for adoption would not have to undergo a full and comprehensive assessment. The inclusion of a course in the assessment process was justified on the grounds that the knowledge and insight the course provided regarding adoption would offer a better basis – including for the applicants themselves – for assessing motivation and suitability in phase 3. This would also be more in line with the Hague Convention's requirement for 'any necessary counselling' of prospective adoptive parents.[2803] The Hove Committee pointed out that, as children adopted into Norway now, to a far greater extent than previously, had special care needs, guidance, training and education for adoptive parents had become even more important. The Hove Committee considered that 'Norway today is unlikely to meet the requirements of the Hague Convention with regard to the assessment and counselling of prospective adoptive parents'. [2804]

The question of which body should be responsible for assessing applicants was also addressed in NOU 2009: 21. The Hove Committee pointed out that there were around 450 different administrative bodies assessing applicants at that time. NOU 2009: 21 also provided a summary of statistics relating to case processing for the years 2006–2008, which are set out in Table 26.2.

Table 26.2 Applications for prior consent to international adoption via an organisation, 2006–2008

Year	Applications received (Bufetat region)	Applications processed (Bufetat region)	Rejections	Appeals*	Upholded by Bufdir	Approval rate**
2006	992	1071	101	68 (8)	–	–
2007	682	814	87	56 (8)	–	–
2008	489	511	57	38	28	approx. 90%

* Figures in brackets refer to reversals made by the Bufetat regional office in connection with the preparation of appeal cases.
** NOU 2009: 21 was not granted access to the results of the appeal processing at Bufdir in 2006 and 2007. Nor has the Committee been able to locate this information. It has therefore not been possible to calculate the total approval rate for these years.

NOU 2009: 21 also provides an insight into administrative practice with regard to the handling of appeals at Bufdir:

- Regarding rejections where age was the sole or decisive factor, it states that in 2007 and 2008, Bufdir processed 16 appeals and upheld 12 rejections. The local authority had issued a positive recommendation in 11 of the 16 cases. The Hove Committee noted that 'it is not clear in all [Bufdir's] decisions how the various factors in the case were weighted and which factors were decisive'.[2805]

[2803] Art. 5, Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (The Hague Convention), 1993.

[2804] NOU 2009: 21, p. 223.

[2805] NOU 2009: 21, p. 84.

- Regarding refusals where age and health were key factors, it is stated that in 2008 the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) considered 4 cases and upheld all of them. The local authority gave a positive recommendation in 3 of the 4 cases.[2806]
- In 2008, 18 of the 38 appeal cases processed by Bufdir concerned health. The local authority gave a positive recommendation in 16 of these 18, whilst the medical adviser advised against it in most cases. It is noted that Bufdir upheld the rejection in 15 of these 18 cases.[2807]

The Hove Committee pointed out that the local authorities had differing interpretations of the regulations, that they gave a favourable recommendation in the 'vast majority' of the cases investigated, and that it was unfortunate that the assessments of the local authorities and the adoption authorities were not more aligned.[2808]

The Hove Committee was critical, for several reasons, of the Ministry's conclusion in Ot.prp. No. 63 (1997–1998) that responsibility for the assessment of applicants should remain with the local authorities. The Hove Committee considered that several of the assessments on which the Ministry had based its conclusion 'have not been met or are difficult to meet'.[2809] The Hove Committee considered that the processing of adoption cases is a typical central government task and could be a 'foreign element within the municipal organisation', a view reinforced by the fact that the task was often assigned to the child welfare service, which also had many other pressing tasks requiring priority. Although the Hove Committee could not cite specific statistics, feedback from the regions indicated that the number of cases in which they had to request further information and even new social reports from the municipalities was of such a scale that the Hove Committee considered this to constitute a 'major problem'. [2810]

The Hove Committee also considered that there was a lack of clarity regarding the premises on which the municipalities' recommendations should be based and believed, in contrast to the Ministry (in Ot.prp. No. 63 [1997–1998]), that new regulations or guidelines would not be sufficient to meet the challenges facing the municipalities. The Hove Committee recommended that the assessment of applicants be entrusted to 'regional units with broader professional expertise than is the case in municipal child welfare services'.[2811] The Hove Committee pointed out, however, that there were significant variations in the size and scope of professional expertise even amongst the Bufetat regions:

> Whilst the Northern Region has 1 specialist staff member, the Central Region has 1–2, the Central and Western Regions have around 3, and the Eastern Region has 6 specialist staff members. It is primarily social work staff who make decisions in adoption cases. Two regions have their own lawyers, whilst the other regions have limited or little access to legal expertise. Bufetat's regional offices refer some cases to a medical adviser for an opinion. Some regions also have a psychological adviser. However, as a general rule, these advisers do not take part in discussions with Bufetat's regional offices regarding specific cases.[2812]

The Hove Committee considered it a weakness that decisions were taken in units 'which lack sufficient professional breadth and depth'.[2813] Nevertheless, the Hove Committee proposed that the regional Bufetat office should assess all adoption cases, as this would allow for a focus on 'larger units with professional depth and specialist expertise'

[2806] NOU 2009: 21, p. 84.

[2807] NOU 2009: 21, p. 85.

[2808] NOU 2009: 21, pp. 210–212.

[2809] NOU 2009: 21, p. 208.

[2810] NOU 2009: 21, p. 209.

[2811] NOU 2009: 21, pp. 210–211.

[2812] NOU 2009: 21, p. 212.

[2813] NOU 2009: 21, p. 212.

'tanse'."[2814] It was emphasised that regional assessment units would be better placed to meet applicants' needs for guidance and advice in line with the Hague Convention:

> In the new reality of adoption, where the number of children requiring special support is increasing internationally, new and stricter requirements are being placed on the assessment of adoption applicants. The Committee considers that Norway currently hardly meets the requirements of the Hague Convention with regard to the assessment and counselling of adoption applicants. The Committee highlights the specific recommendations set out in the 2008 Guide to Good Practice regarding the adoption of children with special needs. If responsibility for the assessment is delegated to the regional offices of the Norwegian Directorate for Children, Youth and Family Affairs (Bufetat), this will create better conditions for meeting the Convention's requirements.[2815]

In Prop. 171 L (2012–2013)[(2816)], parts of NOU 2009: 21 were followed up. However, several of the Hove Committee's proposals were referred to the newly appointed Adoption Act Committee for consideration (see the next point).

In Prop. 171 L (2012–2013), the Ministry proposed to follow the Hove Committee's recommendation to transfer the assessment of adoption applicants from the local authorities to the five regions of the Norwegian Directorate for Children, Youth and Family Affairs (Bufetat). The proposal had received broad support from the consultation bodies. However, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) considered that one designated region should have decision-making authority, to ensure better use of resources. The Ministry nevertheless proposed that, for the time being, all five regions should be granted decision-making authority.

With regard to the objective requirements for applicants, the Ministry proposed that cohabiting partners living in a stable, marriage-like relationship should be eligible for assessment as adoptive parents on an equal footing with married couples. The Hove Committee proposed a statutory basis for setting out specific requirements for single applicants in regulations. They also proposed enshrining key requirements for applicants in law, including a general rule setting an upper age limit of 42 at the time of application, with a clearer regulatory basis in Section 16e.

However, the Ministry did not wish to introduce a three-stage model for the assessment of applicants, but proposed a regulatory basis for a requirement for compulsory attendance at adoption preparation courses.

In its report to the Storting, the Family and Culture Committee made a number of comments on the Ministry's assessments of the objective requirements to be imposed on applicants. [2817] All the comments were along the lines of not imposing absolute and overly strict requirements on applicants:

- The Committee considered that guidelines for the criteria to be applied when approving adoption applicants should be advisory in nature and not absolute requirements.
- Regarding age requirements, the committee emphasised that many countries of origin already have their own age limits, and that Norwegian rules must not prevent more children in need from finding a good home.
- Regarding single applicants, the committee considered that the decisive factor should be whether the applicant has a stable and supportive support network, not their marital status. [2818]
- The committee requested an assessment of whether pre-adoption courses should be compulsory, or whether the need for them could be assessed on a case-by-case basis.
- The Committee considered that treatment for infertility and adoption should not be mutually exclusive, and that the processes can run in parallel.

[2814] NOU 2009: 21, p. 223.

[2815] NOU 2009: 21, p. 223.

[2816] Prop. 171 L (2012–2013) Amendments to the Adoption Act, etc.

[2817] Innst. 143 L (2013–2014) Recommendation from the Family and Culture Committee on amendments to the Adoption Act, etc.

[2818] Only the committee member from the Christian Democratic Party (KrF) opposed the proposal, arguing that marriage or a registered partnership should be a requirement for adoption. Report No. 143 L (2013–2014), p. 9.

Regarding the transfer of responsibility for assessments to Bufetat, the committee emphasised that this must improve quality and not increase waiting times.

26.4.6.2 Administrative practice 2002–2014

The annual reports from Bufdir (and its predecessors) to which the committee has had access often lack the appendices containing adoption statistics. The committee therefore has no comprehensive overview of the number of applications, rejections and approvals for the period (see also the previous point).

Bufdir's 2007 annual report mentions various measures to ensure consistent practice across Bufetat's regions: professional seminars were regularly organised with the regions, during which adoption-related issues, appeal cases and practices were reviewed. In addition, the regions were sent anonymised decisions from Bufdir for information purposes. Meetings were also held between the regions' medical expert advisers and the Expert Committee on Adoption Cases.[2819]

A notable trend characterising this period is the increase in the proportion of cases referred to the Expert Committee. Between 2007 and 2013, this proportion quadrupled, and in 2013 it accounted for 40 per cent of all intercountry adoption cases in Norway.[2820] NOU 2014: 9 (see next section) provides an overview of cases considered by the Expert Committee between 2004 and 2013 (Table 26.3).[2821]

Table 26.3 Overview of cases considered by the Expert Committee 2004–2013.

Cases considered by the Expert Committee							
	2004	2006	2008	2010	2011	2012	2013
Number of cases	22	33	45	69	71	65	56
Number of children	30	42	58	86	88	77	69
Approved	23	37	56	79	79	75	63
Not approved	7	5	2	6	9	2	6
International adoptions, including adoptions via the Expert Committee							
	2004	2006	2008	2010	2011	2012	2013
Number of children	652	438	298	343	297	231	154
via the Academic Committee	23	37	56	79	79	75	63
per cent	3.5	8.5	18.8	23	26.6	32.5	40.9

The overview is taken from NOU 2014: 9, p. 184.

[2819] Bufdir's Annual Report for 2007, p. 86.

[2820] NOU 2014: 9, pp. 183–185.

[2821] NOU 2014: 9, p. 184.

