5.4.8 Special rights for children belonging to indigenous peoples

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

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

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

6 A historical overview of the Norwegian adoption system

6.1 Introduction

6.1.1 Introduction to the chapter

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

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

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

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

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

[128] Parts of the following account are based on an internal/unpublished report, **The History of Adoption in Norway**, which Knut R. Steenberg prepared on behalf of the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) in 2011.

This was incorporated into a public report in the mid-1970s, NOU 1976: 55 *Adoption and Adoption Placement*.

Nationally, during these decades, several legislative amendments and restructuring measures were implemented to better adapt the adoption system to international cases and cooperation. From 1978, separate public bodies were established with specific responsibility for case management and supervision of adoptions from other countries.

In the 1990s, intercountry adoption also became a more prominent issue in international cooperation, as part of an increased focus on children's rights. Key milestones in this work were the Convention on the Rights of the Child of 1989 and the Hague Convention of 1993. As these were ratified both in Norway – in 1991 and 1998 respectively – and in a number of countries of origin, clearer and more consistent structures and regulations were established for cross-border adoption cooperation. The Hague Convention must be regarded as particularly significant, as it, amongst other things, established a clearer division of responsibilities between countries of origin and receiving countries in adoption processes. During this period, the number of adoptions continued to rise, and around the year 2000, more than 700 internationally adopted children arrived in Norway each year.

Since 2005, and particularly from 2012 onwards, the number of international adoptions to Norway has fallen significantly. This decline follows the global trend and is primarily due to developments in the countries of origin, which have, amongst other things, led to changes in the need for and/or desire for international adoptions.[129] As a result of fewer adoptions, the need for specialised adoption agencies has diminished, and the specialist agencies in the field of adoption from the 1970s, 1980s and 1990s have, through various reorganisation processes, gradually been incorporated into larger units responsible for several specialist areas. Private adoption agencies have had to scale down considerably. In 2024, the three active adoption agencies facilitated a total of 24 adoptions. In 2025, five adoptions were facilitated. Two of the agencies ceased their adoption activities that year.

In the following, the general historical account will focus on three main strands: developments in practice, legal developments and institutional developments. Despite overlaps and interactions between these strands of development, each contains a number of shifts and details which, for the sake of clarity, make it appropriate to describe them separately. Reference is also made to Chapter 5, which provides an overview of the sources of law and key legal principles governing adoption, and to Part 4 of the report, where key substantive rules are explained in more detail.

Finally, in section 6.5, the current situation in the field of adoption will be described very briefly.

6.2 International adoptions in practice

6.2.1 The rise of international adoptions and adoption agencies

International adoptions have, both in Norway and in other receiving countries, mainly developed through private initiatives. Although the Norwegian authorities have facilitated the practice and have at times been actively involved in various situations and collaborations, they have not taken a direct part in the more practical aspects of adoption work. Changes to the regulatory framework also appear, to a large extent, to be reactions to actual developments in the field. When describing the development of international adoptions to Norway, it is therefore natural to take the private actors and their practices as the starting point. The various adoption agencies are, incidentally, described in more detail in Chapter 7.

Cross-border adoption became a major issue in the decades following the Second World War. It was particularly private organisations and individuals from the USA who, at that time, took the initiative to adopt children from the

[129] The HCCH maintains statistics on countries of origin and receiving countries, https://www.hcch.net/en/publications-and-studies/de-tails4/?pid=6775&dtid=32. See also NOU 2014: 9, p. 201 and NOU 2009: 21, p. 33 ff.

the European countries hardest hit by the war. As these European countries got back on their feet and adoptions from them declined, agencies from the USA continued to arrange adoptions from other continents, particularly Asia.[130]

In Norway, too, interest in the adoption of foreign children increased during the second half of the 20th century. Economic and social developments during these decades meant that fewer and fewer Norwegian children were available for adoption. In addition, globalisation and developments in the media brought the plight of other countries closer to home, and for some, the adoption of orphaned children became an act of solidarity. In Norway, too, a number of European 'war children' had been adopted, but apart from this, international adoptions were not widespread or organised. More systematic work on international adoptions was also developed in this country in connection with the start of adoptions from East Asian countries.

In 1953, *the Norwegian Korea Association* was founded as a friendship association for healthcare personnel from the Norwegian field hospital NORMASH. The association carried out relief work in Korea during and after the Korean War.[131] In the 1950s and 1960s, the association assisted some Norwegian prospective adoptive parents in adopting children from South Korea through its network there.[132]

Between 1953 and 1968, at least 170 Korean children were adopted by Norwegian parents.[133] In 1969, the association was granted a general authorisation to arrange adoptions from Korea and established a formal partnership with the US-run organisation Holt, which was by then a relatively well-established adoption agency in the country.[134] As the association anticipated that the demand for adoptions from the Korean side would decline, whilst capacity and demand in Norway would increase, it gradually began to look for other suitable countries from which to facilitate adoptions. In 1979, the adoption activities of the Norwegian Korea Association were spun off into a newly established organisation set up for this purpose: *Verdens Barn*. [135] From 1969 up to and including 2025, the Norwegian Korea Association and Verdens Barn facilitated *9,275 adoptions* from nine different countries. Verdens Barn ceased its adoption activities in 2025.

Gradually, other adoption agencies also emerged. Of these, Adopsjonsforum and InorAdopt have facilitated the most adoptions and will therefore be discussed first.

Adopsjonsforum was founded in 1970 under the name *Adopsjonsopplysning*.[136] In the early years, it was a voluntary group consisting of adoptive parents who, amongst other things, worked to disseminate information about international adoption, particularly with regard to new potential adoption countries.[137] With its network, which gradually expanded both at home and abroad, it assisted prospective adoptive parents in navigating the regulations and establishing contact with international adoption agencies.[138] In 1975, the organisation applied for authorisation to arrange adoptions from Colombia and Bangladesh, and changed its name to *Adoption Forum*. Authorisation to arrange adoptions from these and several other countries was granted in 1978. By 1979, Adopsjonsforum had authorisation to

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[130] Hognestad and Stenberg (2000)*, The Adoption Act,* p. 56.

[131] Hognestad and Steenberg (2000), p. 79.

[132] In the 1950s, the association is said to have received permission from the authorities to bring a few children to Norway with a view to adoption; see Hognestad and Steenberg (2000), p. 68. For further details on this development, see Chapter 19 (South Korea).

[133] Pedersen, L. U., (1991) **Norge i Korea**, Huitfeldt Forlag, p. 171, states 113 children between 1954 and 1967 + 57 children in 1968 = 170. In *Verdens Barn* (2003), **Verdens Barn 50 Years**, p. 24, it states 115 children between 1954 and 1967 + 57 children in 1968
= 172. Neither source cites a reference. See also section 3.5 on statistics.

[134] Verdens Barn (2003), p. 26 ff.

[135] In 1988, however, the two organisations merged once again, retaining the name Verdens Barn; see Verdens Barn (2003), pp. 50–54.

[136] See, for example, NOU 1976: 55, p. 26.

[137] Among other things, they initiated a collection of articles entitled **Adoption?**, which was published by Gyldendal in 1972.

[138] The organisation's activities were accepted by the authorities, even though they were considered to be on the borderline of adoption mediation; see, for example, section 25.3.2.

arranging adoptions from 11 countries. They established a paid secretariat in 1982. In total, from 1972 up to and including 2025, Adopsjonsforum arranged *9,623 adoptions* from 28 countries.[139]

InorAdopt was founded in 1981. The background to this was an internal conflict within Adopsjonsforum, which resulted in key figures involved in adoptions from Indonesia resigning from the association and forming a new group.[140] Initially, they wished to take over adoption arrangements from Indonesia, but Adopsjonsforum retained this authorisation until all adoptions from that country were suspended in 1982. Until 1989, InorAdopt therefore focused primarily on aid work, whilst applying for authorisation to arrange adoptions from various countries. In 1989, they were granted authorisation for a number of trial adoptions from Brazil, and in 1990 they took on paid staff.[141] By 2025, InorAdopt had facilitated *1,242 adoptions* from eight countries. InorAdopt ceased its adoption activities in 2025.

In addition to these three adoption agencies, children have also been placed with Norwegian parents through other initiatives. In connection with the civil war in Greece shortly after the Second World War (1946–1949), the Norwegian Red Cross, amongst others, assisted for a short period with adoptions from that country. The Korea Mission also helped to arrange a few adoptions from South Korea, but ceased its activities after the Ministry of Social Affairs required it to apply for a licence.[142]

The adoption arrangement that was the most controversial at the time was the bringing of 77 children from Vietnam in 1968.[143] As in South Korea, war formed a central backdrop, and many children were suffering in extremely poor conditions in overcrowded and understaffed children's homes. In 1967, the organisation *the Committee for South-East Asia* applied to bring 60 children to Norway with a view to adoption. The Ministry of Social Affairs authorised this as a one-off measure, subject to specific conditions. When the committee returned from Vietnam with the children, it nevertheless became clear that the conditions had not been met; they had brought back more children than the authorisation permitted, the requirements regarding the children's state of health had not been met, and the documentation relating to the children's release for adoption was extremely incomplete. Nor were there complete lists of which prospective adoptive parents were to be matched with which child.[144] A lengthy process of rectification was therefore required before the adoptions could be finalised.

When the organisation later applied for permission to arrange further adoptions from Vietnam, this was refused. An application from the newly established *Norwegian-Vietnamese Association* was also refused, as its leader was the same person as the leader of the Committee for South-East Asia. Despite the lack of authorisation, ten new children were brought to Norway without visas in 1971, resulting in the leader of the Norwegian-Vietnamese Association being fined. The ten children were initially taken into the care of child welfare and health authorities before they were eventually adopted.

In 1973, *the Parents' Association for Children from Vietnam* received authorisation from the Ministry of Social Affairs to arrange 50 adoptions from Vietnam. In addition to arranging 'new' children, they assisted in the completion of adoptions for which the Committee for South-East Asia and (the leader of) the Norwegian-Vietnamese Association had initiated the processes. When adoptions from Vietnam were halted following the change of government in 1975, the association changed its name to *the Parents' Association for Children from Other Countries***,** and in 1978 it was granted authorisation to arrange adoptions from India and Pakistan. The Parents' Association for Children from Other Countries is the fourth of a total of four Norwegian organisations—

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[139] This includes the figures for adoptions which the organisation assisted with through its 'information work' before it was granted a placement licence in 1978. These adoptions were, strictly speaking, *independent*; see section 6.2.2 and chapter 28. Between 1972 and 1977, 301 children were placed with such assistance from AF. See, for example, sections 7.5 and 25.3.1 for a more detailed description of the organisation's activities prior to being granted a placement licence.

[140] The background to its establishment is discussed in more detail in Chapter 16 (Indonesia).

[141] See also Chapter 10 (Brazil).

[142] NOU 1976: 55, p. 27.

[143] See Chapter 20 for further details on the distribution from Vietnam between 1968 and 1975.

[144] NOU 1976: 55, p. 27.

organisations that held general adoption licences. Their period of operation was, however, relatively short-lived, and the last children placed through the association arrived in Norway in 1986. In total, *242 adoptions* were arranged through the association from three countries.

If one includes the 87 Vietnamese children who were brought to Norway by the Committee for South-East Asia and (the leader of) the Norwegian-Vietnamese Association, a total of *20,469 children* were adopted from abroad to Norway through adoption agencies between 1968 and 2025.

As regards the overall trend in the number of international adoptions to Norway facilitated by agencies, it is evident that between 1980 and 2011, over 300 children arrived each year. 2002 was the year with the highest number of adoptions to Norway, with the three adoption agencies together facilitating the adoption of 747 children from 18 countries. In the decades that followed, both the number of adopted children and the number of countries have gradually declined. By comparison, in 2012, 239 children were adopted from 16 different countries, and in 2022, 45 children were adopted from nine countries.[145]

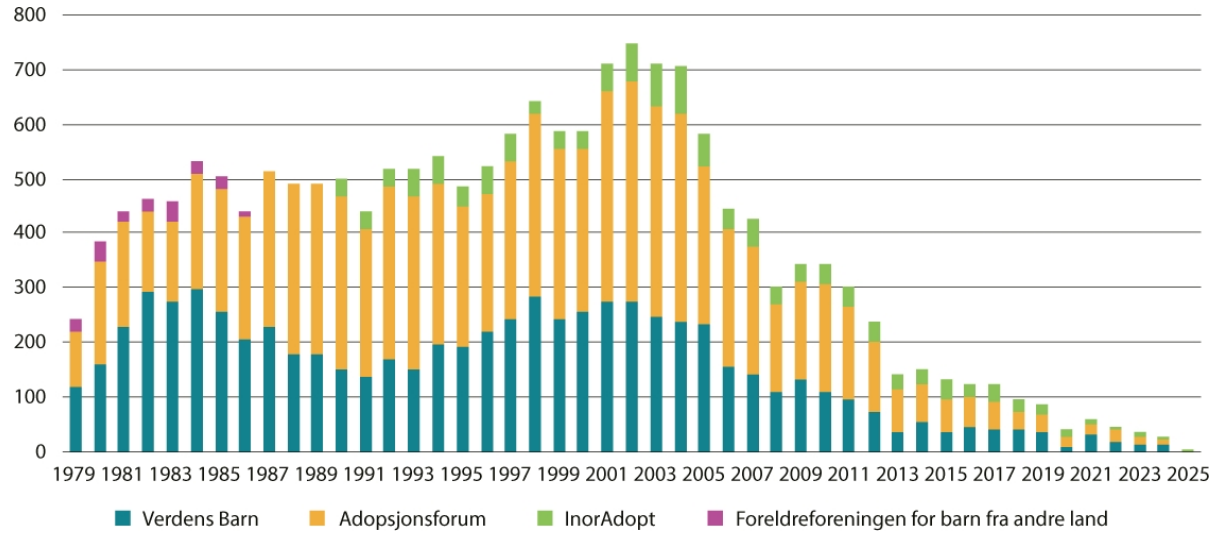

Figure 6.1 Adoptions through agencies 1979–2025

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

Through the various adoption agencies, children have arrived in Norway from a total of 36 different countries and 50 different country partnerships/placement licences.[146] In addition to these 36 countries and 50 country partnerships, there are adoptions from Iran and Liberia, which Adopsjonsforum assisted with before they were granted placement licences. Generally speaking, only one agency has been granted authorisation to arrange adoptions from each country at any one time. Exceptions to this are China, India, Brazil, Russia and Argentina, where several agencies have held authorisation simultaneously. In these cases, however, the adoptions have (for the most part) taken place from different regions and through different partner organisations.[147] Figure 6.2 shows how many active country partnerships each agency has had in different years, and the total number.[148] A country partnership is considered active if at least one adoption has been arranged

[145] In the respective years, there were 23 (2002), 19 (2012) and nine (2022) *country partnerships*. Country partnerships here refer to the partnership that a single agency has in a country. In some cases, several agencies have had country partnerships in the same country. In 2002, this applied to China (VB, AF and IA), India (VB and AF), Brazil (IA and AF) and Russia (AF and VB).

[146] In some cases, several intermediary organisations have held intermediary licences from the same country, either simultaneously (China, Russia, India, Brazil and Argentina) or at different times (Vietnam and Bulgaria).

[147] One exception is China, where all adoptions after 1996 were processed through the central authority CCAA; see section 17.4.2.

[148] The figure therefore does not show the number of countries of origin, as in some cases several intermediaries have cooperated with or held an adoption licence from the same country.

adoptions arranged through the relevant intermediary from that country in the respective year. If one compares the trend in the number of country partnerships with the number of adoptions in Figure 6.1, a clear trend emerges showing that, on average, far more children per country partnership were involved in the early part of the period.[149]

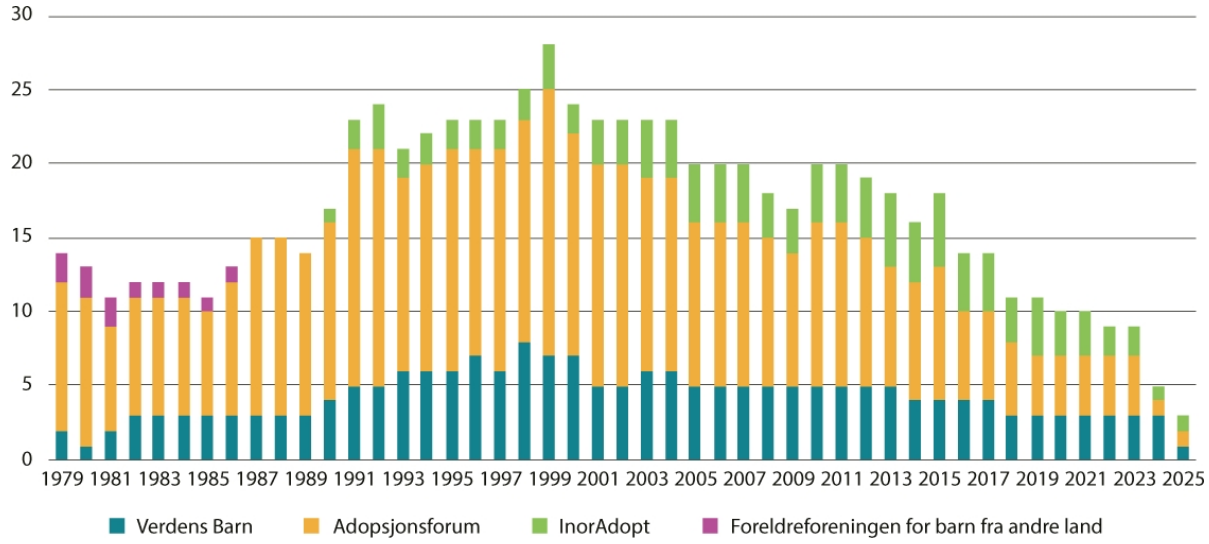

Figure 6.2 Number of active country partnerships 1979–2025

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

The total number of adoptions per country (through intermediaries) at the end of 2025 is shown in Figure 6.3.

[149] In 1985, for example, an average of 46.1 children arrived from each of the country partnerships (11); in 2000, 24.5 children arrived per country partnership (24); and in 2015, 7.3 children arrived per country partnership (18).

No.	Country	Placement periods	Arrivals 1968–2025	**Adopsjonsorg.**	Percentage
1	Sør-Korea	1969–2024	6565	VB	32,07
2	Colombia	1972*–2025	4096	AF	20,01
3	Kina	1991–2017	3031	VB; IA; AF	14,81
4					
5	India	19 206	1279	AF; FB AE	6.25
6	Philippines Etiopia	1979–2023 1991–2015	775 693	AF	3,79 3,39
7	Brasil	1972*, 1990–2013	473	IA; AF; VB	2,31
8			433	VB	
9	Thailand	1979–2025	381	IA	2,12 1,86
	Hungary Chile	1992–2024 1986–2016	313	AF	1,53
11				VB	1,40
12	South Africa	2008–2024	286	AF	
13	Guatemala Vietnam***	1975*–2003 1968–75;1991–99; 2016–21	230 228	SK(VF); FBAL; AF	1,12 1,11
14	Sri Lanka	1979–2015	222	AF	1,08
15				AF; VB	
16	Russia Ecuador	1992–2007 1976*–2004	209 185	AF	1.02 0,90
17	Indonesia	1977*–1983	155	AF	0,76
18	Romania	1990–2000	144	VB	0.70
19	Peru	1987–2023	140	AF	0.68
20	Bangladesh	1973*–1981	110	AF	0,54
21				AF	
22	Bolivia Costa Rica	197M78* 198T-2012 1975*–1992	110 101	AF	0.54 0,49
23			53	IA; VB	
	Bulgaria	1998;200L2021		AF	0.26
24	Nepal	197 0; 1998–2011	52	IA	0.25
25	Taiwan	2014–2025	43	AF	0.21
26	Madagascar	1988–1990; 2014–2023	38	AF	0.19
27	Poland	1991; 1999–2005	30	IA	0.15
28	Kenya	201N2015	20	AF**	0.10
29	Iran**	1977–1978*	16	AF; IA	0.08
30	Argentina	83; 87; 10–92	16	AF	0.08
31	Mexico	84; 9M2000	10	AF	0.05
32	Latvia	1997–2002	10	AF	0.05
33	Uruguay	1989–1999	6	FBAL	0.03
34	Pakistan	1979–1981	4	AF	0.03
35	Paraguay	1987–1992	3	IA	0.02
36	Burkina Faso	2019	2	AF**	0.01
37	Liberia**	1974	1	AF	0.01
38	Mali	2012			0.00
	Total	1968–2025	20469	All	100 4
	12 prioriterte	1968–2025	16172	Alle	79,01 %

Figure 6.3 Number of children arriving (via intermediaries) broken down by country, intermediary and placement period. Blue highlighting indicates that the country is one of the twelve prioritised in the committee's mandate

See note 12 regarding adoptions through AF (Adoption Information) up to 1978. (These years are marked with an *). All adoptions from Iran and Libya were completed before AF was granted a placement licence (marked with **). As mentioned, ten children were brought from Vietnam to Norway by the leader of the Norwegian-Vietnamese Association without permission from the Norwegian authorities (marked with ***).
See the note on the start year/number of adoptions from Chile in note 60 in Chapter

11. Source: Figures taken from Bufdir's and the agencies' statistics (see section 3.5)

6.2.2 Specifically regarding adoption outside organisations

6.2.2.1 Introduction

In addition to cases that have gone through approved adoption agencies, international adoptions also include children who have been adopted into Norway without the assistance of an approved agency. Due to challenges with the available statistics (see section 3.5), the committee has not been able to find reliable figures on the total number of such adoptions that have taken place in Norway. It is, however, clear that a clear majority of adoptions have taken place *with* the assistance of an adoption agency.[150]

Adoptions outside the organisation encompass various types of cases, which are briefly discussed below. A more detailed account of such adoptions is provided in Chapter 28.

6.2.2.2 Adoptions with prior consent from the Norwegian authorities – Independent adoption

Since 1980, the general rule under Norwegian law has been that international adoptions where the applicants were resident in Norway must be arranged through an approved adoption agency. However, for individuals with a particular connection to another country – such as those who originate from that country or have lived there temporarily – the authorities have, following a case-by-case assessment, made some exceptions and granted prior consent for applicants to proceed with an adoption without the assistance of an approved adoption agency. The Committee refers to these as *independent adoptions*. Some cases of independent adoption have involved people of foreign origin who have adopted a relative, known as *a family adoption*.

Although the majority of international adoptions to Norway have been carried out with the assistance of an intermediary, independent adoptions have taken place from the 1950s right up to the present day. Prior to 1980, a larger proportion of adoptions were carried out without the involvement of an agency.[151] An overview prepared by the Council for International Adoptions (RIA) in 1982 states the following:[152]

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[150] See section 28.3.1.

[151] NKF and AF (Adoption Information) assisted with adoptions even before they were granted authorisation in 1969 and 1978 respectively.

[152] The overview was compiled following a request from the Swedish Ministry of Social Affairs in 1982; see letter of 16 March 1982. It should be noted that this table does not, incidentally, correspond with the figures provided by either Bufdir, the adoption agencies or Statistics Norway (SSB); see section 3.5 on statistics.

Table 1.1 Number of international adoptions 1970–1980, overview from RIA 1982

Nor does the table indicate how many of the adoptions took place with the assistance of AF; see sections 7.5 and 28.3.1.

Table 6.1 Number of international adoptions 1970–1980, overview from RIA 1982

Year	Total international adoptions	Through an organisation	Independent
1970	115	62	53
1971	157	145	12
1972	213	184	29
1973	294	277	17
1974	397	386	11
1975	296	214	82
1976	290*	236	54
1977	412	299	113
1978	356	266	90
1979	262	241	21
1980	272	267	5
Total	3064	2577	487

* The original list states 390 children, but this appears to be a typographical error. NKF, which was the only organisation with an active placement licence in 1976, reported that it facilitated 239 adoptions that year; see Chapter 19 (South Korea).

As the overview in Table 6.1 shows, independent adoptions accounted for a relatively large proportion of the total number of international adoptions in any given year. Looking at the 1970s as a whole (1970–1979), independent adoptions accounted for around 17 per cent. From 1979 onwards, the number of independent adoptions fell sharply. According to various sources, the proportion of independent adoptions to Norway has, overall, been relatively modest compared with several other receiving countries.[153] The reason for this is presumably that, from an early stage, the authorities monitored and kept track of adoption applicants through the requirement for prior consent, and from 1980 introduced as a standard condition in the prior consent that the adoption should take place through an organisation.[154]

In 1999, this previously unwritten practice was enshrined in law in a new provision in Section 16(f) of the Adoption Act of 1986. It was stipulated there that the adoption of children resident in a foreign state must take place through an approved intermediary, and that the Ministry could only grant exemptions from this in 'special cases'.
At the same time, the Ministry took the view that it would take a great deal for an adoption agency to refuse to provide adoption assistance to approved applicants.[155] In the Adoption Act 2017, the rule in Section 16(f) was essentially

[153] See, for example, Parliamentary Bill No. 77 (1995–96), p. 5, and section 28.3.1.

[154] See Chapter 28 for further details on this.

[155] See Parliamentary Bill No. 63 (1997–98), p. 35.

retained, but the previous wording 'special cases' was replaced in Sections 20 and 21 with more specific statutory conditions.[156]

6.2.2.3 Adoptions without prior consent from the Norwegian authorities – recognition cases

Under Norwegian law, there has, in principle, been a requirement that prospective adopters must obtain prior consent from the Norwegian authorities before proceeding with an adoption. From 1917, this requirement applied to all Norwegian citizens (the citizenship principle), whilst since 1980 it has applied to those resident in Norway (the domicile principle). Until 2010, an exception also applied in practice to foreign nationals who adopted in their country of nationality.[157]

For foreign nationals (until 2010) and Norwegian nationals who have been permanently resident abroad (since 1980), there has therefore been no requirement to obtain prior consent from the Norwegian authorities before proceeding with an adoption. In these cases, the legal regulation of the adoption process has been governed by the country of nationality or the country of residence of the Norwegian adoption applicants, respectively. Where a valid adoption has been completed in the country of nationality or residence, the Adoption Act stipulates that the Norwegian authorities must *recognise* it.[158] This is referred to in the report as *recognition cases.*

6.2.2.4 Other adoptions

In some cases, adoptions or similar arrangements for the taking into care have been carried out where neither the requirement for prior consent nor the conditions for automatic recognition have been met. Such adoptions are unlawful under Norwegian law, even though they may have been carried out lawfully under the law of the country in question.

In some cases, for example, persons considered to be resident in Norway have carried out an adoption whilst temporarily staying in another country. Even if the adoption was carried out in accordance with the law of the country in which it took place, the adoption contravenes Norwegian law, as the adoptive applicants should have obtained prior consent from the Norwegian authorities before the adoption. In such cases, the adoption is not automatically recognised in Norway. Following a discretionary assessment, the Norwegian authorities may nevertheless decide to recognise the adoption.

In other cases, the situation may involve the taking into care of a child, which is not considered a valid adoption. This may, for example, involve a private agreement between the prospective adoptive parents and the birth parents, or the appointment of a public guardian in the country of origin. Even if the placement has been approved by the relevant authority in the country of origin, it cannot be recognised as an adoption in Norway. In such cases, an adoption process must be carried out following the actual placement. This means that the prospective adopters must obtain prior consent to the adoption from the Norwegian authorities, and that an adoption decision must then be made in accordance with the law of the country of origin or under Norwegian law.

6.2.2.5 Private adoption – some specific comments

The term *'private adoption'* is used in various sources that the committee cites and draws upon in this report. This is not an unambiguous term, and its usage varies somewhat in different contexts. The regulations in both the country of origin and the receiving country will influence the understanding of what is considered a *private* adoption. A number of different typical cases are described here, but this list is not exhaustive.

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[156] Prop. 88 L (2016–2017), p. 227.

[157] Under the Adoption Act, such adoptions were to be automatically recognised in Norway, regardless of whether prior consent had been obtained. See Chapter 28 for further details on this.

[158] In the Adoption Act 2017, this follows from Section 46.

In some sources, the term *'private adoption'* is used to describe all adoptions carried out without the assistance of an approved adoption agency, i.e. what the committee refers to as *'independent* adoption'. In these cases, (Norwegian) applicants have obtained prior consent for adoption.

In other contexts, the term *'private'* refers to adoption arrangements made without the involvement of any public authority. For example, the adoption agreement may have been entered into directly between the child's birth parents and the prospective adoptive parents, without approval from any public authority. One way of doing this is for the adoptive parents to register the child as their own biological child.

Some countries of origin may, at times, have had unclear regulations, or regulations that allow adoption processes to be carried out outside the standard adoption system. One example is where a country's adoption regulations stipulate that international adoptions must be handled by a specific body, whilst other laws allow for alternative ways of carrying out adoption or similar arrangements for taking a child into care, which do not involve the same level of public scrutiny. Although the process itself is lawful and public bodies may be involved, such as a notary, adoptions that take place outside the standard system are in some cases referred to as *private adoptions*.

6.3 Legal regulation of international adoptions

The following section provides an overview of the regulatory framework governing international adoptions to Norway and some key developments in this area. The purpose of this section is to provide a comprehensive and general overview of legal developments; the substantive rules will not be dealt with exhaustively. An overview of legal sources and some key legal principles has already been provided in Chapter 5, and a more detailed account of the regulations is set out in Part 4.

When, after the Second World War, the practice of bringing foreign children to Norway for the purpose of adoption began, this was regulated by Section 29 of *the Adoption Act* of 1917. This provision stated that:

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

The provision covers both the adoption of Norwegian children abroad and the adoption of foreign children into Norway. The former occurred in some cases, and particularly in connection with the Second World War, several Norwegian children were given up for adoption, including to Germany (through the 'Lebensborn' programme) and the USA. In this account, however, it is the regulation of adoptions of foreign children *into* Norway that is of interest.

In Norway, adoption has always been dealt with administratively, rather than by a court.[159] Under Section 29 of the Adoption Act, it was provided that the adoption of foreign children could be carried out in two ways. Firstly, the adoption itself could take place in the child's country of origin, cf. the second paragraph. For this adoption to be valid under Norwegian law, the prospective adoptive parents had to obtain the King's approval (delegated to the Ministry of Justice). In practice, this amounted to a requirement that adoptive parents had to obtain prior consent to the adoption from the Norwegian authorities before commencing the adoption process abroad.[160] Secondly, the child could be brought to Norway, for example as a foster child, and be formally adopted under Norwegian law, cf. the first paragraph. For such an adoption to be lawful, it also had to be valid in the child's country of origin. In practice, therefore, these adoptions also had to

[159] This is similar to the situation in Denmark and Iceland, but differs from that in, for example, Sweden and Finland. In the majority of countries of origin examined by the Committee to date, the adoption is finalised or confirmed by a court order.

[160] Prior consent is discussed in Chapter 26.

pre-approval, whereby the Ministry of Justice assessed in each individual case whether the adoption could take place in accordance with foreign law.[161] In practice, the model to be used was determined by the country of origin's adoption regulations.[162]

Although the 1917 Act established a legal framework for international adoptions, the system was, for the most part, designed with domestic adoptions in mind. Many issues relating to the adoption of foreign children were therefore unresolved. Among other things, Norwegian law did not specify which country's authorities were to make the various decisions in the adoption process, nor did it clarify the legal effects of international adoptions in Norway. It was therefore recommended that the children be 're-adopted' after their arrival in Norway, in order to ensure the legal effects under family law. The reference to 'national' in Section 29 was also problematic, because Norwegian family law was otherwise based on *the principle of domicile*, which means that place of residence/domicile – rather than nationality – is the decisive connecting factor for the choice of jurisdiction (i.e. which country's rules are to be applied). Several issues concerning jurisdiction and legal effects in relation to adoptions carried out by foreign nationals resident in Norway, and adoptions carried out by Norwegian nationals resident in other countries, were first regulated by an amending Act of 13 June 1980; see below.

A key step in the development of the law – which was initially implemented with a view to domestic adoptions – was the transition from so-called *'weak'* to *'strong'* adoption. Adoption under the 1917 Act originally entailed neither a complete severance from the birth family nor equal rights for the adoptee within the adoptive family. Among other things, the child retained certain family rights – such as the right of inheritance – from their birth parents, and had only limited inheritance rights in respect of the adoptive parents. The effects under private law were thus limited, and this has subsequently been described as 'weak adoption'. In 1935, the law was also amended to permit adoptions where the adoption entailed a far greater severance from biological origins and a 'grafting' into the adoptive parents' family.[163] What was originally intended as an exception and a supplement to 'weak adoptions' nevertheless became the dominant practice, and in 1956 – that is, before international adoptions really took off – such 'strong adoptions' became the only permitted form of adoption.[164] Nevertheless, there was no complete equality between adopted and biological children at this time, and with legislative amendments in 1948 and 1956, the right of adoptive parents to seek the annulment of the adoption was also extended.

In 1953, a law was introduced that was to have a major impact on the field of adoption: the Child Welfare Act. This contained provisions regulating the placement of children for adoption.[165] The main rule, under Section 26b, such placement was unlawful for both private individuals and organisations, but organisations could obtain permission from the Ministry of Social Affairs to carry out such activities. The term 'placement' was, however, not defined in detail, and the boundary between providing information and placement was, in practice, relatively fluid.[166]

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[161] See NOU 1976: 55, p. 19. The Ministry of Social Affairs' circular of 4 November 1968 nevertheless states that, in practice, children were sometimes brought to Norway as foster children without this having been cleared with the Norwegian authorities in advance, because not everyone was familiar with the regulations in this area. The circular therefore clarifies and specifies the correct procedure.

[162] If the country of origin had no adoption regulations – which was the case for a long time in India, amongst others – the adoptive parents were appointed as foster parents/guardians in the child's country of origin. The children were then granted Norwegian citizenship, and the adoption was subsequently carried out in Norway as a domestic adoption in accordance with Norwegian law.

[163] Act of 24 May 1935 No. 2.

[164] Act of 21 December 1956 No. 7.

[165] A somewhat similar provision is found in the Act of 29 April 1905 No. 2 on the Supervision of Foster Children. Section 11 stipulates that anyone who received payment for acting as an intermediary in the placement of foster children was required to have authorisation from the police. Reference is made to this Act in the preparatory works for the Adoption Act.

[166] See, for example, the reference to AF in NOU 1976: 55, p. 20, which at that time was solely engaged in *providing information on adoption*. The Committee discusses this in sections 7.5 and 25.3.1.