The Adoption Law Committee noted that the proportion of cases in which the Expert Committee did not approve a placement was low; the Law Committee believed this could be explained by the fact that the applicants had already been approved by both the regional Bufetat office and foreign adoption authorities.[2822]

Bufdir's 2007 annual report states that Bufetat received a total of 682 applications for prior consent to adoption that year (compared with 992 applications in 2006). The decline was partly due to tighter restrictions in China (see section 17.5.7.2), which meant that a number of families no longer met the Chinese conditions for approval.

Furthermore, it is stated that Bufetat processed a total of 814 applications for prior consent in 2007. Prior consent was granted in 727 cases and refused in 87 cases. In addition, the regions granted prior consent in eight cases following appeals against rejections, whilst 56 appeal cases were referred to Bufdir for a final decision. The overall rejection rate prior to the appeal process was 10.7 per cent. The variation in the rejection rate ranged from 8.3 per cent in the Southern Region to 13.3 per cent in the Central Norway Region. The annual report states that 'The variation is significantly smaller than in 2006. This indicates that the work to ensure equal treatment of applications across regional boundaries has yielded the desired results'.[2823]

The Committee notes that the 2002 guidance on the preparation of social reports assumes that 'the spouses are completely open with one another, so that they can answer all questions jointly'.[2824] Previous guidelines, however, recommended individual interviews, partly to assess whether the desire to adopt was shared by both applicants (see section 26.4.2). One adoptee with whom the committee has spoken has described negative experiences linked to the fact that the desire to adopt was not perceived as being shared by the adoptive parents (see section 26.2.1). The person in question was adopted at a time when one-to-one interviews were still recommended, but this nevertheless underlines the need for thorough and independent assessments of both applicants' motivation and suitability.

26.4.7 2014–2020: responsibility for assessments transferred to the regional offices of the Norwegian Directorate for Children, Youth and Family Affairs (Bufetat) and the new Adoption Act

NOU 2014: 9 *New Adoption Act* (see section 6.3) also addressed the issue of prior consent. Part IV, Chapter 6, and Part VI, Chapters 14–16, deal respectively with general conditions for adoption and specific conditions for the adoption of children from abroad.

In parallel with the work of the Law Committee, the Ministry drafted regulations setting out in more detail the conditions for prior consent in the adoption of an unknown child from abroad. Against this background, the Law Commission did not discuss the formal requirements in its report.[2825] However, the Law Commission proposed the following regarding the specific conditions for adopting children from abroad:

- The Law Committee urged the Ministry to reconsider whether the requirements for adoption applicants should be set out solely in regulations, or whether they should instead be set out in the Act.
- The Adoption Law Committee proposed neither that specific requirements be laid down in law for applicants wishing to adopt a child in need of special support, nor that applicants be pre-approved to adopt children in need of special support. The Law Committee considered that each placement must be assessed on a case-by-case basis by the adoption authorities. Guidelines should be drawn up specifying which factors—

[2822] NOU 2014: 9, p. 184.

[2823] Bufdir's Annual Report for 2007, p. 86.

[2824] Ministry of Children and Families guidance, December 2002 (Q-1046), on the preparation of social reports for adoption applications, section 2.2.

[2825] NOU 2014: 9, p. 172.

factors that should normally be assessed by the Norwegian authorities when the placement concerns a child in need of special support.[2826]

With regard to tasks and the division of responsibilities in the adoption process, the Adoption Act Committee proposed that applicants should obtain prior consent from the adoption authorities before they could request confirmation of placement from the adoption organisations. The proposal aimed to distribute the work of providing information on adoption more evenly between the regional offices of Bufetat and the adoption organisations, as well as to reduce the need for adoption organisations to 'assess' applicants – that is, to assess which countries might be suitable for adoption, options regarding the age of the child and/or the possibility of completing an adoption within the applicable approval period.[2827]

The Adoption Law Committee further proposed that the regional offices of Bufetat could grant prior consent to the adoption of children from abroad under the age of 5 (from 0 up to 5 years). They also proposed that Bufdir should assess *all* placements of children from abroad. If Bufdir considered that the child who had been allocated required special support, a new assessment of the case should be carried out. The Adoption Act Committee proposed establishing a new advisory body to assist Bufdir with the allocation of children requiring special support.[2828]

The Adoption Law Committee also supported the proposal to make pre-adoption training courses compulsory for the granting of prior consent to international adoption and, like the Hove Committee, considered that 'it is doubtful whether Norway is fulfilling its international obligations as long as the courses are not compulsory'. [2829]

The Regulations on the Adoption of Children from Abroad, laid down by the Ministry of Children, Equality and Inclusion, came into force on 1 February 2015.[2830] The Regulations set out rules on the conditions for prior consent, requirements for applicants and the procedure for processing cases concerning prior consent to the adoption of children from abroad. It was stipulated that married couples, cohabiting partners and single persons could apply to adopt. Bufetat was given responsibility for assessing adoption applicants. Bufetat was also given the authority to grant prior consent for children up to the age of five without special care needs. Prior consent from Bufetat was granted for three years, with the possibility of a two-year extension. The regulations make pre-adoption training a mandatory condition for prior consent. They also contain a separate provision setting out requirements for applicants when older children and siblings are adopted. [2831]

In 2016, the 2009 circulars on case processing (Q-1045) and the guidance booklet on preparing a social report for adoption applications (Q-1046) were revised. Apart from the fact that the documents were adapted to reflect that Bu-fetat now had responsibility for both the assessment and approval of applicants, and that certain questions and topics were elaborated upon, the guidelines for the approval of applicants do not appear to have changed significantly from the 2009/2002 circulars, with a few exceptions: Whilst the 2009 circular states that ongoing fertility treatment could provide grounds for the region to place the application on hold or to find that it was unable to grant prior consent to adoption,[2832] the 2016 circular specifies that 'it is possible to be undergoing fertility

---

[2826] NOU 2014: 9, p. 20.

[2827] NOU 2014: 9, pp. 21 and 225–227.

[2828] NOU 2014: 9, p. 21.

[2829] NOU 2014: 9, p. 328.

[2830] Regulations on the adoption of children from abroad, laid down by the Ministry of Children, Equality and Inclusion pursuant to Section 16e(4) of the Adoption Act of 28 February 1986 No. 8, 30 January 2015 No. 72.

[2831] Circular from the Ministry of Children, Equality and Inclusion dated 2 February 2015 (Q-2015-28), provided comments on the regulations and replaced the Ministry of Children and Equality's circular from 2009 on guidelines for the assessment and approval of adoptive homes (Q-2009-972).

[2832] The Ministry of Children and Families' guidance of December 2002 (Q-1046) on the preparation of a social report when applying for adoption, revised in March 2009, p. 15.

‘the assessment of suitability to be carried out in parallel with the adoption application’. [2833] It was also stated that applicants should have attended an adoption preparation course before prior consent could be granted. [2834]

In Prop. 88 L (2016–2017), the Ministry presented a proposal for a new Adoption Act, based on the Law Committee’s proposal.[2835] The Ministry maintained that the requirements for adoption applicants should, for the most part, continue to be set out in regulations, and referred, amongst other things, to the Family and Culture Committee’s statement in 2014 (see section 26.4.6.1).[2836]

In order to adopt children in need of special support, approval of the specific placement by the adoption authorities would still be required, in addition to prior consent. A professional advisory committee was to be established to advise the adoption authority in such cases.[2837] Contrary to the Law Committee’s recommendation, the Ministry did not wish to lay down specific requirements in regulations or guidelines for the assessment of applicants in these cases. It was pointed out that the children’s needs would vary, and that a specific and individual assessment was necessary. The Ministry was to assess the need for ‘indicative guidelines’. [2838]

The Ministry further considered that adoption applicants would still have to obtain a placement confirmation from one of the adoption agencies before they could apply for prior consent from the adoption authorities, and did not follow the Law Committee’s proposal to place a greater responsibility for guidance on Norwegian adoption authorities.[2839]

The Law Committee proposed an approval framework of 0–5 years, but the Ministry did not follow this up and instead proposed continuing the arrangement whereby prior consent is normally granted for one child or a pair of siblings aged between 0 and 3 years, whilst retaining the possibility of extended prior consent for the adoption of children up to the age of 5.[2840]

In 2018, regulations on adoption [2841] and an updated circular on case processing and a guidance booklet for the assessment of adoption applicants [2842] were issued, without these entailing any significant changes to the guidelines for the approval of adoption applicants, beyond those outlined previously. The same applies to the circular from the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) in 2020 on case processing for applications for domestic and international adoption [2843].

[2833] Circular from the Ministry of Children, Equality and Inclusion dated 8 March 2016 (Q-1046) Guidance booklet on the preparation of social reports for adoption applications, section 4.5.2.

[2834] Circular from the Ministry of Children, Equality and Inclusion dated 8 March 2016 (Q-1046) Guidance booklet on the preparation of social reports for adoption applications, section 4.11.

[2835] Prop. 88 L (2016–2017) Act on Adoption (the Adoption Act).

[2836] Prop. 88 L (2016–2017), pp. 14 and 112; Innst. 143 L (2013–2014) Recommendation from the Committee on Family and Culture on amendments to the Adoption Act, etc.

[2837] Prop. 88 L (2016–2017), p. 14.

[2838] Prop. 88 L (2016–2017), p. 117.

[2839] Prop. 88 L (2016–2017), p. 15.

[2840] Prop. 88 L (2016–2017), p. 15.

[2841] Regulations on Adoption, laid down by the Ministry of Children and Equality pursuant to Section 3 of Act No. 48 of 16 June 2017 on Adoption (the Adoption Act), sections 5, 7, 14, 17, 18, 31, 32, 42 and 53, 22 June 2018 No. 959.

[2842] Circular from the Ministry of Children and Equality dated 29 June 2018 (Q1245) Guidelines issued by the Ministry of Children and Equality in June 2018 concerning the Adoption Act of 16 June 2017 No. 48 (in force from 1 July 2018) – Case processing for applications for domestic and international adoption; Circular from the Ministry of Children and Equality dated 16 June 2018 (Q1246) Guidance booklet on the preparation of a social report for adoption applications.

[2843] Circular from the Directorate for Children, Youth and Family Affairs, 2020, 9002. Case processing for applications for domestic and international adoption.

26.4.7.1 *Administrative practice 2014–2020*

As described in section 26.4.61, following the recommendation of the Hove Committee, it was decided that responsibility for the assessment of applicants should be transferred from the local authorities to the regional offices of the Norwegian Directorate for Children, Youth and Family Affairs (Bufetat). The change came into force on 1 February 2015. [2844]

Bufdir's annual report for 2014 states that the Directorate had initiated 'organisational and administrative measures to ensure the quality of the assessment service' prior to the transfer.[2845] It was decided that the assessment task would be assigned to the foster care service in Bufetat's regions, whilst Region East was given responsibility for training and establishing common case-handling procedures and templates.

Table 26.3 provides an overview of applications for prior consent to international adoption that were processed in the regions during the period 2014–2018.

Table 26.4 Applications for prior consent to international adoption, 2014–2018

Year	New applications	Processed in the regions	Approvals	Approval rate before any appeal
2014	245	232	203	approx. 87%
2015	228	178	138	approx. 77%
2016	235	127	91	approx. 70%
2017	224	130	104	approx. 80%
2018	191	146	89	approx. 60%

The figures are taken from the appendix on adoption statistics in Bufdir's annual reports for 2014–2018.

In 2017, Bufdir reported that work had begun on improving the quality of the assessment of adoption applicants, including by commissioning the Norwegian Institute of Public Health to carry out a study on this (see next point). In addition, Bufdir began work on improving the existing assessment tool and reviewing the social reports and pre-adoption courses. The new assessment tool was due to be introduced in all regions from autumn 2018.[2846]

The Bufdir Annual Report for 2018 states that work to standardise and improve the assessment of adoption applications continued, and that new and more specific application forms, a new template for writing social reports and new procedures for gathering information about applicants had been drawn up.[2847] The new assessment tool was trialled by Bufetat's Eastern Region and was subsequently due to be evaluated in 2019.[2848]

The approval rate at first instance for 2015–2018 appears considerably lower than for previous periods. As mentioned, the approval rate in 2008 stood at around 90 (see Table 26.2), and in 2014 it stood at

---

[2844] Act amending the Adoption Act etc. of 25 April 2014 (partially in force from 1 February 2015), cf. Regulations of 11 September 2014.

[2845] Bufdir's Annual Report for 2014, p. 76.

[2846] Bufdir's Annual Report for 2017, pp. 19–20.

[2847] Bufdir's Annual Report for 2018, p. 84.

[2848] Bufdir's Annual Report for 2018, p. 82.

approx. 87. The reason for the change is not commented on in the annual reports, but it is reasonable to view the change in the light of the fact that the assessment of applicants was transferred to the regions in 2015, and the efforts to improve the quality of the assessments that were initiated in that connection.

If the marked change in the approval rate from 2015 reflects the outcome of the efforts to improve the quality of the assessment of applicants, and if better tools enabled a more thorough assessment that provided a stronger basis for rejections, this may indicate that the approval rate was previously too high.

26.4.8 A brief overview of developments after 2020

In 2017, the Norwegian Institute of Public Health (FHI) was commissioned by the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) to investigate and recommend which assessment tools and evaluation indicators the adoption authorities should use to identify suitable applicants.[2849] The FHI's report was published in 2021 and concluded that there was support in the research literature for the assessment indicators used by Norwegian adoption authorities to evaluate adoption applicants. It also highlighted studies suggesting that it would be beneficial to 'place greater emphasis on fundamental personality traits that underpin applicants' perceptions, motivations and actions, and to assess resilience and stress management to a greater extent in light of the significant care responsibilities associated with many of the children'.[2850]

The FHI report mentions that Sweden had an 182-page guide describing the various topics to be addressed in the assessment interview and covered in the social report, including 'a summary of relevant research, descriptions of why the topics are relevant to the assessment of adoption applicants, and, specifically, which questions should be put to the applicants'. By comparison, the Norwegian guidance booklet (Q-1246) was ten pages long.[2851]

The report goes on to state:

> Norway's guidance document differs from those of other countries in that Norway places greater emphasis on a descriptive assessment of applicants' experiences, perceptions and evaluations relating to their own upbringing and current circumstances, whilst other countries more explicitly ask assessors to evaluate the applicants' underlying psychological traits such as secure/insecure attachment, empathy, personality, rigidity, hostility, an excessive need for control, etc. These are personality traits that underlie and shape most of the circumstances included in the Norwegian guide. It would appear that the Norwegian guidelines place greater faith in the existence of a link between applicants' reflections on how they intend to bring up the child and their actual future behaviour. Other countries place greater emphasis on assessing applicants' underlying personality, in order to make their own judgement of the applicants' future suitability. However, such an assessment requires extensive psychological knowledge, which is presumably why many other countries require the assessment to be carried out by psychologists or equivalent professionals.[2852]

The report from the Norwegian Institute of Public Health recommended that the assessment of applicants should continue to be based primarily on personal, unstructured interviews, but pointed out that the method was vulnerable to 'insufficient clinical and psychological expertise on the part of the assessor, and the assessor's own adaptations of questions or emphasis on various topics'.[2853] In addition to interviews, the report recommended the use of 'supplementary

---

[2849] Bufdir's Annual Report for 2017.

[2850] Torgersen L., Haukedal C.L., Torgersen K.H., Aase H. 2021. *Better safe than sorry. Selection and follow-up of adoptive families: Experiences and recommendations.* Oslo: Norwegian Institute of Public Health, 2021, pp. 5–6.

[2851] Torgersen et al. 2021, pp. 54–55.

[2852] Torgersen et al. (2021), p. 55.

[2853] Torgersen et al. (2021), p. 6.

'standardised assessment tools to evaluate mental health and the ability to form attachments'.[2854] In addition, it was recommended that interviews with a third party who knows the applicants well be systematically included.[2855]

The report also pointed out that, unlike most other Nordic countries, Norwegian adoption authorities did not themselves obtain (or require applicants to submit) extracts from relevant health registers to document medical history. In Norway, the process relied on a self-declaration confirmed by the applicant's GP, though with the option for assessors to request further information if necessary. The report noted that extracts from health registers in Norway are only available for the period from 2009 onwards, and that this, in addition to strict legislation governing the use of registers, may be one of the reasons for Norwegian practice.[2856] The report referred to Canadian practice regarding the assessment of adoption applicants, which included interviews, the collection of necessary information from various registers and the completion of standardised questionnaires.[2857]

The Committee has asked Bufetat how the assessment of applicants is currently carried out. Bufetat stated that there are always two assessors assigned to each case. The Southern and Eastern regions have staff who work full-time on adoption cases and assessments. In the Central, Northern and Western regions, staff from the foster care service assess adoption applicants. The assessors largely possess social work expertise and qualifications (social worker, child welfare educator, etc.). The assessments make use of a standard assessment tool comprising letter templates, report templates and supporting questions based on Q-1246: *Guidance booklet on the preparation of social reports for adoption applications*. The assessments consist of structured interviews with the applicants over a period of time. In the Eastern Region, the average is six interviews per case. [2858]

The Committee has asked Bufetat to what extent the recommendations in the FHI report have been followed up by the Norwegian adoption authorities. Bufetat stated that the supporting questions used in the structured interviews have been updated, particularly in light of the FHI report's recommendation regarding assessment indicators.[2859] Several questions on racism and identity have also been included, following the NIBR report from 2021 (see discussion of this in section 30.3.2.3).[2860] Bufetat stated that no other standardised assessment tools are used to evaluate mental health and the ability to form attachments, apart from the medical certificate and self-declaration submitted with the application. A consultant doctor and psychologist are consulted in cases where it is deemed necessary to obtain an opinion before a decision is made. Bufetat obtains further health information where necessary. The recommendation from the Norwegian Institute of Public Health (FHI) to conduct an interview with a third party who knows the applicant well has not been followed.

In 2021, Bufetat received 125 new applications for prior consent to international adoption, compared with 116 applications in 2020. The Expert Advisory Committee considered 29 cases concerning international adoption.[2861]

In 2024, Bufetat received 65 new applications for prior consent to international adoption. Of these, 30 were finalised at first instance, with the region granting 19, rejecting six and refusing five.[2862] This gives an approval rate at first instance of approximately 63 per cent.

[2854] Torgersen et al. (2021), p. 7.

[2855] Torgersen et al. (2021), p. 8.

[2856] Torgersen et al. (2021), p. 55.

[2857] Torgersen et al. (2021), p. 7.

[2858] Bufetat's response to questions from the committee, 5 May 2026.

[2859] See Torgersen et al. (2021), pp. 65–75.

[2860] Bufetat's response to questions from the committee, 5 May 2026.

[2861] Bufdir's Annual Report for 2021, pp. 52–53.

[2862] Bufdir's Annual Report for 2024, Appendix 6: Adoption Statistics.

In 2025, Bufetat received 33 new applications for prior consent to international adoption. Of these, 17 were processed at first instance, with the region granting nine, rejecting five and refusing three.[2863] This gives an approval rate at first instance of approximately 53 per cent.

Cases are rejected either due to a lack of submitted documentation, or because the placement authorisation for the country in question has been withdrawn by Bufdir or the Ministry of Children and Families.

26.5 The Committee's summary and assessment of the adoption authorities' handling of cases concerning prior consent in various periods

In this chapter, the Committee has reviewed the regulations and practices governing the granting of prior consent for the adoption of children from abroad. The review has mainly focused on developments up to 2020 and has aimed in particular to highlight how requirements, practices and institutional frameworks have changed (or not), in line with societal developments, international obligations and changes in adoption patterns. The review has been conducted at a systemic level, and individual cases are described only to illustrate and shed light on practice.

In the following, the committee provides a summary and assessment of the adoption authorities' handling of prior consent cases across different periods.

A gradual increase in the emphasis on the 'best interests of the child'

A consistent feature is the increasingly clear emphasis on the best interests of the child as the decisive criterion for adoption. The legislative history shows a development in this regard:

- 1917: a requirement that there must be 'reason to believe that the adoption will be to the child's benefit'.
- 1986: this was tightened to state that 'it can be assumed that the adoption will be to the child's benefit'.
- 2014: the wording 'to the benefit' was replaced with 'in the child's best interests'.
- 2018: further tightened to state that it must be 'clearly likely that the adoption will be in the child's best interests'.

This development reflects a real, substantive raising of the threshold for granting prior consent. At the same time, the changes must be viewed in the light of the fact that attitudes towards children and their needs have changed significantly over time. Two parallel lines of development can be identified. Firstly, the understanding of what constitutes an assessment of the child's best interests has become more complex and knowledge-based, including the factors deemed necessary to investigate in order to determine the child's best interests. Secondly, the child's best interests have been given increasing weight in the overall assessment of whether prior consent should be granted. This development is in line with the UN Convention on the Rights of the Child, which Norway ratified on 8 January 1991. Under Article 21 of the Convention, states that recognise and/or permit adoption shall 'ensure that the best interests of the child shall be the paramount consideration'.

At the same time, current practice suggests that the assessments did not always fully reflect the stricter wording of the law, partly because too much weight was occasionally given to the applicants' interests. Furthermore, it is the Committee's impression that a lack of effective tools for use in the discretionary assessments of applicants, as well as a lack of formal requirements, has in practice made it difficult for case officers to justify a refusal (see, for example, sections 26.4.3.1, 26.4.4.1 and 26.4.5.2) – and that it was not until 2015 that this situation changed significantly.

[2863] Bufdir's Annual Report for 2025, Appendix 6: Adoption Statistics, p. 4.