In addition, sections 30 and 31 of the Child Welfare Act set out rules on the approval of foster homes, which also indirectly provided guidelines for the assessment of adoption applicants. In practice, in order to adopt a child from abroad, applicants were required to first apply to the Child Welfare Board to be approved as a foster home for the foreign child.[167] The requirements for the approval of adoption applicants were later elaborated upon in various circulars.[168]

In 1972, Norway ratified the 1967 Council of Europe Convention on Adoption. This was a so-called legal harmonisation convention, which contained common rules on the conditions and minimum requirements for adoption, case processing, legal effects and requirements for social investigations of prospective adoptive parents. Norwegian legislation was, however, considered to be in line with the Convention, so that no legislative amendments were necessary in connection with ratification. Nevertheless, a circular dated January 1973 clarifies certain aspects relating to the interpretation and application of the Convention's provisions.[169] A key point highlighted was that the birth mother's consent to adoption was not valid if it had been given before six weeks had elapsed since the birth.

During the 1970s, several processes were initiated relating to the legal regulation and organisation of adoptions. In March 1973, a consultation paper was issued on amendments to Norwegian adoption legislation. The proposals focused in particular on greater equality between adopted children and biological children. For various reasons – including discussions between the Ministry of Justice and the Ministry of Social Affairs regarding a merger of the adoption sector – further work in this area was postponed until this matter had been resolved.[170]

In 1975, the Ministry of Social Affairs established a working group whose mandate was to assess the scale of adoptions, the organisation of adoption placement, issues relating to the approval of adoptive parents, and the coordination of the administration of adoption law and adoption placement. The Hagen Committee's report was submitted on 11 August 1976. The report contained proposals for fundamental principles governing adoption services and for the establishment of separate adoption agencies. The proposals were presented to the Storting in 1977 and adopted there.[171] The report led to the establishment of two new bodies in 1978: the Council for International Adoptions (RIA) and the Placement Committee (PU), which will be discussed in more detail in section 6.4.[172]

In 1980, the Adoption Act was revised, particularly with regard to intercountry adoptions. Changes were made to the inter-legal rules, and the Act was amended to include several new provisions relating to intercountry adoptions. In the preparatory work for the amendment, Ot.prp. No. 36 (1979–80), the main features of the proposed amendment were summarised as follows:

> […] rules on when an adoption case may be processed in Norway, which law is to be applied when deciding on an application, and on the validity of international adoptions in Norway, including the legal effects such an adoption has here. It is also proposed to regulate the conditions under which persons resident in Norway may adopt abroad.[173]

In 1985, the Ministry of Social Affairs took over responsibility for the implementation of adoptions, and the entire field of adoption was thus brought under the same ministry (see section 6.4)

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[167] NOU 1976: 55, p. 24.

[168] For information on prior consent, see Chapter 26. [169] Circular

from the Ministry of Justice dated 26 January 1973 (G-34/73). [170]

Information taken from Steenberg (2011).

[171] Based on St.prp. No. 210 (1976–77). The principles governing adoption are set out in Innst. S. No. 430 (1976–77), which was unanimously adopted on 4 June; see S.tid. (1976–77) *Debates in the Storting*, pp. 4291–4296.

[172] NOU 1976: 55.

[173] Ot.prp. No. 36 (1979–80), p. 3.

The Adoption Act 1917 was replaced by the Adoption Act 1986 with effect from 1 January 1987. The Ministry of Justice, which had carried out the preparatory work, emphasised that the Act did not represent a comprehensive review of the institution of adoption in principle, and that it was for technical legislative reasons that the proposal was drafted as a new Act.[174] The amendments primarily concerned the consequences of adoption, such as equality between adopted children and biological children, and the adopted child's right to information about their biological origins. The new provisions on international matters from 1980 were carried over almost verbatim in Chapter 4 of the Act, *'Interlegal Matters*'. The 1986 Act also introduced a statutory requirement that parents could only consent to an adoption two months after the birth (Section 7, second paragraph). The regulation of remuneration in connection with adoption was also removed from the Act.[175]

Around 1990, intercountry adoption was the subject of several international conventions. In 1991, Norway ratified the 1989 Convention on the Rights of the Child. Article 21 of the Convention, which deals with adoption, expressly establishes, amongst other things, the principle of the order of care and *the principle of subsidiarity*.[176] Another important document in the international regulation of adoption was the 1993 Hague Convention, which entered into force in Norway in 1998. The purpose of the Convention is, amongst other things, to safeguard children's rights and to establish a system of cooperation between contracting states.[177] The Convention sets out a number of basic conditions for intercountry adoptions and a division of responsibilities between the country of origin and the receiving country.

The Adoption Act of 1986 was amended on several occasions. The 1999 amendment was of particular significance for intercountry adoptions. A new chapter was then introduced into the Act, in which adoption agency activities and the approval of adoptive homes were regulated in greater detail as part of the Adoption Act rather than the Child Welfare Act.[178] The issue of adoptions outside of adoption agencies was also addressed here, and it was stipulated in the Act that international adoptions should, as a general rule, take place through an approved adoption agency. In the same year, it was also enshrined in law that the adoption of children under the age of 12 would automatically confer citizenship on the child, something for which a separate application had previously been required.[179]

In 2014, the Adoption Law Committee submitted its report NOU 2014: 9, which resulted in the current Adoption Act. The aim of the revision was to create a more comprehensive and systematic regulatory framework that was more accessible to the various stakeholders. In this respect, the 2017 Adoption Act represents a far more thorough review of the field of adoption than the 1986 Act did. Among other things, the Act introduced a new requirement that adoption agencies must apply for a general operating licence in addition to their agency licences.

6.4 About the various bodies involved

As outlined in section 6.3, there have been several rounds of reorganisation within the field of adoption. The following section provides an overview of the public bodies and stakeholders involved. Figure 6.4 provides a general chronological overview of the various bodies responsible for intercountry adoptions.

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[174] Parliamentary Bill No. 40 (1984–85), p. 3.

[175] For information on fees, see section 5.4.6.

[176] For the principle of subsidiarity, see section 5.4.5.

[177] See Article 1 of the Convention.

[178] By Act No. 32 of 11 June 1999. Rules on mediation were discussed in a consultation paper from 1983 and in connection with the 1986 Act, but it was ultimately decided not to propose such provisions; see Parliamentary Bill No. 40 (1984–85), p. 6.

[179] Act No. 32 of 21 May 1999. The conditions were that at least one of the adoptive parents was Norwegian, and that authorisation for adoption had been granted in Norway, or abroad following prior consent from the Norwegian authorities. The acquisition of citizenship was extended by Act
10 June 2005 No. 51.

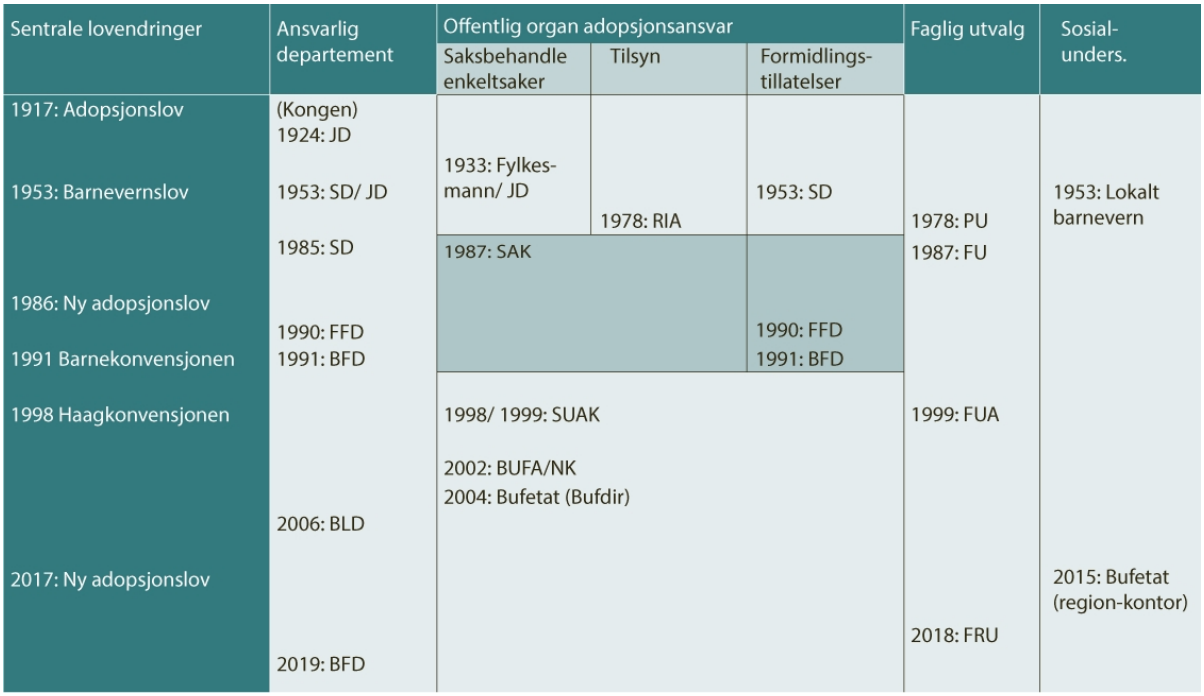

Figure 6.4 Public bodies responsible for adoption

JD: Ministry of Justice, SD: Ministry of Social Affairs, FFD: Ministry of Family and Consumer Affairs, BFD: Ministry of Children and Families, BLD from 2006: Ministry of Children and Equality; from 2010, Ministry of Children, Equality and Inclusion; from 2016: Ministry of Children and Equality. SAK: State Adoption Office, SUAK: State Youth and Adoption Office, BUFA: Child, Youth and Family Administration, NK: National Office for State Child Welfare and Family Welfare, RIA: Council for International Adoptions, PU: Placement Committee, FU: Professional Committee, FUA: Professional Committee for Adoption Cases, FRU: Professional Advisory Committee. SUAK took over responsibility for processing placement applications under the regulations of 30 November 1999.

The process for approving adoption applicants was originally somewhat different depending on whether the child was to be adopted abroad or in Norway. Where the adoption was to take place in Norway, 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 country they wished to adopt from.

At the same time, the Ministry carried out an independent assessment of whether the applicants met the conditions 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, 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.[180]

The 1917 Act stipulated that authorisation for adoption could only be granted if there were grounds to believe that the adoption was 'in the best interests of the child'. 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.

Parents were thus primarily assessed on the basis of objective criteria rather than personal suitability. As mentioned, statutory provisions relating to a detailed investigation of social circumstances were first established with the Children's

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

Child Welfare Act of 1953, and even then only indirectly, through the regulation of foster homes.[181] Sections 30 and 31 assigned the approval of foster homes to the child welfare board in the applicant's home municipality. The Act contained 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.[182] Furthermore, Section 26 stipulated that the Ministry could grant authorisation to organisations wishing to operate adoption agencies.

From 1953, responsibility for adoption cases was divided between two ministries; the Ministry of Social Affairs was responsible for adoption mediation and the social work assessment of adoption applicants (through the child welfare committees), whilst the Ministry of Justice assessed the legal aspects relating to individual adoptions.

As mentioned at the beginning of this chapter, there was an increase in the number of adoptions in the early 1970s, which led to a need for better oversight and coordination of the adoption sector. 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.[183] The background to their establishment was a desire for better control and oversight of adoption practices. According to the working group's proposal for the RIA's mandate, the RIA was to help ensure that the adoption of foreign children took place in a 'manner that was as reassuring as possible in relation to the individual child's needs and the child's country of origin'.[184] Among other things, the RIA was to monitor international developments, draw up guidelines for placement activities and approve the placement organisations' agreements and contacts abroad. In addition, the RIA acted as an advisory body to other public authorities and – through the adoption agencies – to prospective adoptive parents, adoptive parents and adopted children. The Council was administratively subordinate to the Ministry of Social Affairs, but essentially held an independent professional position. The Council consisted of members appointed by the Ministry of Social Affairs, the Ministry of Justice, the Ministry of Foreign Affairs and the Norwegian Association of Local and Regional Authorities. In addition, the approved adoption associations were represented. The Council had a staffed secretariat.

RIA had no decision-making authority in individual cases. This responsibility was assigned to the Placement Committee (PU). The PU was responsible for the placement of all foreign adoptive children 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 shortlisting suitable adoptive applicants whose documents were then sent abroad. The PU had three permanent members, one of whom was also required to be a member of the RIA.[185] In addition, representatives from the adoption agencies attended meetings when cases involving their applicants were to be considered. The RIA was responsible for drawing up the general guidelines for allocation, but could not instruct the PU in individual cases. Since it was the PU that was responsible for the actual prioritisation of applicants, it was now the PU that had the 'final say' in adoption cases. In some cases, applicants who had been pre-approved for adoption were never matched with a child, for example due to age, health issues or other reasons. The PU's decision not to prioritise applicants could not be appealed.

Once a child had been allocated, the applicants then had to apply for the actual adoption authorisation. As mentioned, this could take the form of an adoption case in Norway or abroad. The authority responsible for granting licences for international adoptions in Norway was transferred to the Ministry of Justice in 1924, and subsequently to the county governors in 1945.[186] Where the adoption had been finalised abroad, it was recommended until 1980 to apply for a

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

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

[183]On the basis of Parliamentary Bill No. 210 (1976–77) and Parliamentary Recommendation No. 430 (1976–77), which were unanimously adopted on 4 June, cf. Parliamentary Proceedings (1976–77); *Debates in the Storting*, pp. 4291–4296.

[184] NOU 1976: 55, p. 43.

[185] Hognestad and Steenberg (2000), p. 71.

[186] Transferred to the Ministry of Justice by Royal Resolution of 7 November 1924, and to the county governors by Royal Resolution of 6 July 1945. By Regulation No. 661 of 15 March 1985, the administration was transferred to the Ministry of Social Affairs, and by Royal

're-adoption' in Norway. Documents from abroad – either release declarations or adoption documents – were then sent to the county governor.

Following discussions between the leadership of the Ministry of Justice and the Ministry of Social Affairs, a working group was established in 1982 to examine the possibility of bringing all adoption matters under the remit of a single ministry.[187] On the basis of this work, on 1 April 1985 the Ministry of Social Affairs assumed overall responsibility for adoption, and the Ministry of Justice was thus no longer involved in the actual adoption process.[188] Since then, responsibility for adoptions – following various reorganisation processes – has been concentrated within a single ministry.[189]

On 1 January 1987, the Adoption Act of 1986 came into force. Under the new Act, the organisation of adoption procedures was significantly altered, including through the establishment of a new administrative body, the State Adoption Office (SAK).

As regards international adoptions, the tasks that had previously been assigned to the county governors and RIA were consolidated and transferred to SAK. Apart from the municipal child welfare services, prospective adoptive parents thus only had to deal with a single public body, which both simplified and streamlined the process. In addition to processing applications for prior consent, SAK was to offer advice and guidance to adoptive children and parents, supervise the placement organisations, and monitor international developments relating to international adoption. SAK also prepared the processing of applications for placement licences, but the decision-making authority lay with the Ministry.

When SAK was established, the Placement Committee was disbanded and a *Professional Committee* (FU) was set up in its place. Whilst the PU had previously assessed placements in *all* cases, the FU was, in principle, to be consulted by SAK as an advisory body 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 submit 'special placements' – that is, where *the children* had special care needs – to SAK, and the FU was often involved in these cases. However, the lack of clear regulations made these cases complicated to handle in practice.[190]

Following a reorganisation on 1 January 1998, the State Adoption Office was closed down, and its responsibilities relating to adoption were incorporated into the newly established State Youth and Adoption Office (SUAK).[191] At the same time, SUAK was designated as the Norwegian Central Authority for adoption under the Hague Convention, which entered into force on the same date. The new office was divided into three sections, including the Children and Adoption Section. Section 2 of the Regulations of 30 November 1999 stipulated that SUAK was also to assume responsibility for deciding cases concerning authorisation to act as an adoption agency, a responsibility which had previously rested with the Ministry.

From 1 December 1999, *the Expert Committee on Adoption Cases* (FUA) was also established as a separate administrative body.[192] Unlike the previous Expert Committee, the FUA had autonomous and independent

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By resolution of 5 December 1986, the authority to grant adoption authorisations under Section 17 was transferred to the State Adoption Office.

[187] Parliamentary Bill No. 40 (1984–85), p. 4.

[188] Regulation No. 661 of 15 March 1985.

[189] In 1990, responsibility for adoption was transferred to the newly established Ministry of Family and Consumer Affairs. This ministry has since been reorganised and renamed several times: From 1991: the Ministry of Children and Families; from 2006: the Ministry of Children and Equality; from 2010: the Ministry of Children, Equality and Inclusion; from 2016: the Ministry of Children and Equality; and from 2019: the Ministry of Children and Families.

[190] This is evident from Steenberg (2011). He was the head of SAK and presumably had experience in this area.

[191] Regulation No. 1192 of 30 November 1999.

[192] 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.

decision-making authority in placements involving foreign children with special care needs. Upon its establishment, the Ministry laid down guidelines on which cases were to be dealt with by the committee, thereby reducing previous uncertainty.[193]

Gradually, SUAK was assigned further 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-level 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, Young People and Families (Bufdir), to which we shall return shortly.

During NK's period of operation, 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) applications for prior consent 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 Bu-fetat. The reorganisation had few practical consequences for the field of adoption. Bufetat's regional offices were to process the majority of prior consents at first instance. The exception was the adoption of foreign children outside an approved intermediary organisation – so-called independent adoptions – where Bufdir remained the first-instance authority until 2009.[194] Bufdir was also responsible for processing applications for the recognition of foreign adoptions under Section 19 of the then Adoption Act, and for granting authorisation where the adoption was to take place in Norway. Like its predecessors SUAK and BUFA, Bufdir was also given responsibility for assessing adoption agency licences and for supervising adoption agencies.

In 2015, responsibility for social investigations in connection with the approval of adoptive parents was transferred from the Child Welfare Service to Bufetat's regional offices.[195] 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).

6.5 A brief overview of recent developments in the field of adoption

As indicated at the outset, the number of international adoptions, both to Norway and globally, has fallen sharply in recent decades. There are several countries of origin that still express a need for international adoptions, but increasingly these involve older children who often have special care needs as well. These children place greater demands on prospective adoptive parents, and an increasing proportion of adoptions are assessed by the Professional Advisory Committee to ensure that the adoptive parents can meet these care needs. When the children are older, specific questions may also arise as to whether international adoption is in their best interests. Adoption processes generally take longer, and adoptions of infants are rare.[196]

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[193] Letter from the Ministry of Children and Family Affairs dated 7 December 1999 (ref. 99/03676), cf. Hognestad and Steenberg (2000), p. 268.

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

[195] 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.

[196] From 2022 to 2024, four out of 106 children who arrived were under one year of age, all from South Africa, cf. figures provided by the adoption agencies.

Whilst the need for and desire for intercountry adoption in the countries of origin has diminished, a more critical movement has also emerged in recent years within the field of intercountry adoption in the receiving countries. Both nationally and internationally, adult adoptees, amongst others, have organised themselves and raised critical questions regarding the appropriateness and legality of their own adoption processes, adoption practices in general, and the recipient countries' follow-up after the adoptions. The media have also increasingly covered problematic individual cases and practices within the field of adoption.

In 2022, the UN issued a recommendation that member states should consider launching independent inquiries into intercountry adoption.[197] In recent years, such inquiries have been initiated in several countries of origin and receiving countries; see section 3.4.1. In addition to appointing an inquiry committee, the Norwegian authorities have also taken other measures. From 2023, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) has, amongst other things, itself carried out detailed investigations into ongoing adoption cooperation. This work led to adoption licences for several countries of origin being withdrawn or not renewed upon their expiry.[198] In January 2024, Bufdir recommended a temporary suspension of all international adoption work until the inquiry committee had submitted its report.[199] However, the Ministry of Children and Families did not act on this recommendation.[200]

As mentioned, several international partnerships have nevertheless been terminated. Verdens Barn and InorAdopt ceased their adoption activities in 2025 due to a lack of revenue. As of June 2026, there is one active placement licence for international adoptions to Norway, namely Adopsjonsforum's licence for Colombia.

Developments in the field of adoption in recent years, both globally and in Norway, have been characterised by critical scrutiny of both current and former systems, and a relatively polarised debate between different groups within the field.

7 More about adoption agencies

7.1 Introduction

As outlined in Chapter 6, private adoption agencies have played a significant role in international adoptions to Norway. This chapter therefore provides a more detailed description of the various agencies and the organisation of their work. The aim is not to provide an exhaustive account of the history and development of each individual organisation, but to highlight certain organisational aspects which the Committee considers central to our descriptions and assessments of the system in general, and to the adoptions arranged through the various organisations in particular.

Reference is also made to Chapters 24 and 25. Chapter 24 assesses the system of adoption agencies and reviews the regulations governing them. Chapter 25 deals with the Norwegian authorities' control and supervision of adoption agency activities, including the requirements that have been imposed for adoption agency licences in different periods, and the supervision that has been carried out.

A total of four Norwegian organisations have held general authorisation to carry out adoption mediation: Verdens Barn (Norwegian Korea Association), Adopsjonsforum (Adoption Information), the Parents' Association for Children from Other Countries (Parents' Association for Children from Vietnam) and InorAdopt. In addition, there is the Committee for South-East Asia, which in 1968 was granted a one-off authorisation to bring

[197] United Nations Human Rights Treaty Bodies, Joint statement on illegal intercountry adoptions, 2022.

[198] See section 1.11. Under specific conditions, however, permission has been granted to complete processes already underway, and this explains why children arrived in 2024 from countries without an active placement licence.

[199] Letter from Bufdir to BFD dated 10 January 2024 and revised recommendation published on Bufdir's website on 17 April 2024.

[200] Letter from BFD to Bufdir dated 16 January 2024.

60 Vietnamese children were placed in Norway with a view to adoption. As this was a one-off initiative carried out by an organisation whose primary objectives were other than adoption placement, the Committee for South-East Asia will not be discussed in further detail in this chapter. The Committee's adoption activities are described in Chapter 20 (Vietnam).

The Norwegian adoption agencies have been private member organisations. The framework for their operations has been set out in their own articles of association, which have been approved by the general meetings of the individual organisations. Since the 1970s, the articles of association have also been reviewed and approved by the adoption authorities.[201] The articles of association of the four adoption agencies set out the purpose and overarching guidelines for the organisations' direction and operation. The articles of association consist predominantly of general provisions governing the governing bodies, and the committee does not consider it appropriate to provide a detailed review of these. In the following, the committee has primarily chosen to reproduce parts of the purpose clause as it appears in the articles of association of the various organisations at certain points in time. It should be noted that the articles of association of the organisations that have been in operation the longest have been amended on a number of occasions, but that the committee will not provide a detailed or exhaustive account of this.

Finally, in section 7.7, some comments will be made on the various collaborative bodies to which the Norwegian adoption agencies have been affiliated.

7.2 Common features of the four Norwegian adoption agencies

As will be seen below, the four adoption agencies have relatively different backgrounds, a fact which has also shaped their organisational structures and the development of their agency work.
At the same time, there are also clear common features between them, and these will be highlighted here.

The organisations are membership-based organisations with an elected board: the organisations' highest governing body is an annual meeting or general assembly comprising the members or member representatives. The general assembly adopts the articles of association and elects the board. Between annual meetings, the board manages the organisation by proxy together with *the secretariat* (see below). Both the chair and the board members have been elected from among the various organisations' own members.

Membership has been a requirement for adoption through the associations, and the members have largely been adoptive applicants and adoptive families.[202]

The organisations are non-profit: Any financial surplus from their adoption activities has been reinvested in the organisation.

The organisations are self-financed: The agencies have mainly been self-financed. Although they have received some public funding, the running costs of the placement work have primarily been covered by adoption fees paid by the prospective adoptive parents.[203] The agencies have had slightly different cost structures, but what they have in common is that they have practised a solidarity-based cost-sharing arrangement. This means that all adoptive parents who have adopted

[201] For example, in connection with the first adoption agency licences, and under the Adoption Act 2017 in connection with the operating licence. Amendments to the articles of association have been submitted to the authorities on an ongoing basis. The adoption authorities' supervision of the associations became more systematic when RIA was established in 1978. However, it is also evident from FBAL's licence to arrange adoptions from Vietnam in 1973 that the Ministry had reviewed the association's articles of association and had a minor comment on them; see letter from the Ministry of Social Affairs to FFBAL dated 5 April 1973.

[202] As regards NKF/VB, however, the proportion of adoption applicants/parents was far smaller in the early years, as the organisation had originally been established for a purpose other than adoption.

[203] In 2009, the agencies estimated that public funding covered approximately 3 per cent of total expenditure, cf. letter from IA, AF and VB to BLD dated 6 April 2009.

In the same year, through the same agency, they paid a standard fee regardless of the country from which they adopted, and regardless of the actual costs associated with each individual adoption.[204]

*The organisations have established secretariats***:** In addition to their boards, all the organisations have established a secretariat responsible for the day-to-day operations. As the scope of their activities has expanded, the organisations have created paid posts within the secretariat. A person with the job title of managing director, secretary-general or similar has had overall responsibility for day-to-day operations.

The organisations have carried out activities beyond adoption mediation: In addition to adoption mediation, all four organisations have had other areas of activity. The form and scope have varied, but can broadly be linked to activities that can be characterised as a) development aid and relief projects, b) information work and political advocacy, and c) post-adoption support for adoptees and adoptive families in Norway.[205]

7.3 The Norwegian Korea Association/Children of the World (1954–2025)

7.3.1 Introduction

The Norwegian Korea Association/Children of the World facilitated adoptions between 1969 and 2025. In total, the association facilitated 9,275 adoptions from nine different countries.

In its early years, the Norwegian Korea Association's adoption work was exclusively focused on facilitating adoptions from South Korea. A more detailed account of the background to its establishment and its activities in the early years is therefore provided in Chapter 19 (South Korea).

As will be explained in more detail below, the organisation has undergone several rounds of restructuring and has consequently had to make significant amendments to its articles of association. The provision regarding its purpose has also been revised. In the articles of association from the period following the separation of Verdens Barn from the Norwegian Korea Association as a separate organisation for adoption mediation (1979), the purpose was set out as follows in Section 2:

Land	Antall Barn	Formidlingsperiode
Sør-Korea	6565	1969–2024
Thailand	433	1979–2025
India	498	1982–2016
Romania	144	1990–2000
Kina	1276	1991–2017
Russland	66	1992–2004
Brasil	6	1996–2000
Bulgaria	1	1998
Sør-Afrika	286	2003–2024

[204] However, the cost of the collection trip has been covered by the adoptive parents themselves, meaning that the total amount may in practice have varied. See also the separate comments on donations to private institutions in Colombia in section 12.7.3.

[205] Adoptive families with children from the same country have also formed their own country clubs, which have had varying degrees of connection to the agencies and have been more or less active.

Figure 7.1 Number of children arriving through the Norwegian Korea Association/Children of the World. Blue marking indicates that the country is one of the 12 covered by the committee's mandate

Source: Figures taken from Bufdir's and Children of the World's statistics (see section 3.5)

1. To engage in social work by helping disadvantaged children in various countries, primarily by developing and promoting a programme to strengthen and support families so that they are able to keep their children, and secondarily by finding good homes for the children.
2. To assist in the establishment of foster homes for children who cannot remain with their biological parents, as a transitional arrangement prior to adoption at home or abroad.
3. To work towards adoption in accordance with the laws and regulations of both the relevant partner countries and our own country.
4. To cooperate with the bodies already established in the relevant partner countries in this field
5. To cooperate with existing organisations in Norway whose aim is to help disadvantaged children in various countries.
6. To support research and studies into family and child welfare where such work is carried out by public bodies or is subject to public oversight.
7. To provide the organisation's members with information about and an understanding of the history, culture and social conditions of the individual countries.[206]

Following the organisation's re-merger with the Norwegian Korea Association in 1989, the statement of purpose in Section 2 was as follows:

The Association's overarching purpose is:

- to contribute to efforts to help disadvantaged children in accordance with the UN Declaration on the Rights of the Child, which emphasises the right to special protection, social and material security, care and a positive upbringing.
- in particular, to initiate and support measures that can ensure that all adoptions of children take place in accordance with social and legal principles that safeguard the child's rights and are in the child's best interests overall. As a service organisation for its members, the Association shall:
- maintain a programme for the adoption of children in accordance with the conditions, laws and regulations of our partner countries and the current grant awarded to the association by the Ministry of Social Affairs.
- provide the organisation's members and society at large with knowledge and understanding of the cultural and social conditions in our partner countries.
- in particular, to provide information and services that are relevant to the identity development of adopted children and young people and their upbringing within the family and wider society.
- support research and studies into family and child welfare when such work is carried out by public bodies or is under public control.
- actively lobby the political sphere at central and local levels to improve the financial circumstances of adoptive parents (e.g. tax relief on adoption costs, etc.).

  The association shall participate actively in aid projects aimed at disadvantaged children and families and, in doing so, safeguard children's rights, in particular the right to schooling and education.

[206] Undated, but found in RIA's archives. VB adopted new articles of association when it merged with NKF again in 1988.

The association shall organise local activities for members and interested parties through a network of local branches and other forums for socialising.[207]

In 2008, Article 2 of the Articles of Association read as follows:

2.1. Adoption activities

Verdens Barn's primary purpose is to facilitate international adoptions, and it operates on a non-profit basis.

2.1.1. Adoption services

Children of the World facilitates adoptions from countries with which the organisation has been authorised by the Norwegian authorities to cooperate. Adoption shall only take place when it is in the best interests of the child, cf. Section 3.0 of the Articles of Association.

2.1.2. Post-adoption support

Verdens Barn bases its work on adoption on a holistic approach that ensures positive development for adoptees and adoptive families. This is achieved through information and initiatives that create good conditions for adopted children to grow up in their families, local communities and wider society. Verdens Barn has a responsibility to actively influence the Norwegian authorities to create the conditions necessary to meet the special needs of adoptees. Verdens Barn will also take particular responsibility for initiating, supporting and developing measures that address the needs of adult adoptees.

2.1.3. Cultural work

Verdens Barn disseminates information about cultural and social conditions in the countries from which adopted children are placed. The aim of this cultural outreach is to foster positive attitudes towards the countries of origin and to strengthen the identity development of adopted children.

2.2. Aid work

Verdens Barn has a special responsibility to carry out short-term and long-term aid work on a humanitarian basis, aimed at disadvantaged children and families in our partner countries. The aim of the aid work is to enhance children's opportunities for a positive upbringing and development.

7.3.2 The organisation's background and the start of its adoption services [208]

The Norwegian Korea Association (Koreaforeningen) was established in 1953 as an aid organisation, without adoption placement as its purpose. Until the early 1970s, aid work was the association's main activity. Among other things, they ran their own hospitals, and approximately 10 million Norwegian kroner was raised for work to combat tuberculosis. However, as the 1950s progressed, adoption work also came to the fore, as key figures within the association assisted in arranging a small number of adoptions for married couples in Norway.[209] According to the Secretary-General, this activity took place with the tacit consent of the Ministry of Social Affairs, with whom he had discussed the matter privately.[210] In 1960, questions were raised within the association as to whether it should continue to provide support for adoption work. Firstly, it was labour-intensive, and secondly, there was uncertainty as to whether this conflicted with the ban on adoption mediation.[211] In further discussions with the Ministry of Social Affairs

[207] VB. Articles of Association adopted on 28 October 1989, updated with amendments on 28 April 1992.

[208] A more detailed description can be found in VB's 2003 anniversary book, **Verdens Barn 50 Years**.

[209] To the best of the Committee's knowledge, the first adoption took place in 1954.

[210] Letter from the Secretary-General to the director of the organisation's hospital in Seoul, 16 February 1960.

[211] See Section 26(b) of the Child Welfare Act 1953.

Nevertheless, the Secretary-General gained the impression that the Ministry wished the Association to continue providing this type of assistance, and that this was preferable to individuals attempting to arrange adoptions on their own initiative.[212] Consequently, the adoption activities continued. Following discussions with the Ministry of Social Affairs, the Korea Association was granted formal authorisation to act as an adoption agency for South Korea in 1969, and in the same year it entered into an agreement with the Holt organisation in Korea.

7.3.3 Key organisational features

In the 1950s and 1960s, the practical work involved in adoption was relatively informal and unstructured. During this period, the secretariat in Norway (which had employed a paid office assistant since 1961) functioned largely as an information office and point of contact for prospective adoptive parents in Norway and for people in Korea who could assist in finding suitable children and arranging the necessary documentation there. From 1966, the Korea Association had a permanent contact at the Seoul Sanatorium and Hospital Orphanage who identified children and ensured they underwent health checks and were properly cared for prior to their departure for Norway. Initially, the children usually travelled to Norway with escorts, often people associated with the Korea Association.

When the Korea Association entered into a cooperation agreement with the Holt organisation in South Korea in 1969, the work gradually became more streamlined. Holt was already an established adoption agency in the country at this time and remained an important partner for the Korea Association/Children of the World throughout its period of operation. Communication regarding individual adoptions generally took place exclusively through the two organisations, and the Korea Association/Children of the World did not deal directly with South Korean authorities during these processes. In total, over 6,500 adoptions were arranged through this collaboration, accounting for over 70 per cent of all adoptions arranged by the Korea Association/Children of the World, and around 30 per cent of all international adoptions to Norway.

After the Korea Association was granted a licence to arrange adoptions in 1969, adoption work gradually became a more dominant part of the association's activities. As adoption figures from South Korea became more uncertain as the 1970s progressed, the association began to consider new partner countries. In 1979, the organisation was granted a licence to arrange adoptions from Thailand. That same year, the Korea Association's adoption work was spun off into a separate organisation called Verdens Barn. In 1988, however, the two organisations merged again, and the organisation retained the name Verdens Barn.[213]

During the 1980s and 1990s, Verdens Barn was granted authorisation to arrange adoptions from several countries. China became a particularly important partner country, with over 1,200 adoptions completed. For a considerable period, Verdens Barn also employed a Norwegian woman living in China as an adoption consultant. They also had a similar arrangement with a Norwegian woman in Romania. However, Verdens Barn primarily collaborated with local organisations in the countries of origin and had very few local staff. In 2003, the latest new partnership was established with South Africa.

Throughout the 1990s, adoption work at the secretariat was organised into teams, each led by a team leader. Each team was responsible for several countries: one case worker had primary responsibility for each country, whilst another case worker had sufficient knowledge to be able to assist or take over in the event of illness or similar circumstances. Case workers and the team leader were in close contact with the managing director.[214]

A decline in the number of adoptions led to staff reductions throughout the 2000s. Verdens Barn closed its secretariat and adoption agency in 2025. The main reason for this was the rejection of applications for renewed authorisation to facilitate adoptions from Thailand and South Africa.[215]

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[212] Letter from the Secretary-General to the head of the organisation's hospital in Seoul, 22 April 1960.