Assessment criteria and adjustments over time

From an early stage, there was a clear awareness that intercountry adoption required specific resources from applicants, as well as specific expertise on the part of the assessors (see, for example, NOU 1976: 55). Nevertheless, the requirements for applicants were not necessarily raised as knowledge of adoptees' needs increased and the reality of the adoption field changed. For example, requirements relating to language, cultural understanding or the parents' ability to cope with the complexities of adopting older children were not systematically developed, even though these might have been natural adjustments at a time when fewer and older children were available for international adoption.

Discussions concerning, in particular, the age of applicants, the ability of single people to adopt, and the health requirements for applicants continued throughout the period under review. These discussions mainly centred on possible relaxations of the guidelines.

The Committee has found no assessments by the Norwegian adoption authorities as to whether criteria should be tightened and assessments made more rigorous as the number of children available for international adoption fell significantly, whilst at the same time these children more often had greater care and health needs than before. Rather, for example, when the Chinese authorities tightened the requirements for adoption applicants in 2007, the Ministry decided that assessments of applicants wishing to adopt from China should be prioritised in Bufetat's regions. The aim was to ensure that the applications could be registered in China before the stricter requirements came into force (see section 17.5.7.2). The Committee has concluded that the primary consideration in this specific decision does not appear to have been the best interests of the child (cf. Chapter 17, section 17.6.2).

The role of the local authorities and ongoing quality challenges

As described in section 26.4, right from the start of the period examined by the Committee, there was dissatisfaction amongst the adoption authorities with many of the local authorities' social reports. Different local authorities produced reports of very varying quality, which was partly explained by competence and experience, and partly by capacity.
The adoption authorities worked consistently to improve quality, but this did not lead to lasting structural changes until 2015, when responsibility for assessments was transferred to the regions.

A distinctive feature of practice in earlier periods was that, until the new Adoption Act came into force in 1986, prior consent to adoption was granted on the basis of a foster care approval ('with a view to adoption'), and that the assessment was carried out by the same body that also investigated and assessed applications for foster care placements. Although the assessments for foster care approval and adoption approval will have several features in common, there are also differences: Foster care placement is a temporary arrangement, involving ongoing supervision and the possibility of intervening in the event of changes in the child's situation. Adoption, by contrast, is a permanent legal relationship, without subsequent supervision and with irreversible consequences for the child.
The authorities sought to address this difference, amongst other things, by distributing decision-making powers across different levels. Nevertheless, the source material suggests that, in practice, it was the local authorities' social reports that proved decisive for the assessment, and that this continued for many years. It appears that a formal multi-tier system did not, in reality, fully compensate for the practical significance of the municipalities' work: in practice, the reports carried greater weight than the legislation and regulations intended.

The system for assessing applicants was clearly criticised in NOU 2009: 21, which led to responsibility for assessing applicants being transferred from the local authorities to the Bufetat regions in 2015 (see section 26.4.7). The Review Committee believes this transfer should have taken place earlier, and points out that this was a proposal put forward by the State Youth and Adoption Office as far back as 1998 (see section 26.4.5).

The Hague Convention and requirements for guidance

The 1993 Hague Convention emphasised the importance of the receiving State's responsibility to provide the necessary guidance to prospective adoptive parents. Both NOU 2009: 21 and NOU 2014: 9 explicitly stated that Norway was unlikely to have met the Hague Convention's requirements in this regard before pre-adoption courses became compulsory in 2015 (see sections 26.4.6.1 and 26.4.7).

The Review Committee also considers that Norway probably did not fulfil its obligations under the Convention with regard to ensuring that applicants had realistic expectations and sufficient knowledge of the challenges involved in adopting children from abroad, for example in relation to traumatic experiences or the special care needs of adopted children.

The relationship between the professional authority and the Ministry

Throughout the period under investigation, the committee has identified several examples of tensions between the specialist authority, which sought a stricter approach, and the Ministry, which often sought to ensure broader access to approval as adoptive applicants and predictability for the applicants.

This is evident, amongst other things, in the tensions between the PU's assessments and the Ministry's attempts to review the PU's professional assessments in the 1980s (see section 26.4.3.1), and in the case referred to the Control and Constitutional Affairs Committee in 2001, where it was clear – not only in that specific case but also in other cases during the same period – that the political level actively sought a more liberal approach (see section 26.4.5.2).

These examples may suggest that the Ministry placed greater emphasis on applicant-oriented considerations, whilst the specialist authority adopted a more risk-based and child-centred approach. This trend is also supported by information from the Committee's interviews with former employees of both the Ministry and the subordinate body (see section 26.4.5.1).

27 The adoption authorities' handling of the adoption case after the adoptee arrived in Norway – registration and authorisation cases

27.1 Introduction

In this chapter, the Committee describes the requirements for Norwegian adoption authorities' supervision of intercountry adoptions after the child has been placed with the adoptive applicants and has arrived in Norway. Furthermore, the Committee assesses how Norwegian authorities have met these requirements. This chapter concerns ordinary international adoptions, that is, adoptions carried out with the assistance of an adoption intermediary and with the prior consent of the Norwegian authorities. Adoptions carried out without the assistance of an intermediary, which account for a limited proportion of adoptions, are dealt with in Chapter 28.

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

In addition, for a period up until the amendments to the Adoption Act in 1980, it was recommended that children who had been adopted abroad should also be adopted in Norway to ensure that the adoption had the same legal as a Norwegian adoption.[2864] Such a re-adoption was not mandatory, but was recommended by the Norwegian authorities. The recommendation was set out in a circular from the Ministry of Social Affairs,[2865] and in several individual cases, prospective adoptive parents received such a recommendation when the prior consent to adopt was forwarded to them. The Committee therefore considers that readoption was a fairly established practice in the 1970s and perhaps even earlier.[2866,2867] The practice of readoption ceased when the Adoption Act of 1980 introduced new provisions concerning the legal effects of foreign adoptions in Norway.[2868]

In practice, both registration cases and authorisation cases have been handled in a broadly similar manner in Norway. The process has mainly consisted of verifying that the appropriate authority or body in the country of origin has made a final decision on adoption (registration case) or release for adoption (authorisation case), respectively. A key question in this chapter is whether the Norwegian authorities' handling of these cases complied with the requirements of the Norwegian Adoption Act and the Public Administration Act.

The review of individual adoption cases has been carried out both in the country of origin and in Norway, and at several stages of the adoption process. In the interests of the child, the prospective adoptive parents and the birth parents, the review should be organised in such a way that any obstacles to adoption are identified as early as possible and as far in advance as possible before the child is placed with the adoptive parents. Decisions by the Norwegian authorities in registration and authorisation cases are only made after the child has been placed with the adoptive parents and has arrived in Norway. As explained in more detail below, the need for early clarification cannot, however, in itself justify the Norwegian authorities failing to carry out the checks required by law when making decisions in registration and adoption cases.

Later in this chapter, the legal principles governing the processing of registration and authorisation cases will first be described. This will be followed by a more detailed account of the Norwegian authorities' practice. Finally, the committee will assess whether the handling of these two types of cases has been in accordance with the legal principles set out in the Adoption Act, administrative law and the 1993 Hague Convention.

27.2 Legal framework

27.2.1 Registration cases

In cases where the adoption has been finalised in the country of origin, it has generally been decided by that country's authorities or courts and in accordance with that country's legal rules.[2869]

[2864] This was the norm until the Adoption Act of 1917 was amended in 1980 and a provision was introduced in Section 34, third sentence, stating that the Ministry could decide that a foreign adoption should have the same legal effects as a Norwegian adoption.

[2865] See the Ministry of Social Affairs' Circular I-9/1978, p. 9.

[2866] However, it was up to the parents whether they wished to apply for this, and Parliamentary Bill No. 36 (1979–1980) states that re-adoption 'does not take place in all cases'.

[2867] From at least 1964, it appears that re-adoption was common in certain adoptions carried out in South Korea; see the Committee's review of individual cases. However, most adoptions from South Korea were not carried out there.

[2868] Sections 33 and 34 of the Adoption Act of 1917.

[2869] In some countries, adoptions have previously been regarded as private arrangements, whereby an adoption agreement has been formalised, for example, by a notary or a solicitor, with varying degrees of oversight by the authorities. In such cases, it is not always natural to regard the adoption as having been carried out by the authorities of the country of origin. See further discussion in section 6.2.2.5.

Where an adoption has been finalised in the country of origin and the adoptive parents have obtained prior consent from the Norwegian authorities for adoption in that country, it has followed directly from the Adoption Act since 1980 that the adoption shall be recognised in Norway.[2870]

The provision regarding such recognition was incorporated into Section 34 of the Adoption Act of 1917 in 1980, and it was worded in a way that implies that recognition took place automatically:

> A person resident in Norway may not adopt in a foreign state unless the Ministry gives its consent in advance. Once consent has been given, the foreign adoption is recognised in this country.

The fact that the adoption was to be recognised automatically is confirmed by the preparatory work on the provision:

> Where the Ministry has given prior consent to an adoption under Section 34 of the Act, the foreign adoption should be recognised in this country without further ado. Further approval and scrutiny should be unnecessary.[2871]

The provision was carried over without amendment into Section 22 of the Adoption Act 1986, but the requirement for prior consent in the first sentence was moved to Section 16e in 1999. In the Adoption Act 2017, the corresponding provision is found in Section 46, first paragraph, where it is worded slightly differently:

> A final adoption decision by a public authority or court in another state shall be recognised in Norway if the Norwegian authorities have given prior consent to the adoption in accordance with Sections 18, 20 and 21, or if the adoption was granted or recognised in the country where the applicant had their habitual residence at the time of the decision.

The fact that the 2018 Act uses the term *'recognised'* rather than *'applies*' is unlikely to entail any substantive difference. It follows from the preparatory works to the 2018 Act that the adoption applies immediately and independently of any application:

> The first paragraph governs situations where adoptions carried out abroad have immediate effect in Norway. In such situations, the adoptive parents or the child do not need to apply for recognition in Norway. The Norwegian authorities must treat the adoption as valid, but must in this context assess whether the foreign adoption meets the conditions. The foreign adoption must be 'final' and must have been ordered by a public authority or the courts. An adoption agreement without a decision by a foreign authority will have no legal effect in Norway. The Norwegian authorities must assess whether the foreign decision has been made by the bodies in the country in question that have the competence to decide on adoption cases. The adoption must also be valid.

Although the preparatory works assume immediate effect in Norway, it is stated that an assessment must be made as to whether the foreign adoption 'meets the conditions'. However, it follows from the subsequent text that this essentially only means that it must be verified that a final adoption has in fact been carried out abroad. It must therefore be verified that the decision was taken by a competent authority, and that any complaints or avenues of appeal have been exhausted. The fact that the preparatory works also state that the adoption must be 'valid' can hardly, in itself, imply an obligation to examine the basis of the foreign adoption decision in order to identify possible grounds for invalidity, such as errors of fact or breaches of the country of origin's procedural rules. Norwegian adoption authorities have only been responsible for conducting further investigations in cases where there was information indicating that the adoption might be invalid. Anything else would have been contrary to the statutory presumption that the foreign adoption is to be recognised, which is also in line with general principles of private international law.

However, if there were indications that the adoption might be contrary to fundamental Norwegian legal principles, it would have to be assessed whether recognition of the adoption should be refused on the basis of Order

[2870] Section 34 of the Adoption Act 1917, Section 22 of the Adoption Act 1986 and Section 46 of the Adoption Act 2018.

[2871] The special remarks on Section 34 in Parliamentary Bill No. 36 (1979–1980), p. 20.

the public policy reservation in the Adoption Act.[2872] An adoption that 'would manifestly be contrary to the Norwegian legal order' shall not be recognised in Norway even if it is based on a valid decision in the country of origin. Although adoptions are a type of case where public policy may be relevant,[2873] the threshold is high, and a duty to investigate this further presupposes that there are indications of circumstances that may render the provision relevant.

In a report commissioned by the committee, Associate Professor Tarjei Røsvoll has argued that the Norwegian authorities' responsibility for verifying the conditions relating to the child in individual cases where the adoption takes place in the country of origin is more extensive than that which the committee assumes here in relation to registration cases.[2874] Røsvoll does not distinguish between registration and authorisation cases when he argues that there has been legal uncertainty regarding the extent of the Norwegian authorities' responsibility to ensure that the conditions for adoption are met throughout the entire investigation period. He states, however, that '[t]he principles and values on which the institution of adoption has been based have, throughout the entire period, indicated that the authorities *should* also ensure that the conditions for adoption are met in each individual case'. [2875]

Røssvoll believes that the Norwegian authorities have, and to varying degrees have had, a legal responsibility to ensure that the conditions for adoption are met in each individual case. This responsibility can be understood either as a duty to ensure that the conditions are in fact met, or as a duty to implement comprehensive measures aimed at increasing the likelihood that adoptions are carried out in a responsible manner. At the same time, he points out that this responsibility is based on the assumption that, in practice, this is ensured through the work of adoption agencies in the countries of origin. A strict division of responsibility, whereby the Norwegian authorities are not assigned any responsibility for the conditions in the country of origin, appears, according to Røssvoll, to be more difficult to justify legally, but he believes that it is nevertheless possible to argue in favour of this.

Røssvoll largely links the authorities' responsibility for oversight to the adoption process as a whole. The Committee agrees that a responsibility for overall oversight stems from international obligations and the rules on supervision and authorisation of adoption agencies; however, in individual adoption cases, a responsibility to monitor the conditions affecting the child cannot be linked to the processing of the registration application in Norway.
However, since the Hague Convention entered into force in Norway on 1 January 1998, this responsibility has been accompanied by the obligation to issue a declaration under Article 17(c) of the Hague Convention, as described in more detail in Chapter 23.

27.2.2 Authorisation cases

As the Adoption Act was drafted from 1980 to 2018, applications for 'authorisation to adopt' were to be decided in Norway when the prospective adoptive parents resided here, or when the Ministry consented to the case being processed here.[2876] The reason why many adoptions where the adoptive parents resided in Norway were nevertheless carried out in the country of origin is that, under the legislation of the country of origin, the final decision on adoption was to be made there.

In international adoption cases where the Norwegian authorities have granted authorisation for adoption, they were, until the Adoption Act of 2017, obliged to apply the rules of the Norwegian Adoption Act. Following the entry into force

[2872] Section 32 of the Adoption Act 1917, Section 20 of the Adoption Act 1986 and Section 50 of the Adoption Act 2017.

[2873] Parliamentary Bill No. 36 (1979–1980), p. 12, cited below in section 27.2.2.

[2874] Tarjei Røsvoll, Report on the division of labour, management, supervision and control in the field of adoption, 7 November 2025. The report has been published as an electronic annex to the review report.

[2875] Røsvoll, 2025, pp. 56–57.

[2876] Section 29 of the Adoption Act of 1917 read as follows: 'An application for authorisation to adopt shall be decided in Norway if the applicant is resident in this kingdom, or if the Ministry consents to the case being dealt with here.'

Under the 2017 Adoption Act, questions regarding consent from birth parents or guardians are to be assessed in accordance with the law of the country of origin.

The provision on the choice of law was incorporated into the Adoption Act in 1980, when Section 30(1) was worded as follows: 'The application shall be decided in accordance with Norwegian law.' [2877]

In the preparatory work for Section 30, the provision was considered to be in accordance with previous unwritten law. The choice of law provision was justified as follows:

> The Ministry assumes, however, that it would be best to apply Norwegian law exclusively when dealing with adoption cases in this country. The Norwegian Adoption Act sets out the conditions which we believe must be met for an adoption to be permitted. When the Norwegian authorities are to decide on an adoption application, it seems reasonable to grant adoption authorisation if the conditions laid down in Norwegian law are met. This is an area where public policy considerations may carry considerable weight, and it is quite conceivable that the rules of the country of residence's adoption legislation would be set aside in any event on grounds of public policy.[2878]

The fact that the authorisation case is to be dealt with in accordance with Norwegian law means that the conditions for adoption under the Norwegian Adoption Act must be met in order to grant authorisation for adoption. In principle, the conditions are the same for intercountry adoptions as for the adoption of Norwegian children.[2879] This implies, amongst other things, that it was necessary, as a starting point, to assess whether the adoption was in the child's best interests, whether those with parental responsibility had given their consent, and whether parental consent had not been given until two months after the child's birth.[2880] It is difficult to assess these conditions without having considered background information about the child and the release process in the country of origin.

The choice-of-law provision was somewhat modified by the requirement in section 30, second paragraph, that, depending on the circumstances, due regard should also be given to the rules of the child's country of origin or of another country to which the child has a connection.[2881] If the connection was so strong that it would cause significant hardship for the child if the adoption were not recognised in the foreign state, the decision should take into account whether the adoption would also be valid there.

The conflict-of-laws provision introduced into the Adoption Act in 1980 has been criticised in legal theory. Helge Thue argued that the provision was not compatible with the principle that should apply in matters of personal status law, namely that personal and status-related matters are determined by the courts of the person's home country.[2882] Thue considered that the modification in the second paragraph was insufficient, and writes the following regarding the then-current provision on the requirement for consent from the biological parents in Section 7 of the Adoption Act of 1986:

> This rule is purely a matter of domestic law. However, in light of the arguments set out above, it should be supplemented by a rule of private international law that complements Section 18 of the Adoption Act [the choice-of-law provision in the Adoption Act of 1986]: Who holds parental responsibility and how consent to adoption is given is determined in accordance with the law of the country of origin of the child to be adopted. Within the scope of the Hague Convention, this means for the Norwegian authorities simply that if they are to verify the state of origin's authorisation to adopt a child, this must be done in accordance with the law of that state. Without such an extension, Section 17 of the Adoption Act

---

[2877] See also the identical provision in section 18(1) of the Adoption Act 1986 and the provision in section 44(1) of the Adoption Act 2017, with slightly different wording.

[2878] Parliamentary Bill No. 36 (1979–1980), p. 12.

[2879] Under the Adoption Act 2017, this does not apply to rules concerning the consent of the birth parents; see Section 44, second paragraph.

[2880] See the following provisions in the Adoption Act of 1986: Sections 2, 7(1) and 7(2).

[2881] In the Adoption Act 1986, this provision is set out in Section 18(2).

[2882] Thue (2002), pp. 456–458.

does not apply to international adoptions; Norwegian domestic law cannot determine who may give consent to the adoption of a child resident abroad.

The best solution is probably to require that both the law of the home country of the child to be adopted and the law of the adopters' home country must permit the adoption.

Partly in response to Thue's criticism, the conflict-of-laws provision was amended in the current Adoption Act of 2017 [2883]. Consequently, it now follows from section 44, second paragraph, that the question of consent from parents or guardians must be assessed in accordance with the law of the country of origin.

In light of Thue's view, it can be argued that the legal position regarding the choice of law was unclear prior to the 2017 Act.

In the preparatory works for the 2017 Act, both the Ministry of Children and Families and the Adoption Law Committee describe the provision in Section 44, second paragraph, as new. At the same time, the Ministry stated that the new provision in Section 44(2) was introduced 'on the basis of Article 4 of the 1993 Hague Convention and Article 21(a) of the UN Convention on the Rights of the Child, both of which are founded on the principle that these assessments must be made on the basis of the legal rules of the child's country of residence'.

Thue's objections have not been of great significance in practice, as the law of the home country has normally been assessed by the authorities in the country of origin in connection with the release for adoption, as required by the Hague Convention. Consequently, it has not in any case been exclusively Norwegian law that has been applied in authorisation cases. When the Norwegian conflict-of-laws rule is viewed in the context of how the adoption system operated, it implied that both the law of the country of origin and the law of the receiving country had to be complied with in practice – as Thue himself describes as probably the best solution. In practice, the question of choice of law has probably not been raised as an issue by the Norwegian administration either, as the conditions under Norwegian law relating to the release of the child have in any case not been tested by the Norwegian authorities; see point 27.3.2 below.

In the Committee's view, there was no basis for any restrictive interpretation of the choice-of-law provision in the Norwegian Adoption Act in force from 1980 to 2017, and the conditions laid down in the Norwegian Adoption Act should have been applied. In addition to this being clearly established in the wording and preparatory works, reference is made to the Hague Conference's Guide to Good Practice 1, which assumes that the receiving State may have different conditions for adoption and that it may enforce these conditions when the adoption is carried out there.[2884] The Committee agrees, however, with Thue that, when assessing the conditions, the Norwegian authorities must take as their basis the rules of the country of origin regarding who has the right to consent to adoption.

27.2.3 Basic requirements for case handling

When processing cases concerning both registration and adoption authorisation, the Norwegian authorities must comply with the procedural rules set out in the Norwegian Public Administration Act and the administrative process.[2885] The requirements imposed by the Public Administration Act on case handling depend on whether the case concerns a decision that is regarded as an individual decision or not, which must be assessed on the basis of the definition in Section 2, first paragraph, letter b of the Act, cf. letter a. An individual decision is a decision that involves the exercise of public authority and determines the rights or obligations of specific individuals.

A decision in a case concerning the recognition of an adoption carried out abroad following prior consent (registration case) has not been regarded as an individual decision, as it follows directly from the Act that the foreign adoption is valid in Norway, and that the Norwegian authorities have a duty to

---

[2883] See NOU 2014: 9, paragraph 26.5.4.

[2884] *Guide to Good Practice* (2008), paragraphs 331 and 332.

[2885] This follows both from Section 1 of the Public Administration Act and Section 35 of the Adoption Act 2017.

recognise it. Consequently, the rules in Chapters IV–VI of the Public Administration Act do not apply to these registration cases, but the case handling must comply with the general rules on the work of the administration in Chapter III of the Act, as well as the unwritten requirements for sound case handling.