[213] See **Verdens Barn 50 Years** (2003), pp. 50–54.

[214] Stated in an interview with a former employee (1998–2025).

[215] https://www.verdensbarn.no/avvikling-av-adopsjonsvirksomheten

The following figures, taken from annual reports among other sources, indicate the scale of the organisation's operations:

- 1971: The Norwegian Korea Association had approximately 2 full-time equivalents, facilitated 155 adoptions and had 408 members.
- 1985: Children of the World had approximately 8 full-time equivalents, facilitated 260 adoptions and had 1,916 members.[216]
- 1995: Children of the World had 10 staff members (full-time equivalents not specified), facilitated 194 adoptions and had 3,015 members.
- 2005: Verdens Barn had 11.5 full-time equivalents, facilitated 236 adoptions and had 3,746 members.
- 2011: Verdens Barn had 9.2 full-time equivalents, facilitated 98 adoptions and had 3,007 members.
- 2023: Verdens barn had 5.3 full-time equivalents, facilitated 98 adoptions, and had 1,461 members.

7.3.4 Distinctive features of the organisation

- Its origins as an aid organisation have shaped its organisational development; the organisation has had dedicated staff responsible for this work, and much of the aid work has been centrally coordinated. Aid work has been a central part of the organisation's activities.
- The Norwegian Korea Association/Children of the World has primarily collaborated with local organisations and adoption agencies in the countries of origin. This means that, to a lesser extent than, for example, Adopsjonsforum, it has had its own local staff in those countries.
- The organisation has facilitated around 45 per cent of all international adoptions to Norway, but has had relatively few partner countries (9) compared with Adoption Forum (26/28).[217]
- The Norwegian Korea Association/Children of the World has placed great emphasis on cultural work and cultural exchange.

  In particular, it has maintained close ties with South Korea.

7.4 The Parents' Association for Children from Vietnam/Other Countries (1973–1986)

7.4.1 Introduction

The Parents' Association for Children from Vietnam and Other Countries (the Parents' Association) was actively involved in adoption mediation between 1973 and 1986. In total, it facilitated 242 adoptions from three countries.

Land	Antall Barn	Formidlingsperiode
Vietnam	50	1973–1975
India	186	1979–1986
Pakistan	6	1979–1981

[216] At that time, VB shared a secretariat with NKF.

[217] Furthermore, VB arranged just one adoption from Bulgaria and six from Brazil.

Figure 7.2 Number of children arriving through the Parents' Association for Children from Vietnam/Parents' Association for Children from Other Countries. Blue marking indicates that the country is one of the twelve covered by the committee's mandate

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

In its early years, the Parents' Association's adoption work was exclusively linked to arranging adoptions from Vietnam. Further details on the background to its establishment and activities are therefore set out in Chapter 20 (Vietnam).

The Parents' Association for Children from Other Countries had the following statement of purpose in 1979 (Section 1):

> The Association's purpose is to work towards the adoption of orphaned children from other countries, in accordance with the guidelines laid down by the authorities in other countries and in Norway, and to assist individual families with such adoptions and all matters related thereto,
>
> To work to foster greater understanding of these children's circumstances amongst the Norwegian public, amongst Norwegian authorities at central and local levels, and amongst the public and authorities in other countries,
>
> To work on matters of general interest to its members; and To act as a
>
> liaison body for and between parents and children.
>
> The Association may cooperate with and be affiliated to other organisations in order to promote the matters covered by its purpose.
>
> The association's adoption services are provided in accordance with the terms laid down by the Ministry
>
> of Social Affairs. The association is religiously and politically neutral.

7.4.2 The organisation's background and the start of its placement activities

The Parents' Association for Children from Vietnam was founded by a group of adoptive parents in January 1973. The background to its establishment was the many challenges that followed in the wake of the Committee for South-East Asia's 'adoption campaign' in 1968 and the ten children that the leader brought over in 1971.[218] The initial aim of the Parents' Association was to complete the adoption processes that had already begun, both for the children who had already arrived in Norway and for some children who were still in Vietnam.[219] In April 1973, the association received permission from the Ministry of Social Affairs to facilitate up to fifty adoptions from Vietnam.

Following the communist victory in the Vietnam War, all adoptions from the country were halted in 1975. The Parents' Association for Children from Vietnam then changed its name to the Parents' Association for Children from Other Countries, and applied for authorisation to arrange adoptions from Bangladesh, Pakistan and India. They withdrew their application for Bangladesh in 1976. In 1978, the association was granted a licence to arrange adoptions of children from Pakistan and India.

7.4.3 Key organisational features

The Parents' Association remained a relatively small organisation. At the heart of its work was a married couple who had themselves adopted a child from Vietnam; the couple served as chairperson and managing director respectively, and sat

[218] This is discussed in more detail in Chapter 20.

[219] This emerged during an interview on 3 March 2026 with the couple, who were the former chairperson and former managing director of the Parents' Association respectively. They explained, amongst other things, that procedures had been initiated in Vietnam for several children intended for adoption to Norway, but that these had not been followed up, and that expenses already incurred had not been paid.
This was one of the first issues the Parents' Association addressed.

For a long time, they served as representatives of the association on the Council for International Adoptions and the Placement Committee respectively. The work was carried out from their private homes, mostly on a voluntary basis. In recent years, when the Parents' Association's finances allowed, the managing director received some remuneration for his work.[220]

Several member families ran sponsorship projects on their own initiative.

As the placement work became too labour-intensive, the board decided to wind up the adoption work. The last children placed for adoption by the organisation arrived in Norway in 1986.

The remaining funds were retained as a contingency fund until 2003. The balance was then transferred to an aid project in India.[221]

7.4.4 Distinctive features of the organisation

- The parents' association was run mainly on a voluntary basis, without a paid secretariat.
- Representatives of the Parents' Association personally escorted most of the children from their country of origin to Norway.

[220] See the supplementary information in the letter from the couple to the committee dated 24 April 2026.

[221] This emerged during an interview with the couple, who were respectively the former chair and former managing director of the Parents' Association, on 3 March 2026. The Committee has been sent documentation of the transfer, enclosed with a letter from the couple to the Committee dated 24 April 2026.

Land	Antall barn	Formidlingsperiode
Brasil	28	1972*;1996–2000
Colombia	4098	1972*–april 2026
Bangladesh	110	1973*–1981
Liberia	2	1974*
Bolivia	110	1974–1978*; 1985–2012
India	595	1974*–2015
Costa Rica	101	1975*–1992
Guatemala	230	1975*–2003
Ecuador	185	1976*–2004
Iran	16	1977*–1978
Indonesia	155	1977*–1983
Nepal	52	1979–1980; 1998–2011
Sri Lanka	222	1979–2015
Filippinene	775	1979–2023
Argentina	13	1983–1992
Mexico	10	1984; 1995–2000
Chile	313	1986–2016
Paraguay	4	1987–1992
Peru	140	1987–2023
Madagaskar	38	1988–1990; 2010–2023
Uruguay	6	1989–1999
Polen	30	1991; 1999–2005
Etiopia	693	1991–2015
Kina	1454	1991–2017
Vietnam	91	1991–1999, 2016–2021
Russland	143	1993–2007
Latvia	10	1997–2002
Mali	1	2012

Figure 7.3 Number of children arriving through Adoption Information/Adoption Forum (as of April 2026). Blue highlighting indicates that the country is among the twelve prioritised in the Committee's mandate

* Adoption Forum assisted with the completion of adoptions before it was granted a placement licence. See the comment on the start-up year/number of adoptions from Chile in note 60 in Chapter 11.

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

7.5 Adoption Information / Adoption Forum (1972–)

7.5.1 Introduction

Adopsjonsforum was granted a placement licence in May 1978, but even before this, it had been assisting in the arrangement of so-called *independent* adoptions through its information work.[222] In total, Adopsjonsforum has provided assistance with and/or arranged 9,625 adoptions from 1972 up to June 2026. Adoption Forum is now (as of June 2026) the only active adoption agency in Norway, and holds a licence to arrange adoptions from Colombia.

Adoption Forum is the organisation that has facilitated adoptions from by far the greatest number of countries, and has facilitated adoptions from 11 of the 12 priority countries in the committee's mandate.[223]

Adopsjonsforum has a long history and has amended its articles of association on a number of occasions. The organisation was originally founded with the aim of providing information, and for the first five years its name was also *Adopsjonsopplysning.* The statement of purpose during these early years read as follows:

> The Adoption Information Association is a politically neutral association with the following objectives:
>
> a. to carry out awareness-raising activities regarding the adoption of Norwegian and foreign children.
> b. to work towards expanding opportunities for the adoption of children from abroad.
> c. to work towards de facto and legal equality between adopted and biological children.
> d. to work towards professionally sound case handling in adoption matters and to advocate for clearer guidelines on adoption.

Adopsjonsopplysning changed its name to Adopsjonsforum in 1975. In May 1978, the organisation was granted a placement licence, and its stated purpose was amended:

> *Purpose:*
>
> A. Adoption Forum works to promote adoption to the extent that it is deemed to be in the child's best interests
> B. Adoption Forum works to promote information about Norwegian and international adoption
> C. Adoption Forum works to ensure that society views adoption as a natural way of expanding a family, and, in collaboration with the authorities and other organisations, the association works to ensure that the legal, administrative and financial conditions are put in place to facilitate this.
> D. The association aims to be a forum for its members to connect with one another. Wherever possible, this work shall take place within the local branches. The association seeks to draw its strength from its members' interest and active participation
> E. Adoption Forum seeks, either independently or in collaboration with the authorities and other organisations, to help children who cannot be cared for by their biological families and who are neither eligible for adoption nor are being adopted.

In 2008, the statement of purpose was as follows:

> *Adoption mediation*
>
> Adoption Forum's primary purpose is adoption mediation. Adoption Forum carries out adoption mediation from those countries with which the association has been authorised by the Norwegian authorities to cooperate.
> The association works with the adoption of children to the extent that this is in the children's best interests. Adopsjonsforum works to promote information about Norwegian and international adoption, and to ensure that society

[222] For information on independent adoptions, see section 6.2.2.

[223] The exception is South Korea, where only VB (NKF) has held a placement licence.

view adoption as a natural and equal form of family formation. The organisation works in collaboration with the authorities and other organisations to facilitate the necessary legal, administrative and financial arrangements.

Post-adoption support

Adoption Forum bases its work on adoption on a holistic approach that ensures positive development for adoptees and adoptive families. This is achieved through information and initiatives that create good conditions for adopted children to grow up in their families, local communities and wider society. Adoption Forum will take particular responsibility for initiating, supporting and developing measures that safeguard the needs of adoptees. Adoption Forum also has a responsibility to actively influence the Norwegian authorities to create the conditions necessary to safeguard the special needs of adopted children.

Development aid

Adoption Forum seeks to contribute to improving the conditions in which children grow up in our partner countries. The initiatives are aimed at children in care, disadvantaged families and local communities.

As mentioned, Adoption Forum is the only active adoption agency as of 2026. In the current articles of association (last revised in 2025), the purpose clause (§ 2) reads as follows:

Adoption mediation

The organisation's main purpose is adoption mediation from those countries with which the organisation has, at any given time, the approval of the Norwegian authorities to cooperate. Adopsjonsforum works together with the authorities and other relevant organisations to facilitate the legal, administrative and financial conditions that ensure sound processes in the best interests of the child. Adopsjonsforum also works to promote awareness and knowledge of international adoption within Norwegian society, including an understanding of the adoption process itself and Norway's contribution to safeguarding children's rights from an international perspective.

Post-adoption support

Adoption Forum bases its work on adoption on a holistic approach, whereby adoptees and adoptive families are supported in the best possible way from a life-course perspective.

Adopsjonsforum will take particular responsibility for initiating, supporting and developing measures that address the needs of adoptees. Adopsjonsforum also has a responsibility to actively influence the Norwegian authorities to create the conditions necessary to meet the special needs of adopted children.

7.5.2 The organisation's background and the start of its placement activities

Adopsjonsforum was founded in 1970 under the name Adopsjonsopplysning. Initially, the organisation was not founded to arrange adoptions. Its purpose was to carry out information campaigns and political work relating to international adoption. However, with its network – which gradually grew both at home and abroad – it also assisted prospective adoptive parents in completing adoptions in individual countries from 1972 onwards. In the Ministry of Social Affairs' view, this assistance amounted to adoption mediation, for which, according to Section 26(b) of the Child Welfare Act 1953, a special licence was required. The practice was nevertheless accepted.[224]

In 1975, the organisation changed its name to Adopsjonsforum whilst at the same time applying for authorisation to arrange adoptions from Colombia and Bangladesh. The application was later extended to include several other countries, and in 1978 Adopsjonsforum was granted authorisation to arrange adoptions from the following eight countries: Bolivia, Colombia, Ecuador

[224] This is discussed in more detail in section 25.3.1.

dor, Guatemala, Bangladesh, India, Indonesia and Sri Lanka.[225] In 1979, the licence was extended to include further countries, and in the years that followed, Adopsjonsforum facilitated adoptions from a total of 26 countries. In addition, there were Iran and Liberia, where Adopsjonsforum assisted with adoptions even before it was granted a licence to facilitate adoptions.

7.5.3 Key organisational features

As mentioned, Adopsjonsforum assisted with adoptions before it was granted a placement licence in 1978. The organisation did not establish a paid secretariat until 1982. Until then, the work was mainly carried out on a voluntary basis,[226] and during this early phase, Adopsjonsforum's adoption activities were organised somewhat differently from how adoption work in Norway has generally been conducted. In the period up to 1982, Adopsjonsforum assisted with adoptions from, amongst others, seven of the twelve countries prioritised in the committee's mandate.[227] The following section will therefore provide a more detailed account of the organisation's early activities.[228]

As mentioned, Adopsjonsopplysning was founded in 1970, and one of its main aims was to carry out awareness-raising work. Those involved were mainly adoptive parents themselves, and they therefore had first-hand knowledge of and experience with the adoption process. This expertise was pooled by the organisation, and in 1972 they published, amongst other things, the book **Adoption? On the adoption of Norwegian and foreign children, opportunities, motivation, heritage and environment, foreign races and legal provisions**.[229] In addition to such more general initiatives, the organisation began early on to provide advice and guidance to prospective adoptive parents in individual cases, and put them in touch with relevant parties abroad. As the 1970s progressed, this work was organised so that dedicated *country contacts* (in some cases individuals, in others small teams) were given responsibility for specific countries. Prospective adoptive parents wishing to adopt from the country in question could obtain advice and guidance from the country contact. Gradually, the country contacts also provided increasing assistance with the paperwork and took responsibility for much of the communication with overseas parties throughout the adoption process. The country contacts were often adoptive parents who had themselves adopted from the country in question. The board held meetings with the country representatives, and whilst they engaged in dialogue with one another to varying degrees, the country representatives largely organised the adoption work from the relevant country on their own.[230]

An important factor in the more practical aspects of adoption work was Adopsjonsforum's network of contacts in the relevant countries of origin. As the work became more structured, individuals within this network took on the role of *overseas contacts*. The overseas contacts were people residing abroad who were thus able to assist prospective adoptive parents with the adoption processes in the child's country of origin

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[225] Provided that the foreign contacts were approved by RIA. See SD, placement licence AF, 19 May 1978.

[226] Some foreign contacts did, however, receive remuneration; see note 34.

[227] Bangladesh, Brazil, Colombia, Costa Rica, Ecuador, Indonesia and Sri Lanka. See also the specific discussion of the early period in Chapter 9 (Bangladesh), Chapter 12 (Colombia), Chapter 13 (Costa Rica), Chapter 16 (Indonesia) and Chapter 18 (Sri Lanka).

[228] A former country liaison for Bangladesh stated in an interview (21 October 2025) to the Committee that she could not recall any major changes in practice to the placement work following the association's granting of a placement licence in 1978. The Committee's investigations also indicate that this led to relatively limited changes, and that the establishment of a paid secretariat in 1982 marked a more significant turning point.

[229] The book was a collection of texts in which various authors wrote, amongst other things, about their reflections and experiences relating to adoption. It also contained a number of factual accounts, as well as an explanation of the adoption process in Norway and in a number of selected countries.

[230] The former country liaison for Bangladesh (1976–1981) stated in an interview (21 October 2025) that she largely worked entirely on her own. During the conflict between the board and the Indonesia team around 1981, it emerged that the board had little insight into the practical aspects of adoption work (see Chapter 16). A review of documents and interviews with others nevertheless suggest that there was some degree of collaboration between the country representatives, though the extent of this likely varied somewhat from country to country or from person to person.

This applied, for example, to contact with children's homes and the authorities, the receipt and forwarding of documents, the payment of fees, assistance to adoptive parents on their journey to collect the child, and so on. In the early years, Norwegian citizens temporarily stationed abroad were in many cases engaged as overseas contacts.[231] As with the role of *country contact,* the work as *an overseas contact* was often unpaid during this period, though there were some exceptions.[232] In cases where the work was voluntary and the overseas contacts were only staying abroad temporarily, there was a relatively high turnover in the early years. The working relationships became more stable when Adopsjonsforum employed (local) overseas contacts.

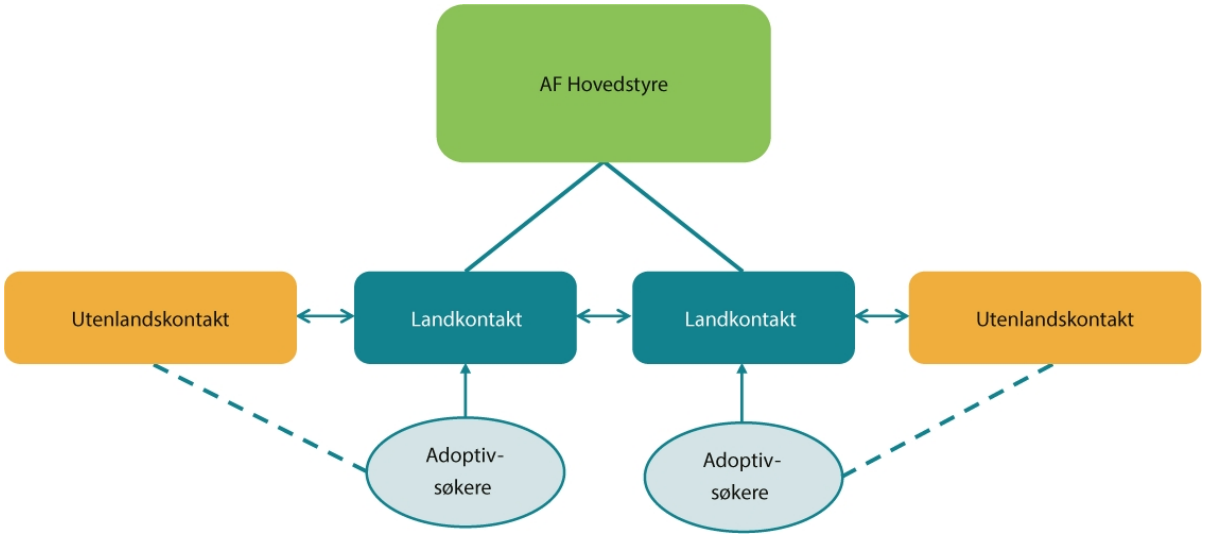

Figure 7.4 Adopsjonsforum's organisation in the early years

Although there were also instances where prospective adoptive parents had direct contact with the overseas liaison, communication primarily took place via the country liaison. In some cases – for example, in the case of Bangladesh – the postal service was not reliable enough to send adoption documents, and everything therefore had to be sent via the country contact, who in turn handed it over to people known to be travelling to the country.[233]

The adoption process entailed considerable expenses, both in Norway and abroad.[234] As far as the Committee is aware, the financial arrangements varied somewhat from country to country. Gradually, however, so-called *'common funds'* were established for several countries, which the country contact managed and could use to cover running costs for ongoing adoption processes. Adoption Forum initially operated on the basis of a solidarity-based cost-sharing arrangement, whereby all adoptive parents who adopted from the same country in the same year were required to pay the same amount, even though the actual costs could vary from one adoption to another.[235] Each year, a provisional amount was estimated which the adoption applicants were required to pay into the joint fund. At the end of the year, a final statement of accounts was drawn up showing whether those who had adopted had to pay a balance

[231] Including, for example, Indonesia and Bangladesh.

[232] For example, from the mid-1970s, the country representative in Sri Lanka was a local man who was paid a salary; see section 18.5.1.

[233] This was stated by a former country contact for Bangladesh (1976–1981) in an interview with the committee (21 October 2025).

[234] This applied, for example, to office expenses such as photocopies and postage stamps and translation fees, or expenses incurred by the child, such as medical costs, the cost of staying in a children's home, official fees in the country of origin, and travel expenses if the child was sent to Norway under escort.

[235] For example, travel expenses and the need for medical follow-up could vary. Over time, AF also introduced a system for allocating expenses across countries.

amounts, or whether they would be reimbursed for any surplus funds. The accounts were audited by the board.[236] From 1976, a separate administration fee was also introduced for all adoption applicants, which went towards the running of Adopsjonsforum in Norway.[237]

The system of having dedicated country representatives continued even after Adopsjonsforum established a paid secretariat in 1982. In addition to a general manager, the secretariat in the early years consisted largely of former volunteer country contacts who were appointed to small part-time posts. As both the number of adoptions and the general workload increased, staffing levels were also expanded. Several of the country representatives appointed in the 1980s remained in their posts for several decades. According to information provided to the committee, most of Adopsjonsforum's staff have themselves been adoptive parents.[238]

Around the turn of the millennium, a number of restructuring measures were carried out within the secretariat. Among other things, the country liaisons were divided into two separate teams (one for Africa and Asia, and one for Europe and Latin America), each with its own team leader. An administrative department with its own head was also established. Work was also initiated to standardise procedures and templates across different countries. Until then, the various country coordinators had largely worked independently and often had their own systems and procedures.
A system was also introduced whereby a deputy country manager would be available to assist or take over, for example in the event of illness.[239]

As mentioned, Adopsjonsforum has had its own contacts abroad. In addition, it has engaged, amongst others, translators, lawyers, office staff and drivers. Some have been employed by Adopsjonsforum on a permanent basis, whilst others have worked more on a contract basis. In addition to international contacts and others involved in the adoption process itself, Adopsjonsforum has had other groups of staff. In Ethiopia, for example, between 2004 and 2012 Adopsjonsforum ran its own children's home (transit home) for children who had been allocated to Norway, where staff included a home manager, a nurse, carers, cleaning staff and security guards.[240] In Colombia, Adopsjonsforum established its own office in 1995, which has had several staff members, including a lawyer, office staff, an accountant and a cleaner. The office is still operational.[241]

Adopsjonsforum has also carried out aid work. Some of this has been coordinated through the secretariat.[242] In addition, a number of projects have been initiated and run by adoptive parents independently of Adopsjonsforum's secretariat. However, Adopsjonsforum's central office has provided practical assistance, received financial statements and organised meetings for the leaders of these projects. To some extent, the projects have also been presented as Adopsjonsforum's in applications for placement licences, and to stakeholders and recipients in the countries of origin.[243]

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[236] Disagreements relating to accounting were, amongst other things, a key factor in the conflict between the Adoption Forum's board and the Indonesia team in 1981 (see Chapter 16).

[237] For example, it is stated that the administration fee for people applying to adopt from Bangladesh was 500 kroner in 1976, whilst it was 1,000 kroner in 1977. Presumably, this fee was the same for applicants from all countries.

[238] This emerged from interviews with former employees.

[239] According to information provided by the former managing director (2005–2020).

[240] This is discussed in more detail in Chapter 15 (Ethiopia).

[241] See Chapter 12 (Colombia).

[242] Among other things, AF decided in 2008 to establish a separate aid fund ('Aid for Children'), and a dedicated aid coordinator was subsequently appointed. Previously, aid work had been coordinated by an aid working group (HU). See letter from AF to Bufdir
5 December 2013.

[243] See, for example, the discussion of the Sibling Project in Chapter 15 (Ethiopia).

From around 2005, there was a marked decline in the number of adoptions completed, and Adopsjonsforum was eventually forced to make significant staff cuts.[244]

The following figures, taken from annual reports amongst other sources, indicate the scale of the organisation's operations (relating to staff in Norway):

- 1985: Adopsjonsforum had 5.05 full-time equivalents, facilitated 224 adoptions, and had 1,416 members.
- 1993: Adopsjonsforum had 11.85 full-time equivalents, facilitated 319 adoptions and had 2,597 members.
- 2006: Adopsjonsforum had just over 20 full-time equivalents, facilitated 252 adoptions and had 4,353 members.
- 2015: Adopsjonsforum had 9.5 full-time equivalents, facilitated 61 adoptions and had 2,390 members.
- 2023: Adopsjonsforum had 4.9 full-time equivalents, facilitated 16 adoptions and had 1,155 members.

7.5.4 Distinctive features of the organisation

- Adopsjonsforum is the organisation that has had by far the most partner countries, both in total and simultaneously. In total, the association has facilitated adoptions from 26 (out of 28) countries,[245] and at its peak facilitated adoptions from 18 different countries at the same time (1999).[246]
- In addition to the staff at the secretariat in Norway, Adopsjonsforum has had a number of paid staff in partner countries. This includes both people directly employed by Adopsjonsforum and those who have worked on a contract basis.
- Until 2008, Adopsjonsforum's aid projects were primarily run on a voluntary basis by adoptive parents. In 2008, Adopsjonsforum established the aid department 'Bistand for Barn' and recruited its own staff at the secretariat to coordinate the aid work and launch new projects. However, several projects remained parent-run.[247]

7.6 InorAdopt (1981–2025)

7.6.1 Introduction

InorAdopt was founded in 1981 and received its first placement licence (for Brazil) in 1989. In total, the organisation has facilitated 1,242 adoptions from eight countries.

[244] Minutes from a meeting between AF and Bufdir on 27 September 2013 state that AF planned a reduction from approximately 20 full-time equivalents to around 12 during 2014, and that the association had offered severance packages to several employees.

[245] AF assisted with adoptions from Liberia and Iran before they were granted authorisation to act as an adoption agency, but formally they have not arranged adoptions from those countries.

[246] By way of comparison, VB has arranged adoptions from a maximum of eight countries simultaneously (1998), IA from five countries, and FBAL from two countries.

[247] Some such projects are discussed in Chapter 15 (Ethiopia) and Chapter 18 (Sri Lanka).

Land	Antall barn	Formidlingsperiode
Brasil	439	1990–2013
Argentina	3	1991–1992
Ungarn	381	1992–2024
Kina	301	1999–2017
Bulgaria	52	2003–2021
Kenya	20	2013–2015
Taiwan	43	2014–2025
Burkina Faso	3	2019

Figure 7.5 Number of children arriving through InorAdopt. Blue marking indicates that the country is one of the twelve covered by the committee's mandate

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

The background to the organisation's establishment and its activities during the early years is otherwise described in more detail in Chapter 16 (Indonesia) and Chapter 10 (Brazil).

The association's statement of purpose from March 1992 was as

> follows: PURPOSE:
>
> The association works to facilitate the adoption of children where the child cannot be helped in their own country. This work is carried out on the basis of placement licences granted for the various countries by the Royal Ministry of Children and Families. InorAdopt cooperates with the Norwegian Adoption Agency and in accordance with the laws and regulations in force at any given time in Norway and the sending countries.
>
> The association also aims to help children in their home countries, through aid work or long-distance adoption. This work may be carried out independently or in collaboration with established aid organisations.

In 2006, the statement of purpose was as follows:

> The association's main purpose is to facilitate the adoption of children from foreign countries. This work is carried out on the basis of a placement licence and in accordance with the laws and regulations of Norway and the sending countries in force at any given time.
>
> Adoption placement must always be in the best interests of the child and carried out without the aim of financial gain.
>
> The association also aims to help children in their home countries, through aid work or long-distance adoption. This work may be carried out independently or in collaboration with established organisations.

7.6.2 The organisation's background and the launch of its placement activities

InorAdopt was formed in the wake of an internal conflict between the board of Adopsjonsforum and the country representative, as well as other key figures involved in the adoption process from Indonesia.[248] In 1981, this group withdrew from Adopsjonsforum and, together with a group of parents who had adopted from Indonesia, formed the new organisation InorAdopt. Their initial aim was to take over the adoption placement service from Indonesia (the name originally referred to Indonesia and Norway), but their application to the Ministry of Social Affairs was rejected. Later in the 1980s, the association applied for a placement licence

[248] This is described in more detail in Chapter 16 (Indonesia).

for several countries,[249] but was initially only granted permission for five pilot cases from Brazil in 1989. During the first couple of years, the organisation was somewhat characterised by internal disagreements, and the authorities received several complaints about InorAdopt's activities from prospective adoptive parents and adoptive parents.[250] However, as the 1990s progressed, operations stabilised, and the association was gradually granted permission for adoptions from several countries. In particular, cooperation with Hungary (from 1992) and China (from 1999) became central, resulting in many adoptions.

7.6.3 Key organisational features

InorAdopt has been a relatively small organisation. In 2003 and 2004, InorAdopt facilitated 78 and 85 adoptions respectively, but apart from these years, the figure has generally ranged between 30 and 60 adoptions annually from its inception in 1989 until 2018.[251] The organisation has therefore not experienced the same significant peaks and troughs as other adoption agencies, and its staffing levels have been more stable.

According to the former managing director (1993–2015), working relationships were close, and necessary information between staff members was largely shared verbally in both formal and informal contexts. There was also, at times, close contact with the chair of the board.

InorAdopt has had several locally employed staff abroad and has had paid foreign representatives in countries including Brazil, China and Hungary.

InorAdopt has also been involved in aid work, including sponsorship projects.

Towards the end of the 2010s, InorAdopt also saw a marked decline in the number of adoptions. In 2025, they decided to wind up their operations due to a lack of revenue. By then, the organisation had had its application for a renewed licence for Bulgaria, Hungary and the Czech Republic rejected, and it only held a licence for placement from Taiwan.

The following figures, taken from annual reports amongst other sources, indicate the scale of the organisation's operations (relating to staff in Norway):

1992: InorAdopt had approximately 2.3 full-time equivalents, facilitated 31 adoptions and had 331 members.

2002: InorAdopt had 3.5 full-time equivalents plus a consultant on an hourly basis; it facilitated 65 adoptions and had 455 members.

2012: InorAdopt had 4.8 full-time equivalents plus a consultant on an hourly basis; it facilitated 35 adoptions and had 440 members.

2023: InorAdopt had approximately 3 full-time equivalents; it facilitated 5 adoptions and had 214 members.

7.6.4 Distinctive features of the organisation

- InorAdopt has been a smaller organisation than both Adopsjonsforum and Verdens Barn.
- InorAdopt was established in Kristiansand and is the only adoption agency to have had its head office outside Oslo.
- InorAdopt has maintained a relatively stable staffing level throughout its entire period of operation.
- Due to its smaller scale and closer working relationships, InorAdopt has, to a lesser extent, had procedures for documenting information relating to its operations and partners.

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[249] This is described in more detail in section 25.3.3.2.

[250] This is described in more detail in Chapter 10 (Brazil).

[251] By way of comparison, adoption figures for VB ranged from 37 to 286 during the same period, whilst those for AF ranged from 49 to 388.

7.7 National and international organisations for adoption agencies

7.7.1 Introduction

Norwegian adoption agencies have engaged in varying degrees of formal cooperation, not only amongst themselves but also with other foreign adoption agencies. Amongst other things, international meetings, seminars and conferences organised by and for adoption agencies have been held since the 1970s. From the 1990s onwards, this cooperation became more formalised, and formal collaborative bodies were established.

For the Norwegian adoption agencies, EurAdopt and the Nordic Adoption Council (NAC) have been particularly central. In the committee's interviews with former and current staff and board members from the agencies, it has been emphasised that representatives from the Norwegian adoption agencies have been key drivers both in the establishment of and the ongoing activities of these organisations. In 2005, the three Norwegian adoption agencies that were active at the time also established their own national collaborative body called the Norwegian Adoption Council (NAR).

A brief overview of these organisations is provided below.

7.7.2 EurAdopt

EurAdopt was initiated in 1991 and established in 1993 as a collaborative body for adoption agencies from Western European countries. The background to its establishment was existing cooperation and regular meetings between a number of European adoption agencies, which had been taking place since the 1970s. One of the reasons for formalising the organisation was that forming an international body would enable representation at meetings relating to the work on the Hague Convention.[252] Since its establishment, meetings have been held every other year.[253] All three Norwegian adoption agencies active during that period were affiliated with EurAdopt.

EurAdopt drew up its own set of ethical rules for member organisations, grouped into provisions concerning, respectively, birth parents, the child, adoptive parents and cooperation with other bodies.[254] Member organisations undertake to comply with the UN Convention on the Rights of the Child, *the* UN *Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption, Nationally and Internationally,* the 1993 Hague Convention and the ICSW guidelines.

A brochure from 2005 states that EurAdopt has the following objectives:

- To advocate intercountry adoption as an option in child welfare when pursued in the best interests of the child and in accordance with the principle of subsidiarity (i.e. that placement with the biological family is the first priority if a child cannot remain with their biological parents, national adoption the second priority, and intercountry adoption the third priority).
- To work towards universal adherence to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and the principles on which the Convention is based.

[252] As stated by the former Secretary-General of the Hague Conference, Hans van Loon, at a meeting with the committee on 6 May 2025.

[253] However, the meeting schedule was postponed due to the COVID-19 pandemic.

[254] EurAdopt's Code of Ethics is available at http://portal.euradopt.org. (accessed 14 April 2026).

- To uphold Ethical Rules and promote their application by member organisations and others.
- To promote cooperation between member organisations and government bodies in both the countries of origin and the receiving countries.
- To help disseminate facts and figures on intercountry adoption amongst member organisations and within society at large.
- To advocate for improvements to legislation and guidelines in the field of intercountry adoption in both countries of origin and receiving countries.[255]

7.7.3 Nordic Adoption Council (NAC)[256]

As with the meetings of European adoption agencies, separate meetings for adoption agencies from the Nordic countries have also been held since the 1970s. Until the mid-1990s, these meetings were organised by a dedicated committee. However, at the tenth Nordic meeting in 1995, this was also established as a separate collaborative organisation. Part of the rationale for this formalisation was (as with the formation of Euradopt) that it enabled the organisation to be represented at meetings relating to the work on the Hague Convention.[257] The statutes stipulated that Nordic meetings should be held every other year. Upon its establishment, the Nordic Adoption Council decided that it would not compete with EurAdopt, but that it would also participate in and support this work.