A decision on the granting of adoption, on the other hand, is decisive for both the rights and obligations of the adopted child and the adoptive parents, as it is this decision that establishes a parent–child relationship.[2886] An adoption order under the Norwegian Adoption Act is therefore undoubtedly to be regarded as an individual decision under the Norwegian Public Administration Act.[2887] The authorities have therefore been obliged in these cases to comply with both the general rules on administrative case handling and those that apply specifically to cases concerning individual decisions (Chapters IV–VI of the Public Administration Act). This means that, in adoption authorisation cases, the adoption authorities were required to comply with the requirements of the Public Administration Act concerning, amongst other things, advance notice (Section 16), case investigation (Section 17), reasons for the decision (Sections 24 and 25) and the right of appeal.

The key procedural rules in the Act have, for the most part, remained the same since the Public Administration Act came into force in 1970; however, in practice, the standard required to comply with the Act's provisions concerning, amongst other things, investigation and reasoning has been raised, and unwritten requirements for sound administrative procedure have evolved.

Given the special and international nature of adoption cases, there is a strong case for arguing that, when assessing whether the requirements for case handling have been met, one cannot consider the processing of the application for authorisation in isolation, but must assess the entire adoption process as a whole.

Certain procedural requirements may be met at an earlier stage in the adoption process, possibly even by foreign authorities. Requirements regarding advance notification, for example, could be met through the release process abroad. The same may apply to requirements for justification relating to the actual release for adoption. It is also natural that the authorities in the country of origin should, in principle, be responsible for the case assessment relating to matters concerning the child, including the requirement for consent from the birth parents.

The work carried out by the Norwegian authorities and adoption agencies on the case at earlier stages may also help to meet the requirements for case processing. In general, relevant matters concerning the conditions laid down in the Norwegian Adoption Act should have been investigated as early as possible in the adoption process to avoid an adoption having to be halted at a stage when expectations have been raised, or where an adjustment process has already begun.

However, whether the individual procedural requirements were met at a stage prior to the Norwegian authorities' decision on the adoption authorisation must be assessed on a case-by-case basis. If the case had not previously been investigated sufficiently to enable a decision to be made as to whether the conditions for adoption under the Norwegian Adoption Act had been met, further investigation would have to be carried out as far as possible.

Although the requirements for case processing may, in some cases, be regarded as having been fully or partially met at earlier stages of the adoption process, it is an absolute prerequisite that the authority responsible for deciding on a Norwegian adoption authorisation makes its own independent assessment of whether the conditions for adoption under the Norwegian Adoption Act have been met. With regard to conditions relating to the child's circumstances, reliance cannot automatically be placed on the release declaration from the country of origin. This applies in particular where Norwegian law contains conditions that differ from those in the country of origin, and which have therefore not necessarily been assessed by the authorities of the country of origin. However, even where the conditions in the country of origin are the same as those under Norwegian law, there must be information available that enables the Norwegian authorities to form their own independent assessment of the conditions. For example, it is not sufficient that a decision on release

[2886] An adoption order may also be deemed to determine the rights and obligations of the birth parents; see section 29.7.4.

[2887] See Section 2(1)(b) of the Public Administration Act.

it is stated that adoption is in the child's best interests. There must also be some information regarding the basis for this assessment on which the Norwegian authorities can base their own assessment. With regard to the assessment of whether the requirement for informed and voluntary consent has been met, this cannot be based on general information stating that sufficient consent has been given. It must be clear who has given their consent, when consent was given, and in what context.

27.3 Further details on the adoption authorities' practice

27.3.1 Practice in registration cases

Many of the countries where adoptions have consistently been carried out in the country of origin are in South America, such as Colombia, Brazil, Costa Rica and Ecuador. However, this has also been the case in many other countries, such as China (after 1992), Ethiopia and Sri Lanka. Over time, the trend has been for more of the partner countries to carry out the adoptions themselves.

The Norwegian authorities' practice regarding the processing of registration cases is described as follows in Bufdir's current circular, a description that is worded almost identically to that in previous circulars:

> When an adoption has been finalised abroad, the foreign documents must be sent to Bufdir for verification. Bufdir must verify that the adoption has been validly finalised and that the decision is legally binding. The adoption must then be registered in the central adoption register in Norway.[2888]

The fact that what is set out in that circular has also been the actual practice in the handling of such cases is confirmed by the Committee's interviews with staff at the adoption authorities. The verification has consisted of checking that the correct body in the country of origin has made a decision on the adoption, and that the decision is final.

27.3.2 Practice in authorisation cases

The international adoptions carried out in Norway involved children adopted from, amongst others, Bangladesh and Chile up to 1999, India up to 2011, South Korea up to 2012, Thailand and the Philippines.

The reasons why the adoptions were not carried out in the country of origin have varied from country to country. In the case of South Korea, this was probably linked to the fact that, in the 1960s, American social workers believed that the adoption process was better and more reliable in the USA, and that they would have greater control if the children were not already adopted by the time they arrived there; see section 19.7.3. As regards India, adoptions were carried out in Norway for several years because the country did not have an adoption agency that could be used for international adoptions.[2889] In Thailand, this was because Thai regulations required that the compatibility of the adoptive parents and the children be assessed before a final decision on adoption was made. In Chile, until 1999, it was common practice to register the prospective adoptive parents as the child's guardians and to grant the child an exit permit with a view to adoption in Norway.[2890]

The Norwegian authorities' practice in processing authorisation cases is described as follows in BUFDIR's current circular, a description that is worded almost identically to that in previous circulars:

[2888] Point 9 of Bufdir's circular, 'Case processing for applications for domestic and international adoption', BUFDIR-2020-9002.

[2889] See the Ministry of Justice's circular G-132/1981, p. 3.

[2890] See Chapter 11.3.

> If the adoption is to take place in Norway, Bufdir issues an adoption authorisation. The foreign release documents must be sent to Bufdir before the adoption can be registered. It must be clearly evident from the documents that the child has been released to the applicants by the relevant foreign authorities for adoption, and that the release is final. In these cases, Bufetat must send information regarding the prior consent to the Directorate of Immigration to ensure the child's right to entry and a residence permit in Norway until the adoption can be finalised here. [2891]

In interviews conducted by the Committee with current and former employees of the adoption authority, they confirm that the processing of authorisation cases has also consisted of verifying that the child has been unambiguously released by the relevant foreign authority, as stipulated in the circular.

The Committee's review of individual cases shows that decisions on adoption authorisation were not substantiated. A document entitled 'Adoption Authorisation' was issued, confirming that the adoptive parents had been granted authorisation to adopt the child in question, without any further details regarding the grounds for the decision.

Further details on the partner countries investigated by the Committee where the adoptions were carried out in Norway

South Korea

All adoptions from South Korea up to 2012 were carried out by means of an adoption authorisation in Norway, totalling approximately 6,600 adoptions.[2892] In these adoptions, the child was released for adoption to Norway by means of a declaration from the president of the South Korean adoption agency Holt, which acted as the child's guardian. When the Norwegian authorities processed the authorisation application, they required the following documentation to be submitted: the release declaration from Holt's president, confirmation of the child's registration in the South Korean family register, and, in most cases, documentation of the appointment of Holt's president as the child's guardian.

In almost none of the cases did these documents provide any real information about the child's biological parents or identity, as the children were routinely registered in the family register without known parents and with a new surname (orphan hojoek registration). This was done even though the Korean adoption agency normally knew the identity of the biological parents. Decisions on Norwegian adoption authorisation were thus made without any knowledge of the child's background beyond the fact that they had been released by Holt and placed through channels approved by the South Korean authorities. As the Norwegian authorities were unaware for a long time that the information in the family register was systematically incorrect, it is also likely that decisions on adoption were incorrectly based on the assumption that the children in question had no known parents.

The processing of adoption applications from South Korea is discussed in more detail in section 19.8.5.

[2891] Point 9 of the BUFDIR circular, *'Case handling of applications for domestic and international adoption*', BUFDIR-2020-9002. As early as in the Ministry of Social Affairs' circular I-15/89, the wording was virtually identical to that in the current circular: 'In cases where the child arrives in Norway without an adoption having been finalised abroad, the prospective adoptive parents must submit the child's foreign release documents to the State Adoption Office so that the adoption can be finalised in this country. It must be clearly stated that the child has been released for adoption in Norway."

[2892] A few exceptions to this in the 1960s are mentioned in section 19.7.3.

Chile

All adoptions from Chile up to and including 1998 were carried out by means of an adoption authorisation in Norway, totalling approximately 138 adoptions.[2893]

In the authorisation cases from Chile, there was often somewhat more information about the child's background than in the cases from South Korea. The release for adoption took place when a court in Chile made a decision to appoint the prospective adoptive parents as guardians and approved their departure for the purpose of adoption.

In some of the cases from Chile, the information received by the Norwegian authorities during the authorisation process showed that one of the Norwegian conditions for adoption had not been met. This concerned the condition that the birth parents could not consent to the adoption until two months after the birth. In twelve of the cases reviewed by the committee from this period, the child was under two months old at the time of the Chilean court's decision on the appointment of guardians and the granting of permission to leave the country.

In one of these cases, from 1988, this issue was raised internally within the adoption authorities on a Post-it note addressed to the head of the State Adoption Office. A case worker asked: 'Here we have a child released for adoption before two months have passed. What do we do in relation to Section 7(2) of the Adoption Act?' The head of the Adoption Office replied on the back of the Post-it note: 'This is a matter of principle that is important for the process – ordinarily, this is a Norwegian adoption, but since we are basing it on a Chilean release (and, in effect, an adoption as well), we must be able to disregard the fact that Chilean law and Norwegian law are not entirely consistent.' In this case, adoption authorisation was granted without any further investigation into the birth parents' consent.

The case shows that even where the documents from the country of origin indicated that Norwegian conditions for adoption were not met – and this was noted – this had no consequences.

The processing of adoption authorisation cases from Chile is discussed in more detail in sections 11.7.3 and 11.8.2

Bangladesh

In the 110 adoptions from Bangladesh to Norway that were carried out with the assistance of Adopsjonsforum between 1973 and 1981, the adoption applicants were appointed as guardians in Bangladesh, whilst the adoptions themselves were carried out in Norway. Adoption authorisation was granted on the basis of the child's passport and the appointment of a guardian from Bangladesh. The Norwegian authorities did not request any further information about the child's background or the specific release process.

27.3.3 Common features in the processing of registration and authorisation cases

The description of practice above shows that registration cases and authorisation cases have been handled in a broadly similar manner in Norway. There have been no differences in case handling, the investigation or the scope of the documentation required to be submitted. The Committee's interviews and review of individual cases indicate that practice has changed little in recent years. However, the source material for the period prior to 1990 is more limited.