The purpose of the Nordic Adoption Council is 'to achieve, through co-operation between the member organisations, good conditions in the Nordic countries for intercountry adoption and good conditions in which adopted children can grow up'. The Nordic Adoption Council has committed itself to the same ethical rules as those adopted by EurAdopt.

All three Norwegian adoption agencies that were active during this period were affiliated with the Nordic Adoption Council.

7.7.4 National cooperation and the Norwegian Adoption Council (NAR)

The Norwegian adoption agencies have also, from time to time, cooperated closely with one another. In practice, this has taken slightly different forms, but the three agencies (Verdens Barn, Adopsjonsforum and InorAdopt) have, amongst other things, set up a joint adoption expert committee (AU) which collaborated on joint initiatives.[258] One example is *Adoption Week*, which has been organised annually.[259]

In 2001, the three active adoption agencies further formalised their cooperation through the establishment of the Norwegian Adoption Council.[260] The Council was composed of the respective organisations' secretaries-general and chairpersons. The cooperative body was organised in a relatively informal manner and did not have its own budget or articles of association. Meetings of the Adoption Council were usually held in conjunction with

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[255] EurAdopt (2005), An Association of European Adoption Organisations – A short presentation. [256] The information on NAC is taken from their website, http://www.nordicadoption.org (accessed 14 April 2026). [257] Members of the committee that organised the Nordic meetings had been represented at the Hague meetings.

[258] The committee has not examined this collaboration in detail and has, amongst other things, not clarified the years during which this committee was operational. The information is taken from IA, AF and VB, application for operating grants dated 31 March 2005.

[259] For a number of years, a regular 'Adoption Week' was held in week 47, during which the three adoption agencies focused particularly on disseminating information and knowledge about adoption. In most of the country's counties, various adoption-related events were held during this week. This was a collaborative project between the central bodies (board/secretariat) of the various organisations and their local branches.

[260] IA, AF and VB. The committee has reviewed a small selection of the Council's minutes from 2001 to 2015.

other joint meetings, such as liaison meetings with Norwegian adoption authorities. Practical work was assigned to the Adoption Expert Committee, so that the Council could concentrate on more overarching issues, such as adoption policy matters. The Council has since acted as a point of contact for Norwegian authorities, for example in connection with various consultation rounds.

8 Policy guidelines and debate in the field of adoption

8.1 Introduction

In this section, the Committee will describe various types of policy guidance in the field of adoption that do not naturally fall under the descriptions of the political process surrounding regulatory changes and major reforms. The Committee has not systematically reviewed all the different forms of political guidance in the field of adoption, but has searched the Storting's website for questions raised during Question Time, written questions, interpellations, motions by Members of Parliament (Document 8 motions) and resolutions on requests. Furthermore, we have examined policy guidelines on intercountry adoptions in party manifestos and government platforms from 2005 onwards. Certain questions in interviews with ministry-level staff have also provided information on what politicians have been most concerned about in the field of intercountry adoption.

The Committee's general impression of the material reviewed is that there has been relatively broad political consensus on maintaining and improving opportunities for intercountry adoptions.[261] There has been political consensus on several reforms which, amongst other things, have tightened the requirements for legal certainty and oversight, such as the ratification of the Hague Convention, the amendments to the Adoption Act in 1999 and the new Adoption Act in 2017. However, beyond the political debate on such reforms, political engagement has mainly focused on measures to make it easier and quicker for prospective adoptive parents to adopt, at least up until around 2020.

8.2 Adoption as a topic in parliamentary questions

The committee has searched the main register in the Storting's historical archive and has, amongst other things, reviewed references to adoption in the minutes of the Storting's Question Time dating back to the 1970s. Furthermore, the committee has examined written questions, interpellations, motions by members of parliament and resolutions from the period 2005 to 2023. On the occasions when adoption has been the subject of discussion, the focus has most often been on how to make the process simpler and faster for prospective adoptive parents, and on ensuring that more people have the opportunity to adopt. The questions put to the responsible minister have, for example, centred on extending the age limits for adoption,[262] facilitating adoption by single people and those with various disabilities and health conditions,[263] and what measures the minister(s) are taking to facilitate adoption

[261] It is true that certain extremist political parties have called for a halt to the adoption of children of other ethnicities, but such initiatives have received limited support and met with considerable opposition. See, for example, Rt. 1997 p. 1821, where the leader of the White Electoral Alliance party was sentenced to 60 days' suspended imprisonment and a fine of NOK 20,000 for breaching the anti-racism provision in Section 135a of the Penal Code of 1902. The background to this was that the party's manifesto contained offensive statements of a racist nature. Among other things, it was proposed that dark-skinned adoptees should be sterilised.

[262] E.g. a question during Question Time in the Storting by Hans Hammond Rossbach (V) on 3 June 1970.

[263] For example, questions raised during Question Time in the Storting by Åge Ramberg (KrF) on 26 November 1980, by Magnar Sortåsløkken (SV)
26 January 1994, from Karita Bekkemellem Orheim (Ap) on 22 April 1998, and from Harald T. Nesvik (FrP) on 1 June 2007.

comments from specific countries,[264] regarding improved financial arrangements in connection with adoption,[265] and a desire to simplify the adoption process.[266]

There have also been calls to facilitate adoption from new partner countries. One example is the Minister for Children and Gender Equality's response to the following written question in 2008:

> Why does the Minister not make the adoption process more efficient, rather than launching an inquiry and protracted committee work, and when does the Minister believe this work might result in concrete measures?

The Minister replied as follows:

> The Directorate for Children, Youth and Family Affairs reports that waiting times in the children's countries of origin have recently increased. Several countries with which Norway has cooperated for many years, such as China, South Korea and Colombia, are currently receiving far more applications from receiving countries than the number of children released for international adoption. The Directorate also states that more children are now being adopted domestically in these countries. The Norwegian authorities are committed to being an active participant on the international stage, as well as to facilitating conditions for responsible arrangements regarding cross-border adoption. Furthermore, we are examining the possibility of adoption organisations expanding existing cooperation with countries of origin and establishing cooperation with new countries of origin. In this connection, I can mention that the Ministry is currently considering the conclusion of a bilateral adoption agreement between Vietnam and Norway.[267]

The Committee cannot discern any clear differences in views and priorities between different political parties from the questions put to the Minister or the parliamentary motions tabled in this area.

One question from 1996 stands out in that it concerns legal certainty in the adoption process. The question read:

> Does the Minister consider that our regulations governing the adoption of children from abroad provide assurance that abduction and child trafficking are not part of the processes in question?[268]

In his reply, the Minister provided a general account of the system for international adoptions, the Hague Convention on Adoption, and the work being done to ratify it. In a follow-up question, the questioner referred to a statement made by the head of the State Adoption Office to *Arbeiderbladet* that one 'must assume that each country follows its own laws' and that 'Norway obviously cannot guarantee that children arriving in this country have not been stolen or bought – the scope for checks is too limited'.[269] The questioner believed that this indicated that 'we do not have an adequate system of checks and balances', and asked whether the Minister had any plans or saw any scope for strengthening these controls. The Minister replied, amongst other things, as follows:

> We are doing everything possible to ensure that no form of child abduction has taken place, or that no adoption takes place on grounds that are not in accordance with Norwegian legislation

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[264] E.g. questions during Question Time in the Storting by Bergfrid Fjose (Krf) on 20 November 1974 (regarding Vietnam), by Annelise Høeg
(H) on 8 December 1982 (regarding Indonesia) and from Eleonore Bjartveit (Krf) on 2 January 1993 (then Yugoslavia).

[265] E.g. questions during Question Time in the Storting from Solveig Sollie (KrF) on 7 December 1988 and a parliamentary motion from Laila Dåvøy, Åse Gunhild Woie Duesund, Dagrun Eriksen and Hans Olav Syversen (KrF) on 28 May 2008.

[266] E.g. a question during Question Time in the Storting by Gunnar Kvassheim (V) on 8 March 2000 and a parliamentary motion by Trine Skei Grande and Abid Q. Raja (V) on 4 October 2010.

[267] Response from the Minister for Children and Equality, Anniken Huitfeldt (Ap), on 14 October 2008, to a question from Ulf Erik Knudsen (FrP) tabled on 6 October 2008. This potential agreement had also previously been discussed in the Storting in a question from Ole-mic Thommessen (H) on 5 June 2007. A bilateral agreement was concluded in 2013 following dialogue between Bufdir and the Vietnamese central authority; see section 20.7.1.

[268] Question from Inga Kvalbukt (Sp) to Minister Grethe Berget, Question Time, 6 March 1996.

[269] The head of the office's statements were published in *Arbeiderbladet* on 27 February 1996.

> When anyone casts doubt on this, we and the adoption agency are, of course, prepared to step in and carry out an additional check to ensure that such things do not happen.

It is only since around 2020 that more questions of a similar nature have been raised.[270]

8.3 Signals from the Storting during the consideration of legislative proposals

During the Storting's consideration of the proposed amendments to the Adoption Act in Prop. 171 L (2012–2013)[(271),] certain signals emerged from the Storting beyond the legislative amendment itself. In its recommendation to the Storting, the Family and Culture Committee emphasised that the transfer of responsibility for assessing adoption applicants to Bufetat must lead to an improvement in quality and not increase waiting times. Furthermore, the Committee commented on the consultation responses from adoption agencies, which suggested that part of the reason for the steady decline in international adoptions was the slowness in concluding agreements with new countries:

> There is a requirement that new sending countries must have sound legislation and systems in place to facilitate international adoption. Several countries lack this, but with a little assistance can establish satisfactory systems. The Committee believes it is important to support voluntary organisations working to put the necessary legislation and systems in place in order to establish agreements with more countries. Consideration should also be given to whether foreign missions can play a more active role in this regard.[272]

During the deliberations on the new Adoption Act of 2017, the Storting issued clear instructions through motions for specific measures relating to international adoption.

In connection with the consideration of the new Adoption Act in 2017, the Storting adopted three motions regarding processing times and post-adoption procedures. The first read:

> [I] The Storting requests that the Government ensure that the processing time for international adoption cases does not exceed 30 days.

This was interpreted by the adoption authorities as applying to the processing time at the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) and the Expert Committee.

The other two motions concerned post-adoption and read as follows:

> [II] The Storting requests that the Government assess the need for post-adoption support for adoptees and their families in accordance with Article 9 of the Hague Convention, whereby a model such as the Danish one may be considered as an alternative, and report back to the Storting in an appropriate manner.
>
> [III] The Storting requests that the Government assess the need for post-adoption follow-up.

Resolutions II and III are discussed in more detail in Chapter 30.[273]

8.4 Government platforms

The parties that have formed coalition governments in Norway over the past few decades have generally negotiated and published agreements setting out the basis for their governmental cooperation, often referred to as government platforms. Some of these have included points relating to adoption.

Adoption is not mentioned in the first Soria Moria Declaration of 2005, which formed the basis for the Stoltenberg II government. In Soria Moria II from 2009, however, the same government advocated 'ar-

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[270] See, for example, Silje Hjemdal's (FRP) written question to Minister Kjell Ingolf Ropstad on 31 January 2020.

[271] Prop. 171 L (2012–2013) Amendments to the Adoption Act, etc.

[272] Innst. 143 L (2013–2014), p. 9.

[273] See also Meld. St. 4 (2021–2022) Motions and resolutions for further consideration in the 2020–2021 parliamentary session.

'both to make it easier to adopt children'. The Solberg government's first manifesto, the Sundvolden Declaration of 2013, also referred to adoption. It stated that the government wished to 'increase the one-off grant for childbirth and adoption'.[274] The 2018 Jeløya Platform, which was negotiated when the Liberal Party joined the government, included, as part of the new coalition agreement, 'working to make adoption processes faster and simpler, both abroad and at home'.[275] This point was reiterated in the 2019 Granavolden Platform, when the Christian Democratic Party (KrF) also joined the government. The Hurdal Platform, drawn up upon the Støre government's accession in 2021, makes no mention of adoption.

Points of this kind provide important guidance for the ministries, and individuals from the ministries interviewed by the committee have cited them as examples of the priority given to the field of adoption.

8.5 Party manifestos

Party manifestos from recent decades also suggest that there has been cross-party agreement that international adoptions are desirable, and that they should ideally be processed more quickly and be more accessible to Norwegian adoptive applicants. The Labour Party and the Liberal Party in particular have emphasised their support for international adoptions. The Comparative Manifestos Project dataset compiles party manifestos from all Norwegian parliamentary elections between 2005 and 2017, and the following positions are taken from there:[276]

In 2005, the Labour Party, the Centre Party and the Liberal Party sought to increase the one-off adoption grant, and the Labour Party called for equal adoption rights for same-sex couples.

In 2009, the Labour Party, the Liberal Party, the Christian Democratic Party and the Centre Party sought to increase the one-off grant. The Labour Party wanted to 'review the adoption process to ensure that it does not become unnecessarily lengthy and bureaucratic' and to 'work towards opening up adoption from more countries'. Similarly, the Liberal Party sought to
'facilitate a less bureaucratic and more predictable adoption process', that
'the process of being approved as an adoptive parent must take a maximum of 9 months', and 'that Norway should seek to enter into cooperation agreements on adoption with more countries'. The Centre Party also wanted to
'[s]implify the adoption process through, amongst other things, simpler regulations and shorter processing times'.

In 2013, the Labour Party wanted to "facilitate shorter waiting times in the adoption process by assisting and encouraging adoption agencies to cooperate with more countries", as well as to "[p]ersuade partner countries to accept same-sex adoptive parents". The Liberal Party also called for equal treatment of same-sex couples, faster processes and cooperation with more countries. The Christian Democratic Party's manifesto stated that
'the procedures for international adoption must be improved and take less time, and the way should be paved for more adoptions than at present'. That year, the Conservative Party also supported an increase in the one-off grant.

The Labour Party and the Liberal Party had similar positions in their 2017 manifestos to those in 2013, but the Liberal Party also advocated strengthening post-adoption support. In 2017, the Conservative Party also advocated 'working towards adoption agreements with more countries and facilitating adoption in Norway' and 'simplifying adoptions both domestically and internationally'.

The 2021 party manifestos may indicate a certain shift in the parties' policies regarding international adoption. Adoption is not mentioned in the parliamentary manifestos of the Labour Party and the Centre Party. The Liberal Party called for higher adoption grants, but no longer included provisions regarding faster adoption

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[274] https://www.regjeringen.no/no/dokumentarkiv/regjeringen-solberg/andre-dokumenter/smk/2013/politisk-platt-form/id743014/.

[275] https://www.regjeringen.no/no/dokumentarkiv/regjeringen-solberg/andre-dokumenter/smk/2018/politisk-platt-form/id2585544/.

[276] Lehmann, Pola / Franzmann, Simon / Al-Gaddooa, Denise / Burst, Tobias / Ivanusch, Christoph / Lewandowski, Jirka / Regel, Sven / Riethmüller, Felicia / Zehnter, Lisa (2024): Manifesto Corpus. Version: 2024-1. Berlin: WZB Berlin Social Science Centre/Göttingen: Institute for Democracy Research (IfDem).

or more partner countries.[277] The Christian People's Party, on the other hand, wished to 'facilitate increased adoption, and improve and streamline adoption procedures', whilst the Conservative Party wished to 'work towards simpler adoption rules both in Norway and abroad'.[278] Furthermore, the Socialist Left Party had included in its manifesto a commitment to 'work internationally to ensure that more countries allow adoption by LGBTQ+ people',[279] and Rødt sought to 'work towards adoption legislation with international adoption arrangements that enable adoption regardless of gender, gender identity or sexual orientation'.[280] The Green Party, which does not appear to have taken a position on international adoption in the dataset from 2005 to 2017, wanted an increase in the one-off adoption grant, but did not specify whether this applied to international adoption.[281] The Progress Party, which also does not state any position on international adoption in the dataset from 2005 to 2017, had, in 2021, enshrined in its manifesto a commitment to "work to make it possible to voluntarily adopt a limited number of minors and orphaned refugees residing in refugee camps".[282]

8.6 Information from interviews with staff at the adoption authorities

In several interviews with current and former staff at the adoption authorities and the Ministry of Children and Families, we asked what guidance they perceived politicians to have provided.

The Director-General responsible for adoption matters at the Ministry of Children and Families between 1991 and 2009 stated that there was some variation between the different political leaderships, but that work in the field of adoption was generally not something the political leadership in the Ministry was particularly involved in, except in the case of changes to legislation and guidelines and a few isolated cases.[283]

The same Head of Department stated that the Storting's involvement during his tenure mainly concerned processing times and adoption applicants who were not approved. He stated that the Storting was primarily concerned with the applicants. The political discussions centred on who should be allowed to adopt, and on ensuring that cases were processed as quickly and efficiently as possible.

In another interview, a deputy director who was employed by the Ministry during the same period stated that politicians had focused on processing times, but also on 'the system surrounding adoptions', and that they had paid attention to the pre-approval of prospective adoptive parents.

A senior case officer from the same period told the committee that there may not have been any direct pressure from above regarding the legal rights of the children and biological parents, but that 'it was an underlying assumption that everything should be handled correctly and responsibly'. The person in question said that there was some discussion about expanding access to adoption for various groups, but that they did not perceive any pressure to increase the number of adoptions.

A director of department responsible for adoption at Bufdir for much of the same period told the committee that there had been political pressure in two areas. Firstly, some politicians believed that the rejection rate in cases involving prior consent was too high. Although the approval rate was over 90 per cent, some portrayed the process of gaining approval as an extremely difficult hurdle to clear. Secondly, it was pointed out

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[277] The Liberal Party's 2021–2025 parliamentary election manifesto.

[278] The Conservative Party's parliamentary election manifesto 2021–2025.

[279] The Socialist Left Party's (SV) work programme for 2021–2025.

[280] Rødt does not state a position on adoption in the CMP dataset.

[281] The MDG's work programme for 2021–2025.

[282] The Progress Party's (Frp) party programme for 2021–2025.

[283] One of these cases concerned Minister Karita Bekkemellem Orheim, who is mentioned below and discussed in more detail in section 26.4.5.2.

that other recipient countries had cooperated with more countries of origin than Norway, and stated that Norway was too strict regarding the countries of origin with which cooperation was permitted.

8.7 Political leadership's involvement in individual cases

The authority to make various types of decisions in adoption cases and in cases concerning the suspension of placement services has, throughout the period under review, rested at ministerial level. Although decisions in individual cases have largely been devolved to lower levels of administration, the Ministry remains the appeal body in cases concerning operating and placement licences for adoption agencies.

The Committee's impression is that decisions in individual cases concerning adoptions and licences have largely been taken at civil service level without the involvement of the political leadership in the Ministry.[284] To the extent that they have been involved, this is legitimate and part of the ordinary administrative process, as the Minister is the head of the Ministry and responsible for its decisions. The Committee would nevertheless like to highlight one case where the background to the Minister's involvement may be called into question, and one case where a placement authorisation appears to have been granted after the Minister overruled the civil service's professional assessments of appropriateness.

In one specific case, a Minister became involved in a manner that has subsequently been criticised. This concerns the handling by Karita Bekkemellom Orheim, Minister for Children and Families, of a case concerning an appeal against the refusal to grant prior approval to an adoption applicant.[285] In 2001, the case was taken up by the Storting's Control and Constitutional Affairs Committee, and in its report, the committee proposed that the handling of appeals in cases concerning prior consent should be entrusted to an autonomous and independent body.

In another case in the late 1980s, the case documents show that the Minister went against the advice of the civil service and the Ministry of Foreign Affairs when considering Inoradopt's application for a placement licence for Brazil.[286] Both the Ministry of Social Affairs and the embassy in Brazil were, from the outset, clearly opposed to granting such a licence. The application was placed on hold by the Ministry in December 1988 pending the Foreign Minister's visit to Brazil in the spring of 1989, and the Ministry stated, amongst other things, that due to unsatisfactory conditions and reluctance on the part of the Brazilian authorities, it assumed that it would 'pose major problems to establish satisfactory procedures for the release of children from Brazil'. However, the Foreign Minister's visit to Brazil was postponed, and in June 1989 the Ministry granted authorisation to carry out five pilot cases without waiting for this visit. The decision was taken by Minister Tove Strand Gerhardsen without the committee having found any evidence that new information had been obtained or further assessments made. The Ministry of Foreign Affairs reacted negatively to the granting of this authorisation.

Part III
Country assessments

[284] See interview with the Director-General responsible for adoption matters at the Ministry of Children and Family Affairs during the period 1991 to 2009.

[285] Discussed in more detail in section 26.4.5.2.

[286] Discussed in more detail in section 10.6.2.1.

9 Bangladesh

9.1 Introduction

Adoption Forum assisted in facilitating a total of 110 adoptions from Bangladesh to Norway during the period 1973–1981.[287] This accounts for around 0.5 per cent of international adoptions to Norway facilitated by intermediaries. More than half of the adoptions from Bangladesh took place in the period before Adopsjonsforum held a placement licence (see section 7.5).

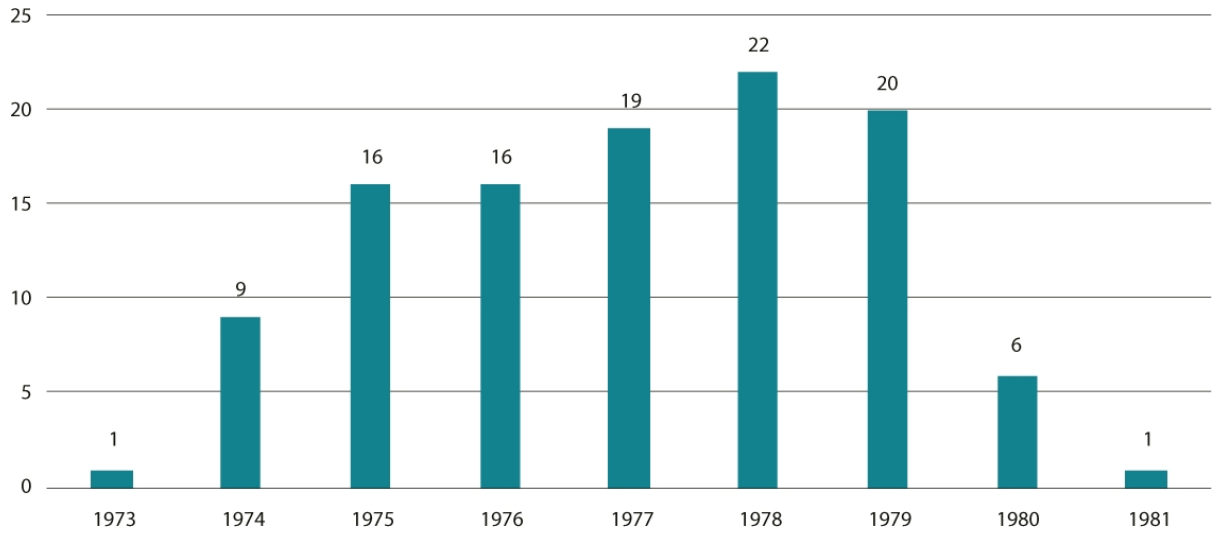

Figure 9.1 Adoptions arranged from Bangladesh to Norway 1973–1981

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

The Committee is also aware that some Norwegians carried out independent adoptions from Bangladesh, but has not been able to ascertain exactly how many cases this concerns.[288]

The period during which adoptions were arranged from Bangladesh was relatively short. This was primarily due to growing political and religious opposition, which ultimately led the Bangladeshi authorities themselves to halt international adoptions in 1982.

Bangladesh is one of the countries where the adoption authorisation itself was granted in Norway. Virtually all the children travelled to Norway with escorts.

9.2 General information and history

Bangladesh is situated in South Asia and is surrounded by India on all sides, with the exception of a small border area with Myanmar in the south-east. The official language is Bengali, and the predominant religions are Islam (89 per cent) and Hinduism (10 per cent).[289] The country is one of the world's most densely populated, whilst

[287] Some overviews state the figure as 111. Adoption Forum's former country contact (country contact 3) has informed the committee that their former foreign contact assisted one final applicant couple directly (with their second adoption) after Adoption Forum had ceased its placement activities. The Committee assumes that this is the last adoption. Section 3.5 provides further information on statistics.

[288] See Chapter 28 and section 6.2.2.

[289] UN. (2024, 16 January). *Bangladesh*. UN Association of Norway. Countries, https://fn.no/land/bangladesh.

It is considered underdeveloped and poor.[290] Furthermore, Bangladesh is vulnerable to natural disasters, and the country is regularly hit by, amongst other things, floods and cyclones.[291] In 1974, a famine broke out, partly as a result of flooding and political unrest, and many people became internally displaced within the country.[292]

Having been subject to British colonial rule as part of India, Bangladesh became part of Pakistan in 1947. Following the civil war in 1971, in which India eventually intervened and helped bring about an end to the conflict, Bangladesh was proclaimed an independent republic. Sexual violence as part of the warfare was a factor that had an impact on adoption practices (see section 9.2). During the nine months that the armed conflict lasted, Pakistani forces are said to have raped several hundred thousand Bengali women.[293] Children born out of wedlock were, in principle, subject to considerable social stigma, and the fact that these children were fathered by soldiers made the situation particularly difficult for the victims of sexual violence who became pregnant. Access to adoption was introduced by the authorities in 1972 as a possible solution to this social problem.[294]

Following independence, Bangladesh adopted its own constitution in 1972 and thereby became a parliamentary democracy. However, the military has played a significant role in politics, and the political landscape has been characterised by considerable unrest, coups and assassinations.[295] The country's first prime minister was killed in a military coup in 1975. The Major-General who then took power was also killed in an attempted military coup in 1981. Democratic rule was not restored until 1991.[296]

In 1983, over a third of the population lived in extreme poverty.[297] Arranged marriages and child marriages were common, and UNICEF reports that in 1970, 77 per cent of women were married before the age of 15 and 93 per cent before the age of 18.[298]

Bangladesh has at times been regarded as one of the world's most corrupt countries.[299] Corruption was highlighted as a major problem in the 1970s.[300] The judiciary has been understaffed, and the pay levels for civil servants have been low. Bribes are, and have been, widespread as a means of expediting bureaucratic processes.[301]

Norway recognised Bangladesh as an independent state on 4 February 1972. From 1973, Norway offered trade assistance, and it was decided that Bangladesh would be a priority partner country for development aid. In 1975, Norad established a separate office in Dhaka and, at the same time, appointed a permanent representative to be stationed there. In 1996, this office was upgraded to a fully-fledged embassy. Until then,

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[290] In 2024, the country had a population of over 173 million in an area equivalent to less than half of mainland Norway.

[291] Store norske leksikon, http://snl.no/Banglades (accessed 12 March 2026).

[292] *Report. Commission of Inquiry into Intercountry Adoption* (2021), section 4.1.

[293] According to the Dutch investigative report **Report. Commission of Inquiry into Intercountry Adoption** (2021), paragraph 4.1, 300,000 women were raped. However, the figures have varied somewhat between different sources; see, for example, Susan Brownmiller (1977). *Rape: Myths and Facts*, p. 82.

[294] See section 9.3.

[295] Store norske leksikon, http://snl.no/Bangladesh (accessed 12 March 2026).

[296] Landinfo (2013), Country Brief on *Bangladesh: Police and the Judiciary*.

[297] UN: *Extreme Poverty in Bangladesh*, https://fn.no/Statistikk/ekstrem-fattigdom?country=41631.

[298] UNICEF (2020), *Ending Child Marriage: A profile of progress in Bangladesh*, p. 21.

[299] The country first appeared in Transparency International's index in 2001, coming in a clear last place out of the 99 countries ranked that year, with a score of 0.4 out of 10. By comparison, Norway achieved a score of 8.6 that year; see https://www.transparency.org/en/cpi/2001. The country remained in last place in the ranking until 2005.

[300] Faaland, J. (1975). Bangladesh: A crisis for the future. *Forum for Development Studies*, 3, p. 2.

[301] Landinfo (2013), Country Brief*: Bangladesh – Police and the Judiciary*, p. 7.

It was the embassy in New Delhi that was accredited to the country. Bangladesh, for its part, established an embassy in Stockholm in 1972 with secondary accreditation to Norway.[302]

9.3 Regulations and adoption procedures

The Committee has limited scope to conduct an independent investigation into the regulations and practices of other countries in the 1970s and 1980s (see section 3.3 of the methodology chapter). The following description of the regulatory framework and the adoption process in Bangladesh is based on accounts in other countries' review reports, documents from Norwegian authorities (the Council for International Adoptions, the Ministry of Justice and the Ministry of Social Affairs) and documents obtained from Adopsjonsforum. We reserve the right to correct any inaccuracies.

Following the War of Liberation in 1971, a challenge arose in connection with the many unwanted pregnancies resulting from sexual assault by soldiers (see section 9.2). Although this was contrary to Islamic custom, the Bangladeshi authorities therefore permitted both abortion and adoption.[303] The legal basis for national and international adoption was laid down in a law/presidential order from 1972 entitled *the Bangladesh Abandoned Children (Special Provision) Order 1972*.[304] Only the release for adoption – more specifically, a transfer of guardianship – was to be carried out in Bangladesh; the adoption itself therefore had to take place in the adoptive parents' home country.

In 1972, a separate Inter-Country Child Adoption Programme (ICCAP) was launched, and a state-run children's home for adoption was established in Dhaka, the Inter-Country Adoption Centre (ICAC). ICCAP was administratively subordinate to the Ministry of Social Welfare and co-located with it.[305] Decision-making authority in individual cases – the approval of adoption applicants and the subsequent transfer of guardianship to them – lay with Social Welfare and had to be signed personally by the director. Financially, ICCAP eventually became self-financing, partly due to income from public adoption fees.[306]

The Committee notes that the descriptions provided in various sources suggest that those involved were not always aware of the distinction between ICCAP's and Social Welfare's tasks and responsibilities, and that it is therefore sometimes unclear who actually did what.[307] As ICCAP was subordinate to Social Welfare, we have not considered it essential for the Committee's assessments to investigate the organisational details. In the following, we use the terms as they appear in the sources, but with the proviso that these may contain some inaccuracies regarding these matters.

Initially, the adoption programme was established to assist in placing children conceived as a result of sexual assault by foreign soldiers during the War of Liberation in 1971. However, its remit was expanded, and the programme continued to arrange adoptions for other *abandoned* children as well. Until 1978, children eligible for adoption as *'abandoned'* included both those who were genuinely orphaned or abandoned, and those born out of wedlock.[308] In 1978, the adoption regulations were tightened

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[302] Arve Ofstad (2022), *Norway and Bangladesh – A Fifty-Year Relationship 1972–2022*, p. 7.

[303] *Report. Commission on Intercountry Adoption* (2021), section 4.2.

[304] This is referred to somewhat differently in various sources.

[305] The information regarding co-location was provided by country contact 3 (1976–1981).

[306] The *1976 'Guidelines for the Processing Agencies of the Inter-Country Child Adoption Programme'* state that a fee of 2,000 BDT was to be paid per adoption.

[307] It should be noted that both contemporary and more recent Norwegian and foreign sources use slightly different terms to refer to the public body responsible for adoptions: 'department/division/office' (*Department of Social Welfare*) and 'directorate' (*Directorate of Social Welfare*). It is clear that ultimate responsibility rested with the director (*Director of Social Welfare*).

[308] The information is taken from a copy of a page in an unidentified book in the RIA's archive at Bufdir.

Some changes were made, and the government decided that only genuinely orphaned or abandoned children could be adopted.[309]

Initially, only children living at the state-run children's home (ICAC) were eligible for adoption, but gradually adoptions from other institutions, so-called *'outside centres'*, were also permitted. The adoptive parents' application and the transfer of guardianship itself still had to be approved by ICCAP and signed by the Director of Social Welfare. Most of the children adopted to Norway are said to have come from the ICAC.[310] Ten children are said to have come from Mother Teresa's Shishu Bhavan children's home (Missionaries of Charity), and a few probably came from other places.[311]

In 1976, the Ministry of Social Affairs adopted *the 'Guidelines for the Processing Agencies of the Inter-Country Child Adoption Programme*'. The guidelines state, amongst other things, the following:

- Foreign *adoption* agencies were required to apply to Social Welfare for a licence to operate, and normally only one such licence was granted per receiving country. It was 'preferable' that adoption applications were channelled through agencies rather than being submitted directly to the authorities by applicants.
- If the children came from institutions other than ICCAP, the agency was required to attach a detailed social history of the child when the case was to be processed.
- An adoption fee of 2,000 BDT (approx. 600–700 kroner in 1978)[312] had to be paid to ICCAP before the Director of Social Welfare signed the transfer of guardianship to the prospective adoptive parents.
- Follow-up reports on the children were to be drawn up within seven days of the adoption being finalised in the receiving country, and thereafter every quarter for three years.

The Committee has not found any detailed descriptions of the actual release process in the Norwegian archive material. Country Contact 3 stated in an interview with the Committee that there was no knowledge in Norway of this part of the process, as the transfer of guardianship from the birth parents to ICCAP / Social Welfare (or a private children's home) had been completed before Adopsjonsforum's representatives came into contact with the children.

The Dutch investigation report states that in cases where the parents were known, they were required to sign (or, where applicable, provide a fingerprint) a *Declaration of Relinquishment*.[313] In the Committee's review of the adoption files obtained from Bangladesh, several cases contain a document in which *the mother* relinquishes parental responsibility, but no such declaration from the father. In cases handled by ICCAP, this document transferred guardianship to Social Welfare / ICCAP, but did not explicitly mention adoption.[314] ICCAP subsequently issued a *Certificate of Abandonment* to accompany the case

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[309] The Appeals Board. (2022). *Bangladesh. Memorandum on adoption placements to Denmark 1975–82*, p. 9.

[310] AF's application for approval of a contact person dated 6 September 1978 states that the vast majority of the 80 children adopted to date had come from the state-run children's home to ICCAP in Dhaka.

[311] The placement of the very first children was linked to the work of the Red Cross, and the committee has been unable to ascertain whether these children came from ICAC or elsewhere. The number of children adopted from Shishu Bhavan is stated by country contact 3 (1976–1981).

[312] According to AF's application for approval of a contact person dated 6 September 1978, 1 taka was approximately 0.30 øre. However, the correct figure must be 30 øre / 0.3 kr. AF's travel report for 19 September–3 October states that 1 taka was approximately 0.35 kr.

[313] The title of this document is taken from the Dutch report, **Rapport. Commissie onderzoek interlandelijke adoptie* (2021)*, which is referred to in section 9.4. This report further states that the parents had to appear in court in connection with this declaration, but the Committee has not found any other sources indicating that the court was involved.

[314] This is stated in the Dutch report, **Rapport. Commissie onderzoek interlandelijke adoptie** (2021). The Committee has also seen informal translations of this document. In cases outside the ICCAP scheme, guardianship appears to have been transferred to the private children's home.

together with the consent document.[315] This document stated that the parents (or mother) had relinquished 'hereby relinquished guardianship and all other claims over the child, in favour of this organisation'. In cases where the parents were deceased or unknown, a *Certificate of Abandonment* was also drawn up, but without a consent document.[316]

As the Committee understands it, it was thereafter the appointed guardian who had full decision-making authority in matters concerning the child's future care arrangements. The child's biological parents (or mother) were thus not directly involved in the matter of international adoption.[317]

In connection with the provisional placement of the child with prospective adoptive parents, the authorities were required to place a notice in the newspaper seeking relatives, even in cases where the mother had consented to the transfer of guardianship.[318] It was then necessary to wait ten days before proceeding with the process.

However, the report by the Danish National Social Appeals Board refers to a statement made by a French nurse in 1981, who said that the newspaper advertisements served no real purpose, as the parents and other relatives generally could neither read nor buy newspapers.[319] The interest group for adoptees from Bangladesh has further stated that they are aware of two cases (one adoption to Norway and one to Sweden) where such newspaper cuttings were found, but where the information provided turned out to be incorrect. The Committee has not had the opportunity to investigate these individual cases itself.

From the applicants' perspective, Adopsjonsforum describes the adoption process as follows:[320]

- *Approval of applicants:* Firstly, the adoption applicants' documents had to be approved by ICCAP and signed by the Director of Social Welfare. If the applicants were not approved, the application file was returned to the overseas contact with comments on any shortcomings in the documents.
- *Matching:* Once the applicants had been approved, the international liaison officer contacted the ICAC (or, where applicable, other children's homes with suitable children). Children were then (provisionally) matched with applicants, and ICCAP was informed of this.[321] A ten-day search for relatives was then required.
- *Completion of the process:* The document transferring guardianship to the adoptive parents, *'Transfer of Guardianship of Abandoned Child for* Adoption', was signed by the Director-General of the Ministry of Social Affairs. The child could then be issued with a passport.
- *The adoption authorisation* was granted in Norway upon arrival, once the parents had submitted (a copy of) the child's passport and the guardianship appointment. An application for citizenship then had to be made.

Adoption work in Bangladesh gradually became more difficult towards the end of the 1970s. This was due, amongst other things, to political and religious opposition, as well as frequent changes of ministers for social affairs.[322]

This led to several temporary suspensions, and in 1979, ICCAP was closed down. The closure led to the...

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[315] This document is not held in the Norwegian government archives, but in the file that several adoptees have retrieved from Bangladesh.

[316] The Committee has seen an example of such a document in an individual case.

[317] The Committee bases this on the documents in the case file, as well as on testimonies from birth mothers that adoptees have passed on.

[318] This is evident, amongst other things, from a handwritten note from AF dated March 1978 (found in RIA's archive at Bufdir).

[319] The Appeals Board. (2022). *Bangladesh. Memorandum on adoption placements to Denmark 1975–82*, p. 18.

[320] Sourced from AF, Application for approval of a contact person, 6 September 1978; a handwritten note drafted by AF's country contact dated March 1978; and an interview with the country contact in question.

[321] It is somewhat unclear to what extent ICCAP was involved in the actual matching process, i.e. whether they actively approved it or merely passively accepted the proposal. The Committee has not seen any documentation relating to this part of the process.

[322] This is evident, amongst other things, from AF's travel report for 19 September–3 October 1978.

challenges in terms of getting new applicants approved, and in terms of obtaining the necessary signatures on the documents/transfer of guardianship for the children who had already been allocated to approved applicant couples. In 1982, the law/presidential decree permitting international adoption was repealed.[323]

9.4 Investigations in other receiving countries

Adoptions from Bangladesh have been investigated in several receiving countries, including the Netherlands (2021), Denmark (2022) and Switzerland. These countries all adopted children through (among others) Terres des Hommes' children's homes.

Between 1973 and 1982, 495 adoptions took place from Bangladesh to the Netherlands. The 2021 investigation report highlights several different problematic issues relating to the adoption activities. A Dutch woman who worked for the Salvation Army is said to have accused the Dutch intermediary BIA in the 1970s of, amongst other things, demanding more money from adoption applicants than the adoptions actually cost. In 1977, a British doctor was approached by two women who claimed that staff at the Terres des Hommes children's home had deceived them by persuading them to give up their children under false promises of food, clothing and education, but that the children had subsequently disappeared from the children's home. Following his own investigations, the doctor believed he had uncovered that at least a hundred children had disappeared from a refugee camp and been adopted abroad, and that several key figures in the adoption system were involved in this, including the Director of Social Welfare. He subsequently alerted the Dutch adoption agency, the media and the Dutch authorities to his findings. An inquiry committee was set up in Bangladesh to investigate the matter. They concluded that the allegations were unfounded.[324] The doctor was expelled from the country, but he stood by his allegations. The Dutch authorities were aware of the situation but did not launch any investigations of their own into the matter.

The Appeals Board (the central adoption authority) in Denmark has also investigated adoptions from Bangladesh and published its report in January 2022.[325] Between 1975 and 1982, 196 adoptions were arranged from the Danish children's home Terre des hommes in Bangladesh to Denmark. The National Social Appeals Board's investigation was prompted by the fact that the director of the Terre des Hommes children's home was explicitly mentioned in the Dutch report in connection with illegal adoption activities. The Appeals Board examined general documents from the Ministry of Justice and the adoption authorities and reviewed 26 individual cases from the period 1975–1977. The Danish report concludes that the scant information available in individual cases makes it impossible to uncover the specific circumstances surrounding each adoption. Nevertheless, they find that the conditions in Bangladesh posed a risk of unethical and illegal practices arising, and as a general conclusion they state, amongst other things, the following:

> By current standards for international adoption placement, there were undoubtedly insufficient safeguards in the Bangladeshi adoption system during the period 1975–82, or in the Danish placement process, to ensure that the best interests of the child were the guiding principle in each individual adoption. This is reflected, amongst other things, in the fact that there was insufficient regulation of international adoption, and that there is generally scant information in the specific adoption cases regarding, for example, the child's background and release. At the same time, during the period in question

[323] The Appeals Board. (2022). *Bangladesh. Memorandum on adoption placements to Denmark 1975–82*, p. 9.

[324] *Report. Commission of Inquiry into Intercountry Adoption* (2021), section 4.3.2. However, several of the individuals responsible for the investigations were themselves implicated in the case; see the Danish report.

[325] The Appeals Board. (2022). *Bangladesh. Memorandum on adoption placements to Denmark 1975–82.* A supplement to the report was published in May the following year; see The Appeals Board. (2023). *Supplement to the Appeals Board's memorandum on adoption placements from Bangladesh to Denmark 1975–82*.

no regulation of the financial flows associated with the adoptions, which may have created an inappropriate incentive structure.[326]

As regards Terres des Hommes, they conclude that the person against whom charges were brought was not the Danish director (as indicated in the Dutch report), but rather the contact person for Terres des Hommes Denmark in Bangladesh.

The Swiss report prepared by researchers from ZHAW states that 170 children were adopted from Bangladesh to Switzerland between 1970 and 1999, most of them before 1981.[327] Here too, the descriptions of irregularities are largely linked to adoptions arranged through Terres des Hommes. In addition, several examples are given of private adoptions and applicants who, in various ways, attempted to circumvent the official adoption system.

9.5 Overview of the Committee's country studies

Adoption placements from Bangladesh date back a long time (1973–1981), covered a limited period (nine years) and involved a relatively small number of adoptions (110, i.e. approximately 0.5 per cent of all international adoptions to Norway arranged through an agency). Access to sources has been somewhat limited. Both public archives and the agencies' own archives generally appear to be less complete when covering such an early period. The adoption arrangements from Bangladesh also took place before the Adoption Forum's secretariat was established, which has implications for the state of the archives.

The Review Committee's investigations into adoption placements from Bangladesh have followed the template for country reviews, as outlined in section 3.6.3. General country information from various sources has been gathered. Reviews of other receiving countries have been examined, and a media search and a limited literature search relating to adoptions from the country have been carried out. Adoption licences and applications for adoption from the country have been reviewed, along with the associated documentation. Archival searches have been carried out at Bufdir (the Council for International Adoptions), the National Archives (Ministry of Social Affairs and Ministry of Justice) and the Ministry of Foreign Affairs. The Committee has also reviewed the physical archives of Adopsjonsforum.

The Committee has held meetings and maintained written contact with the Interest Group for People Adopted from Bangladesh, which has assisted the Committee in gathering information. The Interest Group has shared sets of documents from 13 adoptees, 10 of which contain documents obtained from Bangladesh. In addition, the group has compiled and forwarded various working documents – for example, correspondence between adoptive parents and Adopsjonsforum.[328]

The Committee has conducted an interview with one adoptee and has corresponded in writing with others. Two adoptees have sent videos in which their birth mothers tell their stories.

The Committee has reviewed 16 individual cases from Bangladesh from Norwegian public archives.[329]

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[326] The Appeals Board. (2022). *Bangladesh. Memorandum on adoption placements to Denmark 1975–82*, p. 21.

[327] Ramsauer, N., Bühler, R. & Girschik, K. (2023). *Evidence of illegal adoptions of children from ten countries of origin in Switzerland, 1970s to 1990s*. ZHAW, Chapter 3.

[328] Until 1975, the organisation was called Adopsjonsopplysning.

[329] The County Governor of Østfold and the County Governor of Oslo and Akershus.

9.6 Adoptions to Norway

9.6.1 Introduction

Bangladesh was one of the first countries where Adoption Forum established a network of contacts and assisted with the completion of adoptions. In total, Adopsjonsforum assisted in arranging 110 adoptions from Bangladesh between 1973 and 1981. Most of the adoptions took place between 1975 and 1979, and during these years 16–21 children were adopted annually.

Adoption Forum was granted a placement licence in 1978, and adoptions prior to this date are formally regarded as independent, even though they appear in Adoption Forum's statistics (see section 6.2.2).

9.6.2 The organisation of adoption work from Bangladesh

As described in section 7.5, Adopsjonsforum's work was run by volunteers until 1982. The overseas contacts in the country of origin were often Norwegian citizens who were staying in the country for shorter or longer periods, and the country contact in Norway was usually an adoptive parent who had themselves adopted a child from that country. As the roles were unpaid and many held other full-time jobs, there was a higher turnover in the early years than was the case from the 1980s onwards.

Between 1976 and 1981, however, the situation regarding Bangladesh remained stable, with the same country contact in Norway and foreign contact in Bangladesh. The latter was a woman in her forties who had immigrated to Bangladesh from Myanmar (then Burma) and settled there with her family.
She was a qualified librarian. Overview

of country contacts in Norway

- 1973–1974: country contact 1 (Norwegian man)
- 1974–1976: country contact 2 (Norwegian man)
- 1976–1981: local contact 3 (Norwegian

woman) Overview of foreign contacts in
Bangladesh

- 1973–1974: foreign contact 1 (Norwegian man, doctor)
- 1975–1976: foreign contact 2 (Norwegian woman)
- 1976–1977: foreign contact 3 (Norwegian woman) and foreign contact 4 (Burmese woman)
- 1977–1981: international liaison 4 (see above)

The very first adoptions (in 1973 and 1974) from Bangladesh to Norway were arranged through a Norwegian doctor in Bangladesh. Some of these children were channelled into adoption through the Red Cross.[330] The children who arrived during this period are described by Adopsjonsforum as sick and malnourished, and one child died shortly after arriving in Norway.[331] Unlike in some other Asian countries (for example, Indonesia and Sri Lanka), guardianship of the children could be transferred to the Norwegian adoptive parents without them having to be physically present. Adopsjonsforum considered it inadvisable for parents to travel to Bangladesh themselves to collect the children, and the children therefore travelled to Norway almost exclusively under the supervision of case workers or escorts. [332]

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[330] This is evident from the Committee's review of individual cases.

[331] AF. Report on adoption work in Bangladesh for the period 1973–September 1980. 15 October 1980.

[332] AF. Annual Report for Bangladesh, 8 October 1975. It is mentioned here that, in consultation with the foreign liaison officer, the association arranged for the children to be repatriated accompanied by flight attendants or paediatric nurses and nurses from the airlines SAS or THAI. Country Liaison Officer 3 states that all the children during her period (1976–1981) were accompanied by a representative from AF.

According to an internal summary, Adopsjonsforum gradually established good cooperation with ICCAP, which was responsible for the allocation of children, and with Social Welfare, which signed the documents. At times, the processes involved in obtaining the necessary signatures (for the approval of adoption applicants and the transfer of guardianship) from Social Welfare took a long time, but from 1975 and 1976 onwards, it is described that the process
'went more smoothly'.[333]

The Committee has not found any descriptions of how the work of placing children with various applicants/intermediary organisations was carried out in practice. Former Country Liaison Officer 3 (1976–1981) described in an interview with the Committee that, in the early years, there were many children to choose from at the state-run ICAC children's home, and that the foreign liaison officer could, in practice, more or less select children based on the adoptive parents' wishes. However, the majority of babies delivered to the children's homes were girls, and the boys available for adoption were normally somewhat older. Based on descriptions in other countries' investigations, the committee understands that there was eventually greater 'competition' for the children released for adoption and longer waiting times for placement, but we have not found any further information on how this affected Adopsjonsforum's adoption work. Adopsjonsforum also collaborated to some extent with the private Mother Teresa children's home, Shishu Bhavan, and ten children are said to have been placed from there between 1974 and 1981.[334]

Adoption Forum's country contact 3 (1976–1981) made several trips to Bangladesh. During an interview with the committee, she described the conditions at the state-run ICAC children's home as extremely poor. Many of the children were lying on the floor with a rag for a nappy; the carers were very young, and no one was actually feeding the children – they simply tried to prop the bottles up next to them on the floor. She also showed photographs from the children's home that illustrated the conditions.

As a measure to improve the children's care conditions, Foreign Contact 2 (1975–1976) reached an agreement with ICAC whereby children who had been matched with Norwegian applicants could be transferred to the Terres des Hommes children's home for further care until the documents were ready.[335] This was somewhat more expensive than allowing the children to remain at the state-run children's home, but Adopsjonsforum assessed the situation as being worth the extra cost, as the children's state of health improved noticeably.[336]

In light of the findings in the Danish and Dutch reports, the committee sees reason to comment in somewhat greater detail on the link between Terre des Hommes and the adoptions to Norway.[337] It should be emphasised in this context that contemporary sources state unequivocally that children due to be adopted to Norway were placed at Terre des Hommes as a *temporary stopover*. This is evident from various reports by Adopsjonsforum from the 1970s and early 1980s, and from information regarding the process set out in Adopsjonsforum's application to the authorities for approval of a contact person in 1978.[338] The Committee sees no reason why Adopsjonsforum's contemporary descriptions and documentation of this

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[333] AF. Report on adoption work in Bangladesh for the period 1973–September 1980. 15 October 1980.

[334] The Committee has found contemporary descriptions of the adoptions from Shishu Bhavan, but the number is stated by the country contact
3. The very first adoptions are said to have had links to the Red Cross's work, but the Committee is not aware of the details surrounding this.

[335] Country contact 3 has stated that 18 children passed through TdH between 1975 and 1977.

[336] AF. Annual Report for Bangladesh, 8 October 1975.

[337] See section 9.4. In the application for approval of the contact person dated 6 September 1978 and in a report on the work in Bangladesh from 1980, AF states that Foreign Contact 4 had previously been the manager at TdH. Country Contact 3 has informed the committee that, following a conversation with the foreign contact's son, she has been able to refute that this was the case. Foreign contact 4 was involved on a voluntary basis in various child-related work even before she became Adopsjonsforum's foreign contact, and had contact with various children's homes. It is noted, for the record, that foreign contact 4 is not mentioned in the investigation reports from Denmark and the Netherlands.

[338] Country Liaison 3 stated the same in an interview with the Committee. The Committee has also seen file cards for individual adoptions which indicate that the child originally came from ICAC but had spent a certain number of days at TdH.

the process was not correct.[339] Although Terre des Hommes is mentioned in some of the children's documents, as far as the Committee is aware, no Norwegian applicants were therefore allocated children directly from this children's home.[340] The Committee therefore finds it unlikely that the children who were adopted to Norway were directly involved in the complex of cases reported by the British doctor and referred to in the Danish and Dutch reports.[341]

The collaboration with Terre des Hommes came to an end when overseas liaison officer 4 took over responsibility for Norwegian applicants in Bangladesh in 1977. Instead of transferring allocated children to this children's home, she chose to take the children into her own home to provide care and follow-up. In an interview with the committee, former Country Liaison Officer 3 (1976–1981) stated that the Foreign Liaison Officer showed an admirable commitment to the children in her care. Several of the children who were released for adoption were frail and ill and required a great deal of care.[342] Furthermore, the country contact stated that the overseas contact's husband was a relatively well-off businessman, and that they lived in a detached house in one of the more affluent neighbourhoods of Dhaka.[343] For the overseas contact, the adoption work became a way of keeping herself occupied as her own children grew up, and she received no financial compensation for this. The former local contact emphasised that the overseas contact had no need for money, and that there was not enough money circulating within the adoption work to create any financial incentive. A travel report from 1978 describes the work of overseas contact 4 as follows:

> Two of the bedrooms were permanently set up as children's rooms for children who had come from children's homes after being selected for adoption by Norwegian parents. As is well known, NN [Foreign Liaison Officer 4] looks after the children whilst the paperwork is being finalised at the Ministry. She arranges for medical examinations, medication and food to help them build up their strength for the journey. When we arrived in Dhaka, four infants were sharing a bedroom. NN1, the 22-year-old son of NN [Foreign Contact 4], slept with the infants and took care of their feeding and changing at midnight, 3 am and 6 am. In the room next door, five children aged between 1½ and 4 years were sleeping.
>
> Three women helped look after the children and did the washing during the day. NN [Foreign Contact 4], her husband or her eldest son always made sure that the formula was mixed correctly and that the children were given what they needed. We have always been aware of the round-the-clock efforts the family makes for the children who are going to Norway, but experiencing it first-hand was something else. […] They make a fantastic, selfless effort.
>
> To cover expenses such as milk, food, medicines, medical care, and the living costs and wages of the three women, they receive 25 taka (one taka = NOK 0.35) per child per day.
>
> There is a garden around the house where the children can go out and play. Otherwise, they are largely allowed to move about freely in the house.[344]

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[339] One adoptee has, however, told the Committee that her birth mother is said to have stated that she handed her child over directly to TdH. The same adoptee has also informed the Committee that she has found a name on a list of affected mothers that resembles the name of her birth mother. The Committee does not investigate individual cases and has no basis on which to assess this information.

[340] TdH otherwise charged a much higher fee for adoptions arranged through them than that paid by Norwegian applicants. As set out below, the total adoption costs for Norwegian applicants amounted to around 6,000 NOK, whilst in 1976 TdH is said to have charged Danish applicants 9,500 DKK per adoption.

[341] As set out in section 9.6.3, similar circumstances have nevertheless probably also occurred outside this specific case complex, including instances where mothers did not receive adequate guidance or did not understand that the consequence of placing their child in a children's home was that the child could be adopted abroad.

[342] An adoptee who has been in contact with the foreign liaison and her family has informed the Committee that there were instances where children died after the foreign liaison took over their care.

[343] The foreign contact and her family later settled first in Norway and subsequently in England. The Committee considers that this requires a certain amount of financial capital, which supports the information regarding the man's business activities.

[344] AF. Travel report 19 September – 3 October 1978.

In total, for the nine children living there at that time, the foreign contact and her family thus received 6,750 BDT, or around 2,300 NOK, per month. [345] In addition to all actual expenses relating to the children, this was intended to cover the wages of three female employees.[346] Despite the fact that both the foreign contact's and her son's involvement apparently amounted to (at least) a full-time position for both of them, neither of them received any form of fixed salary themselves.[347] As a fixed rate per child per day was paid, it cannot be ruled out that the total amount in some cases exceeded the actual expenses for each child. The Committee nevertheless finds it likely that, if this were the case, the amounts involved would have been relatively limited. Given that the family made both their own home and their labour available round the clock, it is also not unreasonable for any surplus funds of the order of magnitude in question to have gone to the foreign contact.

With regard to the economic conditions in Norway, Adopsjonsforum initially operated on the basis of a solidarity-based allocation of costs by country. Prior to the adoption, prospective adoptive parents were given an estimate of the costs involved. At the end of the year, a calculation was carried out for each country, whereby the costs were apportioned amongst all applicants who had completed an adoption from that country.[348] Following this, Adopsjonsforum either charged an additional fee or refunded any surplus funds. All adoptive parents thus paid the same amount, regardless of whether some of the children stayed longer in foster care or incurred higher costs for medical follow-up or escort trips than others. Initially, only actual expenses were charged, whilst around 1976 an additional administration fee per adoption appears to have been introduced.[349] As regards Bangladesh, the country representative's annual report from 1975 states that the cost per adoption, after final calculation, was approximately 6,000 kroner.[350] In a letter to prospective adoptive parents from Adopsjonsforum's country representative, probably from the autumn of 1977, the cost is estimated at 6,900 kroner.[351] Of this, 1,000 kroner was an administration fee payable to Adopsjonsforum Norway, whilst 5,900 kroner was for adoption expenses. The administration fee was – as the committee understands it – used to cover various operational costs, including office expenses and business travel.[352]

As shown, neither Adopsjonsforum's representative in Norway nor in Bangladesh received any financial compensation for their work. The adoption fee was intended to cover the following expenses:[353]

- adoption fee payable to the authorities (600–800 kroner)[354]
- case costs and administrative expenses in Dhaka

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[345] 25 × 9 × 30 = 6,750 taka per month. According to AF, the exchange rate was between 0.3 and 0.35.

[346] Country contact 3 stated in an interview with the committee that, initially, they brought milk powder and other essential baby equipment from Norway. Gradually, these items were imported into the country by other means, but they could still only be purchased in what she referred to as the 'embassy shops'.

[347] In a letter to prospective adoptive parents in August 1978, the country contact wrote that the foreign contact 'has been working almost day and night, entirely on a voluntary basis, on adoptions to Norway'. Letter from AF to prospective adoptive parents, 29 August 1978.

[348] Gradually, the costs also began to be shared equally amongst all applicants, regardless of the country from which they were adopting (see section 7.2).

[349] It is evident, amongst other things, from correspondence with an adoption applicant regarding Bangladesh in June 1976 that the country contact had at that time asked applicants to pay a standardised fee of 500 kroner per adoption.

[350] AF. Annual Report for Bangladesh, 8 October 1975.

[351] AF. Letter to adoption applicants from the country representative. The letter is undated, but mentions children who arrived in the spring of 1977 and is therefore assumed to be from the same autumn. According to an article in *Dagens Næringsliv* on 20 August 2013, the average monthly wage in Norway in 1980 was, by way of comparison, 7,000 kroner; see https://www.dn.no/tidsmaskinen/1-1-1980841.

[352] In AF's travel report for 19 September to 3 October 1978, the country representative asks the board to cover the costs of an internal journey in Bangladesh and a meal as entertainment expenses, so as not to burden the parents with these costs.

[353] The expenditure items are taken, amongst other sources, from AF's annual report for Bangladesh dated 8 October 1975.

[354] The exchange rate varied, but AF states that 1 BDT was worth around 0.3–0.35 NOK.

- stay in a foster home and medical follow-up (approx. 9 kroner per day in 1978)[355]
- travel to Norway for the child with a companion/escort

9.6.3 Review of individual cases and specific comments relating to the children's background and identity

The Committee has reviewed just under thirty individual cases from Bangladesh in total. This accounts for around a quarter of all adoptions to Norway that Adopsjonsforum assisted with between 1973 and 1981. In ten cases submitted by adoptees, the committee has been given access to documents obtained from Bangladesh, whilst the remaining cases primarily concern documents from Norwegian archives. In addition, several adoptees have provided supplementary information about their cases, including following their own searches and/or reunification with their birth families.

The following section provides a brief description of the findings made in connection with the review of individual cases. Some specific comments will also be provided regarding the information that has come to light concerning the adoptees' identity and background.

As mentioned in the introduction, all adoptions from Bangladesh were carried out in Norway in accordance with Norwegian law. In the Committee's view, it was the duty of the Norwegian authorities in such cases to ensure that the conditions laid down in the Norwegian Adoption Act were met (see Chapter 27). However, it is apparent from the case files that the adoption decisions in these cases were made on a very flimsy basis. The only documents concerning the children that the Norwegian authorities requested in these cases appear to be the child's Bangladeshi passport and the transfer of guardianship to the adoptive parents. Apart from personal details, these documents contain no information about the child's background. As described above, the Committee's investigations indicate that neither Adopsjonsforum nor the Norwegian authorities had any in-depth knowledge of the release process in Bangladesh, and the authorities could therefore, in the Committee's view, not assume on a general basis that these conditions had been met.

Furthermore, various sources indicate that the information in the documents accompanying the children was not always correct, and that the Norwegian authorities were aware of this. The Committee has seen several examples where adoptive parents who had adopted from Bangladesh were granted permission to change the child's date of birth, partly because the child was clearly younger than indicated in the documents from Bangladesh. A letter from Adopsjonsforum addressed to 'the County Governor's offices' also contains the following information:

> The authorities in Bangladesh do not appear to take these dates particularly seriously either. Nor do the country's inhabitants have personal identification numbers. It sometimes happens that a child dies or is withdrawn from the adoption process whilst the paperwork is being finalised at the ministry. Another child who is made available for adoption, and whose age roughly matches that stated in the documents that have been finalised, may be sent instead.[356]

The interest group for adoptees from Bangladesh has also reported several cases where departure and adoption are said to have been carried out on the basis of documents that in reality belonged to other children. The Committee has not itself had the opportunity to verify these individual accounts, but based on the descriptions and documentation received, we find no reason to doubt that this has occurred in some adoptions from Bangladesh. Several adoptees have told the Committee that the great uncertainty surrounding their own origins and background places a heavy burden on them.

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[355] The amount is stated in AF's travel report for 19 September to 3 October 1978. This report mentions that the children who were then due to travel to Norway had been living with the overseas contact since June. Foster care expenses (for three months) would in that case amount to around 800 kroner per child.

[356] Letter from AF to the County Governor's offices, undated. The Committee has only seen the first page of this letter. Country contact 3 confirmed in an interview with the Committee that she had written the letter.

The Committee has no basis on which to comment on the extent of such errors. It is clear that several adoptees have succeeded in tracing their origins based on information in Norwegian and Bangladeshi archives. The fact that the information is therefore correct in many cases indicates that there has been no consistent practice of falsifying information about a child's origins. Nevertheless, the documented cases of procedures carried out on the basis of incorrect information about the child in question indicate that the system for verifying information and documents in Bangladesh was inadequate. Furthermore, it is clear that the Norwegian authorities were aware of and accepted the risk that such errors might exist in the release documents on which the adoption decision was based.

The Committee has not itself interviewed birth mothers or parents from Bangladesh. However, through adoptees who have been reunited with their mothers, the Committee has received information suggesting that these mothers did not receive sufficient information and guidance when they relinquished custody of their child. Nor was adoption mentioned in the document they signed. One mother, for example, has said that she believed the child would receive an education and a good upbringing at the children's home, and that she knew nothing about the possibility of the child being sent abroad. She visited the children's home several times to collect her child, but was eventually told that the child was no longer there.[357] Stories contained in the case files from Bangladesh, and recounted by mothers who have been reunited with their Norwegian adopted children, also indicate that many were in a very difficult situation when they gave up their child. Several mothers were teenagers (as young as 13), extremely poor and/or lacked a support network willing to help them care for their children. The Committee is not aware of any support measures that assisted women in such situations, and assumes that many felt they had no real choice but to hand their child over to others. Based on the wording of the guardianship transfer document and the original mothers' statements, the Committee also assumes that several did not understand that the consequence of signing the document in question was that the children could be adopted abroad.

9.7 The possibility of obtaining information about biological origins

The information on adoptees from Bangladesh held in Norwegian archives is very limited, and the Committee considers the possibility of identifying biological origins based on this information to be slim.

As mentioned above, however, there are also sets of documents / separate files in Bangladesh for the vast majority of adoption cases.[358] The Committee has been in contact with an adoptee who has played a key role in obtaining such files. According to this person, one challenge is that the local staff at the public archive in Bangladesh do not have the capacity to share information on an ongoing basis with organisations or public authorities in other countries. Consequently, to date, this person has had to go there in person to copy the files of 26 people adopted from Norway who have authorised this.

The Committee considers it a major vulnerability that the adoptees' ability to retrieve their own adoption files in Bangladesh depends on a private individual. Based on their contact with the local staff at the archive, the person in question assumes that it will be possible to have the adoption files transferred in their entirety to Norway. The Committee recommends that Bufdir investigate the possibility of such a transfer, as this would make it significantly easier for the adoptees concerned to gain access to important information about themselves.

In addition to supplementary information on the background to the adoption, several of these files contain details that would make it possible to identify the birth parents. According to the local staff at the archive in Bangladesh, it will be easy to trace the birth parents in around half of the 26 cases retrieved

[357] The Committee has been sent videos (with written translations) of the birth mother recounting this story.

[358] This is said to apply to 107 adoptions to Norway.

the adoptee's biological family. The Committee is also aware that several people have succeeded in doing so after gaining access to the file.

In practice, the placement work during the period in question was carried out by individuals, and as far as the Committee understands, some of these individuals still possess records or information that can be linked to individual cases. The Committee recommends that Bufdir investigate these matters more closely and ensure that all relevant information concerning individuals is obtained and placed in the public archives.

9.8 The Committee's assessments of cooperation with Bangladesh

Adoptions from Bangladesh to Norway were arranged during the period 1973–1981. During this period, the country was characterised by the aftermath of war, high levels of crime and corruption, significant political unrest and frequent changes in political leadership. In addition, the country was hit by natural disasters, and a significant proportion of the population lived in extreme poverty. There was great hardship in Bangladesh during this period, and the need for alternative care for children was acute. Intercountry adoption was a relatively new phenomenon, and both nationally and internationally the field was characterised by being an ad hoc solution to a social and humanitarian problem rather than the result of in-depth discussions of principle. The conditions for carrying out adoptions and the regulations governing financial arrangements in adoption work were relatively underdeveloped both in Norway and internationally.

Although the rules relating to international adoption were not formalised in conventions to the same extent as they are today, in 1977 the Storting had unanimously endorsed several fundamental principles. The Committee cannot see that the Norwegian authorities carried out any specific assessments of the extent to which these principles could be upheld in adoptions from Bangladesh, or of the risks that existed in view of the challenging situation in the country, before granting prior consent to adoption applicants (from around 1973) and subsequently granting Adopsjonsforum a placement licence in 1978.[359] The Committee considers this to be open to criticism.

The adoption of children from Bangladesh took place in Norway and was therefore subject to the provisions of the Norwegian Adoption Act of 1917. However, the adoption authorisation was granted solely on the basis of the child's passport and a guardianship appointment from Bangladesh. Beyond this, the Norwegian authorities had no information about the child's background or the specific release process, and they therefore had no basis for assessing whether the conditions of the Adoption Act and other principles governing international adoption had been met in the individual case. Among other things, the authorities had no basis for assessing whether the principle of subsidiarity had been observed, whether any biological parents had given their consent, or whether the adoption would be in the child's best interests. The Committee has not seen any documentation suggesting that the Norwegian adoption authorities considered the possibility of obtaining further information before the decision was made, or that they made any attempt to do so. The Committee considers that the inadequate basis for the decision was open to criticism, particularly in the period up to 1978 when the adoptions were carried out as independent adoptions.

Bangladesh was a country that was regarded as highly corrupt in the 1970s. The Committee notes that the fact that corruption existed in some parts of society does not necessarily mean that the adoption system was affected (see section 4.2). The Committee cannot see that the Norwegian authorities assessed whether corruption was a factor that had any bearing on the soundness of the adoption work.

Furthermore, the Committee has found no information or descriptions of money transfers suggesting that bribes were paid in connection with the adoptions to Norway. Country Liaison 3 told the Committee that on only one occasion, towards the end of the adoption period, she encountered a public official who requested irregular compensation in order to process the documents for the Adoption Fo-

[359] Approval of individual cases (prior consent and adoption authorisation) fell under the Ministry of Justice, whilst the intermediary licence fell under the Ministry of Social Affairs.

applicants. International Liaison Officer 4 was then quite clear that this was out of the question. International Liaison Officer 4 had explained to Country Liaison Officer 3 that if one gave in even a little on one occasion, they would simply demand more the next time. In the situation in question, Country Liaison Officer 3 told the Committee that she had to travel without the children.

The adoption fee of 2,000 BDT (600–700 kroner) was regulated by official guidelines and was intended, amongst other things, to finance the running of ICCAP. In addition to this, the approximately 6,000 kroner paid by the adoptive parents (as of 1977) was intended to cover both board and lodging for the children, medical expenses, the return journey with an escort, and administrative costs in Bangladesh.[360] The Committee has not seen complete accounts for individual adoptions or the overall accounts ('common fund') for Bangladesh, and in retrospect it is in any case difficult to verify the breakdown of costs. 6,000 Norwegian kroner was a substantial sum in the late 1970s, but the Committee has found no indications that the funds were used for anything other than covering genuine and legitimate expenses. Based on general knowledge of bureaucratic processes in countries with high levels of corruption, there may nevertheless be a risk that 'fees' not regulated by the authorities may have been charged. However, the total cost to Norwegian applicants is not considered to be so high that any surplus funds could have amounted to significant sums. It should also be noted in this context that the costs for Norwegian applicants around 1976 were considerably lower than, for example, in Denmark, where adoption applicants had to pay 9,500 Danish kroner to Terres des Hommes per adoption.[361]

Adopsjonsforum's international liaison officer between 1976 and 1981 gradually began to take the allocated children home to live with her, so that they were looked after by her family. The Committee considers that there was a potential risk in her holding a dual role in this way and receiving financial compensation based on the number of children allocated to Norwegian applicants. Such financial incentives are likely to create a risk that the child's best interests are not the overriding consideration in the adoption process. Based on the information regarding how this worked in practice, the Committee nevertheless finds no reason to believe that the scheme in this case yielded any significant financial gain. The Committee assumes that the main objective was to ensure that the children received better care and support than was provided in the children's homes. Information set out in Adopsjonsforum's reports also suggests that this was a measure which had positive consequences for the children's health and welfare. The Committee has found no evidence to suggest that the foreign contact and her family derived any significant financial benefit from the adoption activities, or that the foster care scheme was abused for personal gain.