Nevertheless, the documentation requirements in the 1960s appear to have been somewhat less stringent than in subsequent periods. In a specific case concerning an adoption from South Korea in the mid-1960s, the Ministry of Justice appears to have concluded that the documents were in order without them having been submitted, on the basis that the child had in fact been handed over from South Korea. In two endorsements on the case, various officials at the Ministry of Justice noted the following:

[2893] The legislative amendment in Chile, which stipulated that the adoption was to be carried out there, came into force on 26 October 1999.

> A Norwegian married couple wish to adopt a Korean girl. There is hardly anything to prevent this. In similar cases previously, documents have been submitted showing that the child has also been adopted in Korea; in this instance, no such documents are available, but it is stated in the application [sic.] that the child has been adopted in Korea, and one must assume that this is correct. Section 29(1) of the Adoption Act does not therefore prevent the adoption from also taking place in Norway.
>
> The child was probably not taken out of Korea without adoption documents from there.

The period that stands out in particular is the last five years. From around 2022, the Norwegian adoption authorities have required that significantly more documentation be submitted when processing individual cases. This documentation has been required to be submitted by the country of origin in connection with the checks carried out under Article 17(c) of the Hague Convention when the country of origin has submitted a proposal for the placement of a child. However, the documentation obtained at this stage has also formed the basis for the subsequent processing of the registration and authorisation case.

The competence requirements for staff at the adoption authorities who processed registration and authorisation cases have, in practice, varied between different periods. From the establishment of the State Adoption Office in 1987 until around 1998, cases were processed by case officers who were social workers or lawyers. In 1999, responsibility for processing these cases was transferred from the Children and Adoption Section of the State Youth and Adoption Office to the Administration Section.[2894] From that point onwards, the cases have been processed by administrative staff. A manager at the adoption authorities during the period from 1998 to 2014 informed the committee that the task was regarded as routine and did not require any special training to carry out.[2895]

In the processing of cases from the 1990s onwards, we know that the letters notifying adoptive parents of decisions on registration and authorisation were signed by both the case officer and a manager or a second signatory. However, a manager who reviewed such cases as a second signatory in the 2000s informed the committee that they did not carry out any checks of their own on the documents from the country of origin.[2896] The case officer who has handled most such cases since 2010 informed the committee that they did not know what the second-level reviewer checked before the decision was sent out, but they could not recall the second-level reviewer ever having pointed out any deficiencies in the documents – only errors in names and dates in the adoption authority's own cover letter.

If errors were found in the documents, the adoption authority contacted the adoption agency, which obtained new documents. Until 2023, however, registration or authorisation was carried out before the new documents had been received, provided that the adoption agency had stated that this could be arranged.[2897]

27.4 The Committee's assessment

27.4.1 Registration cases

The adoption authorities' practice in registration cases has been in accordance with the requirements of the Norwegian Adoption Act. An international adoption was or is valid in Norway provided that the adoptive parents had or have obtained prior consent to adopt. In a registration case, it is therefore...

[2894] The work plan for SUAK's Children and Adoption Section for 2000.

[2895] The Committee's interview with a former director of department at the adoption authorities on 6 February 2026.

[2896] The Committee's interview with the former head of department at the adoption authorities on 6 February 2026.

[2897] The Committee's interview on 2 March 2026 with the case officer at Bufdir who has handled most of the registration and authorisation cases since 2010.

It is sufficient to verify that a body with decision-making authority in the country of origin has carried out the adoption there, and that the adoption is final.

This does not mean that the Norwegian authorities had no responsibility for verifying the background to the international adoption in these cases, but this responsibility had to be based on a different foundation than the Norwegian rules governing the processing of registration cases, such as the responsibility relating to the issuance of a declaration under Article 17(c) of the Hague Convention, as described in section 23.3.

27.4.2 Authorisation cases

As described above, the legal requirements governing the Norwegian authorities' handling of registration cases and authorisation cases are, in principle, very different; however, the Norwegian authorities have handled the two types of case in virtually the same way.

Despite the fact that, in authorisation cases, the Norwegian authorities were required to make decisions on adoption in accordance with Norwegian law, they have not carried out any assessment of whether the conditions relating to the child were met. As the Committee understands it, the adoption authorities have assumed and taken it as a given that this has been the responsibility of the country of origin.

Since around 2022, Bufdir has indeed taken the view that the Norwegian authorities and adoption agencies have had a responsibility to monitor the process in the country of origin at the time of placement, but this view has been based on the responsibility to issue the Article 17(c) declaration under the Hague Convention.[2898] Until 2025, responsibility for the checks relating to the issue of the Article 17(c) declaration was also delegated to the adoption agencies.

The Committee has not found any written assessment of the background to the Norwegian authorities' practice in authorisation cases. None of those interviewed from the adoption authorities recall there having been any discussion about how these cases should be handled. In general, however, they have referred to the Hague Convention and the division of responsibilities set out therein. The Committee assumes that other factors may also have played a part, such as practical difficulties in investigating circumstances in the country of origin, and that the adoption process had progressed so far by the time the authorisation case arose that, in practice, it might have been difficult to reach any conclusion other than to grant authorisation for adoption. A refusal could have led to a difficult legal situation for the child, who risked being left without anyone exercising parental responsibility, both in Norway and in the country of origin.

Other conceivable grounds for a practice in authorisation cases that deviates from what is, in principle, required by the Adoption Act and Norwegian administrative law may include long-standing administrative practice in this area, international rules, legal theory and special considerations relating to the process in international adoption cases. In the following, the Committee will assess whether such factors have been sufficient to justify a departure from the Act's requirement that the Norwegian authorities must investigate and assess the conditions laid down in the Norwegian Adoption Act before making a decision on the granting of an adoption authorisation.

The Committee will first examine the significance of the 1993 Hague Convention. The Convention's significance is limited by the fact that it could only have had direct legal effect on adoption authorisations granted after it had entered into force both in Norway (1 January 1998) and in the country of origin in question. All adoptions carried out in Norway from the twelve countries the Committee has examined took place before the Convention had entered into force in both countries.[2899] Only from a few other countries of origin have adoptions to Norway been carried out after the Convention had entered into force in both Norway and the country of origin

[2898] This is discussed in more detail in Chapter 23.3.

[2899] This applies to adoptions from South Korea up to 2012, Chile up to and including 1998, and all adoptions from Bangladesh.

[2900] Consequently, only a small proportion of authorisation cases have been covered by the Hague Convention.[2901]

For those authorisation cases covered by the Convention, Articles 4 and 5 essentially provide for a division of labour and responsibility whereby the country of origin is to assess the circumstances surrounding the child and the release, whilst the receiving country is to assess the suitability of the adoptive parents. However, as discussed in more detail in Chapter 23.3, the Committee has concluded that this basic principle does not mean that receiving countries are entirely without responsibility for verifying the circumstances surrounding the release of the child.

Certain formulations in legislative documents may suggest that the Norwegian authorities have assumed that the division of responsibilities set out in Articles 4 and 5 of the Hague Convention was decisive for the Norwegian authorities' handling of cases concerning adoption authorisation. In Prop. 171 L (2012–2013), page 12, the Ministry provides the following description of the current law:

> Responsibility for facilitating an international adoption is shared between the countries of origin and the receiving countries. Under the Hague Convention, the country of origin must ensure that the child is eligible for international adoption, including that the necessary consents have been given by the relevant individuals and authorities. An important task for the receiving country is to ensure that the prospective adoptive parents can provide the child with a good and permanent home. As a rule, it is also the country of origin that decides which pre-approved applicants are to adopt the individual child. In other words, it is the country of origin that assigns adoptive parents to the child.

In NOU 2014: 9, page 62, the Adoption Act Committee states the following:

> The section of Section 2 of the Adoption Act dealing with the child's circumstances, and Sections 6 and 7 concerning the child's and the birth parents' rights to information, to be heard and to give consent, regulate matters relating to the adoption applicants and the adopted child and are relevant in both national and international adoptions. However, these are not always assessed by the Norwegian authorities in connection with applications for prior consent.
> In the case of international adoption, the adoption authorities of the country of origin assess the circumstances relating to the child and the birth parents, cf. Article 4 of the Hague Convention.

The Adoption Law Committee's statement may suggest that they believed the Norwegian authorities should not assess the conditions relating to the child and the circumstances in the country of origin. On the other hand, it is possible that in the paragraphs above they were referring only to adoptions carried out in the country of origin, which at the time of the Adoption Law Committee's report accounted for the vast majority of adoptions. Other parts of the report support such an interpretation. In its discussion of the wording of the provision in
Section 54 of the current Act, the Adoption Law Committee assumes that Norwegian law and the provisions of the Adoption Act are, in principle, to be applied to adoptions carried out in Norway. This is evident from the fact that the Adoption Law Committee proposed an exception to the provision stipulating that Norwegian law is to be applied when Norwegian authorities grant authorisation for adoption. The exception, which was introduced in Section 54, means that the law of the country of origin applies when assessing the requirements for parental consent. Such a provision governing the choice of law for the consent provision in the Norwegian Adoption Act would serve no purpose if it were not assumed that the Norwegian authorities would have to assess the condition of consent.

When assessing the significance of the Hague Convention, it is also important to note that it is not contrary to the Hague Convention for the Norwegian authorities, in authorisation cases, to examine and take a position on the conditions laid down in the Adoption Act. The Convention does not prohibit countries of origin and receiving countries from having different conditions for adoption and from applying their own national law when making decisions on adoption. This is clearly stated in the Hague Convention's *Guide to Good Practice* (2008), paragraphs 331 and 332:

[2900] The Committee has not drawn up a comprehensive overview of this, but it certainly applies to India from 1 October 2003, Thailand from 1 August 1998 and the Philippines from 1 January 1998.

[2901] The principles of the Convention have, admittedly, been regarded as relevant when assessing cooperation with countries not party to the Convention; see St.prp. No. 77 (1995–1996), p. 6.

331. A question may arise concerning the role of the court in a receiving country which has to make the final adoption order. In the situation in question, the court applies its national law to determine that the child is adoptable before making the order. In theory, the court could find that the child is not eligible for adoption under national law (including its rules of private international law) and the adoption order cannot be made, even though the child was declared eligible for adoption by the State of origin. It is to be hoped that, before any adoptions take place, a receiving State will have made known any limitations in its own law so that any defect in the procedures or obstacle to the adoption would have been identified in the receiving country before the adoption reached this late stage. The Convention makes clear in Article 4 that it is the State of origin which determines the adoptability of a child residing in that State. This decision is made in accordance with the national law of the State of origin. However, the receiving State may have different criteria for a child's eligibility for adoption, and a child who does not meet the legal criteria for eligibility in the receiving State should not be proposed or considered for adoption by that State. A solution may also be found in Article 17(c) of the Convention, according to which the adoption may not proceed if the requirements of the Convention and the laws of each country have not been met.