The Dutch report states that in 1977 a British doctor reported an illegal adoption operation, which involved, amongst others, the director of Social Welfare. This director signed, amongst other things, the transfer of guardianship in all adoption cases during the period he was appointed, including for the children who were adopted to Norway. However, the whistleblowing case was specifically linked to children from a refugee camp who were adopted through the organisation Terre des Hommes. The Committee finds it, as shown, unlikely that children adopted to Norway had any direct connection to this complex of cases. The Committee has therefore not prioritised a separate investigation into these matters, but refers to the findings set out in the Danish and Dutch reports. The Committee considers that the whistleblowing case in any event reinforces the general impression of an unreliable adoption system with few control mechanisms.

In Bangladesh, the initial placement of children for adoption, the vetting of prospective adoptive parents and the transfer of guardianship of the child were all handled by a centralised institution established for the purpose of facilitating international adoptions. Compared with conditions in other countries of origin in the 1970s (e.g. Vietnam and Indonesia), the Committee finds that the adoption process in Bangladesh

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[360] Country Contact 4 informed the Committee that they had decided it was not prudent for a single escort to be responsible for more than one or two children during the journey, which also involved a waiting period in Moscow. This meant that one or two sets of parents had to cover the return journey for the escort in addition to the child's ticket. Landkontakt 3 informed the committee that they consistently used the most economical means of travel, and that in some cases they arranged for the children to travel with Norwegians who were travelling to Norway anyway, thereby reducing the cost of the escort.

[361] *The Appeals Board. (2022). Bangladesh. Memorandum on adoptions to Denmark 1975–82*, p. 8.

The situation in Bangladesh appears to be relatively well-organised. The authorities were directly involved in individual adoptions and were able to exercise a certain degree of control. The adoption files preserved in the archives in Bangladesh also indicate a relatively well-documented process in most cases. The fact that there is information enabling the biological family to be readily identified in half of the (26) case files retrieved to date in Bangladesh is, in this context, a positive development.[362]

Nevertheless, the system had some clear weaknesses. The lack of a population register, including births, prevented, for example, effective verification of the identity of the children and the individuals who handed them over to the authorities or private children's homes. The Committee further understands that the mothers were offered little in the way of assistance or guidance in connection with the decision to give up their children, and that in some cases they did not understand what this entailed. Some of the measures taken to safeguard the process – such as newspaper advertisements – also appear to have been a mere formality with limited effectiveness, as parents and other relatives were highly unlikely to be able to read or to have purchased newspapers. A review of individual cases also shows that several children were adopted on the basis of documents containing incorrect information regarding their age and/or identity.

Adoption arrangements from Bangladesh began at a time when guidelines and practices for such activities were relatively underdeveloped, both nationally and internationally. At the same time, Bangladesh was facing major humanitarian challenges, and adoptions were used as a means of providing for children in need of care. The Committee believes that these are factors which must be taken into account when assessing the extent of the criticism levelled at the responsible parties. Nevertheless, the Committee considers that the Norwegian authorities should have conducted more thorough investigations and imposed stricter requirements on the adoption services. Particular attention is drawn to the fact that the Norwegian authorities made adoption decisions on a very flimsy basis, and that they were aware that, in several cases, the documentation accompanying the children was incorrect.

9.9 Summary

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

In the following, the Committee summarises key errors, shortcomings and risk factors that have been uncovered in the adoption cooperation with Bangladesh, involving both Bangladeshi and Norwegian actors.

- The situation in Bangladesh was unclear for several reasons, and the system there was not suited to ensuring effective verification of the identity of the children and the individuals who handed them over to the authorities or private children's homes.
- Biological mothers received little help or guidance in connection with the decision to place their child in a children's home, and they did not always understand that signing the transfer of guardianship to the children's home could result in the child being adopted abroad.
- The adoptions were carried out in Norway, based on the transfer of guardianship from the children's home to the adoptive parents and the child's Bangladeshi passport. The Norwegian authorities did not have a sufficient basis for assessing whether the conditions of the Adoption Act and other principles governing international adoption had been met in each individual case

[362] See section 9.7.

- The Norwegian authorities were aware of and accepted the risk of incorrect information regarding the children's background and identity in the release documents on which the adoption decision was based.

  The adoptions from Bangladesh took place at a time when the guidelines and principles governing intercountry adoption were relatively underdeveloped. These are factors that must be taken into account when assessing the extent of the criticism levelled at the responsible parties. Nevertheless, the Committee believes that the Norwegian authorities could and should have carried out more thorough investigations into the appropriateness of the adoptions and imposed stricter requirements on the organisations involved.

10 Brazil

10.1 Introduction

A total of 473 adoptions were arranged from Brazil to Norway during the period 1972–1990 to 2013. These adoptions were arranged through InorAdopt, Adopsjonsforum and Verdens Barn. This accounts for 2.3 per cent of all international adoptions to Norway arranged through an organisation. The adoptions are distributed among the agencies as follows:

- InorAdopt (1990–2013): 439 adoptions
- Adopsjonsforum (1972 + 1992–2002): 28 adoptions[363]
- Children of the World (1996–2000): 6 adoptions

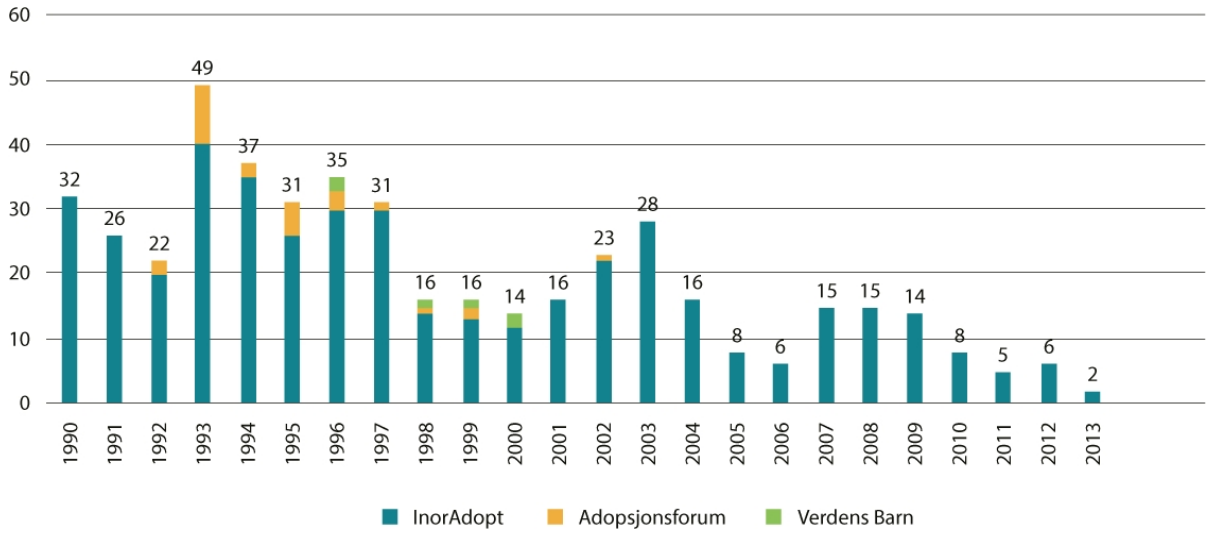

Figure 10.1 Adoptions arranged from Brazil to Norway 1990–2013

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

InorAdopt is responsible for arranging 92 per cent of adoptions from Brazil. The committee has therefore chosen to focus primarily on their placement activities in the following. However, archive material from all organisations has been reviewed, and the committee utilises, amongst other things, descriptions of the adoption system

[363] Two adoptions were carried out in 1972 by a couple with links to Adopsjonsforum. These are formally regarded as independent (see sections 6.2.2 and 7.5), but have been included in Adopsjonsforum's internal statistics on adoptions in which they have assisted.

and regulations from Adopsjonsforum and Verdens Barn to supplement the material obtained from InorAdopt and the Norwegian authorities. Owing to the nature of the sources (see section 10.5.2), the Committee has focused in particular on the early stages of the work and the initial adoption activities.

In addition to adoptions arranged through intermediaries, the Committee is aware that some independent adoptions have taken place, but does not have a complete overview of these.[364]

Norwegian adoption authorities undertook supervisory visits to Brazil in 1991, 1994, 1999 and 2009. In addition, representatives from Norwegian adoption authorities have on several occasions attended conferences in Brazil.

10.2 General information and background [365]

Brazil is the largest country on the South American continent and the fifth largest in the world. In 2024, the population exceeded 212 million, of whom around half are of European descent, whilst the remainder are primarily of African and/or mixed descent. Brazil also has a small indigenous population, accounting for less than 0.5 per cent of the total population. Christianity is the dominant religion, with 65 per cent identifying as Catholics and 22 per cent as Protestants. The official language is Portuguese.

Brazil is a federal republic comprising 27 states, including the Federal District, which encompasses the capital, Brasília. The country was under military dictatorship until 1985. The military dictatorship was then overthrown, and the country adopted a democratic form of government. The background to these political upheavals included, amongst other things, major economic problems, high foreign debt, growing disparities between rich and poor, and hyperinflation. In 1994, inflation was brought under better control, and in recent decades the country has experienced strong economic growth. Brazil is a major exporter of raw materials and is ranked as the ninth-largest economy in the world (2019). However, there are still significant economic disparities within the country, despite redistributive measures in the 2000s. In 1990, 24 per cent of the population lived in extreme poverty; by 2021, this figure had fallen to 6.1 per cent.[366]

Brazil has at times experienced high levels of corruption. In 1995, Transparency International gave the country a score of 2.7 on a scale of 0 to 10, where 0 is highly corrupt and 10 is non-corrupt. By comparison, Norway had a score of 8.6 in the same year.[367] By 2012, the situation had improved somewhat, and Brazil received a score of 43 points on a scale from 0 to 100.[368]

Brazil's current constitution was adopted in 1988 and, amongst other things, governs the judicial system. The judiciary enjoys financial and administrative autonomy and comprises federal and state courts, as well as a number of specialised courts. The federal system comprises a Constitutional Court, a Supreme Court and five regional courts. Under the Constitution, the states are responsible for organising their own internal judicial systems, but for the most part they also follow a hierarchical structure comprising local lower courts and state higher courts, as well as certain specialised courts. Dedicated children's courts have handed down decisions in, amongst other things, child welfare and adoption cases, but it has been possible to appeal against these decisions (see below). Furthermore, Brazilian judges play a more active inquisitorial role than is customary in Norwegian courts.[369] A 2005 UN report highlights several challenges relating to the courts,

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[364] See section 3.5.

[365] Based on Store Norske leksikon, https://snl.no/Brasil (accessed 12 March 2026). [366] UN.

Extreme poverty, https://fn.no/Statistikk/ekstrem-fattigdom?country=41694. [367]

Transparency International, https://www.transparency.org/en/cpi/1995.

[368] Transparency International, https://www.transparency.org/en/countries/brazil

[369] See, for example, Ribeiro, L., Diniz, A.M.A. & Lages, L.B. (2022). Decision-Making in an Inquisitorial System: Lessons from Brazil. *Law & Society Review, 56*(1), 101–121.

including low levels of trust resulting from corruption cases, discrimination against certain groups, low representation of women, general resource and capacity issues, and the occurrence of violence and threats against judges and other judicial actors.[370]

Norway has maintained diplomatic relations with Brazil since 1905, and in 1911 the first Norwegian mission was established in Rio de Janeiro.[371] The embassy was moved to Brasília in 1972. In addition to the embassy, Norway has established consulates in some states.

10.3 Legislation and adoption procedures

The Committee has had limited opportunities to conduct an independent investigation into other countries' historical regulations and practices (see section 3.3). The following description of the regulatory framework and the adoption process in Brazil is based on accounts in other countries' review reports, documents from the Norwegian authorities and documents obtained from InorAdopt, Adopsjonsforum and Verdens Barn.

Although the law governing adoption has been the same across the whole country, guidelines and practices have varied somewhat between the different states. In addition, the local children's courts have also operated according to somewhat different guidelines. The Committee does not examine the details of this, but highlights some relevant special arrangements for the states/courts in question throughout the chapter. It is also noted that over 80 per cent of the total of 439 adoptions arranged by InorAdopt from Brazil took place in the state of São Paulo, which will therefore be given particular emphasis.[372]

The Dutch review report from 2021 describes the legal situation up to 1990 as unclear, and intermediaries reported during this period that '[t]he changing requirements, rules and procedures of the Brazilian authorities make it very difficult to provide precise information about the state of affairs regarding adoption in Brazil'.[373]

Until 1979, only domestic adoptions were regulated by Brazilian law. Intercountry adoptions were carried out privately, without supervision by the authorities. However, a new Children's Act in 1979 introduced guidelines for intercountry adoption as well. The Act distinguished between 'weak' and 'strong' adoptions.[374] In the case of 'weak' adoptions, a notarial certification was sufficient, whilst 'strong' adoptions had to be dealt with by the juvenile courts (Juizado de Menores) and required more documentation.[375] Only children who had been formally declared abandoned by the juvenile court could be adopted by foreign nationals.[376] However, the older legislation was not repealed by the 1979 Act, and many lawyers continued to arrange private adoptions for foreigners without involving the courts, charging fees that could amount to 10,000 USD per child.[377] In addition to these

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[370] UN (2005). *Civil and political rights, including the issues of judicial independence and impunity*.

[371] Halvorsen, A. (2011). Brazil's challenges – opportunities for Norway. *International Politics*, *69*(2), 272–281.

[372] See the review of placement applications (1990–2000) and InorAdopt's internal overviews of children who arrived (1998–2013). Furthermore, InorAdopt has placed children from the states of Rio de Janeiro (approx. 2 per cent), Curitiba (> 1 per cent), Paraná (> 1 per cent), Pernambuco (approx. 13 per cent) and Rio Grande do Norte (> 1 per cent).

[373] *Report. Commission on Intercountry Adoption* (2021), paragraph 5.2. The quotation is taken from the unofficial English translation.

[374] The distinction between 'weak' and 'strong' adoptions concerns the extent of their legal effects (see paragraph 6.3). The Committee has not examined what legal effects a 'weak' adoption had under Brazilian law.

[375] However, as set out in section 10.6.2, some courts, including those in São Paulo, required the children to have lived with the parents as foster children for one year before the adoption itself could be finalised.

[376] *Report. Commission on the Investigation of Intercountry Adoption* (2021), paragraph 5.2. See also Fonseca, C. (2002). An Unexpected Reversal: Charting the Course of International Adoption in Brazil. *Adoption & Fostering*, *26*(3), 28–39 (p. 32).

[377] The sum of 10,000 USD is mentioned both in the Dutch report, 'Report. Commission on International Adoption' (2021), paragraph 5.2, and by the Norwegian Embassy in Brasília, namely in a letter from the Embassy to the Ministry of Foreign Affairs dated 24 November

Through these adoptions, a number of family relationships were established unlawfully in the 1970s and 1980s, as foreign couples registered Brazilian children as their own biological children.[378]

In 1990, Brazil acceded to the Convention on the Rights of the Child and incorporated it into national law. International adoptions were then subject to greater legal regulation through Act No. 8069 of 13 July 1990 (Statute of the Child and Adolescent), Articles 39 to 51. The Act came into force in October of that year. This Act also repealed previous regulations, and private adoptions became illegal. The majority of adoptions to Norway (94 per cent) were arranged following this legislative change.[379]

A key provision of the 1990 Act was, amongst other things, that all international adoptions were to be 'strong', meaning that the ties to the children's biological family were permanently severed (Article 41). The adoption decision was to be made by a court, and a new birth certificate was to be issued listing the adoptive parents as the child's parents (Article 47). In addition, a requirement was introduced for a period of contact in Brazil of at least 15 days for children under two years of age and 30 days for older children before the adoption could be finalised (Article 46).

A report relating to the Norwegian State Adoption Office's visit to São Paulo in 1991 states that the state bodies responsible for the policy guidelines for the country's child welfare services (Centro Brasileiro da Infância e da Adolescência, CBIA) and the organisation for state-run children's homes (Fundação Estadual do Bem-Estar do Menor, FEBEM) were characterised by constant political upheavals.[380] The actual child welfare system was therefore the local children's courts.[381] These courts played a central role throughout the placement period.[382] São Paulo, which at the time had a population of around 20 million, was divided into eleven child welfare districts in 1991. The children's court in each of these districts was headed by a children's judge, who had overall responsibility for child welfare cases. In the largest districts, there were several judges, each with their own portfolios. At each of the courts, a representative of the prosecution service was also appointed,[383] a procurador or corrador. The prosecution service was tasked with representing and safeguarding the child's interests. The representatives collaborated with the judges in preparing child welfare cases, but could also appeal the decisions of the children's court to a higher court.

The report states that all children placed in children's homes by their parents, the police or the courts were registered with their local children's court. In the largest district of São Paulo, there were an estimated 10,000–12,000 new cases per year, handled by four judges.

The juvenile court was not an ordinary court, but a composite child welfare body. The 1991 travel report states that a social services department within the court (comprising social workers and psychologists) followed up on child welfare cases and had as its primary task the provision of assistance to families in need, including

1988. Both these sources also mention the occurrence of illegal practices and the buying and selling of children in connection with this sum.

[378] That this was a widespread practice is evident, amongst other things, from the Swiss and Dutch investigation report, **Rapport. Commissie onderzoek interlandelijke adoptie** (2021) (see section 10.4). The Norwegian Embassy in Brasilia confirmed to the Ministry of Foreign Affairs that such registration would constitute a 'highly illegal act', cf. letter from the Embassy in Brasilia to the Ministry of Foreign Affairs dated 18 April 1982.

[379] By September 1990, InorAdopt had carried out 26 so-called pilot cases.

[380] The information in the following sections is taken from SAK, Report on a trip to Brazil 28 September – 4 October 1991.

[381] As will be seen below, these were not courts in the Norwegian sense, but a more complex child welfare body. Ver-dens Barn sometimes refers to these children's courts as 'Local CEJA' (i.e. adoption committees), whilst Adopsjonsforum's travel reports state that the name used for them is 'Forum'.

[382] See, for example, also Bufdir's Report from the monitoring visit to Brazil, Peru and Chile in 2009.

[383] The translation 'prosecuting authority' is taken from SAK's Report on a visit to Brazil, 28 September – 4 October 1991.

with a view to the return of children. The children's judge and the social services department also worked closely together on adoption cases.

From around 1990, administrative changes were made at state level which led to a certain degree of centralisation of adoption work. In 1987, the first state adoption committee, CEJA (Comissões Estaduais Judiciárias de Adoção), was established in the state of Paraná. During the 1990s, most other states introduced such (or similar) bodies.[384] These bodies assumed overall responsibility for adoption, but were organised differently. Following a national CEJA meeting in 1998, a representative from Children of the World wrote the following:

> During the presentation, it became apparent that there were significant differences in how the various CEJAs operate in practice. Among other things, there are differences as to whether CEJAs in international adoption cases accept applications from private individuals or only from organisations. All CEJAs follow a priority list once an application has been received by the secretariat. (Countries such as Italy and France adopt older children (over 5 years of age) and children with disabilities. Consequently, they account for the vast majority of adoptions.)
>
> The CEJAs also presented somewhat different administrative procedures. Some allowed organisations or individuals to travel abroad themselves to locate children. Others operated solely at a central level and had local CEJAs that reported adoptable children to them. In Santa Catarina and Paraná, where we work, the principle is centralised, with children being reported to them by local CEJAs. They only accept organisations for intercountry adoptions. The number of CEJA members also varies somewhat from state to state.[385]

In São Paulo, the CEJA was established in 1992. According to Ino-rAdopt, the main practical difference from the past was that prospective adoptive parents now had to be approved and registered by the state adoption committee before they could be matched with a child. However, the release of children, the matching process and the actual adoption decision were still largely carried out by the local juvenile courts. In 2000, Ino-rAdopt described the process as follows:[386]

> When a child is placed for adoption, the local children's court, through the judge, notifies CEJA(I) of this. CEJA(I) indicates which approved applicant couples they consider suitable for the specific child. Attempts are always made first to place the child with Brazilian families before foreign applicants are considered. The final decision on which family is awarded the child rests with the local judge, who will consult with the technical staff (social worker and psychologist), though without being bound by their advice. At this stage, the judge contacts the association's representative.[387]

Brazil ratified the Hague Convention on Intercountry Adoption in March 1999. The Norwegian adoption authorities (the Norwegian Directorate for Children, Youth and Family Affairs) undertook an inspection visit that same spring. The most important practical consequence of ratification mentioned in their mission report is that foreign adoption agencies now had to be accredited by the country's central authority (Autoridade Central Administrativa Federal, Secretaria Especial dos Direitos Humanos). Previously, this accreditation had been the responsibility of the federal states. The federal states – which had, to a large extent, been autonomous in the field of adoption – were also to be subject to greater oversight and coordination.[388]

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[384] VB. Application 1999. In some descriptions, the abbreviation is given as CEJA(I). *The 'I'* stands for 'International'.

[385] VB. Summary following the trip to Brazil in April 1999.

[386] However, the organisation varied somewhat between the states, and in the state of Curitiba it was CEJA that carried out the actual placement, cf. IA Report from the trip 10–21 April 1993.

[387] IA. Application for a placement licence, 2000.

[388] This is also evident in Bufdir's Supervisory Report 2009.

The Brazilian Adoption Act was amended on 3 August 2009. [389] The change with the greatest practical significance for intercountry adoptions was that a child was to remain in an institution for a maximum of two years before a decision was to be made as to whether the child could be adopted or, where appropriate, returned to their parents. This led to a faster release process and potentially made more younger children available for adoption. Children placed in a programme for family or institutional care were to have their situation assessed by the local court at least once every six months. It was only in cases where it was 'demonstrably in the best interests of the child or young person, duly justified by the judicial authority', that the child was to remain in a children's home for a longer period'.[390] Adoption agencies were also prohibited from having direct contact with persons responsible for 'institutional reception programmes for children or families' without authorisation from the judicial authorities.[391]

On the Brazilian side, there have been no costs associated with the adoption itself, and neither the children's homes nor the courts have charged any specific fees. From its inception in 1989, InorAdopt was required by the judges to sign a declaration in each individual case stating that they would not engage a lawyer.[392] This was because, at that time, lawyers were able to bring child welfare cases on their own initiative, and there were fears that some form of compensation for the birth parents might be included in the lawyers' fees.[393]

10.4 Investigations in other countries and other known circumstances

Adoptions from Brazil have been investigated by the Netherlands and are covered in the Swiss archival study. The findings of these reports will be summarised below. It should be noted that many of the irregularities highlighted here took place in the 1970s and 1980s, i.e. before adoption mediation to Norway began. However, some incidents from the 1990s are also mentioned in the reports. In addition, the committee has found several accounts of the Brazilian police investigating cases relating to international adoption.

From the 1970s to 2008, around 1,400 children were adopted from Brazil to the Netherlands. The first officially registered adoptions took place in 1973, but the investigation report indicates that some children arrived before this date.[394] Since the early 1970s, the Dutch media have reported on possible irregularities in adoptions from Brazil, including child trafficking.

The circumstances uncovered are illustrated in the report by three sets of cases. The first is a case from 1971 in which a couple wishing to adopt had a Brazilian child registered as their own with the help of a Brazilian official of Dutch descent and a Dutch diplomat.[395] The second set of cases was also triggered by a (known to be infertile) married couple who, following a stay in Brazil in 1981, attempted to register a child as their biological child. The case triggered a major police investigation, which, amongst other things, uncovered adoptive parents who had paid large sums of money in 'donations' to bypass the adoption queues, and 43 specific cases of *concealment of status*. During the investigation, several individuals were mis-

[389] By Act No. 12,010.

[390] See Section 19. AF's translation.

[391] See Section 52, fourteenth paragraph. AF's translation.

[392] However, as the Committee understands the practice, it was up to the individual judge to decide whether or not to allow the use of lawyers in adoption cases. In states other than São Paulo and in courts other than those with which InorAdopt collaborated, the practice may therefore have been different.

[393] Letter from IA to SAK dated 26 April 1990. IA was, however, required to use a lawyer in four adoptions from Rio de Janeiro, and the Committee has found accounts stating that AF used a lawyer. In IA's case, the former managing director has stated that the lawyers were not involved in the release of children, but represented the applicants in court.

[394] *Report. Commission of Inquiry into Intercountry Adoption* (2021), paragraph 5.1.

[395] *Report. Commission of Inquiry into Intercountry Adoption* (2021), paragraph 5.3.1.

were suspected of having facilitated illegal adoptions, but the prosecution concluded that there was insufficient evidence to bring charges against any individuals. Nor did the cases have any consequences for the adoptive parents involved.[396] The third set of cases spans the period from 1985 to 1994 and concerns what were, during this period, widespread rumours in the international media regarding 'trafficking' of children, including for the purposes of sexual exploitation and organ trafficking. In one specific case, however, it transpired that such a suspicion was due to a misunderstanding, and an investigation by the Dutch Ministry of Justice in 1994 showed that the children who had been adopted into the Netherlands were in good health and were growing up with their adoptive parents.[397]

The conclusion of the Dutch report is, amongst other things, as follows:

> The practice of intercountry adoption between Brazil and the Netherlands was characterised by large-scale, systematic abuses. There is concrete and documented evidence of document forgery, concealment of status, fraud and corruption. Child theft and trafficking also occurred.[398]

The Swiss report, compiled by researchers from ZHAW, states that there were regular media reports of 'adoption scandals' and 'trafficking' from Brazil from the late 1970s to the 1990s.[399] An article from 1987 describes a lawyer who, for several years, illegally placed children for adoption (including to Switzerland) in return for a sum of 8,000 USD per child. From the 1970s and 1980s, several cases are also described in which Swiss couples are said to have 'adopted' by taking in newborn babies and registering them as their own through false birth registrations.

The Swiss authorities took the view that it was up to the courts in Brazil to verify the legality of the adoptions, and although the authorities and the embassy were aware of what was happening through the media and correspondence, they did not intervene in any systematic way. A named Swiss adoption agent was mentioned in Brazilian investigation reports, suspected of having been involved in child trafficking.

In addition to the circumstances described in the aforementioned reports, the committee has found references to several national media stories, inquiries and investigations in Brazil. Professor Claudia Fonseca describes this, amongst other things, in a 2002 article in which she examines the reasons for the decline in international adoptions from the country.[400] It emerges, amongst other things, that the Brazilian authorities launched a parliamentary inquiry in 1988 into child trafficking. Furthermore, in 1991, a comprehensive police investigation was launched into judges, lawyers and public officials in the state of Paraíba, which led to charges being brought against nearly fifty people.[401] In 1998, there was significant media attention surrounding a juvenile court judge in Jundiai, São Paulo, who was alleged to have deprived over two hundred mothers of their parental rights on what were claimed to be insufficient grounds, and who, in collaboration with an Italian intermediary, facilitated the children's adoption abroad. The Committee is not aware of any children having been adopted to Norway through the court in question.[402]

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[396] *Report. Commission of Inquiry into Intercountry Adoption* (2021), paragraph 5.3.2.

[397] *Report. Commission of Inquiry into Intercountry Adoption* (2021), paragraph 5.2.3.

[398] *Report. Commission of Inquiry into Intercountry Adoption* (2021), paragraph 5.5. The quotation is taken from the unofficial English translation.

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

[400] Fonseca, C. (2002). An Unexpected Reversal: Charting the Course of International Adoption in Brazil. *Adoption & Fostering*, *26*(3), 28–39.

[401] InorAdopt applied for permission to commence operations in Paraíba in 1991.

[402] This case was also reported in the Norwegian media; see, for example, the article in *Aftenposten* *entitled 'Forsvunnet' (Missing)*, 27 June 1999, p. 22. Although the majority of Brazilian children adopted into Norway came from the state of São Paulo, the committee is not aware that

In a 1993 travel report, Verdens Barn mentions that 'corruption scandals in connection with international adoptions' led to the programme for the working visit being adjusted slightly.[403] The Committee is not aware of which specific cases are being referred to.

One adoptee interviewed by the Committee relayed information from a Brazilian lawyer stating that attention in Brazil has begun to be drawn to past adoption cases where the process was completed very quickly.

The Committee has found no reports suggesting that public investigations in Brazil have covered adoptions to Norway or key figures involved in these, and has not prioritised a more detailed investigation of these complex cases.[404]

10.5 Overview of the Committee's country-specific investigations

10.5.1 General information on the country study

The Inquiry Committee's investigations into adoption placements from Brazil have followed the template for country-specific investigations, as outlined in section 3.6.3. General country information from various sources has been obtained.
Investigations carried out by other receiving countries have been reviewed, and a media search and a limited literature search relating to adoptions from the country have been conducted. Placement licences and applications for placement from the country have been reviewed, along with the associated documentation. Archive searches have been carried out at Bufdir, the Ministry of Children and Families, the National Archives and the Ministry of Foreign Affairs. The Committee has also reviewed the physical and digital archives of InorAdopt and Adopsjonsforum, and the physical archive of Verdens Barn.[405]

Given the number of adoptions arranged by the three organisations (see section 10.1), the Committee has prioritised a more thorough review of InorAdopt's archives than those of the other two agencies.

The Committee has carried out a systematic review of 24 individual cases spread across the entire placement period. The Committee has conducted an interview with one adoptee, and the placement process has been the subject of interviews with representatives of InorAdopt, Bufdir, the Norwegian Directorate for Children, Youth and Family Affairs and the Ministry of Children and Families.

10.5.2 Specific comments regarding the state of the archives

The Committee finds reason to note that InorAdopt's archives appear to be relatively fragmented and incomplete. Among other things, the Committee has only found reports from a handful of cases

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who were to have been adopted from Jundiai. The former managing director of InorAdopt stated in an interview with the Committee that she was not familiar with this court.

[403] VB. Travel report from Brazil, 1–13 October 1993.

[404] The Committee emphasises that we have not had the opportunity to carry out an exhaustive investigation into internal Brazilian inquiries or all the parties involved in Norwegian cases. The Committee has found media coverage in Norwegian and Brazilian newspapers of a Norwegian couple who were arrested in connection with an adoption. They were suspected of child abduction when they turned up at a hotel with a Brazilian child. The police investigating the case found that their adoption documents were missing a stamp, which led to complications. According to media reports, however, the matter was resolved and the judge responsible apologised, and it had no legal consequences for the Norwegian couple. See, for example, VG, 21 April 1996.

[405] Verdens Barn has only facilitated six adoptions, the last of which took place in 2000.

Trips to Brazil, primarily prior to 2000. [406] Furthermore, the physical and digital archives contain very little correspondence between InorAdopt and its staff or partners in Brazil.

As regards travel reports, staff have informed the committee that they have not had any established practice of documenting this type of information in writing. Because InorAdopt is and has been a small organisation (compared with the other agencies), the transfer of information has instead been based on ongoing dialogue between colleagues in the secretariat, and staff have primarily briefed one another verbally following trips. The details of day-to-day operations have furthermore been the responsibility of the secretariat, and it has therefore not been considered necessary to draw up written reports for submission to the board. Here too, information has primarily been conveyed through verbal briefings.[407] According to the former managing director, there were reportedly a few more minutes and reports from the trips than those currently preserved in InorAdopt's physical and digital archives.[408] The Committee finds that InorAdopt had no established procedures for writing travel reports following business trips or for archiving these for future reference.

As regards general communication with overseas contacts and any other partners in Brazil, it does not appear that InorAdopt had any systems or procedures in place for archiving this either. The Committee assumes that parts of this communication may contain personal data and may therefore have been regarded as individual case documents rather than as general cooperation documents. However, this type of communication has not been found in the individual cases reviewed in Bufdir's archives either.

The nature of the available sources has implications in that it limits the Committee's ability to examine the national cooperation. The Committee's assessments and conclusions must largely be based on correspondence found with the Norwegian authorities, InorAdopt's board minutes and information on more general matters relating to adoption work in Brazil. This material is most comprehensive in the early part of the period, as there was a great deal of correspondence relating to the start-up of the work.

In the case of Brazil, there are also significant gaps in the archival material held by the adoption authorities. The Committee has not found any report from the Norwegian adoption authorities' (the State Adoption Office) inspection visit in 1994.[409] Furthermore, a number of documents relating to the case concerning the first intermediary licences granted to InorAdopt are missing from the Ministry of Children and Families.[410]

10.6 Adoptions to Norway

10.6.1 Introduction

As mentioned, the Committee has primarily chosen to examine adoption mediation through InorAdopt. However, with regard to the more general features of the adoption system in Brazil, material from the other intermediaries has also been used to shed light on certain aspects. *The* Committee's *assessments* will, however,

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[406] One situation report has also been found from a trip on 5–13 June 2012 concerning the phasing out of the work.

[407] It is evident from the board papers that such oral reports were given, but their content is rarely referred to.

[408] Among other things, the former managing director pointed out that minutes were taken following meetings with officials, but the Committee has not found any such records from the 2000s either.

[409] There is a draft report from the inspection visit to South America in 1994, but this document does not describe the visit to Brazil. The Committee has been unable to ascertain whether a full report was in fact written, or whether this draft was never completed.

[410] FFD took over responsibility for adoptions from 1990. In the FFD file from 1990 concerning InorAdopt's placement licence, only nos. 12, 14 and 16 of the documented records are present. The remaining documents in the file are considered to have been lost.

primarily relate to InorAdopt's placement work and the Norwegian authorities' monitoring and supervision of this.

However, as mentioned in section 10.5.2, InorAdopt's archive material is somewhat incomplete, and the committee has not found sufficient source material to provide a comprehensive chronological account of their adoption placement activities from Brazil. Certain aspects are nevertheless considered to be so well documented that there is a basis for providing an assessment, and a description and assessment of the following are given below:

- the start of adoption arrangements with Brazil and the Norwegian authorities' knowledge and assessments in the period up to 1991 (sections 10.6.2–10.6.3)
- complaints and matters of concern regarding InorAdopt's operations in its early years (sections 10.6.4–1.6.50)
- the Brazilian system for placing children for adoption (sections 10.6.6–10.6.7)

The Committee notes that we have limited scope to investigate those parts of the adoption process that took place in Brazil. The Committee has not received any enquiries, found any reports to the Norwegian authorities or seen any media coverage of specific adoptions from Brazil to Norway in which it is alleged that anything unlawful occurred in connection with the release of children or the adoption process.

10.6.2 The start of adoption placements from Brazil

10.6.2.1 The process leading up to the first authorisation for adoption in 1989

Following enquiries from Adopsjonsforum, the Council for International Adoptions contacted the Ministry of Foreign Affairs as early as 1978 to seek assistance in obtaining information on (international) adoptions from Brazil. The reply from the embassy in Brasília stated that adoptions took place in Brazil and that they were regarded as a civil-law transaction not subject to official approval – it was an agreement between the adoptive parents and the child's birth parents.[411] If the child had been abandoned, the Children's Court could intervene as the child's representative.[412] In such cases, it was thus possible, to a certain extent, to verify whether the conditions for adoption were met.

The embassy had also contacted a lawyer at the relevant court in Brasília for further information on international adoptions. Through this contact, it first became apparent that international adoptions were a highly sensitive issue, as they could be interpreted as a sign that Brazil was unable to resolve its own social problems. There were therefore no formal agreements on adoption between Brazil and other countries, and they warned against raising this issue with the political authorities. It also emerged that there was a 'not entirely insignificant number' of international adoptions, but that the courts were bound by a duty of confidentiality, so no statistics were available on how many cases this involved. In principle, the same rules applied to foreigners and Brazilians wishing to adopt. Nevertheless, the 'ethical issues' meant that few foreigners had their adoptions approved by the juvenile courts.[413] According to the embassy, there could be a handful of adoptions to other countries in Brasilia over the coming years – but only if there was no publicity surrounding the matter.

The embassy then provided a description of how Norwegian married couples could go about being allocated a child in Brazil. The chances would be greatest if, for example, they visited a court in person whilst on holiday. It was also made clear that adoptions would only be possible if

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[411] Letter from the Embassy in Brasília to the Ministry of Foreign Affairs, 11 October 1978.

[412] The term *'representative'* is taken from the source, a letter from the Embassy in Brasilia to the Ministry of Foreign Affairs dated 11 October 1978.

[413] At the same time, however, it is clear that a number of private adoptions to countries other than Norway took place (see section 10.4).

> […] these take place in limited numbers and without publicity. In this context, it is very important that the information set out here is not published, nor disseminated through member circulars or similar channels. Dr NN at the 'Juizado de Menores' in Brasília emphasised strongly that any information in Norway must only be provided in letters sent directly to selected married couples who are deemed likely to follow up on such an enquiry.[414]

The Committee has been unable to ascertain exactly how many adoptions were carried out without the involvement of an intermediary to Norway between 1978 and 1989 (that is, before the first intermediary licence was granted), but is aware that this occurred.[415]

In March 1988, the Ministry of Social Affairs contacted the Ministry of Foreign Affairs regarding a possible adoption partnership with Brazil.[416] The background to this appears to be that both InorAdopt and Verdens Barn had submitted applications for adoption agency licences in 1987, and that the Ministry of Social Affairs wished to obtain a statement from the Brazilian authorities in connection with the processing of these applications. In May of the same year, a reply from the Norwegian Embassy addressed to the two ministries was received. It stated that the Embassy had carried out investigations with a view to potentially establishing adoption cooperation.[417]

The embassy wrote at the time that adoption was (still) a sensitive issue, and that there were few regulations governing it. However, they had held a meeting with the Brazilian Ministry of Foreign Affairs and were in the process of assessing whether an adoption agreement might be feasible. In this connection, the Brazilian authorities wished to see examples of adoption agreements that Norway had concluded with other countries. The same letter mentions that there have been cases of 'child trafficking', and the letter concludes with the following remark:

> The Embassy also notes that child abductions are a frequent occurrence in Brazil. A newspaper here in Brasília thus published an article a couple of months ago about a Brazilian lawyer who had been arrested on suspicion of having smuggled around 100 children out of the country. The operation had been discovered purely by chance when the lawyer had left his briefcase in a public place in northern Italy.[418]

An example of a bilateral adoption agreement (between Norway and the Philippines) was circulated, but on 12 September 1988 the embassy reported that there had still been no progress in the matter. The Brazilian agency head in question had stated that, in his personal opinion, it was unlikely that the authorities wished to enter into such an agreement, and that he advised against the Norwegian side initiating adoptions without such an agreement being in place. The reasons for this reluctance included public opinion's stance on international adoption, and the fact that such an agreement would presumably be perceived as indicating that the authorities preferred international adoption to domestic placements.

In an update from the embassy dated 30 September, they wrote that over the previous five days they had contacted the Brazilian Ministry of Foreign Affairs three times to seek a response on the matter, but 'fear that intensifying the follow-up will have negative consequences'.[419]

On 12 October 1988, the embassy sent a further update to the Ministry of Foreign Affairs. This described the adoption procedures in force at the time and another conversation with the Brazilian Ministry of Foreign Affairs

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[414] Letter from the Embassy in Brasília to the Ministry of Foreign Affairs, 11 October 1978.

[415] Independent adoptions are discussed in Chapter 28 and section 6.2.2.

[416] Letter dated 9 March 1988 from the Ministry of Social Affairs to the Ministry of Foreign Affairs.

[417] Letter dated 3 May 1988 from the Embassy in Brasília to the Ministry of Foreign Affairs.

[418] Letter dated 3 May 1988 from the Embassy in Brasilia to the Ministry of Foreign Affairs. The fact that a large number of illegal adoptions were taking place in Brazil had also been reported in the Norwegian media, including in *Klassekampen* on 25 August 1986.

[419] Fax from the Embassy to the Head of Department at the Ministry of Foreign Affairs, 30 September 1988.

During the conversation, the Brazilian Head of Department stated, amongst other things, that he did not see any significant role for intermediary organisations in the adoption procedure in Brazil. It further states:

> The Embassy, for its part, is inclined to believe that **the lack** of central public bodies (e.g. at state level) in the adoption procedure in Brazil makes it relatively easy for certain unscrupulous individuals to engage in the abduction of children abroad. It may be difficult to see how an organisation based in Norway, with little or perhaps no permanent representation in this vast country, can be certain of detecting and preventing all such cases
>
> The children are often provided with **valid** passports, which the relevant adoption lawyer obtains from local police stations. This is said to be a lucrative business. According to the press, some Brazilian lawyers are said to have received over 10,000 dollars from the United States and some Western European countries for blonde children sent there. (Norway has never been mentioned.) The penalty for such activities is, in practice, astonishingly lenient. A lawyer in Brasília was charged with a number of offences just under a year ago. According to the press, his sentence would be only about two years' imprisonment. The case gives the embassy reason to believe that the illegal activity will continue.[420] [original emphasis]

In November, the embassy reported that it had received a formal reply to its enquiry, but that this was primarily a description of current procedures and did not address the issue of an adoption agreement.[421]

The Ministry of Social Affairs decided to put the matter on hold, and in a letter to InorAdopt in December 1988, they wrote the following:

> We refer to the application for authorisation to arrange adoptions from Brazil.
>
> No Norwegian adoption agency currently holds authorisation for adoption mediation from Brazil. The Ministry of Social Affairs has therefore asked the Ministry of Foreign Affairs to investigate the possibility of adoption with the Brazilian authorities. Enquiries have been made regarding the possibility of adopting children to Norway, and the Brazilian authorities have been asked for their views on the release of children for adoption in Norway, as well as what rules they may wish to see followed.
>
> From the material currently available, we must conclude that the Brazilian authorities are not prepared to cooperate in any way with adoption. The Embassy draws our attention to the fact that international adoptions are a highly sensitive issue in Brazilian public opinion, due to the fact that child abductions frequently occur in Brazil. […]
>
> Given such an unfavourable situation, and as the authorities in the country of origin are unwilling to cooperate in the adoption process, the Ministry of Social Affairs assumes that it will present major problems to establish satisfactory procedures for the release of children for adoption from Brazil.
>
> The Ministry of Social Affairs therefore concludes that it is not justifiable to grant approval for adoption arrangements at this stage.
>
> The Minister of Social Affairs has, however, been informed that the Minister for Foreign Affairs is planning an official visit to Brazil in the spring of 1989, and that he will endeavour to raise the matter with the Brazilian authorities. We therefore consider that we should now await further developments, and the processing of the application is consequently suspended.[422]

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[420] Letter from the Embassy to the Ministry of Foreign Affairs, 12 October 1988.

[421] Letter from the Embassy to the Ministry of Foreign Affairs, 24 November 1988.

[422] Letter from the Ministry of Social Affairs to the Ministry of the Interior, 14 December 1988. The wording 'the release of children for adoption in Norway' is somewhat unclear, but is interpreted as a question regarding the Brazilian authorities' view on Brazilian children being adopted by Norwegian parents, not whether the adoption decision should be taken in Norway.

Communication between InorAdopt and the Ministry of Social Affairs continued in writing and at a meeting.[423] A Member of the Storting also contacted the Ministry of Social Affairs and the Minister of Social Affairs on behalf of InorAdopt, recommending that the placement application be approved.[424]

In February, the Minister for Social Affairs sent a memorandum to the Minister for Foreign Affairs recommending that he raise the issue of an adoption agreement during his planned visit to Brazil that spring.[425] The Minister for Foreign Affairs replied (in March) that he would be happy to raise the issue, but that the official visit had been postponed until late 1989 or early 1990.[426]

Beyond this dialogue, the committee has found no evidence that any new information was obtained or that any further assessments were made regarding the appropriateness of commencing adoption work with Brazil. However, an internal memo from the Ministry of Social Affairs dated June 1989 states that they had:

> […] been informed that the Minister [Tove Strand Gerhardsen] wishes to grant InorAdopt placement rights for Brazil. A draft letter of approval has been drawn up in accordance with this.[427]

In line with this decision, InorAdopt (and Verdens Barn) were granted permission to carry out five pilot cases from Brazil on 4 July 1989.[428] When the Ministry of Foreign Affairs became aware of the authorisation, it reacted negatively.[429]

10.6.2.2 The Norwegian authorities' knowledge at the time the placement authorisation was granted

As mentioned, the Ministry of Social Affairs granted authorisation to carry out five so-called pilot cases in the summer of 1989. However, from the correspondence between the specialist authority (the State Adoption Office), the Ministry
and InorAdopt the following year, it is clear, however, that the Norwegian authorities lacked
an overview of several key aspects of the Brazilian adoption system when the authorisation was granted. This will be described below.

After having its placement application approved, InorAdopt set about organising the adoption work. In August, among other things, they applied for approval of a Norwegian woman based in São Paulo as their foreign contact.[430] In connection with the processing of this application, the Norwegian Adoption Authority was sent the state's guidelines on adoption, and they then became aware that the juvenile courts in São Paulo required a one-year foster care placement before an adoption order was granted.

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[423] At a meeting between InorAdopt and the Ministry of Social Affairs on 2 February, it was reiterated, amongst other things, that 'the adoption issue was to be raised with the Brazilian authorities when the Norwegian Minister of Foreign Affairs was due to visit Brazil in the spring of 1989', cf. IA's minutes of the meeting on 2 February 1989.

[424] Letter from a Member of the Storting (H) to the personal secretary at the Ministry of Social Affairs on 19 January 1989 and to the Minister of Social Affairs
2 May 1989.

[425] Memorandum from the Minister of Social Affairs to the Minister of

Foreign Affairs dated 21 February 1989. [426] Memorandum from the

Minister of Foreign Affairs to the Minister of Social Affairs dated 13

March 1989. (427) Ministryof SocialAffairs(SD). Internal memorandum dated 12

June 1989.

[428] See letters from the Ministry of Social Affairs to the Ministry of the Interior dated 4 and 11 July 1989. The internal memo states that there was no reason to reject Children of the World's application if InorAdopt were granted authorisation. However, Children of the World did not arrange any adoptions from Brazil until 1996.

[429] The Ministry of Foreign Affairs sent a letter to the Ministry of Social Affairs on 22 August 1989 after receiving information from the embassy in Brasilia that InorAdopt had commenced placement work: 'The Ministry is not aware that InorAdopt has been granted authorisation by the Norwegian authorities to bring five children to Norway as a pilot project. The Minister of Social Affairs' aforementioned memorandum states that the Ministry of Social Affairs does not consider it justifiable to grant approval for adoption placements from Brazil at this time. We would be grateful for the Ministry of Social Affairs' statement on the matter.' The Ministry of Social Affairs replied to the Ministry of Foreign Affairs on 13 October 1989. A subsequent letter from the FFD to the IA dated 18 June 1990 states, amongst other things: 'We find it necessary to recall that the Ministry of Social Affairs was warned by the Ministry of Foreign Affairs about the adoption situation in Brazil. […] The State Adoption Office was instructed to exercise great caution when approving foreign contacts, after the Ministry of Foreign Affairs had reacted upon becoming aware of the authorisation."

[430] IA. Application for approval of InorAdopt's network of contacts in Brazil, 29 August 1989.

During the foster care period, the Brazilian Children's Court required regular follow-up reports drawn up by a local health and social services authority. In 1989, there was a similar six-month 'trial period' for adoptions from the Philippines and Thailand. Experience showed, however, that in practice it was difficult to get the local social services offices in Norway to commit to drawing up the necessary reports. When the requirement for a foster care period came to light, the State Adoption Office therefore sent a letter to the Ministry asking whether such an arrangement provided grounds for a review of the placement licence that had been granted.[431]

> The State Adoption Office views with concern an arrangement involving a mandatory one-year foster care placement that may extend over a much longer period where social services are unable to fulfil their reporting obligations. In principle, it is also assumed that the child will be returned to Brazil at the foster parents' expense if the report is not deemed satisfactory by the Brazilian authorities with regard to the child's adjustment to the family.
>
> Before approval is granted for the association's overseas contacts, we draw the Ministry's attention to this matter and ask whether this gives cause for a reassessment of the Ministry's authorisation.[432]

The Ministry and the National Adoption Office discussed the matter at a meeting.[433] The Ministry of Social Affairs' handwritten and somewhat note-like memo from the meeting indicates that various options were discussed:

1. withdrawal of approval is unlikely to be an option
2. We support SAK – do not approve the foreign contact under such rules
3. or: Should they be allowed to try – see how it works in

   practice? Demand that the Brazilian authorities make

   changes.

   In principle, repatriation is wrong […]

   Cannot control[?] whether the country of origin can demand the

   children back. Give the children the necessary rights?

   Conclusion: Approve the case

In an internal memo concerning the drafting of a reply to the State Adoption Office, the head of the department wrote the following:

> At the meeting of the State Adoption Office on 4 October, I took the view that it is not an option to withdraw the approval that has been granted […] We therefore agreed that the Ministry, in its letter to the State Adoption Office, should express the Norwegian authorities' view that the children must be allowed to stay here – even if things go wrong. Repatriation is not a relevant issue 'as a matter of policy'. I therefore propose that we do not go into further detail on the part of the letter concerning the question of approval. This could easily cause problems later on.[434]

The Ministry's reply to the adoption agency was as follows:

> From the Norwegian authorities' perspective, the best protection for the children is for them to be given the security that adoption provides as soon as possible. An adoption process that could result in a child being returned to the country of origin

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[431] Letter from SAK to the Ministry of Social Affairs, 8 September 1989. [432] Letter from SAK to the Ministry of Social Affairs, 8 September 1989.

[433] Ministry of Social Affairs. Memorandum from a meeting with SAK, 4 October 1989. [434] Ministry of Social Affairs. Handwritten memorandum, 7 October 1989.

> abroad is difficult to accept. We ask the State Adoption Office to take this information into account when approving the association's contacts in Brazil.[435]

The letter from the Ministry was sent to InorAdopt. On the basis of investigations carried out by the overseas contact, InorAdopt put forward several reasons why the arrangement would not, in practice, cause any problems. Firstly, the judges in São Paulo stated that the possibility of the child having to be returned was 'a "paper rule" that had never been applied'.[436] The rule was primarily designed to address the placement of older children, and since it was mainly children under school age who were eligible for adoption to Norway, this was less relevant. Finally, InorAdopt emphasised that the judges with whom they had been in contact had 'confidence in the Norwegian approval procedure for adoption applicants, believing it to be so thorough that the rule would not apply'.[437]

On the basis of this explanation, InorAdopt had its contact person approved and was granted permission to carry out pilot cases from São Paulo. However, InorAdopt itself was required to ensure that the follow-up reports during the foster care period were drawn up as stipulated by the Brazilian authorities:

> In light of the experience the Norwegian Adoption Authority has with children from abroad who are to be placed in foster care for a period of time before they are permitted to be adopted – and where this is based on reports issued by the social services offices in the applicants' home towns – we must require the association to obtain a commitment from the social services office that they will undertake this task. This means that they also undertake to produce the reports by the stipulated deadline, so as to avoid the risk of the foster care period being extended beyond the one year that has been set.[438]

InorAdopt set about the task, and as early as February 1990 they submitted a report on the five pilot cases at the same time as they applied for a general placement licence.[439] Responsibility for adoption had by then been transferred from the Ministry of Social Affairs to the newly established Ministry of Family and Consumer Affairs. Although several of the children had arrived in Norway, none of the adoptions had been finally completed due to the requirement for foster care placement. The usual practice of the Norwegian authorities was to ensure that the adoptions could in fact be and were carried out before a general licence was granted. Nevertheless, in consultation with the State Adoption Office, the Ministry extended the temporary authorisation until 1 April 1991, but limited it to a further 20 cases.[440]

Throughout the spring, discussions continued with InorAdopt regarding a general authorisation for placement. In this connection, InorAdopt submitted reports on further cases and supplementary information on the procedure in Brazil.[441] At a preliminary meeting between the Ministry and the competent authority (the State Adoption Office) prior to a meeting with InorAdopt, the following points were particularly emphasised:

> The authorisation for adoption mediation in Brazil was granted despite a negative recommendation from the Ministry of Foreign Affairs.
>
> In a letter dated 13 October 1989, the Ministry of Social Affairs requested the State Adoption Office (SAK) to take the difficult circumstances into account when approving contact with foreign countries.

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[435] Letter from the Ministry of Social Affairs to the State Adoption Office, 13 October 1989. The draft of the letter contained the wording '[i]t is not acceptable to permit an adoption process that could result in a child being returned to the country of origin', but this was subsequently modified. Ministry of Social Affairs, memorandum of 5 October 1989. The Committee also notes that the approval of geographical restrictions and contact networks was delegated to SAK. In principle, the Ministry could therefore maintain its approval of Brazil whilst SAK rejected applications involving placements arranged by courts or federal states that applied such a requirement for foster care placement.

[436] Letter from IA to SAK, 19 October 1989.

[437] Letter from IA to SAK, 19 October 1989.

[438] Letter from SAK to IA, 25 October 1989.

[439] IA. Report on five test cases in Brazil, 26 February 1990.

[440] Letter from FFD to InorAdopt, 1990.

[441] Letters from IA to FFD dated 27 April and 22 May 1990.

> The Norwegian authorities' primary task is to ensure that all adoptions are carried out in a responsible manner and in accordance with Norwegian and foreign laws and regulations. (Our task is *not* to secure the largest possible number of children from abroad.)[442]

On 31 August 1990, the Ministry was contacted by InorAdopt, which asked whether it could carry out an ad hoc extension of the authorisation to include one further child:

> InorAdopt, represented by NN, contacted the Ministry by telephone on 31 August of that year with a request to increase the number of pilot cases from 20 to 21. The Ministry granted approval for this extension during a telephone conversation on the same day.
>
> The Ministry wishes to emphasise that the approval was granted on the basis of the special circumstances that existed in this case. The application concerned a particular child who was being looked after by InorAdopt's representative and who was able to travel to Norway on the same day.
>
> The Ministry would further like to emphasise that such approval is an isolated incident, and that the conditions previously set for the processing of the association's application for an extension remain in force. InorAdopt will therefore not be able to expect any further extension of the pilot cases until a case has been finally concluded.[443]

On 12 September 1990, the State Adoption Office informed the Ministry that InorAdopt had now submitted documents proving that the first adoption had been finalised in Brazil. The documents submitted were travel permits, the appointment of a guardian, the original birth certificate and a birth certificate issued in the adoptive parents' names. No documents from the court were included, and the State Adoption Office noted that InorAdopt had stated that this was because the courts
'do not issue copies of the grounds for the judgement'.[444]

In early September 1990, however, the State Adoption Office had also held a meeting with Ino-rAdopt and a Brazilian delegation comprising, amongst others, juvenile court judges. At this meeting, it first emerged that all adoptions by foreign nationals were '"simple", i.e. weak, without it being specified what that entailed' [445] (Ino-rAdopt had, however, previously explained that the foster care placement itself had to be regarded as a 'weak' adoption, but that the final adoption decision corresponded to a 'strong' adoption.)[446] Secondly, it emerged that the adoption case was concluded by the issue of a new birth certificate in the adoptive parents' names, and that it was 'up to the individual judge whether the grounds for the judgement should be disclosed'. The third and, according to the State Adoption Office, most important outcome of the meeting, however, was the information regarding the new Act that had been passed and was due to come into force 12 October 1990. It was suggested at the meeting that the Act would mean that all adoption cases already underway involving foster care placements could be finalised immediately.

As regards the question of which documents could and should be obtained, it is clear that the competent authority (the State Adoption Office) requested the court judgements. The Committee has reviewed ten individual cases from 1990 and 1991, and in all of these there is a document from the court attached. It remains unclear to the Committee, however, whether these were in fact successfully obtained in all cases; see the following descriptions from September 1991:

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[442] SAK, Minutes of the meeting between SAK and FFD on 21 May 1990.

[443] Letter from FFD to IA dated 4 September 1990. It should also be noted that the Committee has been unable to locate this letter, the log of the telephone conversation or any related assessments in FFD's own archives, as the case file which would presumably have contained these is missing a very large number of documents (see note 48).

[444] Letter from SAK to FFD dated 12 September 1990. [445] Letter from SAK to FFD dated 12 September 1990. [446] Letter from AF to SAK dated 26 April 1990.

> It was somewhat difficult to gain acceptance in Brazil for the requirement that we needed court judgement documents in addition to the new birth certificate with the adoptive parents' names entered as parents. It now appears that this requirement has been accepted by most courts.[447]

In 1993, InorAdopt applied to extend its geographical area to include the states of Santa Catarina and Paraíba. As mentioned in section 10.4, a wide-ranging police investigation into adoption activities in Paraíba had taken place in 1991. Nearly fifty lawyers, judges and other public officials were charged in the case. Neither the application from InorAdopt nor the authorisation from the State Adoption Office mentions these circumstances.[448]

10.6.3 The Committee's assessment of the start of adoption work from Brazil

The Committee considers it positive that the Norwegian authorities actively involved the Ministry of Foreign Affairs and the Embassy in Brazil when assessing potential authorisations for adoption placements from that country, and that there was further direct dialogue between the Embassy and the Brazilian authorities. Such cooperation is likely to provide a better basis for decision-making.

However, the Committee considers that the Norwegian adoption authorities did not take sufficient account of the information and assessments that emerged from their communications with the embassy and the Ministry of Foreign Affairs. The embassy clearly stated that the adoption system in Brazil at that time was opaque and unregulated, and that there were reports of widespread illegal activity associated with international adoptions. Furthermore, it appears that the Brazilian authorities have generally been opposed to international adoption in general and to adoption cooperation with Norway in particular. The Ministry of Foreign Affairs itself also stated that it was opposed to adoption work in Brazil, both before and after the licence was granted.[449]

In addition to the Foreign Service's explicit warnings being directly linked to Brazil, the Committee has noted that the application for an intermediary licence was processed in parallel with the well-known 'adoption scandal' in Ecuador, which also involved adoptions to Norway (see Chapter 14). As the circumstances against which the embassy in Brazil had warned bore many similarities to the complex of issues that had come to light in Ecuador, the Committee considers that the Norwegian adoption authorities should have exercised greater caution and carried out more thorough investigations before authorising adoption mediation from that country. Among other things, they should have carried out a more thorough review and assessment of the parties involved and the procedures for the release of children.

The Committee cannot see that the Norwegian adoption authorities carried out any such investigation into the circumstances in Brazil before they permitted, amongst other things, a newly established agency with limited experience to carry out so-called pilot cases from that country. This impression is supported by subsequent correspondence, which clearly shows that the authorities did not have an overview of the process: Among other things, the Norwegian authorities were unaware of the requirement for foster care placement in certain courts/states, and the competent authority (the State Adoption Office) had no overview of which documents were required to accompany a legally completed adoption in Brazil, prior to the first case being registered in Norway one year after the child's arrival in the country. Furthermore, it appears that neither the authorities nor InorAdopt were aware of the new law passed in Brazil in July 1990, which was due to come into force in October of the same year, but that they were informed of the law by a Brazilian delegation that happened to be visiting Norway in September

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[447] Letter from SAK to BFD dated 5 September 1991, forwarding IA's application for a renewed placement licence.

[448] Application from IA dated 30 October 1993. Additional information was submitted at the request of SAK on 10 November 1993, and authorisation from SAK was granted on 12 November 1993.

[449] A letter from FFD to IA dated 18 June 1990 states, amongst other things: 'We consider it necessary to recall that the Ministry of Social Affairs was warned by the Ministry of Foreign Affairs about the adoption situation in Brazil. […] The State Adoption Office was instructed to exercise great caution when approving contacts with foreign agencies, after the Ministry of Foreign Affairs had reacted upon becoming aware of the authorisation."

This year. The authorities also appear to have been unaware of the extensive police investigation taking place in the state of Paraíba shortly before InorAdopt's geographical expansion into this area was approved in 1993, something of which they would probably have been aware had they conducted their own investigations. The Committee considers that the Norwegian adoption authorities' case assessment was not sound, cf. Section 17 of the Public Administration Act.

The Committee considers it reprehensible that, on the basis of the Minister's decision, the Norwegian authorities permitted the implementation of so-called pilot cases from Brazil in the summer of 1989, and that they followed this up relatively shortly afterwards with further extensions of this authorisation. It is clear that there was political opposition in Brazil to international adoptions, that the Norwegian authorities had little knowledge of the legal procedures in Brazil, and that there were widespread problems and irregularities associated with adoption activities in the country. The Committee considers that the adoption authorities did not carry out sufficiently thorough assessments of the risks highlighted by the Foreign Service.

The Committee further considers that the State Adoption Office should not have left it to a private placement organisation to ensure that the adoptive applicants' local social services offices undertook to draw up the necessary follow-up reports. InorAdopt itself had no authority to impose such a task on the social services offices, nor did it have any means of enforcement should the reports fail to materialise despite a prior commitment from the social services office. A lack of reports would potentially result in the children from Brazil remaining in an unresolved situation in Norway for a long period of time. It also appears arbitrary to have a system that created a risk that prospective adopters who were otherwise qualified and approved for adoption would have to withdraw their application because the local social services office lacked the willingness or capacity to provide such an assurance. The Committee considers that the Ministry's and the Norwegian Adoption Authority's stance on this issue constituted a reprehensible abdication of responsibility with regard to the obligations that the Brazilian authorities required of the Norwegian authorities in order to allow children to be adopted to Norway. The Ministry should have followed up on these obligations, for example by investigating the possibilities of requiring the local authorities to prepare the necessary reports. If the Norwegian adoption authorities were unable to take responsibility themselves for ensuring that such reports were drawn up in accordance with the Brazilian requirements, the Committee believes they should not have granted permission to arrange for children to be placed from Brazil to Norway.

The Committee believes there are grounds to question the verbal authorisation granted by the Ministry to Ino-rAdopt to carry out one further adoption to Norway. The Committee has not identified this specific case and therefore does not know how the process unfolded.[450] Nevertheless, it appears that a process was carried out in which the allocation and acceptance of the child, the finalisation of the adoption in court and the issue of an exit permit all took place on the very same day. The Committee considers this to be an unsound process for both the adoptive parents and the child, something to which the Ministry should also have responded.

10.6.4 Complaints and matters of concern regarding InorAdopt's operations in its early years

During the early years, there were several instances where criticism was levelled at InorAdopt's operations, both by its own applicants and by the Norwegian authorities. The State Adoption Office raised such issues on several occasions in its communications with InorAdopt. Some of the main points of this criticism are described in more detail below. The Committee's assessment of these matters is set out in section 10.6.5.

Firstly, the State Adoption Agency responded to InorAdopt's procedures regarding the placement of children. The reason this was raised with InorAdopt in a separate letter was, amongst other things, that a couple applying for adoption had contacted the Adoption Agency early in the process to expedite the approval in Norway, believing that they had already been allocated a child by the Children's Court in Brazil. Another couple had stated that InorAdopt was to send the 'provisional documents' in their case to Brazil in

[450] As shown in note 48, however, documents are missing from the case that could have shed light on both the facts and the Ministry's assessments

pending processing by the Norwegian authorities. The State Adoption Office pointed out to InorAdopt that it could not take any action in Brazil regarding the applicants until all approvals were in place in Norway, and further emphasised that all cases where the child or children fell outside the scope of the prior consent should be 'submitted to the State Adoption Office *before* the applicants are asked whether they would consider adopting the child'.[451] In its response, Ino-rAdopt denied that the applicants had been led to believe what they had claimed to the Adoption Office, and maintained that the whole matter was due to misunderstandings arising from a case worker having enquired as to how far the applicants had progressed in their process.[452]

Secondly, it appears that InorAdopt, in its efforts to recruit applicants for the newly established adoption agency, had apparently not communicated the Norwegian and Brazilian requirements for adoption applicants clearly enough. Among other things, several applicant couples who were older than the normal age limit for adoption, and/or who had not been married or cohabiting for a sufficiently long period, had approached the State Adoption Office with clear expectations of being able to adopt, and had pointed out that InorAdopt had given them a 'promise of help'.[453] The State Adoption Office therefore emphasised to InorAdopt the need for clear guidelines for all parties. In its response, InorAdopt wrote, amongst other things, that

> [t]he fact that applicants interpret the information from InorAdopt differently from how it is provided creates a number of unnecessary 'difficulties'. We believe it is a well-known phenomenon to the SAK that applicants are often highly emotionally unstable and interpret information 'in their own way'.[454]

Thirdly, there were a number of cases where applicants felt pressured or misled into adopting children who did not match what they had initially been promised or prepared for. In one instance, for example, a couple of applicants had been assured that it would be possible to adopt a child from Brazil aged between 0 and 2 years. Later, however, the then managing director of Ino-rAdopt had phoned them on at least five occasions and, in a manner which the applicants described as highly unpleasant, attempted to pressure them into extending their application to include older children, including by casting doubt on their motivation for adoption. The applicants found this extremely distressing and ultimately chose to withdraw from the rest of the process.[455]

Furthermore, during the early years, prospective adoptive parents were not sent photographs at the time of placement, and the information they received about the child and the child's health was limited and came largely from InorAdopt's own staff.
This led to a number of complaints, which the State Adoption Office addressed in a letter to InorAdopt in June 1992. In that letter, they highlighted six specific cases from the early years of placement (five from Brazil and one from Argentina) where complaints had been made either verbally and/or in writing.[456] They also emphasised that this was not an exhaustive list. Several of the applicants had, amongst other things, pointed out that they had received inadequate health information about the children, inaccurate descriptions of the children's appearance and a lack of information regarding the costs of the collection trip. This meant that they felt ill-prepared when they met the child in Brazil, including regarding the extent of the care responsibilities that lay ahead. In InorAdopt's response, they described their procedures, which were under development, and further:

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[451] Letter from SAK to IA dated 5 April

1990. [452] Letter from IA to SAK dated 7

April 1990. [453] Letter from SAK to IA dated

16 July 1990. [454] Letter from IA to SAK

dated 27 August 1990.

[455] Letter from applicants, via their solicitor, to IA dated 29 August 1991.

[456] Letter from SAK to IA dated 10 June 1992. InorAdopt facilitated three adoptions from Argentina in 1991–1992.

> We strongly reject the insinuation that InorAdopt would withhold information in order to place children. This would benefit no one – least of all the children who might risk being placed with new parents who did not want them.[457]

A year earlier, in August 1991, however, the chair of the board and two employees of InorAdopt had held a meeting with the State Adoption Office regarding cooperation issues with the then managing director. InorAdopt's representatives stated, firstly, that towards the end of 1990, irregularities had been discovered in the managing director's accounting. At the same time, there were other challenges:

> Apart from the financial issues, the managing director had promised applicants placements and deadlines that no one could meet. It was then up to NN [an employee] to explain or gloss over the situation, whilst at the same time maintaining loyalty to her superior. Among other things, she was instructed not to provide full details of the children's condition or skin colour before the applicants travelled abroad to collect them.[458]

The managing director was on sick leave at this time and left InorAdopt during 1991.[459]

Even after this, however, it appears that relations between the authorities and InorAdopt were at times somewhat strained. This is evident, amongst other things, from the aforementioned correspondence in 1992. Furthermore, from 1995, there is a letter of complaint from InorAdopt regarding what they perceived as 'negative statements about children from Brazil' made by an employee of the State Adoption Office.[460] The background to the complaint was the social report on a couple applying for adoption, which, according to internal notes from the State Adoption Office, was highly deficient. The person in charge at the Adoption Office had contacted the local authority case worker to discuss these shortcomings, and the case worker had subsequently conveyed to the prospective adoptive parents what was perceived as a very negative attitude towards Brazilian children. Internal notes from the Adoption Office contain the following explanation from the person accused of spreading negative attitudes:

> As is my custom, I first contacted the case worker by telephone. Her name was NN. To her, as to anyone who does not fully grasp the seriousness of international adoption, I asked whether she was aware that children adopted from abroad are children who have been taken into care in their home country, usually due to neglect. In this respect, they are comparable to children in the Norwegian child welfare system, and there is therefore every reason to be realistic when assessing such cases. I probably did not make it clear that this does not only apply to children from Brazil. This was not a matter of 'confidentiality' between the case worker and me, but I usually say that there is no need to frighten the applicants; rather, the case worker must have a good understanding of the situation in order to ask the right questions.
>
> I have *never* said: 'Don't you have enough child welfare cases in XX [municipality]?'.
>
> I do, however, try to take a preventative approach by saying that there is every reason to take this type of case seriously. It is preventative child welfare, and a social services office cannot ignore the fact that the case may end up back with them as a child welfare case if they are not careful. […]
>
> Criticism is fine as far as that goes; one must be receptive and adjust accordingly. What I have learnt from these letters is that I must be extra careful to express myself in more general terms.
>
> I often feel I have been treated very unfairly. At other times, there is undoubtedly some truth in the criticism. In this instance, I have clearly not made the general point sufficiently clear. But we are also dealing with a hurt case worker, who has been told that their work needs to be improved.[461]

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[457] Letter from IA to SAK dated 22 June 1992.