332. The existence, in the receiving State and the State of origin, of different criteria for determining a child's eligibility for adoption is not inconsistent with the Convention. It is comparable to the situation regarding prospective adoptive parents, where it is accepted that different criteria may be applied by a receiving State and a State of origin in relation to the eligibility and suitability of the same prospective adoptive parents. The authorities in the receiving State should ensure that its prospective adoptive parents meet the requirements of the State of origin before sending their file to that country. The State of origin should ensure that the applicant parents meet the requirements of the State of origin before allowing an adoption to proceed. The same approach applies to questions of adoptability. A receiving State may refuse to allow an intercountry adoption concerning a child who does not meet the adoptability criteria of the receiving State.

Against this background, the Committee has concluded that the division of responsibilities set out in Articles 4 and 5 of the Hague Convention is not sufficient to alter the basic principle that the Norwegian authorities must assess compliance with the conditions of the Norwegian Adoption Act before an adoption order is issued.

It is, however, a question of whether administrative practice in itself can constitute a legal basis for interpreting the Adoption Act contrary to its wording. Generally speaking, administrative practice may be a significant source of law regarding the obligations of the administration, particularly where the practice, as in this case, is long-standing and unambiguous. The practice of not examining the conditions for adoption under the Norwegian Adoption Act when granting an adoption authorisation is well-established and has continued for many decades.

However, the significance of an established practice will depend on the broader legal framework. In this case, the practice clearly runs counter to the wording and to principles of administrative law. The Supreme Court has stated in several judgments that an administrative practice which is detrimental to the citizen, and which represents a clearly restrictive interpretation of the wording of a statutory provision, cannot be given 'significant weight'.[2902] A restrictive interpretation which means that the Norwegian authorities do not consider key conditions for adoption when they themselves make an adoption decision must be regarded as detrimental to those affected by the decision. Against this background, the Committee considers that even a practice that has been in place for as long as in this case cannot justify the adoption authority's failure to investigate and take a position on all the conditions for adoption in authorisation cases.

The Committee then goes on to assess the significance of the special circumstances surrounding international adoptions. It is understandable that it may be difficult for the Norwegian authorities to verify the conditions relating to the release of the child in the country of origin and the consent of the birth parents.

[2902] See the Supreme Court judgment of 22 December 2003, Rt-2003-1821, paragraph 39.

This issue is addressed in the preparatory works to the Adoption Act of 1986, in the discussion of the provision in section 7, second paragraph, of the Act stating that the parents' consent cannot be given until two months after the birth.[2903] The Adoption Forum and the Council for International Adoptions did not object to the provision during the consultation, but pointed out that the condition would in practice be impossible to verify in cases of intercountry adoption. Verdens Barn argued that it should therefore not apply in such cases. The Ministry acknowledged that 'in practice, it [might] be difficult to verify the requirement with any certainty in international adoptions', but nevertheless upheld the proposed rule and stated that the difficulties in verification 'must be accepted'.[2904] This suggests that difficulties in verification could limit the duty to investigate. However, the preparatory work statement cannot be interpreted as meaning that the condition did not apply, or that no checks were to be carried out in this regard. The fact that the legislature, despite the objections raised in the consultation responses, concluded that the condition should also apply to intercountry adoptions is an argument in favour of not interpreting the provisions of the Adoption Act concerning responsibility in the processing of authorisation cases restrictively. The fact that the provision in Section 7, second paragraph, also applied to intercountry adoptions was subsequently also taken as a basis for the ratification of the Hague Convention.

In legal theory, Thue has criticised the choice-of-law provision that applied to decisions by the Norwegian authorities in authorisation cases until the Adoption Act of 2017 came into force. His criticism is described in more detail in section 27.2.2, where the committee concluded that his view could not justify a restrictive interpretation of the then-applicable choice-of-law provision. Even if the Norwegian authorities were to apply the law of the country of origin to the question of whether consent had been given by the birth parents or guardian, this would not justify a practice whereby the authorities undertook no form of independent investigation or assessment of these conditions under foreign law when making a decision on the granting of an adoption order.

Further details on the duty to investigate in authorisation cases

However, the difficulty of verifying consents, as highlighted in the preparatory works to the Adoption Act of 1986, may have implications for the Norwegian authorities' duty to investigate.

The duty to investigate under Section 17 of the Public Administration Act may vary from case to case, depending, amongst other things, on the significance of the case and the resources required for various investigations. Cases concerning international adoption involve a vulnerable group of children and are of immense importance to the children, their birth parents and the adoptive parents alike. This suggests that strict requirements must be imposed on the investigation of such cases.

On the other hand, the Norwegian authorities will often have limited opportunities to investigate the child's circumstances in the country of origin and to contact the birth parents themselves. Furthermore, the Norwegian authorities have assumed that the authorities abroad have verified key conditions such as consent.

However, the Norwegian authorities should, as a minimum, have ensured that the case files contained information enabling them to verify whether the Norwegian conditions had been met. It is understandable that it was difficult to obtain such information retrospectively, but they could have attempted to do so. In any case, the authorities should have ensured that the information was obtained earlier in the process, for example by setting clear requirements for the intermediaries through guidelines on the type of documentation that should accompany the case.

In recent years, there have been increasing requirements regarding the information that the country of origin must provide following the match and before the adoption agency (Bufdir from 2025) declares that the process in the country of origin may proceed in accordance with Article 17(c) of the Hague Convention. In the Committee's view, this could

[2903] Ot.prp. No. 40 (1984–1985), paragraph 3.9.3.

[2904] Ot.prp. No. 40 (1984–1985), paragraph 3.9.3.

have been a natural point in time to obtain information enabling an assessment of the conditions under Norwegian law.

In the Committee's view, it was not sufficient to assume that the authorities of the country of origin or the adoption agency there had investigated and taken a position on the conditions. If the case were to be dealt with solely on the basis of an official decision authorising release for adoption, the information set out in that decision would have had to be sufficient and credible enough for the Norwegian authorities to be able to make an independent assessment of whether the conditions under Norwegian law had been met. Where Norwegian law has contained conditions that differ from those of the country of origin, information stating that the conditions of the country of origin have been met will not be sufficient. One example is the Norwegian requirement that the birth parents may not consent to adoption until two months after the birth.

Practice in Sweden

In Sweden, too, Swedish law was to be applied where intercountry adoptions were carried out in Sweden. In Sweden, it was *the district court* that was responsible for processing adoptions that had not been finalised in the country of origin. The Swedish Adoption Commission describes its work as follows:

> According to the judges we have spoken to, the district court's handling of international adoptions has remained largely unchanged over time. The district court instructs the social services committee to appoint someone to carry out an adoption investigation. In the district court's own investigation into the adoption case, 'reasonable' enquiries are made as to whether there is consent to the adoption. The district court may contact the relevant persons in the country of origin in writing, usually by email. The district court translates documents into the relevant language, and those residing abroad may reply in their own language. If the letter is returned because the recipient could not be located, the district court cannot take any further action. It must rely on the information contained in the documents. As a last resort, the district court may contact the embassy of the country of origin in question. According to the judges we have spoken to, the chances of establishing whether any irregularities have occurred abroad are slim. The district court cannot 'look behind' and verify the contents of the adoption documents, for example if the parents are stated to be unknown. Nor can it question whether a child has, for instance, 'been left on a staircase'.
> The district court must accept the information it is provided with. Nor can the district court require foreign authorities to submit supplementary documentation. In order to take action, there must be indications that something is amiss. In the vast majority of cases, the cases appear to be in order and the documents are in order. The District Court also accepts the social services' investigation, which has largely consisted of the same documentation over time.[2905]

The Committee notes that it is the Swedish courts that make the decision on adoption, whereas in Norway, from 1999, these same decisions were delegated to administrative staff at the adoption authority. Furthermore, *the District Court* has been responsible for assessing the conditions attached to the release of the child, even though the investigation of the case has been limited and, in practice, the court has largely relied on documents from the country of origin.[2906] This is broadly in line with the Committee's understanding of the authorities' responsibilities under the Norwegian Adoption Act, although the duty to investigate probably extends somewhat further than some of the statements in the quotation above.

[2905] SOU 2025:61, vol. 1, pp. 257–258.

[2906] One difference between Norwegian decisions in authorisation cases and decisions on adoption in Swedish courts is that a significant proportion of Swedish adoptions were carried out without an adoption agency; see section 28.4.1.

Conclusions

The Committee has concluded that the adoption authorities' long-standing practice in the processing of adoption authorisation cases has been in breach of the requirements of the Norwegian Adoption Act and the Public Administration Act.

An adoption authorisation is the final and, formally speaking, decisive decision in an adoption case. Although the decision may and should be based on an investigation carried out at earlier stages of the adoption process, the Norwegian authorities have had a duty to make an independent assessment of the conditions for adoption under the Norwegian Adoption Act at the time the decision was made.

The fundamental responsibility for investigating and assessing the conditions for adoption before a decision is made on the matter has, in principle, existed ever since the first intercountry adoptions. However, this responsibility became clearer after the Adoption Act of 1980 introduced specific provisions regarding the Norwegian authorities' jurisdiction and the choice of law in cases concerning intercountry adoption.

In the Committee's view, it is particularly reprehensible that, since 1980, the Norwegian authorities have regarded the prior consent of prospective adoptive parents and the country of origin's authorisation for adoption as, in themselves, a sufficient basis for a decision on adoption – without investigating or assessing the conditions laid down in the Norwegian Adoption Act relating to the child and the consent of the birth parents.

28 Adoptions outside of adoption agencies

28.1 Introduction

28.1.1 Presentation and scope

This chapter addresses issues relating to adoptions outside adoption agencies. The terms of reference set out the Committee's remit in this regard as follows:

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

Since 1980, the Norwegian authorities have, as a general rule, stipulated that prospective adoptive parents wishing to adopt from abroad must carry out the adoption with the assistance of approved adoption agencies in order to obtain prior consent for international adoption.[2907] Even before this, most international adoptions took place through organisations.[2908] The Norwegian Korea Association and Adoption Forum also assisted with adoptions before they were granted their first placement licences in 1969 and 1978 respectively, a fact of which the state was aware and which it largely accepted.[2909] The total number of international adoptions to Norway that have been carried out without the assistance of an approved placement organisation or an organisation with a similar function has thus been limited.[2910]

In many of the adoptions arranged outside of adoption agencies, the prospective adoptive parents have some form of connection to the country of origin in question, usually through citizenship or temporary

[2907] See section 28.2.1 and chapter 26.

[2908] SK (placement licence in 1968), NKF (placement licence from 1969), FBAL (1973–1975 and from 1978), Adoption Information/AF (placement licence from 1978).

[2909] Assistance with adoption prior to the granting of placement licences will be discussed in Chapters 24 and 25 and is therefore excluded from this section.

[2910] See section 28.3.1.