[458] SAK. Minutes of a meeting with IA on 15 August 1991. NN, referred to in the quotation, subsequently became managing director herself. In an interview with the committee, she confirmed that the information in the minutes is correct.

[459] IA. Board document on the complaint case (undated), September 1991.

[460] Letter from IA to SAK dated 11 August 1995.

[461] SAK. Internal memo, 25 August 1995.

The matter was discussed with InorAdopt over the telephone, and it appears that an understanding was reached between the State Adoption Office and InorAdopt's then managing director. During this conversation, however, reference was made to another situation relating to the behaviour of a board member at a liaison meeting.[462]

> She [the managing director of InorAdopt] expressed that she was embarrassed and upset by the direct personal criticism and that her board member (who, through his statements, had shown how little he knew) would no longer be allowed to attend liaison committee meetings for that very reason.[463]

In connection with another case in 1995 – which is discussed in more detail in section 10.6.6 – the deputy director of the State Adoption Office expressed a certain degree of exasperation with InorAdopt in an internal memo: 'Any pointless wrangling with InorAdopt over the matter must be avoided.'[464]

10.6.5 The Committee's assessments regarding complaints and matters open to criticism concerning InorAdopt's activities in its early years

The adoption system must be sound from the very first case, regardless of whether these are so-called pilot cases. Adoption mediation is an activity with far-reaching consequences for both children and prospective adopters. Organisations cannot therefore be granted permission to commence their work until they have sound systems and procedures in place. The Committee considers that the scope of any deviations the authorities can and should accept is very limited, even during a start-up phase. The accumulation of misunderstandings and complaints regarding inadequate and misleading information from applicants indicates that, in its early years, InorAdopt did not have sufficient expertise and procedures to carry out adoption mediation.

The Committee recognises that it is challenging for an organisation to have all procedures in place at the outset, and that its work will improve as the organisation gains more experience. This applies, for example, to the precision of wording in information provided to and communication with (potential) adoptive applicants. However, as adoption is an irreversible act with far-reaching consequences for those involved, one cannot compromise on the requirements for sound case management, for example on the grounds that the agency is inexperienced.

The Committee considers it particularly reprehensible that the managing director deliberately provided incorrect information and withheld relevant details regarding the children's ages and their physical and mental health, and that she instructed other staff to do the same. This created false expectations among the prospective adoptive parents, both at the start of the process and following the allocation of specific children. It is also reprehensible that she misled or pressured applicants into adopting children with care needs different from those for which they were initially prepared. The Committee considers that this significantly increased the risk of complications and difficulties in the care situation. Some of the children adopted from Brazil had special care needs, which made them particularly vulnerable. The Committee considers that the practice of withholding information about the children was clearly contrary to the best interests of the child, a view which InorAdopt itself later expressed.

InorAdopt was a relatively new adoption agency, and its early days were characterised by cooperation problems both internally and with the adoption authorities. The Committee considers that this placed greater demands on regulatory oversight. The Committee has seen several letters in which the Norwegian Adoption Authority points out problematic aspects of the organisation, but without this appearing to have had any further consequences. The Committee considers that the Norwegian authorities' supervisory measures were inadequate.

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[462] Contact meetings were regular meetings between the adoption authorities and representatives of the agencies.

[463] SAK. Internal memo dated 25 August 1995.

[464] Minutes of an internal office meeting at SAK on 18 May 1995. The matter concerned gifts to officials in the country of origin.

The Committee considers that, in principle, it was a positive step for the Norwegian authorities to restrict the placement licence in the early years, initially to a certain number of pilot cases and subsequently to a limited period. In light of the many misunderstandings and complaints, however, the Committee believes that the authorities should have been even more restrictive. Among other things, the Committee believes that the adoption authorities should not have allowed InorAdopt to bring more than twenty children to Norway as foster children before it had been confirmed that the adoption of these children could in fact be carried out.

10.6.6 The Brazilian system for placing children for adoption

The description of the Brazilian regulations governing intercountry adoption in section 10.3 indicates that adoption work was centralised to a certain extent with the establishment of the state adoption committees, the CEJA. InorAdopt described the process of placing children as follows in its application for a placement licence in 2000:

> When a child is made available for adoption, the local juvenile court, through the judge, notifies CEJA(I) of this. CEJA(I) indicates which approved applicant couples they consider suitable for the specific child. Every effort is always made first to place the child with Brazilian families before considering foreign applicants. The final decision on which family is awarded the child rests with the local judge, who will consult with the technical staff (social worker and psychologist), though without being bound by their advice. At this stage, the association's representative is contacted by the judge.[465]

As described here, the Committee considers that the process appears to contain several safeguards designed to protect the child's best interests during the adoption process. Firstly, all children were to be formally declared eligible for adoption before the adoption process was initiated. Secondly, the process ensured that the principle of subsidiarity was upheld by attempting Brazilian family placements before international adoption was considered a viable option. Thirdly, all approved applicants from all countries would be considered for adoption through CEJA's role in the process of identifying suitable applicant couples. This ensured both that the children were placed with the most suitable parents and that the final decision-maker (the children's judge) was unlikely to be influenced into placing children with specific organisations or applicants. The same applies to the information that it was only after the children's judge had decided which applicants would be offered the opportunity to adopt the children that the intermediary and the judge were in contact regarding the specific child.

However, the descriptions found by the Committee of the working methods and practices followed by the various parties appear to deviate somewhat from the placement procedure outlined by InorAdopt as the general rule in its application for a placement licence. The Committee would like to highlight here some examples of information indicating that the processes did not always follow the outlined procedure, and point out some associated risks. The information is drawn from descriptions provided by InorAdopt, Verdens Barn and Adopsjonsforum and primarily relates to the 1990s.

The first exception to the general rule in placement procedures is evident in the same section of the application form as the quote above.

> In cases where there are no approved families for specific children – for example, older children, siblings or children with health problems – the judge may contact the representative to investigate whether there might be suitable families for these children.[466]

The Norwegian prior consent generally applied to one or two children up to the age of 5. However, many of the children who were released for international adoption in Brazil were part of larger groups of siblings, older children and

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[465] IA. Application for a placement licence, 29 September 2000.

[466] IA. Application for a placement licence, 29 September 2000.

children with health issues and/or other special care needs.[467] In order to adopt these children, Norwegian applicants had to obtain special approval from the Norwegian authorities.[468] As many of the children could not be placed directly with Norwegian applicants, the Committee assumes that, in reality, it was relatively common for the children's judge and InorAdopt's international contact to be in direct contact regarding the possible adoption of specific children.

The Committee has, in principle, no objections to such an approach and regards this as a sensible procedure for finding suitable homes for children with special care needs. However, when viewed in conjunction with other information (see below), this practice illustrates a more direct and open dialogue between children's judges and overseas contacts than InorAdopt's description of the placement procedure would suggest. As will be seen below, the Committee considers that such direct dialogue regarding potential adoptees entailed a potential risk of errors in connection with the release for adoption.

In this context, the Committee has noted that the agencies' descriptions of the role and duties of the foreign contact in Brazil largely centred on establishing contacts and highlighting the agency's presence, both to the local juvenile court judges and to the members of the state committees.

For example, an internal travel report from InorAdopt in 1991 states the following:

> I also saw for myself that our current arrangements are inadequate in terms of outreach work at the courts. A significant proportion of placements actually occur because we are physically present when a crisis situation arises, and we can provide practical and immediate assistance there and then […]
>
> At the Vara de Santo Amaro and Vara de Pinheiros [courts], we still have a relatively firm foothold and, as I understand the situation, there should be much to be gained here if the representatives organise their work accordingly.[469]

The work instructions for InorAdopt's foreign liaison officer in Brazil, dated 1991 and 2002 respectively, state the following:

> As part of their work for InorAdopt, the representative shall carry out outreach work at courts and institutions with a view to identifying children who can be offered a new future and a new family in Norway through adoption.[470] [1991]
>
> The representative must maintain regular contact with the relevant authorities in order to promote Norway and Norwegian adoption applicants as a viable alternative for children being placed for adoption, so that, through adoption, they may be offered a future and a family in Norway.[471] [2002]

A 1996 travel report from InorAdopt further states, amongst other things, that 'NN [foreign liaison] knows the child welfare authorities in São Paulo and maintains a good dialogue with them. She is held in high regard and manages to "bring home" the most children.'[472]

Adopsjonsforum's travel reports also describe how staff travelled around and visited children's courts and judges in person to provide information about the organisation and showcase a so-called 'showcase'

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[467] Of the 278 adoptions arranged between 1990 and 1999, 76 of the children were over 5 years old, and 107 were part of sibling groups; see IA Application for an arrangement licence, 29 September 2000, and IA, internal overview of sibling adoptions.

[468] Through FU/FUA/FRU.

[469] IA. Travel report: Brazil and Argentina, 28 September–14 October 1991.

[470] IA. Work instructions for staff in Brazil, 1991.

[471] IA. Work instructions for representatives in Brazil, signed 2 January 2002.

[472] IA. Travel report, April 1996 (handwritten). In context, the committee understands that the child welfare authorities included both CEJA and local children's courts.

'albums' from previous adoptions and discuss the possibility of potential adoption cooperation.[473] On several occasions, such visits led to discussions about specific children who might be suitable for adoption to Norway, and in some cases the paperwork to arrange this was initiated immediately.[474]

It is further stated in various documents that it was common practice for the intermediaries to invite and pay for lunches and dinners for officials, and that both intermediaries and parents on collection trips in the first half of the 1990s brought gifts for the juvenile court judges responsible for their case(s). A 1993 travel report from Verdens Barn states that

> [t]he judges […] were very cautious about meeting with us, due to the corruption scandals surrounding international adoptions. The dinners were cancelled by them, and we decided not to present gifts to the judges – in order to avoid any possible misunderstandings.[475]

It is thus clear that Children of the World originally planned to give gifts to the judges, and the statement can be interpreted to mean that this was standard practice. Dinners and lunches with children's judges/authority figures are also repeatedly mentioned by InorAdopt, and the former managing director confirmed that, on trips abroad, they would often gather the children's judges for a dinner in the evening after having held meetings during the day.[476]

With regard to InorAdopt's practice concerning gifts, the following is stated in the minutes of one of the State Adoption Office's internal meetings:[477]

> NN [Deputy Chair of SAK] went on to raise the issue of gifts from InorAdopt's applicants to the adoption authorities in Brazil. InorAdopt's response is not entirely satisfactory from the authorities' point of view. In a new letter to InorAdopt from our side, it should be made clear that SAK considers it undesirable for adoption applicants to bring gifts – regardless of their value – to officials who are to decide on their adoption application. The matter should *be addressed* in such a letter. Any pointless back-and-forth with InorAdopt on this matter must be avoided.[478]

The description suggests that it was common practice for adoption applicants to bring gifts for officials/juvenile court judges in connection with the adoption. InorAdopt stated, however, that these were exclusively small souvenirs, and that the gift was only given once the case had been concluded.[479] The practice of giving gifts ceased after the State Adoption Office raised the issue.[480]

The Committee considers, as a general matter, that it is a cause for concern that intermediary organisations and prospective adoptive parents have given gifts to persons responsible for their adoption case(s). The Committee recognises that certain cultural expectations regarding gifts and shared meals may exist, but nevertheless considers that

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[473] Including, amongst others, AF's travel report on Brazil in October 1994 and AF's travel report on Brazil in July/August 2000.

[474] AF. Travel report on Brazil, September 1998.

[475] VB. Travel report from Brazil, 1–13 October 1993.

[476] Explained in an interview with the committee. Following the submission of the factual basis, InorAdopt made the following comment: It is correct that InorAdopt occasionally hosted dinners, inviting not only judges but also some of the staff. Similarly, InorAdopt was also occasionally invited to lunch. Those of us who visited Brazil considered this to be an important part of our work, aimed, amongst other things, at learning as much as possible about the culture, the people and daily life, so that we could prepare our applicants for what they would encounter on their adoption trip. Moreover, this was a practice followed in all partner countries, as was also the case during the supervisory visits by the authorities.

[477] Office meetings were regular internal meetings within the specialist authority. The Committee has obtained general information about these meetings through interviews with former employees and has found a few minutes of proceedings. However, it does not appear that minutes were systematically written or archived.

[478] Minutes of an office meeting at SAK on 18 May 1995.

[479] SAK. Minutes of the liaison committee meeting on 1 June 1995.

[480] Information from the former managing director. Nor has the Committee found any mention of such gifts subsequently.

Such arrangements carry a certain inherent risk of bribery and corruption. However, the Committee has found no evidence that extravagant meals or major gifts were involved.

The Committee considers that the system for allocations in Brazil – even after the CEJAs were established – appears somewhat vulnerable, particularly with regard to the potential for influencing the judge's choice of adoptive parents. There appears to have been a risk that considerations other than the best interests of the child could have been decisive in the placements, including on the basis of personal relationships. This way of working is scarcely reflected in the agencies' applications for authorisation to act as intermediaries, which describe only the formal procedures. Although the agencies' approach to building relationships with judges occasionally appears somewhat questionable, the committee has found no evidence to suggest that they have attempted, in an improper manner, to influence judges to place children with their organisation or to influence other decisions in individual cases.

In addition to the agencies' representatives having had personal contact with the courts and CEJA, it appears that in some cases they have been in direct contact with the children's homes.[481] The children's homes, for their part, appear to have played a certain role in drawing the Children's Court's attention to children who were suitable for adoption. By maintaining contact with specific children's homes, the agencies were thus able both to remind the courts that adoption was an option for some children and to gain knowledge of children eligible for adoption before the release process was initiated.

The first example to be highlighted in this regard is taken from the State Adoption Office's 1991 field report. This field visit took place before CEJA had been established in São Paulo, and it was formally up to the Children's Court to select adoptive parents and match them with specific children. Nevertheless, it is clear from this report that the private children's homes themselves were able, to a certain extent, to influence which applicants were allocated children:

> It is the judges who have the final say on the placement of children for adoption. The public prosecutor's office may therefore appeal against the decision, but the children's homes also have a certain degree of influence over where the children are sent, particularly when they are to be adopted abroad. Private children's homes have no choice but to prioritise those countries that provide funding for their operations.[482]

Despite the fact that the final decision rested with the Children's Court, it is thus evident that it was possible to influence the proportion of placements through financial support to children's homes. The representative from the State Adoption Office does not appear to have reacted to this information, but has regarded it as a natural consequence of the need for funding.

There are also indications in Adoption Forum's travel reports that the intermediaries had the opportunity to have direct contact and collaborate with certain children's homes. Among other things, it is repeatedly stated that Adoption Forum's representatives visited children's homes and were presented with children who might potentially be 'suitable for Norway', without any indication that the children's courts had been involved in any form of placement.[483] The Committee has found no information to suggest that Norwegian intermediaries provided financial support to the children's homes from which they arranged adoptions, but direct contact and relationships with children's homes do, in some cases, appear to increase the chances of placements.

The Committee generally considers it problematic that, in some cases, children could apparently be allocated to applicants on the basis of financial support from adoption agencies. Although the Committee has found no evidence of financial transactions linked to the placement of individual children (unlike, for example, in Colombia; see Chapter 12), the Committee generally considers that the possibility of financial incentives in the adoption

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[481] Direct contact with the institutions was prohibited after 2009 (see section 10.3). The Committee has not come across any such descriptions since then.

[482] SAK. Report from a trip to Brazil on 28 September and 4 October 1991.

[483] Including AF's travel report from South and Central America, June–July 1995. It should be noted that the visits to children's homes themselves appear to have been authorised by the relevant authority, which was a requirement for such institutions.

The process increases the risk that the best interests of the individual child will not be the decisive factor. The Committee emphasises that we are not aware of InorAdopt (or the other Norwegian intermediaries) having entered into funding agreements with children's homes in Brazil where children eligible for adoption were resident.[484]

Another factor, which is evident, amongst other things, from InorAdopt's application for accreditation in 1997, is that some child placement judges had a practice of allocating children to prospective adoptive parents before the release process had been completed. This meant that, in some cases, it could take up to twelve months after the allocation before the prospective adoptive parents could travel to Brazil to collect the children. According to InorAdopt, the reason for this practice was that 'the courts wished to ensure that the child had parents by the time the case was concluded'.[485] However, InorAdopt states in the application that they had raised the matter with the relevant courts and 'explained that it places a significant psychological burden on families to know about a specific child for such a long time before the adoption can be finalised'. They had subsequently 'been promised that, in future, children would not be allocated until the case had been fully processed, or was almost complete'.[486]

In addition to the strain this could place on prospective adoptive parents, the committee considers that it posed a risk that the courts were, in this way, prejudging the outcome of a case that had not yet been heard, which could thereby influence the rest of the process.

10.6.7 Assessment of the Brazilian system for placing children for adoption

The Committee considers that the practice described above indicates that there were weaknesses in the Brazilian adoption system which could pose a risk when it came to ensuring that the best interests of the child were the overriding consideration in individual adoption cases. The Committee considers that the need to maintain contact and relationships with the local and state children's courts and adoption committees constituted such a risk. Among other things, this meant that applicants could potentially be selected as parents for specific children on the basis of the international contact's relationship with the local authorities rather than the applicants' own characteristics. At the same time, the Committee recognises that ongoing contact and trust between the intermediary's representative and the children's courts may be necessary, for example in cases where greater cooperation is required to find suitable parents for children with special needs.

With regard to the financial aspects of the work, the Committee considers it problematic, as a general matter, that it was possible to influence the number of placements by providing financial support to children's homes. The Committee is not aware of Norwegian intermediaries having provided this type of support. Nevertheless, the Committee believes that the Norwegian authorities should have investigated the matter more thoroughly when they were informed of the practice during their monitoring visit in 1991.

The Committee also considers, in general terms, that the practice of treating decision-makers in adoption cases to meals and giving them gifts constitutes a risk. The line between purely symbolic gifts and bribes can be blurred, and the practice is open to abuse. However, the Committee has not found any accounts that provide grounds for suspecting that Norwegian intermediaries or applicants in Brazil have crossed that line. It is also noted that the practice of applicants giving gifts to family court judges lasted only a few years and ceased in the mid-1990s.

The Committee considers it problematic that some children were matched with applicants before the release process had been completed, and before the birth parents had been deprived of parental responsibility. The Committee considers that the Norwegian authorities should have been informed of this practice as soon as InorAdopt became aware of it, and that the authorities should have acted on this information when it was brought to their attention.

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[484] InorAdopt has also explicitly stated to the Committee that it has not provided support to children's homes from which its applicants have been allocated children.

[485] IA. Application for a placement licence, 10 March 1997.

[486] IA. Application for a placement licence, 10 March 1997.

10.7 The Committee's overall assessment

10.7.1 Introduction

As stated in section 10.4, several irregularities have been uncovered internationally in connection with intercountry adoptions from Brazil. However, the most serious cases reported in the media and in other countries' investigation reports relate to adoptions carried out in the 1970s and 1980s, and/or adoptions outside the ordinary system involving proceedings in the children's courts. For its part, the Committee has not received any enquiries or uncovered any specific information to suggest that the placement and adoption of children who were placed with Norwegian applicants through InorAdopt or the two other Norwegian intermediaries took place on an unlawful basis.

The Committee's overall assessment is furthermore that, during the period in which placements took place, there was a positive development in Brazil with regard to the system for and oversight of adoption practices. This applies both to the legislative amendment in 1990, the establishment of state adoption committees throughout the 1990s, centralised oversight and increased supervision following the ratification of the Hague Convention in 1999, and the legislative amendment in 2009 which prohibited direct contact between adoption agencies and institutions without prior authorisation from the authorities.

Local juvenile courts have played a central role in child welfare and adoption work in Brazil throughout this period. The Committee considers it positive that independent courts are involved in the adoption process. At the same time, juvenile judges in Brazil have played a significant role in placing children for adoption, and as mentioned in section 10.4, there are known examples of judges being accused of abusing their power, including placing children for international adoption on false grounds. The Committee is not aware of any such allegations against judges involved in adoptions to Norway.[487] From the very outset, the juvenile judges were also supported by a wider child welfare system, with a social work team providing recommendations in individual cases, and a representative from the prosecution service who could appeal the decision if they considered it not to be in the child's best interests. Gradually, adoption practices were also coordinated and monitored by state and national bodies.

Although no specific illegalities relating to adoptions to Norway have been uncovered, the committee considers that the system for adoptions from Brazil involves certain risks linked to various decisions made during the process. The committee further considers that the Norwegian authorities' knowledge and oversight have been inadequate. In the following, a number of specific issues will be discussed in more detail.

10.7.2 Risk factors relating to the consent of the birth parents

As mentioned above, all adoptions arranged for Norway through an approved intermediary organisation have been dealt with by Brazilian children's courts. It was a prerequisite that, prior to an adoption, the courts issued a decision depriving the birth parents of parental responsibility. This could take place either with the parents' consent or through compulsory child welfare proceedings.

Although the Committee is aware that allegations have been made at various times regarding improper release procedures at certain courts in Brazil (see section 10.4), the Committee has not received or uncovered any specific information to suggest that the release procedures in adoptions to Norway have been improper, or that the consent of the birth parents has not been valid.[488] The Committee emphasises

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[487] The Committee bases this on media searches, a review of individual cases and a review of the archives of the Norwegian authorities and Ino-rAdopt. No exhaustive search of Brazilian sources has been carried out, nor has the Committee identified all the parties involved in adoptions to Norway.

[488] The Committee has interviewed one adoptee from Brazil who has been reunited with their birth family. The adoptee's family stated that they were in a difficult situation at the time of the adoption, and have not claimed that the release for adoption

at the same time, we have very limited scope to verify or assess the correctness of procedures carried out in Brazil, and we have only reviewed a limited number of individual cases.

Despite the country's economic development, Brazil was, during the period in question, a country characterised by poverty, and as mentioned in section 10.3, the caseload per juvenile court judge could be very high. Based on the resources and capacity of the Brazilian child welfare system, the Committee assumes that there is a certain general risk that not all birth parents received adequate assistance and/or guidance prior to an adoption.[489] The Committee also refers to the practice whereby, in the early 1990s, certain judges carried out a form of pre-allocation of children before the release process had been completed. Where a specific child had been 'promised away', this may potentially have led to pressure to proceed with the release, which may also have translated into pressure on the parents to consent to the transfer of care. However, the Committee is not aware of any cases where these risk factors have materialised in the form of irregular practices in adoptions to Norway.

10.7.3 The ban on remuneration/profit in adoptions

No public expenditure has been incurred, nor have any fixed donations been made to children's homes in connection with adoptions from Brazil.[490] Nor has InorAdopt engaged a solicitor in connection with the adoptions.[491]

The Committee considers that the practice of giving gifts (up until the mid-1990s) and treating judges and officials with decision-making authority in adoption cases to meals was questionable, as this can generally create uncertainty regarding the threshold for corruption. However, the Committee considers it likely that these were merely minor expenses and symbolic gifts, and is not aware of any instances of purely financial transactions having taken place. The Committee has found no evidence that gifts or invitations to meals were used to improperly influence the outcome of specific adoption cases, or that any parties have derived an unlawful financial gain in connection with adoptions from Brazil to Norway.

The Committee further considers it a positive feature of the Brazilian adoption system that no payments have been required in connection with the various stages of the adoption process. The Committee's investigations into other countries suggest that it is difficult to exercise adequate control over whether what are initially presented as legitimate fees and donations in the adoption process are based on actual expenses and/or are used for their intended purposes. It cannot be ruled out that corruption and bribery may occur independently of such transactions; nevertheless, the Committee considers, on a general basis, that an adoption process without financial transfers offers fewer opportunities for unlawful gain.

10.7.4 Specific comments on post-adoption measures, assessed in relation to the profile of children adopted from Brazil

Children adopted from Brazil to Norway have had varying profiles and also include infants. However, a larger proportion of the children placed for adoption from Brazil to Norway have been children with special care needs. On average, the children were older at the time of adoption than adopted children from most other countries of origin, and many arrived in sibling groups and/or had health

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was unlawful. However, the parents received little help or guidance, and relevant members of the extended family were reportedly not asked whether they would take over care.

[489] One of the adoptees interviewed by the committee stated that it was the biological father who handed the child over to the authorities, but that he did not know that the child was to be, or could be, adopted abroad.

[490] With the exception of minor and purely administrative fees in connection with the issue of passports/travel documents.

[491] With the exception of the four adoptions carried out from Rio de Janeiro.

claims.[492] It has also been known that several children had experienced severe neglect or other traumas prior to adoption.

The Committee considers it extremely important to ensure that older children and children with special care needs receive adequate help and support in coming to terms with past experiences and in adapting to their new situation upon arrival in Norway. As discussed in more detail in Chapter 30, however, the authorities have not implemented any specific post-adoption measures for individually adopted children, nor for this group. With regard to Costa Rica – where children adopted to Norway have had a profile similar to that of children from Brazil – Adopsjonsforum itself stipulated that prospective adoptive parents should learn a minimum of the children's mother tongue (Spanish) prior to the adoption.[493] A similar requirement to learn the language (Portuguese) has not been imposed on couples who have applied to adopt children from Brazil. The need for special follow-up and trauma treatment may, in principle, apply to adoptees from all countries, and the Committee provides a more comprehensive assessment of post-adoption measures in Norway in Chapter 30. In light of the specific circumstances surrounding adoption from Brazil, the Committee would nevertheless emphasise that the practice of bringing children at high risk of trauma – who are at an age where they have developed language skills – to Norway, without at the same time ensuring that they have the opportunity to express themselves and/or process their trauma in their own language – is, in the Committee's view, particularly reprehensible.

10.7.5 The principle of subsidiarity

Ever since the start of adoption placements to Norway in 1990, the Brazilian adoption system has incorporated a principle of priority of care, and domestic adoption of the child has been prioritised over international adoption.[494] From various accounts, it also appears to the Committee that the Brazilian juvenile courts have been keen to follow this principle in practice, even though this is less explicitly evident from the documents relating to individual adoptions early in the placement period.[495] The time required for investigations and efforts to facilitate a possible return to the biological family or a domestic adoption has also been cited as one of the reasons why children adopted from Brazil to other countries have, on average, been older than children from many other countries.[496]

Around 2008, the Brazilian authorities also stepped up their efforts regarding domestic adoptions. The register of domestic applicants and children available for adoption, which had previously been maintained only at state level, was then made national. This led to an increased likelihood that children could be placed nationally.[497] As far as the Committee has been able to ascertain, the Brazilian system for assessing the possibility of national placement for each individual child has been relatively well organised compared with the systems in other countries of origin examined by the Committee. The Committee nevertheless assumes that the resource situation within the public child welfare services is a factor that may have limited the extent of investigations into alternative placements for the children. The fact that a national adoption register was not established until 2008 has also been a weakness in the system, as children – as the Committee understands it – have only been...

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[492] Of 278 adoptions arranged between 1990 and 1999, for example, 76 of the children were over 5 years old, and 107 were part of sibling groups; see IA Application for a placement licence, 29 September 2000, and IA, internal overview of sibling adoptions.

[493] See Chapter 13.

[494] This is evident from the 1990 amendment to the Act, but also from earlier guidelines issued by the courts. The order of priority was: a) adoption by Brazilian nationals resident in Brazil; b) adoption by Brazilian nationals resident abroad; c) adoption by foreign nationals resident in Brazil; and d) adoption by foreign nationals resident abroad. It should also be noted that permanent foster care arrangements have been practised to a limited extent in Brazil; see Bufdir, Report from the supervisory visit to Brazil, Peru and Chile in 2009.

[495] See reports from the authorities' inspection visits, the intermediaries' working visits and the minutes of the meeting with Brazilian delegations in Norway.

[496] Bufdir. Report from the inspection visit to Brazil, Peru and Chile in 2009.

[497] Bufdir. Report on the inspection visit to Brazil, Peru and Chile in 2009.

had previously sought placement in a separate state. Although there is a certain risk that not all national alternatives have been considered in each individual case, the committee has found no grounds to believe that the practice was beyond what is acceptable. It also follows from *the* 2008 *Guide to Good Practice* under the Hague Convention that the requirement of subsidiarity must be interpreted in relative terms:

> The Convention refers to 'possibilities' for the placement of a child in the State of origin. It does not require that all possibilities be exhausted. This would be unrealistic; it would place an unnecessary burden on authorities; and it may delay indefinitely the possibility of finding a permanent home abroad for a child.[498]

The Committee has not identified any specific risks associated with the principle of subsidiarity that the Norwegian authorities or adoption agencies should have investigated further.

10.7.6 The Norwegian authorities' control and supervisory activities

With regard to adoption work in Brazil, the Committee has particularly assessed the circumstances surrounding the start-up phase. The Committee believes there are grounds for criticising the Norwegian authorities on several points.

It is positive that the adoption authorities involved the Foreign Service when they were considering the launch of adoption services from Brazil. Nevertheless, the Committee believes that insufficient account was taken of the information and warnings that emerged during this dialogue. This includes, amongst other things, information that extensive irregularities had been uncovered in connection with international adoptions to other European recipient countries. The Committee cannot see that the adoption authorities adequately assessed or took into account the risk factors highlighted by the embassy in Brasilia.

In addition to the Foreign Service taking a critical view of adoption activities in the country, there were other factors that argued against permitting this. Firstly, Norway was already embroiled in an adoption scandal in Ecuador, and the circumstances uncovered in Ecuador were similar to the problematic conditions the embassy had warned against in Brazil. Secondly, the application came from a new and inexperienced intermediary organisation.[499]

The Committee finds that the investigation carried out by the Norwegian authorities was insufficient to enable a sound assessment of adoptions from Brazil, cf. the duty to investigate under Section 17, first paragraph, of the Public Administration Act. Correspondence between InorAdopt, the competent authority and the Ministry in the early years following 1989 shows that the Norwegian authorities lacked knowledge of and information regarding key aspects of the adoption process. It also appears that the authorities were unaware of a major 'adoption scandal' that took place shortly before InorAdopt was granted a placement licence for the same region in Brazil. The Committee considers it reprehensible that, on the basis of the Minister's decision, the Norwegian authorities permitted the implementation of so-called 'pilot cases' in the summer of 1989, and that they followed this up by granting authorisation for further adoptions before these had been completed in Brazil.

The Committee considers that the State Adoption Office should not have left it to a private adoption agency to ensure that the adoptive applicants' local social services undertook to draw up the necessary follow-up reports. Until Brazil adopted a new adoption law in 1990, such reports were a condition for finalising the adoption following a one-year period of foster care. If the Brazilian requirements for such reports were not met, the consequences for the individual child could therefore potentially have been serious.

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[498] See *Guide to Good Practice* (2008), paragraph 50.

[499] However, some of the key figures in IA had experience of adoption mediation through AF ten years earlier.

10.7.7 Risk factors associated with private organisations acting as adoption intermediaries

The Committee finds that the placement activities in Brazil highlight various risk factors associated with private organisations acting as adoption intermediaries.

Firstly, in the early stages, several adoptive parents complained of inadequate and misleading information regarding both the adoption process and the children allocated to them. The agencies have played a crucial role in guiding and preparing prospective adoptive parents for the adoption process. The numerous complaints about InorAdopt during its first few years of operation illustrate that the competence and attitudes of those in charge constituted a vulnerability.

The Committee believes there is a risk associated with the information that private adoption agencies choose to pass on to the authorities. This applies in individual cases, but also in relation to day-to-day operations and working methods abroad. The Committee considers, amongst other things, that InorAdopt's description of the allocation procedure and CEJA's role in this procedure in the adoption applications appears misleading.

10.7.8 On the possibility of obtaining information about biological origins and the right to citizenship

Adoptees from Brazil have relatively good opportunities to obtain information about their biological origins. A large proportion of adoptions from Brazil involve cases where the birth parents, either voluntarily or following a decision by the children's court, have had to hand over care of the child to the state. In these cases, the birth parents' names will appear in the release documents. However, there are also cases from Brazil where the child's background is unknown.[500] Whether the names of the birth parents, where known, are stated in the court's adoption document itself varies between different courts and different time periods. The Committee therefore notes that the names are not always included in the documents held in *Norwegian* public archives, and that in some cases adoptees must therefore apply for access to records in Brazil in order to find this out.

Under Brazilian law, adoptees are entitled to information about their biological origins if such information exists. The authorities are obliged to archive such information for 50 years, but in practice the older archives in particular may be somewhat incomplete. Adoptees wishing to obtain information about their background may contact the adoption authority (CEJA) in the state where the adoption took place.[501]

According to one adoptee with whom the committee has spoken, Brazil has a relatively well-developed system for the release of adoption documents in individual cases. The process can take up to a year, but it is possible to submit a single, comprehensive request to the authorities to gain access to all documents relating to the adoption case, and it is possible to receive updates throughout the process.

Adoptees from Brazil are also entitled to re-establish their Brazilian citizenship.

10.8 Summary

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

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[500] The Committee has seen examples of this in its review of individual cases.

[501] Bufdir. Report from the supervisory visit to Brazil, Peru and Chile in 2009.

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

- The Committee has not received any enquiries or uncovered any specific information to suggest that the release and adoption of children who have been placed with Norwegian applicants through InorAdopt or the two other Norwegian intermediaries have taken place on an unlawful basis.
- In Brazil, the intermediaries covered only minor administrative costs, and there were no donations or other fees associated with the adoptions themselves. In the Committee's view, this reduces the risk of unlawful financial gain in connection with the adoption activities.
- The Committee assumes that the resource situation within the Brazilian child welfare system has entailed a certain general risk that not all birth parents have received adequate help and/or guidance prior to an adoption, and has, to some extent, limited investigations into alternative placements for the children within Brazil.
- The Committee finds that the assessment carried out by the Norwegian authorities prior to the commencement of adoption activities from Brazil was not sufficient to enable a sound assessment of adoptions from Brazil, cf. the duty to investigate under Section 17, first paragraph, of the Public Administration Act.
- The Committee considers that the adoption authorities did not take sufficient account of the information and warnings that emerged during the dialogue with the Foreign Service prior to the commencement of adoption activities from Brazil.
- The Committee considers it reprehensible that the Norwegian adoption authorities did not themselves ensure that the local social services office in the municipality where the child was settled following adoption to Norway drew up the follow-up reports required by the Brazilian authorities in order to finalise the adoption (until Brazil introduced a new adoption law in 1990).

  The Committee emphasises that the practice of bringing children at high risk of trauma-related issues to Norway at an age when one might expect them to have developed language skills, without at the same time ensuring they have the opportunity to express themselves and/or process their experiences in their own language, is particularly reprehensible.

11 Chile

11.1 Introduction and scope

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

This period overlaps with that of Pinochet's military dictatorship (1973–1990).

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

[502] See note 60.

[503] See section 11.4.